

31 AT A MEETING OF THE NORTH WESTERN INSHORE AND CONSERVATION AUTHORITY  
HELD AT TRUCKHAVEN, CARNFORTH, 1<sup>ST</sup> DECEMBER 2022

PRESENT – MEMBERS

Mr P Capper	Chair	MMO appointee
Dr J. Andrews	Vice Chair	MMO appointee
Councillor A. J. Markley		Cumbria County Council
Councillor M. Wilson		Cumbria County Council
Councillor S. Clarke		Lancashire County Council
Mr R. Benson		MMO appointee
Mr R. Lomax		MMO appointee
Mr S. Brown		MMO appointee
Dr A Richardson		MMO appointee
Mr. B. Leigh		MMO appointee
Mr S. Manning		MMO appointee
Mr L. Stainton		MMO appointee
Mr K. Thompson		MMO appointee
Ms C Salthouse		MMO appointee
Mr D. Harpley		MMO appointee
Dr C Mihailovici		MMO appointee
Mr W Friend		MMO appointee
Mr R Donnan		MMO appointee

IN ATTENDANCE

Mr J Turner	Environment Agency
Ms E Croft	Rushton's Accountants

NWIFCA OFFICERS ATTENDING

CEO, Head of Enforcement (HOE) Senior Scientist, SOSOW, Admin Officer Whitehaven Clerk.

APOLOGIES FOR ABSENCE

Councillor N Brookes	Blackpool Council
Councillor J Parr	Lancashire County Council
Councillor P Williams	Cheshire West & Chester Council
Mr L Browning	Natural England
Mr S Johnston	MMO
Mr N Baxter	MMO appointee

32 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 1)

The Chair welcomed everyone to the meeting. There were no announcements

33 DECLARATION OF INTERESTS (AGENDA ITEM 2)

S Manning items 9 and 10

34 MINUTES OF MEETING 23<sup>rd</sup> JUNE 2022 (AGENDA ITEM 3)

There were 2 amendments to the minutes, Councillor Markley did not attend this meeting. Mr Brown asked that his comments regarding his concern for Byelaw 4 Potting be added to page 8.

RESOLUTION: FOLLOWING AGREED AMENDMENTS THE MINUTES BE APPROVED

Proposed: Dr Mihailovici Seconded; L Stainton, all in favour, carried

35. MINUTES OF THE MEETING 29<sup>TH</sup> SEPTEMBER 2022 (AGENDA ITEM 4)

Councillor Wilson commented on the discussions surrounding repairs to North Western Protector, he said it was a very constructive meeting and was of great benefit to have members of the crew present.

RESOLUTION; TO APPROVE THE MINUTES AS A TRUE RECORD

Proposed: Councillor Clarke, Seconded: Councillor Wilson, all in favour, carried

36. VERBAL REPORT FROM FINANCE & PERSONNEL 25<sup>TH</sup> NOVEMBER (AGENDA ITEM 5)

Councillor Markley, Chair of Finance & Personnel updated members on the recent meeting of this sub-committee. He gave his thanks and acknowledged the work that the Chair, Vice-Chair and Mr Leigh had done in progressing the recruitment process for a new CEO. He confirmed that the advertisement would be posted imminently. This is a later agenda item

He reported that he had attended a staff meeting in the office at Carnforth on the 17<sup>th</sup> of November to discuss the Cultural Review undertaken by North West Employers, this item to be discussed later the agenda.

It was confirmed that the budget and levies for 2023-24 had been agreed with an increase of 3%

37. FINANCIAL REPORT (AGENDA ITEM 6)

The Acting CEO presented the financial report supported by Ms Ella Croft from Rushton's Accountants. The budget and levies were previously recommended by Finance & Personnel on 25<sup>th</sup> November. The main change has arisen due to the changes to the Cumbria Authority from 1<sup>st</sup> April 2023.

The Authority's overall spending had remained within budget.

Mr Stainton raised a query relating to the income from permit fees, Acting CEO reported that some permits fees had not been reported correctly in the preceding year, and was unable to provide an explanation. He also explained that for the current year more people were eligible to apply for permits due to the change in Byelaw 3 than in previous years.

Mr Manning asked why there had been no increase in the price we charge for sampling, again Acting CEO reported that a fresh set of eyes had enabled greater scrutiny on this matter, and it would be reviewed moving forward. He reported that officers were looking at changing from charging an hourly rate to a set rate per sample per bed for 2023, this would benefit the Authority and benefit the councils in their budget forecasts. Mr Brown commented that this had been agreed some years previously but had clearly not been implemented.

Dr Andrews highlighted a couple of typographical errors to be corrected.

Councillor Wilson commented that at the Finance & Personnel meeting, a new perspective had brought much greater clarity, on the way items had been previously reported.

RESOLUTION: TO RECEIVE THE REPORT AND APPROVE THE BUDGET FOR 2023-24

Proposed: Councillor Markley, Seconded: Councillor Wilson, all in favour, carried

38. DATES OF MEETINGS 2023 (AGENDA ITEM 7)

The Clerk presented the proposed meeting dates for the Authority and TSB for 2023.

RESOLUTION: TO RECEIVE THE REPORT AND APPROVE THE DATES PROPOSED

Proposed; Dr Richardson, Seconded; Dr Andrews, all in favour, carried

39 TSB SUMMARY 1<sup>st</sup> NOVEMBER 2022 (AGENDA ITEM 8)

Mr Leigh gave an overview of the recent meeting of TSB. He reported that Byelaw 1 MCRS had now been sent to the Secretary of State for signature. He reported that the cockle fishery had opened at South Penfold despite a short delay which was outside our control. Consultations had taken place regarding the proposed designation of Allonby Bay as an HPMA. The Authority had submitted relevant data only and had neither supported nor objected to the proposal.

He reported on the FISP funding project, and the science team are working on submissions for funding.

Mr Stainton raised concerns over the proposed HPMA, saying there was no actual scientific evidence in support of the HPMA, and he felt the proposal goes against the ethos of the Authority. Mr Leigh said the Authority had complied with its statutory duties. The committee had previously pointed out that members had been encouraged to make their own personal representations to the consultation.

Councillor Markley who resides in the area reported that he had recently had a meeting with new owners of the Solway Lido who are looking to make a significant investment in the area and that the HPMA proposal was a very emotive and controversial subject to locals.

Mr Manning raised the issue of litter at South Penfold Fishery also the problem of encroaching the marsh due to heavy mud. Acting CEO thanked Mr Manning for engaging with the fishers, he reported that the RSPB had done an excellent job clearing litter from the area. Discussions will need to develop between Sefton Council and the landowner regarding access issues which are outside the authority's remit. Mr Brown said the actual right of way for fishers is on the left-hand side of Haul Road parallel to the marsh and referred members to the Southport beach byelaws.

40 PATROL & ENFORCEMENT REPORT (AGENDA ITEM 9)

Acting CEO/HOE referred members to his report.

He reported that both sick and annual leave had curtailed the number of shore patrols undertaken this quarter.

A significant amount of officer training had been completed recently. The Acting CEO/HOE delivered training on intelligence management and recording to the competent officer course. Several officers had received training in safety and conflict management, also first aid, personal survival techniques and ATV operation. He gave details on the Blue Belt Intelligence System that himself and IFCO Graham were involved in alongside the MMO in training and supporting an intelligence management system for the Turks and Caicos Islands

Following a resolution at the last authority meeting there had been a delay in removing North Western Protector from the water due to logistics. Currently the Master, Engineer and crew were working hard to remove the engines in situ. The plan is to now lift the boat in the New Year when it is more cost effective and simpler options become available.

A dredge permit had been issued in September for accessing the South America and Perch Scar seed mussel fisheries. No further information was provided due to commercial sensitivity and data protection legislation. Officers conducted patrols surrounding the fishery including boarding the vessel. Mr Manning voiced his concern of dredge fishing and again

asked for catch data. He stated that he did not consider this to be a small-scale fishery, Acting CEO said this was due to the small number of vessels, in fact only one, prosecuting the fishery. Mr Manning has serious concerns over the size of the one vessel operating causing damage to the scars and asked why there was no further catch evidence presented. Councillor Markley asked if there was legislation preventing large vessels from entering Morecambe Bay, referring to his experience in the haulage industry, and large HGV's accessing small areas. Acting CEO reported that there had been no breach of regulations. Mr Benson raised similar concerns over the reporting and data sensitivity. Acting CEO said he would seek further clarification from the GDPR officer and

Mr Leigh asked about Bass regulations and the CEFAS project in collaboration with Bangor University. Acting CEO said he would report any updates as they become available. Mr Stainton raised an objection to highlighting the ethnicity of the fishers, Acting CEO apologised and confirmed this should not have been in the report.

Dr Andrews asked what the crew from North Western Protector are currently doing whilst the vessel is offline. Acting CEO confirmed officers had been redeployed round the district on various duties including training.

#### THE REPORT WAS RECEIVED, WITH 1 ABSTENTION.

#### 41 SCIENCE REPORT (AGENDA ITEM 10)

Senior Scientist presented her report.

She confirmed she had attended the TAG conference in Jersey with IFCA Grose, presenting their work on mussel management. The team had completed the HRA for South Penfold Fishery and developed two research proposals for FISP funding. An action plan for MLS studies had also been developed and agreed.

Preliminary discussions have taken place with Sussex and North Eastern IFCA regarding utilising their permit database, which would standardise data and provide much better reporting, the authority's current database is no longer fit for purpose.

IFCAs had attended the consultation meetings in Maryport regarding the proposed HPMA at Allonby Bay. Officers have had discussions with Sarah Coulthard from Newcastle University who is conducting research into the impact of the proposal on local users, that information will be submitted to DEFRA. Officers have assisted by collating information from local tackle shops, angling clubs, charter boats and recreational users.

Further to an enquiry from a member of the public reference the Dee Cackle Order, the SS met with a representative of Natural Resources Wales, early discussions indicate that they are looking to re-apply for the order to be continued, this is at an early stage and consultations will take place in the new year.

Mr Benson declared an interest in this item, and requested further information on the survey and inspection report which will be provided.

Mr Stainton declared an interest in the item on whelks and reported that he had witnessed copious amounts of whelks being landed, Mr Leigh reminded members that the report is retrospective.

Mr Manning reiterated previous comments regarding surveying at Heysham for seed mussels, which he says there is no requirement for, he feels this to be a waste of time and resources. SS reported that there were other stakeholders who have an interest. Dr

Andrews remarked that this was a difficult situation criticised if you do, criticised if you do not. Mr Manning continued by saying that Lancaster City Council have no authority to limit access to fisheries, Mr Benson reported that this was due to beach access via the car park which the council own as well as the foreshore. Mr Brown referred to legislation relating to beach access and said it had to be negotiated.

Dr Andrews raised concerns on the government proposals for Fisheries Management Plans and their impact but said that these differed from the authority's plan to create our own local cockle and mussel management plan, Acting CEO said there were likely to be discreet local management plans, of which we would be involved in, and DEFRA were appreciative of IFCA knowledge, hence, support by way of research funding. Ms Salthouse said she was 100% supportive of IFCA involvement.

#### RESOLUTION; TO RECEIVE THE REPORT

Proposed: Mr Leigh, Seconded: Councillor Clarke, all in favour, carried

#### 42 ACTING CHIEF OFFICERS REPORT (AGENDA ITEM 11)

Acting CEO updated members on recent changes and thanked Ms Ella Croft from Rushton's Accountants for her challenging work acting as interim Finance Officer and has been instrumental in implementing new and improved financial practices including new accounting software Xero.

He reported that the Local Government pay award had been announced and has been incorporated into the authority's salary scale.

In October IFCO Burdekin left the authority following two periods of employment at NWIFCA and as from 1<sup>st</sup> October Head of Enforcement had been requested to fulfil the role of Acting CEO as per the constitution.

Following on from the last meeting of TSB he has approached the Shellfish Association of Great Britain (SAGB) regarding the authority re-joining the association at a cost of £750+vat It is felt that membership would be appropriate for information and development of stakeholder engagement.

NWIFCA had again been awarded the MoD silver award for our continued support to the armed forces community. Acting CEO, the Chair and IFCO Brownrigg, who is a Major in the Royal Marines Reserves attended a ceremony in Fleetwood on 6<sup>th</sup> October. Mr Brown congratulated the authority on its award.

Alongside a new accounting system, the Clerk, who has taken up the role of interim HR introduced and registered the authority with BreatheHR which is an online portal for recording all aspects of Hr including the recording or all leave, including sickness and TOIL, it also includes training modules, appraisals, and logging of hours worked. Each officer has their own log in where they can access all their personal information, certificates, and other documents. Policies and Procedures are also now being uploaded and everything is easily accessible. Officers have begun working through the short training courses available including GDPR, IT usage and discrimination and equal opportunities.

IFCO Graham has also been working extremely hard in implementing the changeover to Microsoft Office 365, as our current Microsoft package reaches end of life in January.

He referred members to his report for updates on DEFRA including the Conduct and Operations report, MAFCO, HPMAs and Fisheries Management Plans.

RESOLUTION: TO RECEIVE THE REPORT AND APPROVE MEMBERSHIP OF SAGB

Proposed: Dr Andrews, Seconded: Councillor Clarke, all in favour, carried

43 ANNUAL PLAN MONITORING 22-23 Q2 (AGENDA ITEM 12)

Acting CEO and Clerk apologised for some confusion over the circulation of reports in part due to the migration to the new IT system.

The 2022-23 plan is in a new format developed by sub-committee made up of members and officers, instructions for quarterly monitoring have not yet been prepared. The report provides amendments to the plan since it was prepared and brief monitoring against each of the success criteria.

Acting CEO said he hoped that the Annual Plan Working Group would be better placed to meet again in the New Year. Dr Andrews recommended that the plans new format be rolled over until a new CEO has been appointed, due to time constraints and potential new ideas. It was also considered that the recruitment process may not have been completed by March 31<sup>st</sup> deadline.

THE REPORT WAS RECEIVED

44 DRAFT ANNUAL PLAN 23-24 (AGENDA ITEM 12A)

Acting CEO reported that this was a work in progress and had developed some innovative ideas and formats utilising some ideas from other IFCA's. He thanked the Senior Scientist for her help with this report. And a final draft will be brought to the March Authority meeting.

RESOLUTION TO RECEIVE THE REPORT

Proposed: Dr Andrews, Seconded: Dr Mihailovici, all in favour, carried

45 ANNUAL REPORT (AGENDA ITEM 12B)

Acting CEO reported that the annual report for 2021-22 had not been submitted to DEFRA as required but could not offer an explanation. Mr Leigh said he was saddened by the lack of interest from DEFRA having provided little feedback.

RESOLUTION: TO RECEIVE THE REPORT

Proposed: Dr Richardson, Seconded: Ms Salthouse, 15 in favour, 2 abstentions, carried

46 RECRUITMENT OF NEW CEO (AGENDA ITEM 13)

The Chair gave a brief update on the recruitment of a new CEO, and thanked Dr Andrews and Mr Leigh for their work in creating the advertisement and supporting documents for the role. The advert is now ready to be posted and will be available on the website and various portals from Monday 5<sup>th</sup> December.

An interview panel has been appointed including the Chair, Vice-Chair of the Authority, Finance & Personnel and TSB.1 independent member has been recommended and Mr Rob Clarke from AIFCA has been approached, it was also recommended that a general member from the Authority sit on the panel together with a spare member if required.

Mr Brown was proposed by Councillor Clarke and was appointed as the general member with Mr Thompson volunteered to be called on if required. Ms Salthouse raised a concern regarding gender balance on the panel, it was pointed out that membership was predominantly male, therefore the reason for seeking volunteers. Dr Mihailovici then volunteered to be a member.

The Chair pointed out that potentially we could be some months away from a new CEO taking up the post. Mr Leigh said the process had taken this long because they were having to start from nothing, with no previous information to work from.

47 NORTH WEST EMPLOYERS CULTURAL REVIEW (AGENDA ITEM 14)

Exempt under the Local Government Act 1972.

RESOLUTION: THE REPORT BE RECEIVED

Proposed: Mr Leigh, Seconded: Dr Mihailovici, 17 in favour 1 abstention

48 ANY OTHER BUSINESS (AGENDA ITEM 15)

Mr Manning reported that he had been approached on the beach by a Mr Mark Riley from DEFRA who was conducting research and asked if officers were aware of this, Acting CEO confirmed he was aware, but not of the timescale when it would be undertaken.

The Chair thanked all for attending and meeting closed at 15.30