

**NWIFCA Technical, Science and Byelaw
Sub-Committee**

7 February 2014: 10:00am

**Report
Number
10**

MORECAMBE BAY HYBRID FISHERY ORDER

Purpose of Report: To further develop provisions of the MBFO

Recommendations:

- 1. That members agree the summary notes are a correct record of the meetings with any comments or amendments.**
- 2. That Officers should redraft the MBFO Management Plan taking into account all the points raised.**
- 3. That Officers should return comments on the Order and answer questions raised from the last draft of the Statutory Instrument to Defra legal.**

Report:

1. Two meetings were held with interested NWIFCA Members to discuss in detail the proposed measures within the draft Management Plan for the Morecambe Bay Hybrid Fishery Order. The aim of the meetings was to seek a common understanding of the Order and all its provisions, and to ensure agreement over the measures.
2. A summary of the two meetings is attached as Annexes A and B providing notes from the discussions and amendments and changes to be made to the Plan.
3. Officers would ask Members to accept the recommendations above. A number of measures need further discussion and consideration by TSB. These include:
 - The management of the Order by the Authority in terms of the current committee and decision making structure, and how conservation and environmental agencies feed into the decision making process.
 - Resourcing and costings for licences and the implications for the NWIFCA.
 - Review Byelaw 3 with regards to the Fishery Order.
 - Determine the use of track record of seed mussel dredge boats for use with licence allocation.
 - Investigate the reliability of the points system using several examples of possible points gained examined and compared between different people.
 - Determining a definition of satisfactory evidence of use of a licence.
 - Progress to be made on science and research plan.
 - Investigate methods for determining tonnage of harvest in boat holds and practicalities of the enforcement involved.
 - Draw up clear criteria and application process for Several Area applications.
 - Design of a suitable cockle bag for hand-gatherers.

Mandy Knott

Senior Scientist and Morecambe Bay Fishery Order Officer

5th February 2014

Morecambe Bay Hybrid Fishery Order

AT A SPECIAL MEETING OF THE NORTH WESTERN FISHERIES AND CONSERVATION AUTHORITY held at the NWIFCA Carnforth Office on Wednesday, 11th December 2013

A presentation and discussion on the Morecambe Bay Hybrid Fishery Order

PRESENT - MEMBERS

Councillor A. J. Markley	Cumbria County Council
Mr B. Crawford	MMO appointee (Anglers and Recreation)
Mr C. J. Woods	MMO appointee (Fishing Industry – North West)
Mr C. Lumb	Natural England (Officer)
Mrs J. Butler	MMO appointee (Shellfish sector)
Dr J. A. Clark	MMO appointee (Marine Science)
Mrs M. R. Owen	MMO appointee (Fishing Industry – North West)
Mr R. Benson	MMO appointee (Fishing Industry – North West)
Mr T. Jones	MMO appointee (Commercial/aquaculture)

OFFICERS

Dr S. M. Atkins	Mr J. Moulton
Mr S. Brown	Mr M. Burdekin
Mr S. Waite	Ms M. Knott
Mr I. Dixon	Ms A. Leadbeater
Mr A. Deary	Ms S. Temple

APOLOGIES

<i>Mr R. Graham</i>	<i>MMO appointee (Commercial)</i>
<i>Ms C. Reed</i>	<i>MMO appointee (Marine Science/Conservation)</i>

The meeting was chaired by Councillor Markley. Senior Scientist Ms Knott presented the proposed Morecambe Bay Hybrid Fishery Order to members. It was agreed by all that any decisions required would be taken to the following TSB meeting for approval.

The presentation reported the current position and details of the proposed Morecambe Bay Fishery Order. The discussion proceeded as summarised below.

Section 4.1.1 Cockles – Hand-gathering Methods states that all cockles "...must be landed in the official numbered NWIFCA bags...weight limit of cockles per bag will be 25kg live weight...". Ms Knott suggested there was a need to keep the management plan flexible, the Total Allowable Catch would be determined annually so it might be better to state a "specified size bag" rather than it be weight limited. Several members discussed the possibility that NWIFCA issued cockle bags should have an individually identifiable number for each licence holder as opposed to a unique barcode on each separate bag. The specific bags used were then discussed; Councillor Markley summarised the need to design a smaller bag fit for purpose, of a size that can contain only 25kg of washed cockles when filled and closed (and no more). The weight the bag is capable of containing could be displayed on it for health and safety reasons, but it would not necessarily define the weight of what could be collected. Mr Deary agreed that controlling the weight taken using a filled bag rather than stating an actual weight would ease enforcement and eliminate the need to wash or weigh onsite. Mrs Butler pointed out the need for the bags designed to be compatible with pallets and transport. The different options of providing re-usable or single use

bags and the number of bags issued to each licence holder was also discussed. Ms Knott said that the 5 year review of the Management Plan will allow the Order room to manoeuvre depending on the revenue generated and other factors.

Mr Woods suggested that "less than 20mm" is changed to "smaller than Minimum Landing Size" or "20mm square" (Mr Benson) as described in Section 4.1.1 (d) with regards to the devices used for the gathering and sorting of cockles: "...riddles which are rigid in all their parts... grid spacing designed to avoid the retention of cockles less than 20mm..." Ms Knott asked for members' opinions on the issuing of NWIFCA bags for mussels, (section 4.1.2). Mrs Butler put forward that there is not enough money in mussels to purchase bags. Mrs Owen agreed and said mussels are harder to clean and difficult to measure.

Section 4.2 covers licensing, including the allocation and number of licences allocated. Ms Knott enquired about licences running from September to August. Mrs Owen responded that as long as licences ran continuously it would not matter when they started from. Mr Deary suggested that it was put to the admin staff as to when would be the best time for processing licences. Councillor Markley summarised the consensus that the licence should run from 1st September and suggested that licences are issued at the same time as Byelaw 3 permits. Mr Benson added a suggestion that authorisation for undersize mussels is attached to licenses so any holders can gather undersized once an area is declared open.

Mr Woods objected that the licence points system included participation in general commercial fisheries rather than just cockles and mussels and was particularly specific to the Morecambe area. He suggested the Authority could not be prejudiced against those outside of the Morecambe area and that people who make a living from cockles and mussels in general should have priority. Mrs Owen pointed out that many people did not take out Byelaw 3 permits as there had been no cockles available to fish, and they had moved between fisheries to continue to earn a living. It would be unfair for them to then be penalised for this as part of the Order points system.

Ms Knott responded that there are two sets of stakeholders involved: people that fish shellfish all the time and travel around for it, and locals who stay in the area changing between the fisheries available to be fished. The points system used in the Order includes both groups and requires a proven record of activities dating to as far back as 1986 in order for it to take into account long term fishing history. Dr Atkins suggested that perhaps no start date should be stated for years of proven fishing activity and instead it would go back to as far as the applicant could provide evidence for. Ms Leadbeater suggested a final point is added to the list of qualifications, a "proven dependence on cockle/ mussel fishing for livelihood". Mr Waite added the point that fishermen/ women can't bring their children out to learn to fish and they are then left out of the system. Ms Knott mentioned that there is provision within the Plan to run an apprenticeship scheme in the future. The details of such a scheme would be consulted on and decided at any time it was thought appropriate to introduce it, following analysis of the age demographic of licence holders.

Mr Jones queried how Byelaw 3 permit holders would fit in with Fishery Order licence holders. Councillor Markley proposed that this point went back to the TSB to review Byelaw 3 with regards to the Fishery Order. When discussing the issuing of temporary licences under section 4.2.7, Mrs Owen voiced concerns of people paying for an Order licence, to then have other people allocated temporary licences to fish when there is an exceptional stock. There were also concerns about the number of temporary licences available. Mr Woods advised members about the Dee cockle fishery, allocating temporary licences in year 3 after good recruitment. Councillor Markley summarised that licence holders would be consulted on the option of fishing it all themselves or opening it up to temporary licences if there was too much to be fished. The IFCA will monitor the stocks to help determine whether temporary licences are required or not.

Section 4.2.5 was discussed, regarding renewal and non-use of the licence. Mrs Owen suggested the need for a time limit set for renewing the licence- if a person didn't renew by the opening date then they should miss their chance and it would be opened up to the waiting list. The definition of 'satisfactory evidence' that a licence had been used was discussed; Mrs Owen suggested that perhaps the number of days of fishing activity should be used as evidence base or

use returns (Mrs Butler). Mr Deary argued that for other fisheries stating a number of days at sea could force boats out in hazardous conditions towards the end of the year. Councillor Markley summarised that the Authority needed to define satisfactory evidence of use, and that more work was required on rewording this and the timescale definition for evidence use. Ms Knott stated that it will also be reviewed each year. Mr Lumb made the point that fishermen/women would need clear criteria as to what they need to do to continue their eligibility for a licence.

Section 4.2.6 Ms Knott suggested that the waiting list was closed after the initial applications were made. When deemed fit at a later point, it would be announced that the list was open again and people invited to apply. Mrs Owen voiced her concerns that people on the waiting list may object to younger people coming straight in, as suggested in section 4.2.8 (Young Persons Apprenticeship Scheme) of the Order. Councillor Markley proposed that this did not need to be discussed at the time of the meeting; just the need for provision for it in the Order and any exact details could be decided in the future.

Section 4.2.9 discussed unlicensed gathering for personal consumption. Mr Brown suggested the figures involved should be the same as in Byelaw 3, and therefore raise them from 2kg per person to 5kg. Mrs Owen made the point that keeping allowances the same would also aid enforcement. Mr Brown also suggested the need to write commercial zones into the Order; Ms Knott responded that this shouldn't be stipulated, instead it could be more flexible and state that the Authority "can designate commercial areas...". Councillor Markley summarised the discussion and it was decided to set allowances at 5kg per person.

Section 5 covers mechanical harvesting. Mrs Owen argued the importance of hand-gatherers and if it was possible by hand then there should be no mechanisation used. This has been the approach of the SFC and NWIFCA to date and it is not anticipated it will change. However as the Order lasts for 30 years there is provision to authorise mechanical harvesting should this approach change in the future. Ms Knott informed the group that Defra require a defined fee for mechanical harvesting stated in the Statutory Instrument. Councillor Markley summarised the discussion that it should state "...at a set time and set fee subject to annual review..." and it could not define a set fee. It was decided as a group that the word "end" should be removed from the last sentence of **section 5.1.1** ("...Any dredge, appliance or other end gear shall be of a pattern approved by the authority...").

Section 5.2 covers licencing and ends with "...Boat dredging licences will be issued on an annual basis...". Mr Jones suggested changing this to "for a fixed period". Mrs Owen agreed that a track record is needed to be included when allocating licences, and suggested that is the way forward to protect the fishery. Ms Knott suggested that track record is taken to the TSB meeting.

Section 5.2.3: Ms Knott started a discussion regarding the levy for seed mussel dredging and the two methods of charging involved: by tonnage or based on vessel length. Mr Deary put forward the difficulty of measuring tonnage and the opportunity for falsification with the levy. Mr Jones discussed the example of the tonnage of Irish boats being marked on the boat holds. With this comes the need for the IFCA to police and check all fishing boats. A benefit of this is that records of catches would be collected. Dr Atkins remarked on the large enforcement demand involved; Mr Jones responded that it would only be as determined by the tide on certain days and in a small ebb period, so it could fit around other enforcement duties. Dr Clark suggested that income generated from the levies could be used to pay for any additional enforcement burden. Ms Knott suggested that the science team were also involved and could use other information collected for additional work, whilst out enforcing. Councillor Markley summarised that this would need to go to TSB with the acceptable figures involved. Mr Jones was tasked with providing Members with an appropriate levy fee regarding length and capacity in Wales and Ireland, as well as an idea of their level of enforcement.

Ms Knott discussed the need for the recruitment of a Fishery Order officer; it was agreed this would be taken to TSB. Dr Atkins suggested the use of current staff whilst revenue was generated and then recruit, although (as Ms Knott suggested) the officer would need to be well in place

before the Order was brought in. Mr Lumb stated that funding raised through fisheries should be fed back into the Fishery Order.

Mr Woods voiced his concerns regarding the pace of movement and the possibility of a Public Enquiry; Mr Lumb responded with the need to have meetings with local MPs and engagement to avoid the possibility of this. Ms Knott also suggested the need to be aware of the upcoming 10th anniversary of the Morecambe Bay tragedy.

Section 6.2 discussed closures of shellfish beds. Mr Brown suggested the wording for seasonal closure is changed; Councillor Markley and the group decided it would be taken to TSB to look at the flexibility of the wording. The group also decided that the word “may” ought to be added to **section 6.2.1** (Permanently closed areas): “...These may include sea grass *Zostera* beds, *Sabellaria* reefs...” **Section 6.3** should also be edited, with the removal of “...no restrictions on the number of days the fishery can be prosecuted...” Mr Lumb suggested the use of this as a potential tool for the IFCA to include days, weekend closures etc. Councillor Markley suggested that weekend closures are as dictated by circumstances.

Section 6.4.1: Mr Brown queried how the area of a cockle bed was defined in the 20m² threshold. Dr Clark suggested the need to make decisions using the best scientific data, Mr Lumb agreed in the need to invest in science with regard to the 20m² threshold and management. Ms Knott suggested this was an ongoing discussion that required some in-depth work and so use of the 20m² threshold should be used from the inception of the Order until further work had been accomplished to review it.

It was decided as a group that catch returns should be changed to ‘weekly’ in **section 6.4.3**; Mr Woods advised the group of returns on the Dee, where fishers send in returns in by the end of the week or they can’t fish. Access routes for hand-gatherers was discussed (**section 6.7**) and it was agreed that although routes has been defined in Appendix 5 according to conservation sensitivities there was a need for possible additions to those specified if cockle beds occurred in new areas.

Section 7 presents information regarding Several Areas. Mrs Owen raised concerns of 33% (of the total Order area designated as Several Areas) being too large an area; Mrs Butler agreed. Mr Lumb added that “Several Areas only considered if deemed to have no adverse impact on existing fisheries...” and a “...maximum of 33% of total Order area...” were contradictory statements. Dr Clark suggested the sentence discussed was changed to “proved” (from “deemed”).

Ms Knott raised the question of how the Order would be managed by the Authority in terms of the current committee and decision making structure and requested that this be taken to TSB for consideration.

It was discussed that the next meeting would be held in January before the next TSB meeting, and a Doodle poll would be sent out soon to decide the date. At 1500 hours the meeting ended.

Amendments

1. **Section 4.1.1:** A “specified size bag” should be stated and individually identifiable bags used.
2. The phrase “less than 20mm” should be replaced with “smaller than Minimum Landing Size” or “20mm square” (**section 4.1.1 (d)**)
3. **Section 4.2:** Licences are to be issued at the same time as Byelaw 3 permits and run from 1st September; also undersize mussel authorisation should be attached to licences so fishermen/women can fish whenever the undersize mussel areas are opened.
4. **Hand-gathering Licence Allocation Procedure:**

The start date in years of proven fishing experience should be removed from the points system.

A final point should be added to the list of qualifications, a “proven dependence on cockle/ mussel fishing for livelihood”.

5. Licence holders will be consulted on the issuing of temporary licences.
6. **Section 4.2.5B.** A time limit should be set for renewing licences.
7. **Section 4.2.6.** The waiting list should be closed after the initial applications have been assessed, then reopened later when deemed fit.
8. **Section 4.2.9.** The unlicensed gathering allowance for personal consumption should be changed to 5kg. An addition is needed to state that the Authority may designate commercial areas and remove the right to gather for personal consumption for enforcement reasons as under Byelaw 3.
9. **Section 5:** There should be no defined fee set for mechanical harvesting. The word “end” should be removed from section 5.1.1, and the phrase ‘on an annual basis’ be replaced by “for a fixed period” to section 5.2.
10. **Section 6:** The word “may” should be added to section 6.2.1 and the phrase “no restrictions on number of days” removed from 6.3.
11. **Section 6.4.3.** Returns should be changed to “weekly”. Change wording in **section 6.7** to allow for additional access routes if needed (subject to consultation and assessment).
12. **Section 7:** the word “deemed” should be changed to “proved”, and additional work is required on the maximum % figures stated.

Actions:

1. Section 4.1.1: A suitable bag for use to be designed.
2. Section 4.2: The need to review Byelaw 3 with regards to the Fishery Order will be taken to TSB. Additional work needs to be carried out in determining a definition of satisfactory evidence of use of the licence. Several examples of possible points gained should be examined and compared between different people to investigate the reliability of the points system.
3. Section 5: The track record of seed mussel dredge boats for use with licence allocation, and recruitment of a Fishery Order Officer discussion will be taken to TSB. Mr Jones is tasked to investigate figures regarding tonnage marking on boat holds and the enforcement involved, then to be discussed further at TSB. Awareness of the 10th anniversary of the Morecambe Bay disaster.
4. Section 6: The flexibility of the wording for seasonal closure and the definition of the area for 20m⁻² stock density threshold will be taken to TSB.
5. Work is needed once the Order is in place to review the use of the 20m⁻² threshold for cockles.
6. The management of the Order by the Authority in terms of the current committee and decision making structure to be taken to TSB for consideration.
7. The next meeting regarding Morecambe Bay Fishery Order is to be arranged for early 2014 prior to the TSB meeting on 7th February.

Morecambe Bay Hybrid Fishery Order

AT A SPECIAL MEETING OF THE NORTH WESTERN FISHERIES AND CONSERVATION AUTHORITY held at the NWIFCA Carnforth Office on Friday 31st January 2014

A continuation of the presentation and discussion on the Morecambe Bay Hybrid Fishery Order

PRESENT - MEMBERS

Mr R. Graham	MMO appointee (Commercial)
Councillor A. J. Markley	Cumbria County Council
Mr C. J. Woods	MMO appointee (Fishing Industry – North West)
Mr C. Lumb	Natural England (Officer)
Mrs J. Butler	MMO appointee (Shellfish sector)
Mrs M. R. Owen	MMO appointee (Fishing Industry – North West)
Mr T. Jones	MMO appointee (Commercial/aquaculture)

OFFICERS

Mr S. Brown
Mr S. Waite
Mr A. Deary
Mr M. Burdekin
Ms M. Knott
Ms A. Leadbeater
Ms S. Temple

APOLOGIES

Mr B. Crawford	MMO appointee (Anglers and Recreation)
Dr J. A. Clark	MMO appointee (Marine Science)
Mr R. Benson	MMO appointee (Fishing Industry – North West)
Dr S. M. Atkins	
Mr I. Dixon	
Mr J. Moulton	
(Mrs J Butler sent apologies for being late)	

SUMMARY POINTS

The meeting was chaired by Chairman Mr Ron Graham. Senior Scientist Ms Knott continued with the presentation on the proposed Morecambe Bay Hybrid Fishery Order from where the last meeting in December had reached. It was agreed by all that any decisions required would be taken to the following TSB meeting for approval.

The presentation focused on the details of the proposed Morecambe Bay Fishery Order. The discussion proceeded as summarised below.

Section 7 and 8. Several Areas and Aquaculture. Following suggestions from the previous meeting, the figure given to Defra for the maximum proportion to be assigned as Several Areas from the total Order area has been reduced from 33% to 23% in order to protect fisheries traditionally harvested by hand gatherers. Mrs Owen highlighted the need to be aware of the 'creep' of Several Areas into a public fishery area. Although it is already stated in the Management Plan that the policy of only allowing Several Areas if they would not have a direct adverse impact on a public fishery it was agreed to check the wording of this in section 7.

Mr Woods raised the issue that leasing Several Areas to Associations rather than businesses was a complicated matter, due to the fact that association members would be assigned equal rights and there was the potential to employ others. Ms Knott pointed out that this section describes expressions of interest known to the NWIFCA to date and, not necessarily all the people who will be involved. The ability of those leasing Several Areas to employ anyone is problematic. The IFCA will ultimately manage the area and any interested parties would have to go through a clear application process. Each application for a Several Area would be assessed on its merits by the NWIFCA. Work needs to be carried out in drawing up clear criteria and application process for Several Area applications.

There was also a discussion around the issue that leasing areas for cockle transplantation and cockle cultivation on existing cockle beds could impact on public fishery rights.

Section 8: Following recent developments concerning the oyster farm at Newbiggin the wording within the Management Plan has already been amended. Both the NWIFCA and Boughton Estate consider the Order to be the mechanism to use for managing the long-standing disagreement over fishery rights and avoiding a judicial decision. It would be proposed to lease the area as a Several Area to Seasalter **“subject to full consultation with stakeholders”**. Need to check the wording in Section 8 to ensure there is no suggestion of a foregone conclusion that a Several Area would be granted. Members confirmed the decision made at a previous meeting that the NWIFCA seeks legal opinion regarding fishery rights on Boughton Estate land. Concerns were raised about the proposed expansion of Seasalter’s operations.

Section 9 Scientific Work: Everyone agreed on the need for improved science and knowledge on the fisheries and ecosystem of the Bay. A discussion ensued over searching for potential funding for research (NB. Horizon 2020) and drawing on expertise from other sources including collaborative work with universities. It was proposed to draw up a research plan of work including funding and collaborative work, and share with possible research groups and industry. There may be the possibility of seconding people in from other groups (eg Natural England) to aid the science team. Cockle and mussel fisheries have been prioritised under the EMS amber risk process for early work and so science under the Order links in clearly with the EMS review work. Officers have been asked to report to May TSB on the progress of this.

Section 9.2 Conservation of Natura 2000 interest features and wider biodiversity It has already been proposed that there should be a discussion at TSB over how the Order should be run under the NWIFCA, its governance and how conservation and environmental agencies feed into the decision making process. It is important to have a wide group of expertise informing the management but that they have a defined role; possibly change their title to “Consultation forum”. However it was pointed out that a strict Forum may constrain current practice of consulting experts in specific issues. The Management Plan was written proposing involvement of the existing **Environmental Forum and Environmental Steering Group**. However things have moved on and this may no longer be the most suitable mechanism. Following a decision on this at TSB this section and any other reference to EF and ESG will need amending.

Section 10. Biosecurity Plan. Fishing equipment being used in one area and moved to another, may act as vectors in spread of non-native invasive species and disease. It is a priority to produce and put a biosecurity plan in place ASAP across the whole NWIFCA District. Some work has been started on this but held up by staffing and EMS review. Ms Leadbeater will lead on this and get input from Mr Lumb and Mr Jones.

Section 11. Resourcing. It is very problematic to draw up a firm budget due to the variability of stock. Councillor Markley said that resourcing and the income generated by the Order requires discussion by the Finance Committee. Ms Knott suggested that one way to assess a budget was to average it out over several years. There was a reminder that the NWIFCA has a duty to manage and control these fisheries with or without an Order and therefore many of the costs associated with the fisheries would have to be met by the NWIFCA in any case. The main additional core cost will be for a full time Order Officer to manage the administration and running of the Order.

There is a proposal within the Management Plan of amending the license levies in future years. Members suggested that a system of retro-grading the licence after poor fishing years. Fishermen need a balance between what they pay in and get out from a licence. Mr Woods reiterated the points he made in the last meeting about the issue of temporary licences that they should only be issued in the third year after a spatfall to ensure good year-class representation. Mrs Owen suggested that the cost of temporary licences should be double the normal licence charge if regular licence holders were paying for licences during years of poor stock. This was supported by a number of Members and needs to go to TSB for decision. There was a suggestion of charging for those on the waiting list for admin fees. However this was not widely supported.

Section 12.1 Enforcement and Sanctions. The NWIFCA now has an Enforcement Plan for the whole District and therefore these sections need re-drafting. Ms Knott and Mr Deary will work on this. Members feel it should then be checked over by a legal eye.

Section 12.2. Sanctions- It was clarified that NWIFCA is not responsible for the setting of fines – this is for the judiciary to decide.

It was suggested that a mechanism is also needed for holding buyers responsible if handling illegal harvest. The Sanctions section as written focuses on illegal activity of licence holders. Amendments are needed to include unlicensed fishers and mussel dredging. A query was raised as to whether FAPs can be applied under an Order. The Order will not be self-policing. There is also the need to ensure that the use of designated commercial areas with no public access, as used under Byelaw 3, is included. There is possibly the need for a reference in the Order of how severe the offence has to be for removal of a licence; also the possibility of unlicensed persons offending who are on the waiting list. Suggestions were that anyone on the waiting list convicted of an offence should be removed from the waiting list for 5 years; and anyone convicted not on the list is prevented from joining the waiting list for 5 years. Ms Knott and Mr Deary will discuss and formulate a re-drafted section. The legality and ability of the Minister to remove a licence after Code of Conduct violations needs to be investigated. Code of Conduct needs reviewing.

The importance of working closely with partner agencies shown in recent fisheries including Foulnaze was acknowledged

Amendments

1. **Section 7 and 8.** Ensure wording about protecting public fisheries is clear.
2. **Section 7.** Draw up clear criteria and application process for Several Area applications. Also needed - written lease agreements.
3. **Section 8.** Check the wording regarding Several Area lease to Seasalter to ensure no suggestion of a foregone conclusion.
4. **Section 9.** Progress to be made on science and research plan and report to May TSB.
5. **Section 9.2..** Once a decision on the governance of the Order has been made amend all references to EF and ESG within the Management Plan.
6. **Section 10.** Biosecurity Plan for whole District must be prioritised.
7. **Section 11.** Resourcing. Take to TSB for decision - the cost of temporary licences should be double the normal licence fee if regular licence holders are paying for licences during years of poor stock.
8. **Section 12. Enforcement and Sanctions.** Needs re-drafting and checking legally. Also to include unlicensed activity and mussel dredgers. Mr Deary to investigate use of FAPs. Need a reference in the Order of how severe the offence has to be for removal of licence; also the possibility of sanctions for unlicensed persons offending who are on the waiting

list. Anyone on the waiting list convicted of an offence should be removed from the waiting list for 5 years; and anyone convicted not on the list is prevented from joining the waiting list for 5 years. Investigate the legality and ability of the Minister to remove a licence after Code of Conduct violations. Review the Code of Conduct.

9. Amend plan to include use of designated commercial areas.