

29 AT A MEETING OF THE NORTH WESTERN INSHORE AND CONSERVATION AUTHORITY  
HELD AT TRUCKHAVEN, CARNFORTH, 9<sup>th</sup> DECEMBER 2021

PRESENT – MEMBERS

Councillor P. Williams	Chair	Cheshire West and Chester Council
Dr J. Andrews	Vice Chair	MMO appointee (Marine Environment)
Councillor M. Wilson		Cumbria County Council
Councillor S Mountney		Wirral Council
Mr B. Leigh		MMO appointee
Mr R. Benson		MMO appointee (Commercial)
Mr R. Lomax		MMO appointee (Marine Environment)
Mr L. Stainton		MMO appointee (Recreation)
Mr P Capper		MMO appointee (Marine Environment)
Mr D Harpley		MMO appointee (Marine)
Mr N Baxter		MMO appointee
Dr C Mihailovici		MMO appointee (Marine)
L. Browning		Natural England
M Taylor		MMO

IN ATTENDANCE

Mr S Manning, Mr K Thompson, Mr S Brown (reappointments pending)

NWIFCA OFFICERS ATTENDING

CEO, Head of Enforcement (HOE), Finance Officer FO, Senior Scientist, Clerk.

APOLOGIES FOR ABSENCE

Councillor A Markley	Cumbria County Council
Dr E Baxter	MMO appointee
Mr G. Pidduck	MMO appointee (Commercial)
Mr W Friend	MMO appointee (Recreational)
Councillor S Clarke	Lancashire County Council

30 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 1)

The Chair welcomed new member Councillor Mountney, representing Wirral Council, also Ms Anna Plumeridge who has recently taken up the post of Senior Scientist.

Thanks were given to Messrs, S Manning, K Thompson and S Brown, members whose appointments had recently expired.

The Chair advised on Covid protocols for the meeting. He also reminded members to sign the attendance register, and complete the declarations slips provided.

31. DECLARATION OF INTERESTS (AGENDA ITEM 2)

Declaration slips have been submitted to the clerk from Mr Benson for agenda items, 10,11,13,14 and 15.

32 MINUTES OF MEETING 16<sup>th</sup> SEPTEMBER JULY 2021 (AGENDA ITEM 3)

The Chair proposed that following a typographical error being corrected the minutes were a correct record and should be signed.

Proposed: The Chair, Seconded Councillor Wilson. All in favour, carried.

33. MATTERS ARISING

No further matters arising.

The Chair requested moving the report from HoE up the agenda to item 7, due to the Head of Enforcement having to leave meeting early. There were no objections

34. REPORT FROM FINANCE AND PERSONNEL SUB-COMMITTEE HELD 9<sup>TH</sup> DECEMBER (AGENDA ITEM 4)

Councillor Wilson, reported that Councillor Markley had been re-elected as Chair of this committee, and himself again as Vice-Chair.

The draft budget for 2022-23 was approved.

35. FINANCIAL REPORT (AGENDA ITEM 5)

The Finance Officer, presented the report. It was also reported that the budget for 2022-23 and the budget review had been approved earlier by the Finance and Personnel Sub-Committee.

There were no questions.

RESOLUTION: TO ACCEPT REPORT

Proposed: Chair, Seconded: Dr Mihailovici. 12 in favour, 1 abstention. Motion carried.

36. DATES OF MEETINGS FOR 2022 (AGENDA ITEM 6)

Meeting dates for 2022 for the Authority and TSB were reported,

RESOLUTION: THAT THE REPORT BE ACCEPTED

Proposed: Councillor Wilson. Seconded: Dr Mihailovici. Vote: All in favour, Motion carried.

37. PATROL AND ENFORCEMENT REPORT (AGENDA ITEM now 7)

Head of Enforcement invited questions on the report .

He reported that the Authority continued to work collaboratively with exterior agencies by being members of several committees and working groups

NW Marine enforcement group has been started to assist joint working between MMO, Lancashire Constabulary and NWIFCA to discuss marine wildlife disturbance in relation to Operation Seabird. Development of Oceanmind UK MPA project continues. West of Walney MCZ has been selected to trial novel enforcement tools with expected project outcomes due in the spring.

HoE has completed revisions of NWIFCA byelaws 1 and 2 which have been resubmitted to MMO. Drafting of the Netting Byelaw is ongoing.

IFCO Thinnessen has passed units 1 and 2 of the National Accreditation Scheme for fishery officers. HoE has also passed unit 1 of the IQA assessment process and is progressing through unit 2.

Twenty eight sanctions were issued during the quarter for byelaw violations, twenty four of which were verbal. Two prosecutions are in progress both offences relating to Heysham Bass Nursery.

North Western Protector had not been to sea in the quarter because of ongoing maintenance and crew absence through sickness. Maintenance work has been progressing whilst the vessel is in port,

Mr Leigh commented on the Wirral coast and the report of Sea Shepherd action group impersonating officers. HoE responded that they had been working jointly with Merseyside Police and further action would be taken in the event of any reoccurrence.

The Chair invited Councillor Mountney to a joint visit of the area.

Dr Andrews enquired as to the status of the North Wirral Foreshore Byelaw, in response HoE said this is currently with MMO, and the emergency byelaw had now expired. Mr Taylor from MMO said he would 'chase this up'

Mr Manning requested information on returns for dredging, HoE apologised for omitting this data which will be provided after the meeting.

Mr Leigh thanked officers for the increased presence on social media, Dr Andrews and Dr Mihailovici both concurred, and commented that it was vital to keep this momentum going.

#### RESOLUTION TO ACCEPT THE PATROL AND ENFORCEMENT REPORT

Proposed: Chair, Seconded: Dr Mihailovici. 12 in favour, 1 abstention. Motion carried.

#### 38 SUMMARY REPORT FROM TSB 2<sup>ND</sup> NOVEMBER 2021 (AGENDA ITEM now 8)

In the absence of Dr Baxter, Dr Andrews, TSB Vice-Chair gave a summary of the last meeting. He reported that the letter of complaint submitted to the Chair in September would be discussed further as soon as a meeting of the General Purposes and Standards Sub-Committee could be convened.

The main two areas discussed at the meeting were fishery management and byelaws. The possible reopening of the cockle bed at Newbiggin was debated alongside the mussel fishery at the Duddon. It was again commented that it was essential to progress the byelaw for North Wirral. The Netting and Potting Byelaws were progressing albeit slowly and will be a lengthy process.

#### RESOLUTION; TO ACCEPT THE VERBAL REPORT

Proposed: R Benson, Seconded: Dr Mihailovici all in favour. Motion Carried.

#### 39 BYELAW STRATEGY WORKING GROUP (AGENDA ITEM now 9)

Dr Andrews gave an overview of the working group and set out its objectives. He reported that currently there were numerous byelaws emanating from different authorities, the aim now being to produce a single suite of NWIFCA byelaws that would be better fit for purpose. There is a somewhat ambitious timetable of five years to complete the work, and the working group is now looking at developing a strategy to progress this.

Mr Stainton enquired as to whom is sitting on the working group and was informed that it was made up of a small group of volunteers from the TSB, at this point Mr Stainton indicated an interest in being involved. Dr Mihailovici also enquired if it would be appropriate to invite members of industry to be involved, and it was generally thought this might be the case at some point in the future when more progress has been achieved.

Dr Andrews commented that some byelaws would be easy to change whilst others would prove significantly more difficult.

Mr Leigh remarked that future consultation with stakeholders would be essential during this process.

A further meeting of the working group will be held early in the New Year.

RESOLUTION: TO ACCEPT THE VERBAL REPORT AND TO CONTINUE TO DEVELOP THIS PIECE OF WORK

Proposed: Mr Leigh, Seconded: Mr Benson. All in favour. Motion carried.

40 SCIENCE REPORT (AGENDA ITEM now 10)

Senior Scientist presented her first report to the Authority.

The majority of work this quarter, August to September had been completing the extensive survey schedule, HRA's and dredge fishery permit conditions for potential fisheries.

Science Officer Mr E Waltho resigned to take up a post with Natural England. Science Team thanked him for his service.

Recruitment of a replacement science officer has commenced. The temporary reduction in staffing levels will be managed by prioritisation of cockle and mussel fisheries and some slowing in other work streams as required.

It was reported that work had begun on the Whelk Fisheries project and we were following a template already in place at Devon and Severn IFCA. The Potting Byelaw was currently with MMO and a response is expected in early February.

Recent issues surrounding cockle fisheries has highlighted the need for a cockle fishery management plan. With regard to Newbiggin, data is currently being studied the results and recommendations will be reported back to TSB once available.

The Chair enquired about the current status of the Natterjack Toad, Mr Harpley reported that there was a significant population of these on the Cumbrian Coast and Duddon Estuary. Dr Mihailovici sought information on shellfish farming, Mr Thompson stated that there was currently no market for this due to classification regulations and impact of Brexit. Mr Benson reported on similar issues surrounding size mussels.

The Chair commented that water quality and raw sewage was a huge nationwide problem. Mr Brown said water quality had improved and dumping of sewage is not the only problem. These issues are outwith the remit of the Authority and are dealt with by the Environment Agency. Councillor Mounthey suggested we collaborate with other IFCAs and lobby the EA. Chair responded that this could be done via the AIFCA and suggested writing to Mr Rob Clark.

RESOLUTION: TO ACCEPT THE REPORT

Proposed: Dr Andrews, Seconded: Dr Mihailovici all in favour. Motion Carried.

41 CHIEF OFFICERS REPORT (AGENDA ITEM 11)

The CEO presented his report.

Both Carnforth and Whitehaven offices had remained open throughout the quarter whilst maintaining Covid precautions, a hybrid system of working between home and office remains in place. Mr Leigh enquired as to the potential of returning to remote meetings due to the latest Covid upsurge. CEO to approach AIFCA with regard to the legislation.

Mr Thompson read out his outstanding complaint against the Authority in full. FO stated this was out of order, reminding members that standing orders forbid criticism of officers in a public meeting. The discussion was closed and the Authority now awaits a review from the Ombudsman.

Mr Benson broached the issue of relaying seed at Ravenglass, and he was requested to submit this in writing to CEO.

CEO reported that all four byelaws are now with MMO or DEFRA and it is hoped to have received responses by February. He also reported that the 10 year rule on the length of tenure for MMO appointees was being relaxed, and former members may reapply as a new appointment.

It was also reported that the IFCAs subscription to AIFCA was increasing from £12K to £13K, with DEFRA reporting a funding cut of thirty per cent over five years. Dr Andrews commented on the cut to funding. The Chair enquired about raising extra income from North West Protector. Mr Taylor stated that MMO would most likely be willing to charter the vessel.

Thanks were received for the NWIFCA presentation at the online seminar event held by The Angling Trust on the work of the Authority in November. Mr Leigh concurred that the event had been a success and considered further participation in this and other similar events would be worthwhile.

The Chair remarked that it would be helpful to invite Mr Rob Clark from AIFCA to a future NWIFCA meeting together with a representative from DEFRA.

Mr Leigh raised the subject of having a formal dispensation scheme in place allowing members with pecuniary interests to speak on matters relating to their interests at Authority meetings. He volunteered to assist the CEO in drafting a document. Dr Andrews commented that this had been a long standing problem and could all IFCAs and MMO have a collaborative approach.

RESOLUTION; TO ACCEPT THE REPORT

Proposed: Councillor Mountney, Seconded: Dr Mihailovici all in favour. Motion Carried.

Lunch Break 13.05pm – 13.40pm

42 ANNUAL PLAN 2021-22 MONITORING (AGENDA ITEM 12)

The CEO presented his report. There was no further discussion.

RESOLUTION; TO ACCEPT THE REPORT

Proposed: Dr Mihailovici, Seconded: Mr Leigh 12 in favour, 1 abstention. Motion Carried.

43 ANNUAL PLAN 2022-23 DRAFT (AGENDA ITEM 12A)

CEO presented the draft plan, which lead on to the next item on the agenda. No further discussion, and no vote recorded.

44 ANNUAL PLAN WORKING GROUP (AGENDA ITEM 12B)

Head of Enforcement presented a short report giving a brief overview on the working group. This was set up following the annual meeting in September, where it was considered that the Annual Plan format required refreshment. The success criteria set by DEFRA in 2015 were said to be mostly irrelevant and it would be pertinent to make the plan more localised. Dr Andrews said that with the high probability of cuts to funding it was essential to market the Authority much better by producing a more visually appealing document detailing 'what we do', 'how we do it', and 'what we want to do'

Due to time constraints the working group would be unable to rewrite the plan for 2022-23 in time for submission, but recommended adding graphics and user friendly text to the current document.

Councillor Mountney stated that the document needs to look at a wider target audience, in particular the local councils who provide the levies.

RESOLUTION; TO ACCEPT THE REPORT AND CONTINUE WITH THE PROJECT

Proposed: Dr Mihailovici, Seconded: Mr Leigh 12 in favour, 1 abstention. Motion Carried.

45 RPA REVIEW (AGENDA ITEM 13) – THIS ITEM WAS CONFIDENTIAL. MEMBERS OF PUBLIC WERE EXCLUDED

46 AMENDMENTS TO THE CONSTITUTION (AGENDA ITEM 14)

Further to issues that have previously arisen at a meeting of the TSB the Authority sought to make a change to standing orders regarding the length of time that must lapse before an item is brought back for further discussion.

Ch1 Standing Orders S.9.33 be amended to read:

*No resolution agreed by the Authority will be reconsidered within 6 months of the date the decision was made, and no resolution agreed by a sub-Committee will be reconsidered within 6 months except in response to a direction from the Authority.*

RESOLUTION; TO ACCEPT THE REPORT AND MAKE CHANGE TO CONSTITUTION IN 3 MONTHS

Proposed: Dr Andrews, Seconded: Mr Leigh 12 in favour, 1 against. Motion Carried.

47 ANY OTHER BUSINESS (AGENDA ITEM 15)

Mr S Brown reported that IFCO Major Andrew Brownrigg, had recently received the Lord Lieutenants Award for his military service. It be appropriate to send congratulations and thank him for his service.

All were in agreement.

The Chair thanked members for their attendance and closed the meeting at 15.00pm,