

## **Draft Policies & Procedures**

### **Background**

A set of draft policies and procedures were tabled at the first meeting of the Association for consideration. They are re-presented here for further consideration prior to their adoption.

### **Recommendations**

1. That the Association should consider the attached draft policies and procedures.
2. Subject to revisions agreed at the Association meeting, these draft policies and procedures should be adopted.

### **1. Content of document**

- 1.1 The draft policies and procedures attached have been drafted to formally set out how the Association will carry out its business.
- 1.2 These draft policies are based upon a standard set of policies and procedures for an Association of this type, and have been modified to incorporate elements that are more consistent with the specific tasks of managing the Menai Strait mussel fishery that have been set for this Association.
- 1.3 The draft policies cover the following key areas:-
  - Management principles for the fishery
  - Role of the Chair of the Board and Members
  - Role of Directors and Members
  - Election of Chairperson
  - Annual General Meeting
  - Calling a Meeting
  - Order of Business
  - Variation of Business
  - Expert Attendance at Meetings
  - Rescission of Resolutions
  - Review of Standing Orders
  - Suspension of Standing Orders
- 1.4 Two Appendices have been added to the draft policies and procedures:
  - “Fishery Management Policy” which has been drafted to ensure compliance with the relevant fisheries legislation through a set of policies that are consistent with Marine Stewardship Council certification.
  - Wildlife conservation: Management measures for the fishery required for compliance with the requirements of the Menai Strait and Conwy Bay SAC and the Traeth Lafan SPA

**The Menai Strait Fishery Order Management Association**  
**(“Company”)**

**Proposed Standing Orders**

**1. Management of the Menai Strait Fishery**

- 1.1. In carrying out their duties and their role as the Board of Directors (“**Board**”) and the members of the Company (“**Members**”), the Board and the Members shall adhere and shall procure that the Company adheres, to a management strategy that is compatible with the standard set for sustainable fishery management by the Marine Stewardship Council.
- 1.2. In particular, it is acknowledged by the Board and the Members that, in accordance with the objects of the Company set out in article 3 of the articles of association of the Company (“**Articles**”), the Company’s aims are:
  - 1.2.1. to conduct the Menai Strait fishery (“**Fishery**”) in such a manner that does not lead to over-fishing or depletion of the exploited populations and, for those populations that are depleted, the fishery must be conducted in a manner that demonstrably leads to their recovery;
  - 1.2.2. fishing operations within the Menai Strait allow for the maintenance of the structure, productivity, function and diversity of the ecosystem (including habitat and associated dependent and ecologically related species) on which the Fishery depends; and
  - 1.2.3. the Fishery is subject to an effective management system that respects local, national and international laws and standards and incorporates institutional and operational frameworks that require use of the resource to be responsible and sustainable.
  - 1.2.4. to adhere to the management policies set out in Appendix 1 of this document.

## **2. Role of Chair of the Board and Members**

The Chair of the Board and Members has a dual role – both as the Chair and, simultaneously, as a member. These roles are more specifically set out below:

### **2.1. Organisation Objectives**

- 2.1.1. Provide coherent leadership for the Company, including representing the organisation in the public domain.
- 2.1.2. Understanding the views of stakeholders, including the Welsh Assembly Government.
- 2.1.3. Providing guidance to the Board and the Members to ensure the Company acts within its objects set out in the Articles.

### **2.2. Board Facilitation and Meetings**

- 2.2.1. Leadership of the Board, ensuring its effectiveness on all aspects of its role and setting its agenda.
- 2.2.2. Facilitate Board meetings.
- 2.2.3. Set Board meeting timetable.
- 2.2.4. Scrutinise Board papers.
- 2.2.5. In particular the Chair of the Board and Trustees:
  - 2.2.5.1. should make efficient use of Board time by ensuring Board agendas are focused on the objects of the Company set out in the Articles.
  - 2.2.5.2. is responsible for managing the business of the Board to ensure that sufficient time is allowed for discussion of complex or contentious issues and, where appropriate, arrange for informal meetings beforehand to enable thorough preparation for Board discussion.
- 2.2.6. Ensure an effective and fully informed decision making process is employed by the Board.
- 2.2.7. Encourage active engagement by all members of the Board.

- 2.2.8. Facilitate change and address conflict within the Board.
- 2.2.9. Take the lead in providing a properly constructed induction programme for new directors that is comprehensive, formal and tailored.

### **2.3. Organisation Governance**

- 2.3.1. Liaise with committees of directors in order to assess and, if appropriate, approve their decisions.

### **2.4. Communication**

- 2.4.1. Ensure the provision of accurate, timely and clear information to directors (to enable the Board to take sound decisions, monitor effectively and provide advice to promote the Company's objects).
- 2.4.2. Ensure effective communication with stakeholders, including the Welsh Assembly Government.
- 2.4.3. Where required, assist and initiate fundraising opportunities.

### **2.5. Operation of Organisation**

- 2.5.1. Monitoring implementation of Board decisions.

### **2.6. Required Skills**

- 2.6.1. In-depth knowledge of shellfisheries and their management, either in the Menai Strait or otherwise in the United Kingdom.
- 2.6.2. Independent from the Members and proposed members of the Company, as listed in article 21(1)(a) to (g) of the Articles.
- 2.6.3. Previous experience as chairperson of an organisation, preferably similar to the Company, is desirable.

## **3. Role of Directors and Members**

### **3.1. Organisation Objectives**

- 3.1.1. Safeguard the good name and values of the Company.
- 3.1.2. Contribute actively to the Board of directors in their role in giving firm management and strategic direction to the Company.
- 3.1.3. Be a spokesperson and ambassador for the Company, promoting the Company and its objects.

### **3.2. Board Facilitation and Meetings**

- 3.2.1. Active participation and attendance of Board meetings and committee meetings where so appointed.

### **3.3. Organisation Governance**

- 3.3.1. Ensure that the Company complies with its governing document, company law, the Menai Strait Oyster and Mussel Fishery Order 1962, the Sea Fishery (Shellfish) Act 1967, the Marine and Coastal Access Act 2009, the Wildlife & Countryside Act 1981, the Habitats Directive (Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) as applied in the United Kingdom by the conservation (Natural Habitats Etc) Regulations 1994, and any other applicable Welsh, UK or EU wildlife or conservation legislation.
- 3.3.2. Ensure that the Company pursues its objects as defined in its governing document.

### **3.4. Communication**

- 3.4.1. Represent the Company at functions and meetings when required.

### **3.5. Operation of Organisation**

- 3.5.1. Ensure the efficient and efficient management and administration of the Company.
- 3.5.2. Ensure the financial stability of the Company.
- 3.5.3. Protect and manage the property of the Company and to ensure the proper investment of the Company's funds.

#### **4. Election of Chairperson**

- 4.1. The Chairperson of the Board and Members shall be elected [annually] by the procedure set out in article 16 of the Articles.
- 4.2. The Chairperson shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairperson.
- 4.3. The election of the Chairperson shall be the first business transacted at the annual meeting of the Company.

#### **5. Annual General Meeting**

- 5.1. The Company will hold one annual meeting in each year for the transaction of general business in addition to any special or adjourned meetings.

#### **6. Calling a meeting**

- 6.1. A meeting of the Board or the Members may only be called by the directors pursuant to article 13(3) of the Articles or pursuant to section 303 of the Companies Act 2006 respectively if:

- 6.1.1. in respect of a meeting of the Board:

- 6.1.1.1. the directors calling such meeting include in the notice to be issued pursuant to article 13(3) of the Articles Good Reason for calling such meeting; and

- 6.1.1.2. the requirements for calling such meeting set out in articles 13(4) to 13(7) of the Articles have been fulfilled; or

- 6.1.2. in respect of a meeting of the Members:

- 6.1.2.1. the Member(s) who have requested the directors to call such meeting include in their request for a meeting issued pursuant to section 303 of the Companies Act 2006 Good Reason for calling such meeting; and

- 6.1.2.2. the requirements for calling such meeting set out in section 303 of the Companies Act 2006 have been fulfilled.
- 6.2. For the purposes of Standing Order Nos. 6.1.1 and 6.1.2 “**Good Reason**” shall mean:
- 6.2.1. [a matter directly related to, or furtherance of, the objects of the Company as set out in article 3 of the Articles; or
- 6.2.2. consideration of the corporate governance of the Company; or
- 6.2.3. consideration of legislation or regulations applicable to the Company; or
- 6.2.4. a requirement imposed on the Company by the Welsh Assembly Government or any other governing statutory body; or
- 6.2.5. [*anything else?*]  
– *such as legitimate reasons for calling a meeting*]
- 6.3. The Chairperson shall determine in his absolute discretion whether the requirements of Standing Order No. 6.1.1.1 or 6.2.1.1, as applicable, have been fulfilled. If the Chairperson determines that no Good Reason has been given as required, the meeting called pursuant to Standing Order No. 6.1 will not be held.

## 7. **Order of Business**

Except as otherwise provided by Standing Order No. 7, the order of business at every meeting of the Board and Members shall be:-

- 7.1. To choose a Member to preside if the Chairperson be absent.
- 7.2. Chairperson's Announcements.
- 7.3. To approve as a correct record and sign the minutes of the last meeting.
- 7.4. To deal with any business expressly required by statute to be done.
- 7.5. To dispose of business (if any) remaining from the last meeting.

- 7.6. To receive and consider reports of any experts attending the meeting pursuant to Standing Order No. 9.
- 7.7. To receive and consider reports, minutes and recommendations of any committees of the Board.
- 7.8. To answer questions in respect of reports, minutes or recommendations of any committees of the Board.

## 8. **Variation of Business**

Business falling under items 6.1 to 6.4 of Standing Order No. 6 shall not be displaced, but subject thereto the foregoing order of business may be varied:

- 8.1. By the Chairperson at his discretion [provided that at least 7 days' written notice has been given to each director or Member, as the case may be, of such variation]; or
- 8.2. [By a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion. – *suggest we delete so that the agenda of that meeting (and, therefore, decisions) cannot be changed at a meeting without the knowledge of a Member or director who isn't in attendance at a meeting*]

## 9. **Expert Attendance at Meetings**

- 9.1. The Chairperson, [in his absolute discretion or] pursuant to a resolution passed at a meeting of the Board by a majority of the directors, may invite persons to attend meetings of the Board or the Members to provide information or opinions on any matter related to shellfisheries in the Menai Strait, the legislation specified in Standing Order No. 3.3.1 or any other matter related to the objects of the Company as set out article 3 of the articles.
- 9.2. Any persons invited by the Chairperson to attend meetings of the Board or Members pursuant to Standing Order No. 9.1 shall be entitled to speak at such meetings for the purposes of making presentations, reporting to the Board or the Members, as the case may be, and answer any questions raised by the Board or the Members, as applicable.



9.3. *[Do you want to put any qualification/"expert in their field" requirements on the invitees?]*

## 10. **Rescission of Resolutions**

10.1. No motion to rescind any resolution passed within the preceding 6 months, and no motion or amendment to the same effect as one which has been rejected within the preceding 6 months, shall be proposed unless the notice thereof given in pursuance of article 13(3) of the Articles or pursuant to section 303 of the Companies Act 2006 in accordance with Standing Order No. 6.1 is given by at least [one-third] of the directors or the Members, as the case may be and it shall not be open to any director or Member to propose a similar motion within a further period of 6 months. *[Alternative is to state that notice is given in accordance with No.6.1 and resolution passed at the meeting by at least [one-third]]*

## 11. **Review of Standing Orders**

11.1. The Standing Orders of the Company shall be reviewed by the [Board/sub-committee of the Board] on a [n annual/bi-annual/every 3 years?] basis.

11.2. Any proposed resolutions to amend the Standing Orders of the Company resulting from their review pursuant to Standing Order 11.1 must be included in the notice given pursuant to section 302 or 303 of the Companies Act 2006 in accordance with Standing Order No. 6.1.2 and such resolutions can only be passed by at least [one-half] of the Members.

## 12. **Suspension of Standing Orders**

12.1. Subject to Standing Order No. 12.2, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where a resolution is passed approving such suspension.

12.2. A motion to suspend Standing Orders shall only be proposed if the notice thereof given in pursuance of article 13(3) of the Articles or pursuant to

section 303 of the Companies Act 2006 in accordance with Standing Order No. 6.1 is given by at least [one-half] of the directors or the Members, as the case may be. *[Alternative is to state that notice is given in accordance with No.6.1 and resolution passed at the meeting by at least [one-half]]*

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## Appendix 1: Fishery Management Policy

### 1. Preface

The Association recognises the increasing importance of carrying out fishing activities sustainably. The Menai Strait mussel fishery operates within a natural environment that has national and international importance. The future of the fishery will depend on our ongoing sustainable husbandry of these natural resources.

The industry has been working closely with the Countryside Council for Wales, Natural England, the North Western & North Wales SFC, and researchers at the School of Ocean Sciences in Bangor for many years. This work has improved our understanding of the Menai Strait and the seed mussel resources at Caernarfon and in Morecambe Bay.

With the formation of this Association it is appropriate to clearly set out the policies that will ensure that this fishery continues to develop sustainably.

### 2. Policy context

The policies set out here operate in the context set by the relevant fisheries and environmental legislation governing the fishery. The policies are intended to complement the statutory management measures applying to the fishery, which includes but is not limited to the relevant provisions of:-

- The Sea Fisheries (Shellfish) Act 1967
- The Sea Fisheries (Conservation) Act 1967
- The Sea Fisheries (Regulation) Act 1966
- The Wildlife & Countryside Act 1981
- The Conservation (Natural Habitats &c.) Regulations 1994
- The Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
- The Countryside & Rights of Way Act 2000
- The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003
- The Natural Environment and Rural Communities Act 2006
- The Marine and Coastal Access Act 2009
- Relevant EC Directives that have been transposed into UK and Welsh legislation (notably the EC Birds Directive, Habitats Directive, and shellfish hygiene Directive).

The Association also recognises the importance of non-statutory instruments relating to fishing and shellfish farming activities, notably:-

- The UN Food and Agriculture Organisation's Code of Conduct for Responsible Fisheries;
- The Seafish Industry Authority's Responsible Fishing Scheme;
- The Marine Stewardship Council's Principles and Criteria of Sustainable Fisheries.

After considering the wide range of legislative and policy drivers that are relevant to the sustainable management of the fishery, the Association has decided to adopt a series of policies which follow the sequence of Performance Indicators set out in the Marine Stewardship Council's Fishery Assessment Methodology. We consider that this list addresses all of the key policy areas associated with the Menai Strait Mussel Fishery.

#### **4 Policies**

The policies set out here set out how the Association will work to optimise the sustainable development of both the shellfish cultivation industry in the Menai Strait and seed mussel harvesting from wild resources.

##### **4.1 Seed mussel stocks**

The Menai Strait fishery relies on wild beds of ephemeral "seed" mussels to provide the juvenile stock that is cultivated in the Menai Strait.

The Association will work with partners to:-

- Ensure that seed mussel fishing activities are compatible with stock status at a regional and local level;
- Ensure that levels of exploitation take account of the ecological role of the stock;
- Provide information at the level of detail and frequency of monitoring required to inform the seed mussel harvest strategy;
- Assist with annual stock assessments in the seed mussel fishery prior to any harvesting taking place.

##### **4.2 Retained species**

The seed mussel fishery is very "clean", made up entirely of mussels. Within the Menai Strait, a fishery for green crabs (*Carcinus maenas*) is carried out as part of the cultivation process, and these crabs are retained and sold.

The Association will work with others to:-

- Monitor levels of retention of non-target species in the fishery;
- Develop new management measures, where necessary, to ensure that the fishery does not pose a risk of serious or irreversible harm to any retained non-target species;
- Investigate the effectiveness of any new management measures introduced to minimise the retention of non-target species.

##### **4.3 Discarded species**

The seed mussel fishery is very "clean", made up entirely of mussels. There is no discarding from this fishery. Within the Menai Strait, there can occasionally be significant catches of starfish (*Asterias rubens*), which are a pest. These starfish are discarded.

The Association will work with others to:-

- Monitor levels of discarding of non-target species in the fishery;
- Develop new management measures, where necessary, to ensure that the fishery does not pose a risk of serious or irreversible harm to any discarded non-target species;
- Investigate the effectiveness of any new management measures introduced to minimise the discarding of non-target species.

#### **4.4 Endangered, Threatened & Protected species**

The fishery operates in areas where some Endangered, Threatened & Protected (ETP) species are known to occur. These are, in the main, bird species such as eider ducks (*Somateria mollissima*) in Morecambe Bay; and wading birds such as oystercatchers (*Heamatopus ostralegus*) in the Menai Strait. These and other bird species are protected by domestic and international legislation in all areas where the fishery operates, and a wide range of other marine habitats and species are also protected in the Menai Strait and Morecambe Bay areas.

These wildlife conservation measures have been in place for over 15 years, and the Menai Strait fishery has developed in harmony with them thanks to collaboration between the industry, fishery regulators and the nature conservation agencies. It will be important for the Association to continue working with nature conservation agencies to ensure that the fishery does not cause serious or irreversible harm to ETP species.

The Association will continue to:-

- Ensure that fishery does not pose a risk of serious or irreversible harm to ETP species;
- Work with fishery regulators and nature conservation agencies to implement the formal management strategy designed to deliver precautionary management of ETP species;
- Encourage and support research and monitoring work to determine the status of ETP species in our area of operations where possible;
- Collaborate with partners to investigate the relationship between the fishery and ETP species where possible.

#### **4.5 Habitats**

The fishery has the capacity to alter marine habitats. Seed mussel harvesting is carried out with light dredges, which if used inappropriately could effect seabed habitats. The relaying and cultivation of mussels in the Menai Strait alters natural habitats, replacing them with mussel-dominated communities for the duration of cultivation activity.

The industry has collaborated with fishery regulators, nature conservation agencies and scientific partners to investigate these habitat effects. This research confirms that the fishery will not have significant or irreversible harm on habitats in the area.

The Association will continue to:-

- Ensure that fishery does not pose a risk of serious or irreversible harm to marine habitats;
- Work with fishery regulators and nature conservation agencies to implement the formal management strategy designed to deliver precautionary management of marine habitats;
- Encourage and support research and monitoring work to determine the status of marine habitats in our area of operations where possible;
- Collaborate with partners to investigate the relationship between the fishery and marine habitats species where possible.

#### **4.6 Ecosystems**

The fishery has the capacity to affect marine ecosystems. Mussels are a prey item for a wide range of predators (including fish, birds and marine invertebrates), and play a role in linking pelagic and benthic ecosystems in coastal areas.

The movement of seed mussels from place to place creates a potential risk of introducing alien (non-native) species. Certain non-native species have been associated with shellfish production and can drastically alter coastal ecosystems (such as the slipper limpet, *Crepidula fornicata*).

The industry has played an active role in improving understanding of ecosystem effects of the fishery and tackling the risk of introducing non-native species<sup>1</sup>.

By continuing to work with partner organisations the Association will:-

- Ensure that the fishery does not pose a risk of serious or irreversible harm to ecosystem structure and function;
- Encourage research to improve understanding of the interaction between the fishery and key elements of relevant ecosystems;
- Encourage the introduction of new management measures, where necessary.

#### **4.7 Genetics**

Aquaculture activities, particularly those based on hatchery-reared stock, can have adverse effects on the genetic structure of wild populations of fish and shellfish.

The Menai Strait mussel cultivation operation is based upon wild stocks from a relatively limited area. These seed mussel sources are not considered to be genetically isolated from one another or from the wild stocks found near to the Menai Strait. The risk of adverse effects on the genetics of the natural mussel stocks in either seed mussel areas or in the cultivation area in the Menai Strait therefore seem to be very limited.

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<sup>1</sup> See Appendix 1 – the BMPA Code of Good Practice for mussel seed movements.

The main risk of changes to the genetic structure of the mussel population in the Menai Strait could be the introduction of the congeneric species *M. galloprovincialis* and *M. trossulus*. Both species have been recorded elsewhere in the UK, and *M. galloprovincialis* is becoming more widespread. The presence of these species can only be confirmed by genetic testing, and the industry has recently agreed a procedure for testing a representative sample of seed mussels prior to their introduction in the Menai Strait.

The Association is committed to:-

- Ensure that any seed mussels introduced to the Menai Strait that are gathered from wild stocks are likely to be compatible with the genetic structure of the local wild population;
- Work with partners to confirm that current practices are compatible with the genetic status of the mussel population in the fishery area;
- Introduce new management measures, where necessary, to maintain the genetic structure of the population.

#### **4.8 Management**

The fishery is closely managed, both within the Menai Strait and at the seed mussel harvesting locations. The key fishery regulator is the North Western & North Wales Sea Fisheries Committee. On 1<sup>st</sup> April 2010 the role of the NW&NWSFC will be taken on by two successor bodies: a new Sea Fisheries Committee in England; and the Welsh Assembly Government.

The proposed changes to the management regime will result in a change to the “grantee” of the Menai Strait Oyster and Mussel Fishery Order 1962. WAG have proposed that the new “grantee” should be a composite management group embracing fisheries and wildlife interests. The transition to this new arrangement will also take place on April 1<sup>st</sup> 2010.

Two nature conservation agencies (the Countryside Council for Wales and Natural England) play an active role in the management of the fishery. These agencies work hand-in-hand with the fishery regulators to ensure that the effect of the fishery on marine wildlife is assessed before any activities are permitted to take place.

The Members of the BMP work closely with these and other statutory bodies. The BMP is committed to:-

- Support moves to modernise and update the fisheries management regime in Wales and England;
- Observe all statutory requirements arising from fisheries and environmental legislation to ensure a high level of compliance with regulations;
- Support and encourage research into the fishery that will inform and develop the management of the fishery.

#### 4.9 Research Strategy

The BMP and its Members have worked with scientists and regulators to support, facilitate, and participate in research into seed mussel harvesting and mussel cultivation to address the information needs associated with managing the fishery.

This research has focussed on a number of key areas: the interaction between the fishery and bird populations; the effects of mussel farming on seabed habitats; and the fishery for shore crabs in the Menai Strait area. The results of this research have been published in peer reviewed journals and as reports to help guide management of the fishery.

With the upcoming changes in the management of the Fishery Order in the Menai Strait, it will be appropriate for the BMP to take a more proactive role in research planning for the fishery.

It will be appropriate to develop a research strategy that identifies and prioritises research requirements for the fishery. Issues that could be addressed in this strategy could include:-

- Seed mussel harvesting – interactions between seed mussels and other species (especially birds);
- Non-native species risk analysis – investigating the relative risks arising from and faced by the mussel industry from non-native species (particularly the colonial ascidian *Didemnum vexillum*);
- Dissemination of information – making the results of research available to interested parties.



Appendix 2: Wildlife conservation: Management measures relating to the  
Menai Strait and Conwy Bay SAC and the Traeth Lafan SPA  
(overleaf)

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**Table 1 Assessment of the likely significant effect of renewal of Several Fishery leases under the Menai Strait Oyster and Mussel Fishery Order on the conservation objectives and features of the Menai Strait and Conwy Bay SAC and the Traeth Lafan SPA**

<b>A. Conservation Objective: RANGE (Menai Strait and Conwy Bay SAC)</b>			
To achieve favourable conservation status, the overall distribution and extent of the feature within the site should be stable or increasing, subject to natural processes.			
<b>Feature or sub-feature</b>	<b>Potential hazard</b>	<b>Mitigation</b>	<b>Likely significant effect?</b>
Feature 1.  Intertidal mudflats and sandflats	Areas of intertidal mudflat and sandflat occur within and adjacent to all of the Leased Areas. Mussel cultivation has the potential to alter their distribution and extent.	None required. At the time that the SAC qualified for designation, CCW stated that this habitat modification was accepted and restoration of these areas of intertidal mudflat and sandflat would not be sought. Since then the scale and extent of the fishery has not significantly increased.	No, provided that the scale of the fishery does not increase, and its nature does not change during the period of lease.
Sub-feature. Muddy gravel communities	Areas of muddy gravel occur within the Fishery Order, on the extreme lower shore at Beaumaris. However, these areas are outside of any designated Leased Areas.	None required. These areas are outside of any designated Leased Areas.	No, provided that the leased areas are not extended into the areas of muddy gravel.
Sub-feature. Dwarf Eelgrass	Small patches of <i>Zostera noltei</i> occur within the Order on the upper shore. <i>Zostera</i> is particularly vulnerable to physical damage.	None required. The <i>Zostera</i> is not located within any leased areas. Access to the leased areas is by boat. Vehicular access is not required (the use of vehicles from the shore would constitute a notifiable operation for Traeth Lafan SSSI).	No, provided shore access to the lays using vehicles does not take place.

<b>Feature or sub-feature</b>	<b>Potential hazard</b>	<b>Mitigation</b>	<b>Likely significant effect?</b>
Sub-feature. Sediment communities on Traeth Lafan	It is likely that the presence of mussel beds, including commercial lays as well as naturally occurring beds, on Traeth Lafan make these areas more muddy, both through the deposition of faeces and pseudofaeces, as well as through the effect that mussel beds are known to have on small-scale hydrodynamics and associated sediment dynamics. This has the potential to affect the distribution and extent of sediment communities.	None required. Historic records suggest that mussel beds occurred naturally on the area of foreshore within the Fishery Order before the commercial fishery was operating on its current scale. Advice from CCW is that the parts of Traeth Lafan on which the mussel fishery operates are a dynamic mosaic of intertidal sand and mud, which is in places overlain by a mosaic of natural and artificially created mussel beds. Since mussel beds would be naturally present in the area, in the absence of a commercial fishery, CCW do not consider the presence of commercial mussel lays at their current extent, or the husbandry and harvesting operations of the fishery to be damaging to the sediment communities on Traeth Lafan.	No, provided that the area of seabed onto which mussels are re-laid does not expand into areas outside of the current Leased Areas, in particular to the north of Areas 1, 3 and 6 and into the Ballast Bank area of the Order.
Feature 2. Reefs	Reef features occur within Leased Area 4, and in other areas of the Order outwith the Leased Areas. Mussel cultivation has the potential to alter their distribution and extent.	None required. Overall, reef features are not likely to be affected in distribution or extent by the fishery as presently operated.	No, provided that the leased areas are not extended and the nature of the fishery does not change.
Sub-feature. Reef communities in high energy wave-sheltered, tide swept conditions	This feature occurs within the Order on the extreme lower shore at Beaumaris, and could be affected by mussel cultivation.	None required. The feature is outside of the Leased Areas and its distribution and extent is not likely to be affected by the fishery as presently operated.	No, provided that the leased areas are not extended and the nature of the fishery does not change.
Sub-feature. Under-boulder, overhang and crevice communities.	This feature occurs within the Order and could be affected by mussel cultivation.	None required. The feature is outside of the Leased Areas and is not likely to be affected in distribution or extent by the fishery as presently operated.	No, provided that the leased areas are not extended and the nature of the fishery does not change.

<b>Feature or sub-feature</b>	<b>Potential hazard</b>	<b>Mitigation</b>	<b>Likely significant effect?</b>
Sub-feature. Limestone reef communities	This feature occurs within the Order and could be affected by mussel cultivation.	None required. The feature is outside of the Leased Areas and is not likely to be affected in distribution or extent by the fishery as presently operated.	No, provided that the leased areas are not extended and the nature of the fishery does not change.
Sub-feature. Clay outcrop reef communities	An unusual subtidal reef community, composed of boring bivalves is associated with clay outcrops in the area known as Gallows Deep, near Gallows Point, within Leased Area 4. Smothering of this feature by mussels could have a significant effect on its distribution and extent.	Continued monitoring of this feature. This part of Area 4 is not utilised for mussel laying. Recent surveys have shown the feature to be still present and in favourable condition.	No, provided that the scale and nature of the fishery within Area 4 does not change.  However, due to the sensitivity of this feature it is recommended that annual monitoring of its status should take place.
Feature 3. Subtidal sandbanks.	This feature occurs within the SAC, outside of the Fishery Order, but could be affected by mussel cultivation.	None required. Conservation advice from CCW is that this feature is in favourable conservation status and is unlikely to be affected by the fishery as presently operated.	No, provided that the scale and nature of the fishery does not change.
Feature 4. Large shallow inlets and bays.	The cultivation of mussels within large shallow inlets and bays could significantly alter their characteristics..	None required. The overall distribution and extent of the large shallow bay is unlikely to be affected by the mussel fishery, since these are defined by closing lines at its northern and southern boundaries	No, provided that the scale and nature of the fishery does not change.
Sub-feature. Organically enriched muddy sediments.	This feature occurs within the SAC, outside of the Fishery Order, but could be affected by mussel cultivation.	None required. The organically enriched subtidal sediment areas in Conwy and Red Wharf Bays are unlikely to be affected by the mussel fishery, since they are located some distance away from the Fishery Order.	No, provided that the scale and nature of the fishery does not change.

Feature 5.  Sea caves.	This feature occurs within the SAC, outside of the Fishery Order, but could be affected by mussel cultivation.	None required. Conservation advice from CCW is that this feature is in favourable conservation status and is unlikely to be affected by the fishery as presently operated.	No, provided that the scale and nature of the fishery does not change.
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## **B. Conservation Objective: STRUCTURE AND FUNCTION (Menai Strait and Conwy Bay SAC)**

To achieve favourable conservation status, the physical, biological and chemical structure and function necessary for the long-term maintenance and quality of the habitat should not be degraded.

<b>Structure or function</b>	<b>Potential hazard</b>	<b>Mitigation</b>	<b>Likely significant effect?</b>
Sediment processes and small-scale hydrodynamics.	Mussel cultivation has the potential to affect sediment processes and hydrodynamics through processes of filtration, deposition of faeces and pseudofaeces, the physical presence of the mussels themselves, and dredging operations.	None required. At the time that the SAC qualified for designation, CCW considered that the mussel industry was not having a negative impact on the 5 SAC habitat features. Since then the scale and extent of the fishery has not significantly increased. Conservation advice from CCW is that, at current levels, the activities of the mussel industry are not having a detrimental effect on sediment processes and small-scale hydrodynamics.	No, provided that the scale of the fishery does not increase, and its nature does not change during the period of lease.
Nutrient flux and phytoplankton levels.	Mussel cultivation has the potential to affect nutrient flux and phytoplankton levels through processes of filtration and mussel metabolism.	None required. Studies indicate that, although the mussel cultivation does result in depletion of phytoplankton, a strong residual flow coupled with turbulent conditions, and a regular influx of plankton-rich water from Liverpool Bay means that only about 50% of incoming plankton is removed by the mussels. Only short periods of bottom-layer depletion, that might affect filter-feeders occur, and from the viewpoint of plankton supply, the mussel population has not reached its theoretical carrying capacity. (see Annex 3 for literature review).	No, provided that the scale of the fishery does not increase, and its nature does not change during the period of lease.

### C. Conservation Objective: TYPICAL SPECIES (Menai Strait and Conwy Bay SAC)

To achieve favourable conservation status, the presence, abundance, condition and diversity of typical species should be such that habitat quality is not degraded.

Community or species	Potential hazard	Mitigation	Likely significant effect?
<p>Feature 1.</p> <p>Intertidal mudflat and sandflats</p> <p>Typical species of mudflat and sandflat communities.</p>	<p>Mussel cultivation has the potential to impact the typical species associated with intertidal mudflats and sandflats through smothering, habitat modification, removal of phytoplankton, nutrient modification and interspecific competition.</p>	<p>None required. At the time that the SAC qualified for designation, CCW stated that these effects of mussel cultivation were accepted and restoration of these areas of intertidal mudflat and sandflat would not be sought. Since then the scale and extent of the fishery has not significantly increased. A subsequent study of the effects of transplanting mussels on species richness has found that the effects were localised (0-10m) and not detectable at larger distances (10-100m). See Annex 4.</p>	<p>No, provided that the scale of the fishery does not increase, and its nature does not change during the period of lease.</p>
<p>Muddy gravel communities</p>	<p>Areas of muddy gravel occur within the Fishery Order, on the extreme lower shore at Beaumaris. However, these areas are outside of any designated Leased Areas.</p>	<p>None required. These areas are outside of any designated Leased Areas. CCW's conservation advice is that the typical species are not likely to be affected by mussel cultivation at its present scale and location.</p>	<p>No, provided that the scale of the fishery does not increase, and its nature does not change during the period of lease.</p>
<p>Dwarf Eelgrass beds</p>	<p>Small patches of <i>Zostera noltei</i> occur within the Order on the upper shore. <i>Zostera</i> is particularly vulnerable to physical damage. More extensive areas are present outside of the Order on Traeth Lafan.</p>	<p>None required. The <i>Zostera</i> is not located within any leased areas. Access to the leased areas is by boat. Vehicular access is not required. CCW's conservation advice is that <i>Zostera</i> beds are not likely to be affected by mussel cultivation at its present scale and location.</p>	<p>No, provided shore access to the lays using vehicles does not take place, and that the scale of the fishery does not increase, and its nature does not change during the period of lease.</p>

<b>Community or species</b>	<b>Potential hazard</b>	<b>Mitigation</b>	<b>Likely significant effect?</b>
Intertidal sediment communities on Traeth Lafan	Mussel cultivation has the potential to impact the typical species associated with intertidal sediment communities on Traeth Lafan.	None required. At the time that the SAC qualified for designation, CCW stated that these effects of mussel cultivation were accepted and restoration of these areas of intertidal sediment would not be sought. Since then the scale and extent of the fishery has not significantly increased	No, provided that the scale of the fishery does not increase, and its nature does not change during the period of lease.
Feature 2.  Reefs.  Typical species of reef features	Mussel cultivation has the potential to impact the typical species associated with reef communities, particularly through modification of structure and function. Mussel cultivation may also influence reef species through changes in the levels of predatory species, either through attraction or by depletion through predator control.	None required. Reef communities occur within the Order, but outside of the Leased Areas and their typical species are not likely to be affected by the fishery as presently operated.  There are particular issues concerned with clay outcrop reef communities, and these are considered separately below.	No, provided that the leased areas are not extended and the scale and nature of the fishery does not change.
Sub-feature. Clay outcrop reef communities	An unusual subtidal reef community, composed of boring bivalves is associated with clay outcrops in the area known as Gallows Deep, near Gallows Point, within Leased Area 4. Smothering of this feature by mussels could have a significant effect the typical species associated with this feature.	Continued monitoring of this feature. This part of Area 4 is not utilised for mussel laying. Recent surveys have shown the feature to be still present and in favourable condition.	No, provided that the nature of the fishery within Area 4 does not change.  However, due to the sensitivity of this feature it is recommended that annual monitoring of its status should take place.

Feature 3  Subtidal sandbanks	Subtidal sandbanks occur adjacent to the Order area . They are characterised by strong tidal currents, and therefore very clean, mobile sand. The mussel fishery has the potential to impact this feature.	None required. Advice from CCW is that this feature is currently in favourable condition. The typical species of this feature are not likely to be affected by the mussel industry at its current scale.	No, provided that the scale of the fishery does not increase, and its nature does not change during the period of lease.
Feature 4  Large shallow inlets and bays	Mussel cultivation has the potential to impact the typical species associated with large shallow inlets and bays, particularly through effects on their structure and function.	None required. The areas of this feature of particular nature conservation importance are on the SW side of Red Wharf bay and the E side of Conwy Bay. These are unlikely to be affected by the mussel industry as they are distant from the Order area.	No, provided that the scale of the fishery does not increase, and its nature does not change during the period of lease.
Feature 5  Sea caves	This feature occurs within the SAC, outside of the Fishery Order, but mussel cultivation could affect the typical species.	None required. Conservation advice from CCW is that this feature is in favourable conservation status and is unlikely to be affected by the fishery as presently operated.	No, provided that the scale and nature of the fishery does not change.
Typical species of all features.  Possible effects of predator control, <i>Carcinus maenas</i> .	A small-scale pot fishery for shore crabs <i>Carcinus maenas</i> takes place on or adjacent to the Leased Areas. This has the potential to affect the population level and distribution of this species within the Order or the wider SAC area.	Continued monitoring of the pot fishery. Monitoring of the <i>Carcinus</i> pot fishery to date indicates that effort is not increasing, and that catch rates are stable, indicating that a sustainable balance between fishing effort and population is being achieved.  The increased mussel population resulting from the relaying of substantial quantities of introduced mussels would be expected to artificially increase the shore crab population through increased shelter, refuge from predators and food availability. The pot fishery goes at least some way to redressing this artificial enhancement of shore crabs. See Annex 5.	No, provided that the scale of the shore crab fishery does not substantially increase.  NWNWSFC will continue to monitor this fishery.



<p>Typical species of all features.</p> <p>Possible effects of predator control, <i>Asterias rubens</i></p>	<p>The starfish, <i>Asterias rubens</i>, is a natural predator of bivalves, including mussels. Starfish are abundant and widely distributed in British waters. However, their occurrence is often related to prey abundance, with resultant starfish “swarms”. Such swarms occur from time to time in the Menai Strait mussel fishery. Normal practice is to avoid starfish accumulation by husbandry: moving the mussels periodically into the intertidal zone, which discourages starfish, since they are vulnerable to dessication and avian predation. When swarming does occur, though, direct control is carried out, by using either special dredges to catch starfish, or “starfish mops” to entangle them. Removal of starfish by dredges or mops has the potential to affect the typical species composition of SAC features.</p>	<p>None required. When starfish swarming does occur, it represents an artificial increase in the starfish population stimulated by the high densities of mussels of a size suitable for starfish predation in the cultivated layings, and further encouraged by the low level of epibionts such as barnacles. Removal seeks to redress this artificial increase in starfish numbers, reducing the population to more normal levels.</p> <p>A study of the interactions between mussel and starfish populations in the Menai Strait* found that mussel density and starfish abundance increased seasonally between April and July and declined between September and March. Starfish migration onto subtidal mussel beds was deemed to be in response to the transplantation of high densities of mussels, but starfish numbers reduced over the winter period as a direct result of harvesting activities. The study found that starfish reproduction took place away from the mussel layings, when the starfish migrated into deeper water . Since predator control only takes place on the layings, it therefore does not endanger the ability of starfish to reproduce.</p>	<p>No</p>
<p>Typical species of all features.</p> <p>Possible effects of alien species introduction.</p>	<p>As part of the mussel cultivation operation, substantial quantities of juvenile mussels are brought into the Leased Areas annually a “seed”. There is potential for these mussels to contain alien invasive species which could affect the typical species composition of various features within the SAC.</p>	<p>Adherence to the Code of good practice for mussel seed movements. Section 12.5 of the new lease requires compliance with this code of good practice and the Memorandum of Understanding between Bangor Mussel Producers Association (BMPA), the Landlord and Countryside Council for Wales (CCW) signed on 14 July 2008</p>	<p>No, provided that leaseholders comply with Section 12.5 of the lease.</p> <p>See Annex 6</p>

\*Gallagher T., Richardson CA., Seed R, and Jones T. 2008. The Seasonal Movement and Abundance of the Starfish, *Asterias rubens* in Relation to Mussel Farming Practice: A Case Study from the Menai Strait, UK. Journal of Shellfish Research 27(5):1209-1215.

#### D. Conservation Objectives for the Traeth Lafan SPA)

To achieve favourable conservation status the number of wintering oystercatchers shall be at least 4,000, the size, abundance and distribution of cockles shall be suitable to maintain this level as a 5-year peak, the oystercatchers shall have adequate undisturbed feeding time, and suitable roost sites shall be undisturbed. The management and control of activities or operations likely to adversely affect the oystercatchers, should be appropriate for maintaining the feature in favourable condition and is secure in the long term.

Feature	Potential hazard	Mitigation	Likely significant effect?
Feature 1  Oystercatcher ( <i>Haematopus ostralegus</i> ).	Mussel cultivation has the potential to affect sediment communities on Traeth Lafan, and therefore the food supply of oystercatchers. Vehicular access to the fishery has the potential to disturb oystercatchers either feeding or roosting.	<p>None required. Advice from CCW is that the parts of Traeth Lafan on which the mussel fishery operates are a dynamic mosaic of intertidal sand and mud, which is in places overlain by a mosaic of natural and artificially created mussel beds. Since mussel beds would be naturally present in the area, in the absence of a commercial fishery, CCW do not consider the presence of commercial mussel lays at their current extent, or the husbandry and harvesting operations of the fishery to be damaging to the sediment communities on Traeth Lafan.</p> <p>A study by Caldow et al (2003)* concluded that the cultivation of mussels is likely to be beneficial to bird assemblages on Traeth Lafan, including oystercatchers</p>	No, provided shore access to the lays using vehicles does not take place, and that the scale of the fishery does not increase, and its nature does not change during the period of lease.

\* Caldow RWG, Beadman HA, McGrorty S, Kaiser MJ, Goss-Custard JD, Mould K, and Wilson A. 2003. Effects of intertidal mussel cultivation on bird assemblages. Marine Ecology Progress Series 259: 173–183.

## **Chair of the Association**

### **Background**

The Articles of the Menai Strait Fishery Order Management Association enable an independent chairperson to be appointed by the Members of the Association, in consultation with the Minister. The Articles also allow for a Director to act in this role until an independent Chair is selected.

This matter was considered at the first meeting of the Association. This paper considers options for appointing a chairperson.

### **Recommendations**

1. That one of the current Directors should continue to act as Chairperson on a temporary basis until an independent Chairperson is selected.
2. That one of the candidates listed in this paper should be invited to take up the post of Chair.

### **1. Formal basis**

- 1.1 Article 16 of the Articles enables the Directors of the Association to appoint a chairperson to chair their meetings. The chairperson is to be appointed after consulting with the Minister (see Annex A).
- 1.2 The role, responsibilities and profile of the chairperson is outlined in the draft Policies and Procedures (Annex B). Key attributes are identified as:-
  - 2.1.1.1. *In-depth knowledge of shellfisheries and their management, either in the Menai Strait or otherwise in the United Kingdom.*
  - 2.1.1.2. *Independent from the Members and proposed members of the Company, as listed in article 21(1)(a) to (g) of the Articles.*
  - 2.1.1.3. *Previous experience as chairperson of an organisation, preferably similar to the Company, is desirable.*

### **2. Administrative issues**

- 2.1 It is envisaged that the chairperson would be remunerated for their role, and that all of their expenses will be met.

### **3. Selection process**

- 3.1 The requirements set out in the Articles, Policies & Procedures are quite exacting. It was agreed at the first meeting of the Association that a shortlist of candidates should be prepared for consideration, so that a preferred candidate could be selected either through correspondence or at the next meeting of the Association. Nominations were sought before 7<sup>th</sup> May 2010.
- 3.2 The nominations received were:-
- Stephen Lockwood
  - Gareth Roberts
  - John Fish
  - Mark Gray
  - Sue Utting
- 3.3 A brief verbal resume of each candidate's credentials will be presented at the Association meeting.
- 3.4 The next formal step in the appointment process would be to select a favoured candidate, and then write to the Minister to inform her of the Director's decision. If the Minister approves or does not object, then the chair can then be formally appointed.
- 3.5 It would seem appropriate to approach the favoured candidate informally after the Directors have reached a decision and before the Minister is approached on this issue to establish whether they would welcome the invitation. When a willing and suitable candidate has been identified, it would then seem to be appropriate to take the next formal steps in the process, with a view to appointing a Chair for the next meeting of this Association.

June 2010.

## **Annexes**

### **A. Relevant Provisions of Articles of Association:-**

Several of the Articles of Association relate to the role of the chairperson. The key articles are summarised here:-

#### **16 Chairing of directors' meetings**

- (1) *Subject to article 16(2), the directors may appoint a director to chair their meetings. Any such appointment is required to be approved by the Minister in writing. If no communication is received from the Minister within 30 days of the date of a written request for approval of such appointment made by the directors, the Minister is deemed to have given his approval.*
- (2) *If it so elects by notice in writing to the directors, the Welsh Assembly Government shall be entitled to appoint the chair of directors' meetings.*
- (3) *The person so appointed for the time being is known as the chairperson.*
- (4) *If the chairperson is not participating in a directors' meeting within fifteen minutes of the time at which it was to start, the participating directors must appoint one of themselves to chair it.*

#### **17 No casting vote**

*The chairperson or other director chairing the meeting shall not have a casting vote.*

[...]

#### **31. Chairing general meetings**

- (5) *If a chairperson has been appointed pursuant to article 16, such person shall chair general meetings if present and willing to do so.*
- (6) *If a chairperson has not been appointed pursuant to article 16, or if the chairperson is unwilling to chair the meeting or is not present within ten minutes of the time at which a meeting was due to start—*
  - (a) *the directors present, or*
  - (b) *(if no directors are present), the meeting,**must appoint a director or member to chair the meeting, and the appointment of the chairperson of the meeting must be the first business of the meeting.*
- (7) *The person chairing a meeting in accordance with this article is referred to as "the chairperson of the meeting".*

#### **2. Attendance and speaking by directors and non-members**

- (1) *Although he may not be a member, the chairperson may attend and speak at general meetings.*
- (2) *The chairperson of the meeting may permit other persons who are not—*
  - (a) *members of the Company, or*
  - (b) *otherwise entitled to exercise the rights of members in relation to general meetings,**to attend and speak at a general meeting.*

## **B. Relevant Provisions of Draft Policies & Procedures**

Section 2 of the draft Policies & Procedures proposes the role of the Chair of the Board. This section is set out below:-

### **2. *Role of Chair of the Board and Members***

*The Chair of the Board and Members has a dual role – both as the Chair and, simultaneously, as a member. These roles are more specifically set out below:*

#### **2.1. *Organisation Objectives***

- 2.1.1. *Provide coherent leadership for the Company, including representing the organisation in the public domain.*
- 2.1.2. *Understanding the views of stakeholders, including the Welsh Assembly Government.*
- 2.1.3. *Providing guidance to the Board and the Members to ensure the Company acts within its objects set out in the Articles.*

#### **2.2. *Board Facilitation and Meetings***

- 2.2.1. *Leadership of the Board, ensuring its effectiveness on all aspects of its role and setting its agenda.*
- 2.2.2. *Facilitate Board meetings.*
- 2.2.3. *Set Board meeting timetable.*
- 2.2.4. *Scrutinise Board papers.*
- 2.2.5. *In particular the Chair of the Board and Trustees:*
  - 2.2.5.1. *should make efficient use of Board time by ensuring Board agendas are focused on the objects of the Company set out in the Articles.*
  - 2.2.5.2. *is responsible for managing the business of the Board to ensure that sufficient time is allowed for discussion of complex or contentious issues and, where appropriate, arrange for informal meetings beforehand to enable thorough preparation for Board discussion.*
- 2.2.6. *Ensure an effective and fully informed decision making process is employed by the Board.*
- 2.2.7. *Encourage active engagement by all members of the Board.*
- 2.2.8. *Facilitate change and address conflict within the Board.*
- 2.2.9. *Take the lead in providing a properly constructed induction programme for new directors that is comprehensive, formal and tailored.*

#### **2.3. *Organisation Governance***

- 2.3.1. *Liaise with committees of directors in order to assess and, if appropriate, approve their decisions.*

#### **2.4. *Communication***

- 2.4.1. *Ensure the provision of accurate, timely and clear information to directors (to enable the Board to take sound decisions, monitor effectively and provide advice to promote the Company's objects).*
- 2.4.2. *Ensure effective communication with stakeholders, including the Welsh Assembly Government.*
- 2.4.3. *Where required, assist and initiate fundraising opportunities.*

## **2.5. Operation of Organisation**

- 2.5.1. *Monitoring implementation of Board decisions.*

## **2.6. Required Skills**

- 2.6.1. *In-depth knowledge of shellfisheries and their management, either in the Menai Strait or otherwise in the United Kingdom.*
- 2.6.2. *Independent from the Members and proposed members of the Company, as listed in article 21(1)(a) to (g) of the Articles.*
- 2.6.3. *Previous experience as chairperson of an organisation, preferably similar to the Company, is desirable.*

[...]

## **4. Election of Chairperson**

- 4.1. *The Chairperson of the Board and Members shall be elected [annually] by the procedure set out in article 16 of the Articles.*
- 4.2. *The Chairperson shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairperson.*
- 4.3. *The election of the Chairperson shall be the first business transacted at the annual meeting of the Company.*

## **Fishing Licences 2010-2011**

### **Background**

A number of fishing licences are issued each year to allow fishermen to gather mussels within the Menai Strait from the areas outside the cultivated areas in the Fishery Order. This paper sets out proposals for issuing these licences in 2010.

### **Recommendations**

1. The Association should endorse the approach to issuing licences that has been in place since 2003.

### **1. Licensing requirements & procedure**

- 1.1 The Menai Strait Oyster and Mussel Fishery Order 1962 (the “1962 Order”) requires any person wishing to gather mussels from within the 1962 Order area outside of the leased shellfish lays to obtain a licence from the Grantee of the Order. A limited number of licences are issued annually to allow this.
- 1.2 In 2003, the previous Grantee, the North Western & North Wales Sea Fisheries Committee, codified its approach to issuing licences in the 1962 Order area. The NW&NWSFC approach is set out in Appendix 1.
- 1.3 The Board is invited to review and endorse this approach to issuing licences to fish in the 1962 Order area.

June 2010



## **Appendix 1.**

### **NORTH WESTERN AND NORTH WALES SEA FISHERIES COMMITTEE**

#### **MENAI STRAIT OYSTER & MUSSEL FISHERY ORDER 1964:**

#### **CRITERIA FOR ISSUE OF LICENCES**

### **1. Background**

- 1.1 The Menai Strait Oyster and Mussel Fishery Order 1964 requires that any person wishing to fish for mussels in that part of the Fishery Order area known as Ballast Bank obtains a licence. This document sets out criteria, agreed by the Scientific & Byelaws Sub-Committee, to use in determining the issue of licences.

### **2. Criteria**

- (a) Licences should be re-issued only to those fishermen who have fished for mussels at Ballast Bank during the previous year and who have complied with all of the licence conditions and regulations applying to the fishery.
- (b) Additional licences shall only be issued if the Committee agrees that the increased fishing effort is sustainable in terms of the mussel stocks at Ballast Bank, the quality of the environment, and the economic viability of mussel fishing in the Fishery Order.
- (c) If additional licences are to be issued, the Committee shall determine the number that shall be issued, having regard to the sustainable management of the fishery (as described in (c) above).
- (d) Additional licences shall be issued to fishermen who have written in asking to be placed on the waiting list. They shall be issued in chronological order, such that the fisherman who has been waiting longest is the first to be offered a licence.
- (e) Licences shall not be issued to any fisherman who is in debt to the Order, having failed to pay fully for a licence issued in any previous year.
- (f) The Committee shall not be informed of the personal details of any licence holder or fisherman on the waiting list, to ensure that the decisions taken are objective and are not prejudiced in any way.

JIM ANDREWS  
Chief Executive  
17<sup>th</sup> June 2003

## **Enforcement: Memorandum of Understanding**

### **Background**

This report considers how to ensure that effective arrangements are in place to enforce the statutory requirements of the Menai Strait Oyster and Mussel Fishery Order.

### **Recommendations**

1. That, subject to amendments, the proposed Memorandum of Understanding should be adopted.

### **1. Enforcement in the Fishery Order area**

- 1.1 The Menai Strait Oyster and Mussel Fishery Order 1962 (the "1962 Order") protects the mussels in the Menai Strait from being gathered by anyone other than the lessees of shellfish lays in the Strait and licence holders authorised to fish in the rest of the area. It is an offence for any other person to remove mussels from the area.
- 1.2 From time to time there have been instances where other shellfish gatherers have attempted to take mussels from within the 1962 Order area. When the Grantee of the Order was the North Western & North Wales Sea Fisheries Committee, such activities were policed by uniformed fishery officers. The cost of carrying out any enforcement activity in the 1962 Order by NW&NWSFC staff was always funded by the income to the Order.
- 1.3 The need to enforce the provisions of the Order is likely to arise from time to time in the future. It is therefore important that as Grantee, this Association should ensure that mechanisms are in place to allow this to happen.
- 1.4 It has been proposed that this Association should reach an agreement with the Welsh Assembly Government to enable their Fishery Officers to take enforcement action within the 1962 Order area should the need arise.
- 1.5 A draft Memorandum of Understanding that could form the basis for these enforcement arrangements is attached at Appendix 1 for discussion and approval

June 2010

## **Appendix 1.**

### **Menai Strait Oyster and Mussel Fishery Order 1962**

#### **Enforcement Agreement**

##### **Preamble**

Whereas:-

The Sea Fisheries Act 1868 (31 & 32 Vict c45) empowered the Fisheries Minister to make Orders to grant the right of regulating and several fishery to individuals and organisations;

The Menai Strait Oyster and Mussel Fishery Order 1962 (SI1962 No705) (the "1962 Order") granted the right of several oyster and mussel fishery to the Lancashire and Western Sea Fisheries Committee;

The Menai Strait Oyster and Mussel Fishery (Amendment) Order 1964 (SI1964 No550) amended the boundary of the Fishery Order;

The Sea Fisheries (Shellfish) Act 1967 (1967 c83) (the "1967 Act") consolidated the amendments made to the Sea Fisheries Act 1868;

The Marine and Coastal Access Act 2009 (2009 c23) at s192 enables the Welsh Minister to enter into arrangements to help with the enforcement of any provisions of an Order and for payments to be made for the provision of enforcement services; and

The Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010 (SI2010 No630 (c.42)) transferred the right of several fishery to the Menai Strait Fishery Order Management Association.

The Menai Strait Fishery Order Management Association (the "Association") and the Welsh Assembly Government (the "WAG") have agreed the following Enforcement Agreement.

##### **Enforcement Agreement**

1. The Association may, from time to time, require action to be taken on its behalf to enforce and uphold the legislative provisions associated with the 1962 Order (as amended).
2. The WAG agrees to provide the services of Marine Enforcement Officers ("MEO") as necessary to ensure that the provisions of the 1962 Order and the 1967 Act are enforced and upheld.
3. The Association hereby authorises MEOs to enter the 1962 Order and take whatever enforcement action is necessary to enforce the provisions of the 1962 Order and the 1967 Act, including the removal of mussels and oysters.
4. The Association agrees to meet all costs incurred by the WAG in providing these services.
5. This agreement shall be revised from time to time at the request of either the Association or the WAG.

April 2010

## **Any Other Business**

### **Background**

Some items of “Any Other Business” have arisen since the last meeting. This item ensures that the Members of the Association are aware of these items.

### **Recommendations**

1. Members should endorse an approach for responding to the items of Any Other Business attached.

### **1. Attachments**

- 1.1 A letter has been received from the Anglesey Boat Company, enquiring about the Directorship of the company. This is attached for Members’ comment.

June 2010

## Anglesey Boat Company Limited

Porth Lafan  
Beaumaris  
Anglesey LL58 8YH

Tel No : 01248 811350  
Fax No : 01248 811500

The Company Secretary  
Menai Strait Fishery Order Management Association  
Port Penrhyn  
Bangor  
Gwynedd LL57 4HN

7 June 2010

Dear Sir

I would be grateful if you could let me have a list of the Directors of your Company and for which organisation they will represent.

Yours faithfully



Dafydd G Jones

Registered in England and Wales  
VAT Registration No : 742 2770 39  
Co Registration No : 1522452

Registered Office : Porth Lafan  
Beaumaris Anglesey LL58 8YH