

**NWIFCA Technical, Science and Byelaw
Committee**

8th August 2017: 10:00 a.m.

**AGENDA
ITEM NO.
12**

BYELAW 3 REVIEW

Purpose: to update members on the results of the consultation carried out as part of the review of Byelaw 3 and to make recommendations to members on the measures that the new byelaw should contain.

Recommendations:

1. The Byelaw should contain the current mechanisms in Byelaw 3 for managing permit numbers. The permit should be renewed annually and 10 new permits should be issued from a waiting list per year. The transitional arrangements for the Dee and Cumbria should be time limited.
2. The Byelaw should contain a short renewal time period and the dates of validity and renewal deadline should be separated. Validity and renewal should not coincide with any closed season.
3. The Byelaw should contain a single fixed annual fee of £500 payable on renewal of the permit.
4. The new Byelaw does not contain provision for support worker permits.
5. The new Byelaw does not contain any apprentice scheme or preferential system based on age.
6. The question of the regulation of safety (and its certification) in permit schemes should be decided by the full authority.
7. The current personal limits (5kg for both species) are maintained in the new Byelaw. Officers are to investigate regulatory mechanisms to manage the personal limits outside of the flexible permit scheme.
8. Further work on the Byelaw should include the principle of the regulation of buyers subject to full legal advice on its application and consultation with other government bodies and industry.
9. The minimum sizes in the new Byelaw should be set and defined as is currently in Byelaw 3. Officers should investigate a mechanism for seed mussel fisheries
10. No set hand gathering methods should be included in the Byelaw – all should be treated as flexible permit conditions. Recreational hand gathering methods should be restricted to the current methods in Byelaw 3.
11. Rigid riddle use should be treated as a flexible permit condition. No rigid riddle requirement should be contained in the recreational methods.

Background on the Consultation

1. At the TSB in May members approved a consultation on the measures to be included in the new version of Byelaw 3. This consultation has now been carried out and is summarised below:

Management of the consultation	<ul style="list-style-type: none">• Consultation was web based (with a paper option if required)• Ran from 7th June – 2nd July• Consultees were asked about specific regulatory areas (background was supplied) and requested to give their rationale
Response	<ul style="list-style-type: none">• 58 submissions were received (55 via website, 2 via email, 1 on paper)• Due to duplicates and submission errors a total of 51 submissions were considered
Analysis	<ul style="list-style-type: none">• Submissions were anonymised and passed to the Head of Enforcement for collation into a single document that can be made available to members• For each area a representative summary was produced which gives the range of opinion and attempts to find where (if any) the consensus was• Main points raised are summarised• Where possible responses have been quantified

2. The consultation pre-amble contained a statement that an anonymised summary of the results would be reported to the TSB in August. This summary is given in Annex A.

Measures Already Agreed

3. The May TSB report stated the core provisions of the Byelaw 3 will be retained, this will include:
 - Provisions for and regulation of hand gathering of cockle and mussels
 - The main feature of the byelaw will be a flexible permit scheme
 - The permit will be for both species as a dual permit as in Byelaw 3

Next Step

4. The next stage will be for officers to produce draft wording for the relevant sections based on the recommendations above or as amended by members.

Recommended Measures to include in the reviewed byelaw

5. Post consultation, officers can now recommend measures for some regulatory areas, other areas require further work.
6. The table below gives background, recommendations where possible and their rationale. The table is based on the questions used during the consultation.

Andrew Deary
Head of Enforcement

Recommended Measures with Background and Rationale

Measure	Background/Recommendation and Rationale
Permit Numbers	<p><u>Background and Current Byelaw</u> There are currently 122 Byelaw 3 permit holders. Paragraphs 25 (Cumbria SFC) and 26 (Dee estuary) provide non-time limited transitional arrangements for those areas and previous permit schemes.</p> <p><u>Recommendation 1:</u> The Byelaw should contain the current mechanisms in Byelaw 3 for managing permit numbers. The permit should be renewed annually and 10 new permits should be issued from a waiting list per year. The transitional arrangements for the Dee and Cumbria should be time limited.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • Permit numbers would reduce by non-renewal and increase by 10 per year from the waiting list • Assuming a consistent full renewal by current permit holders the 10 per year would represent a modest increase in permit numbers over the lifetime of the byelaw (assuming a life span of 5yrs) – leading to a maximum total of 172 in 2022 • A reduced renewal rate would increase the numbers by less than 10 per year – therefore less than 172 in 2022 • Officers consider any mechanism that increases the number of permits in response to cockle/mussel stocks inappropriate
New permits and renewals	<p><u>Background and Current Byelaw</u> Permits are renewable annually and validity is - 1st September to the 31st August. A permit holder can renew their permit at any time during the relevant year and failure to do so results in loss of permit – creating an annual entitlement. Validity, deadline for renewal and the end of closed season all co-insides (31st August/1st September).</p> <p><u>Recommendation 2:</u> The Byelaw should contain a short renewal time period and the dates of validity and renewal deadline should be separated. Validity and renewal should not coincide with any closed season.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • See points above regarding stability of permit numbers The confluence of validity, renewal and the opening of fisheries cause unnecessary administrative problems. The system invites late renewal of permits in reaction to a fishery opening. This has caused enforcement problems. • This can be easily rectified by moving the relevant dates around the calendar – dates can't be set until the closed season measures are agreed • The current system allows the use of the permit as an annual “entitlement” - officers feel this isn't appropriate • “Utilise or loose” type systems suggested during the consultation are not considered appropriate by officers

Measure	Background/Recommendation and Rationale
Annual charge	<p><u>Background and Current Byelaw</u> Byelaw 3 permits cost £500 annually, payable on permit renewal.</p> <p><u>Recommendation 3:</u> The Byelaw should contain a single fixed annual fee of £500 payable on renewal of the permit</p> <p><u>Rational for Recommendation</u></p> <ul style="list-style-type: none"> • The principle of an annual charge for a permit had significant support during the consultation with the median suggested level being £525 • Current treasury guidance sets the goal of full cost recovery for such a scheme • Provision to charge for permits is drawn from section 156 (4) of MACAA. • During the consultation a permit fee altered with stock levels (by opening or quantity taken) was raised - this is not within Treasury rules due to it being viewed as a scheme of taxation
Support Workers	<p><u>Background and Current Byelaw</u></p> <ul style="list-style-type: none"> • Byelaw 3 prohibits the gathering, moving and transporting of Cockles and or Mussels below the mean high water springs without a permit • Support workers (6 per commercial organisation with a GLA licence) are permitted to transport Cockles or Mussels <u>but not gather them</u> <p><u>Recommendation 4:</u> The new Byelaw does not contain provision for support worker permits.</p> <p><u>Rational for Recommendation</u></p> <ul style="list-style-type: none"> • The general balance opinion during the consultation did not support the scheme • Officers agree that the transporting etc. of cockle/ mussels is the responsibility of the individual gatherer • Scheme has caused enforcement issues and effective enforcement is dependent upon IFCO presence • The current level of 6 could represent a significant proportion of permit numbers in the context of 122 permit holders

Measure	Background/Recommendation and Rationale
Young People	<p><u>Background and Current Byelaw</u> Byelaw 3 does not deal with this issue.</p> <p><u>Recommendation 5:</u> The new Byelaw does not contain any apprentice scheme or preferential system based on age</p> <p><u>Rationale for Recommendation</u> Officers are sympathetic to the views of the industry regarding this area but don't feel they can recommend such a scheme:</p> <ul style="list-style-type: none"> • <i>Vires</i> concerns - Sections 155 and 156 of MACAA give no explicit/implicit powers for such a scheme • Any system that overrides the current waiting list (total of 58 people) raises the possibility of legal challenge • This would also apply to any "handing down" or "familial linking" • The current non-transferable clause regarding Byelaw 3 permits should be retained – to avoid the risk of a commercial entity being created
Safety Certification	<p><u>Background and Current Byelaw</u> Byelaw 3 contains the following requirements for safety certification:</p> <ul style="list-style-type: none"> • A mandatory Foreshore Gatherers Safety Training Certificate requirement • Boat endorsement (where relevant) - sea survival, first aid, firefighting and Health and Safety Awareness • There are also equipment requirements under paragraph 29 of the byelaw <p><u>Recommendation 6:</u> The question of the regulation of safety (and its certification) in permit schemes should be decided by the full authority</p> <p><u>Rationale for recommendation</u></p> <ul style="list-style-type: none"> • Officers feel this issue requires the full authority to review and resolve • Officers will produce a paper for the full authority providing members with information to inform their decision
Public Access	<p><u>Background and Current Byelaw</u> Byelaw 3 contains 5kg (legal size) personal consumption limits for Cockles and Mussels. This applies to mussels all year and to cockles out of the closed season (unless subject to a Byelaw 13a closure). Byelaw 3 contains two "commercial areas" (Ribble and Morecambe bay) which suspend the 5kg limit for cockles.</p> <p><u>Recommendation 7:</u> The current personal limits (5kg for both species) are maintained the in the new byelaw. Officers are to investigate regulatory mechanisms to manage the personal limits outside of the flexible permit scheme.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • A "stand alone" mechanism outside the flexible permit scheme that regulates personal consumption limits is required. This would include any commercial area type measures.

Measure	Background/Recommendation and Rationale
Buyers	<p data-bbox="289 203 772 264"><u>Background and Current Byelaw</u> Byelaw 3 does not regulate this area.</p> <p data-bbox="289 305 1957 399"><u>Recommendation 8:</u> Further work on the Byelaw should include the principle of the regulation of buyers subject to full legal advice on its application and consultation with other government bodies and industry</p> <p data-bbox="289 440 695 467"><u>Rationale for Recommendation</u></p> <ul data-bbox="338 472 1957 639" style="list-style-type: none"> <li data-bbox="338 472 1957 570">• The Registered Buyers and Sellers legislation (RBS) (SI 1605 of 2005) regulates buyers from boat based fisheries and requires documentation, records and stipulates that the buyer can only buy from licensed vessels. The use of term “boat” precludes its application to inter-tidal fisheries making them unique in not being subject to this regulation <li data-bbox="338 574 1957 639">• Such a regulation would potentially be a significant enforcement tool in terms of retrospective enforcement (particularly on large fisheries) and industry auditability and transparency <p data-bbox="289 675 1035 703"><i>Vires</i> of such a regulation (raised during the consultation):</p> <ul data-bbox="338 708 1957 842" style="list-style-type: none"> <li data-bbox="338 708 1957 773">• Section 153 of MACAA stipulates the IFCAs remit for the management of inshore fisheries. Subsection 12 states - <i>“the authority for an IFC district must manage the exploitation of sea fisheries resources in that district”</i> <li data-bbox="338 777 1957 842">• When referring to “exploitation” sub section 12 states this includes - <i>“selling, displaying, exposing or offering for sale or possessing such resources”</i> – this corresponds with MMO advice previously received <p data-bbox="289 878 499 906">Trade concerns:</p> <ul data-bbox="338 911 1957 1149" style="list-style-type: none"> <li data-bbox="338 911 1957 976">• While no firm recommendation can be made at present, officers are very aware of industry concerns around such regulation and its possible impact. <li data-bbox="338 980 1957 1045">• Officers merely seek to prevent the purchasing cockles/mussels gathered illegally and have additional enforcement capability beyond immediate on the ground enforcement <li data-bbox="338 1050 1957 1149">• The shellfish hygiene regulations are not appropriate for this purpose. IFCOs have no enforcement power over this legislation (they do have the power to inspect it) and an EH department has no obligation to investigate/prosecute when cockle/mussel has been obtained illegally but complies with this legislation

Measure	Background/Recommendation and Rationale
Closed Season	<p><u>Background and Current Byelaw</u> Byelaw 3 contains a closed season for cockles from the 1st May – 31st August. There is no closed season for mussels.</p> <p><u>Recommendation:</u> No recommendation at present</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • Officers feel that a fixed closed season “locked” in the byelaw does not reflect the dynamic environment and doesn’t allow for the specific environmental conditions to be considered – i.e. the Foulnaze fishery • Officers are investigating a closed season for cockles existing policy agreed by the authority within the flexible permit scheme. Deviation from which would only be in unusual environmental circumstances – not trade, economic or yield considerations_ • Consideration will still be required for closed season with respect to recreational gathering
Minimum Sizes	<p><u>Background and Current Byelaw</u> Byelaw 3 sets a gauge size for the measurement of Cockles (not an MLS in the normal sense) of 20mm square opening. Mussels have an MLS of 45mm in length. Seed mussel fisheries are authorised as a derogation against the MLS</p> <p><u>Recommendation 9:</u> The minimum sizes in the new Byelaw should be set and defined as is currently in Byelaw 3. Officers should investigate a mechanism for seed mussel fisheries</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • Officers feel the current MLS for both species are appropriate • Neither species have an national or EU level MLS provision • A mechanism – likely to be within the flexible permit scheme for allowing seed mussel fisheries is important

Measure	Background/Recommendation and Rationale
Hand gathering methods	<p><u>Background and Current Byelaw</u> Byelaw 3 prohibits all methods other than by hand or by hand using rakes. Equipment for cockle gathering is restricted to the use of craam, rake, spade, tamps or jumbos. For both species buckets, sacks, net bags, ton bags and “other such containers” can be used. Byelaw 12 prohibits digging in a mussel bed.</p> <p><u>Recommendation 10:</u> No set hand gathering methods should be included in the byelaw – all should be treated as flexible permit conditions. Recreational hand gathering methods should be restricted to the current methods in Byelaw 3</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • Officers feel each fishery would be better managed through method being managed as a flexible permit condition set on a fishery specific basis • The above negates the need to set the hand gathering methods for commercial fisheries within the body of the byelaw • Recreational methods are required to be regulated and the current Byelaw 3 measures are adequate
Rigid Riddles	<p><u>Background and Current Byelaw</u> Byelaw 3 requires cockles to be passed through a rigid riddle designed not retain undersized cockles before they are placed in a container.</p> <p><u>Recommendation 11:</u> Rigid riddle use should be treated as a flexible permit condition. No rigid riddle requirement should be contained in the recreational methods</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • Officers feel the use of a rigid riddle is essential when the stock is of mixed size but can be superfluous in circumstances when there is only large stock on the bed – i.e. Foulhaze 2010-2012 • The point above is mirrored in the results of the consultation

Annex A. – Summary Results of the Consultation

Question	Responses	Comments
<p>Permit Numbers</p> <p><i>There are currently 121 Byelaw 3 Permit Holders.</i></p> <p>How many permit holders should there be? Should there be a maximum number? Should there be a minimum number? What is your reasoning for this answer?</p>	<p>47</p> <p>6</p>	<p><u>Summary:</u> Suggested permit numbers varied from a minimum of 30 to 150. The median number* suggested was 120.5 and the average* was 111.3. There was consistency in the responses that supported the current number of permit holder to remain at or close to the current level of 122. Although the number varied in 26 cases the consultee indicated there should be a maximum number of permits. In 5 cases the consultee suggested a minimum number of permits.</p> <p><u>Main Points Raised:</u></p> <ul style="list-style-type: none"> • Criticism of previous permit levels • Needs to enough permits to supply buyers • Some should be allowed back into the system • Opposition to any increase in the numbers of permits • Number should reflect the ability of the IFCA to police the fishery effectively • Comparisons with the Dee and Wadensee fishery being restricted to max of 50 permits • Limiting the number of permits will prevent the exploitation of cockles and mussels • General feeling of setting an upper limit but no regulation for a lower limit • Permit numbers to move away – leading to a lack of reliable annual income • Points re it should be set at a sustainable number and linked to abundance of cockle and mussels • Issues raised with respect to B3 holders having other area permits and this causing supply issues • Suggestion of (once) of a separate Cockle and Mussel permit • Scheme where if permit isn't used for 3 years its forfeited

Question	Responses	Comments
<p>Renewals and New Permits</p> <p><i>Current Byelaw 3 permits are renewable on an annual basis and must be renewed within that period or the entitlement to the permit is lost. Non-permit holders can apply for a permit and go on a waiting list, a maximum of 10 new permits per year are issued from the waiting list.</i></p> <p>How do you think the permit system should be managed? What is your reasoning for this answer?</p>	45	<p><u>Summary:</u> 14 consultees suggested a “one in one out” mechanism for managing new permits and the total numbers. 3 consultees supported the current system of 10 new entrants per year. None expressed opposition to the current 10 per year system.</p> <p><u>Main Points Raised:</u></p> <ul style="list-style-type: none"> • A minimum age of 16 should be set for holders of B3 permits and those under that age should be exempt from the legislation • The number of new permits issued should equate to the number below a maximum number set as a cap • The current number of permits should be frozen • A link between the new permit holder, the local community and fishing heritage • The new applicant should be interviewed as part of the process to • A grace period for those who don't renew their permits due to admin/other issues • Any B3 holder should not be able to hold a permit for any other district – i.e. Dee licence • The permit holder should be able to “reserve” the permit on a admin fee basis until fisheries are opened • If permit isn't renewed within one month of expiry then it should be offered to next person on the list

Question	Responses	Comments
<p>Annual Charge</p> <p><i>The current annual charge for a Byelaw 3 permit is £500. The IFCA is required to achieve cost recovery when charging for permits under Treasury guidance.</i></p> <p>How much should the charge be? What is your reasoning for this answer?</p>	46	<ul style="list-style-type: none"> • <u>Summary:</u> • 44 consultees directly supported a charge of some level. Suggested charging levels varied from £250 to £1000. The median number suggested was £525. There were also suggestions of an “admin fee”. A common theme of the suggestions was that the fee should be linked to whether the beds have been opened or closed during the relevant year. There was general support for a charge on the basis of it having brought permit numbers down initially and acts as control for the future. • <u>Main Points Raised:</u> • The linking of the fee to fisheries being opened included – no fee when beds not opened, fee should be reduced in years with no cockle fisheries, 50% reduction when no or cockle beds have opened and 80% reduction when “stocks are low” • Two consultees suggested to the difference in the value of cockles and mussels and that this should be reflected within the charging scheme – including a suggestion of “ratio” system based on a single or dual species permit system • One suggestion of an inflation based increase in the fee • One consultee suggested charging a proportion of the fishermen’s “profit” • One consultee directly queried the need of the IFCA to achieve full cost recovery while alluding to the management of the Wash cockle fisheries • Suggestions that the charge should relate to the costs of management and enforcement of the fishery and should be based on a transparent calculation - management cost/number of permits • One consultee suggested the full cost recovery approach applied to byelaw 9 should be applied to the new byelaw 3 • Consultee stated that conservation designations were made on behalf of the public and therefore costs of enforcement and management should be borne by the public • If a permit scheme were brought then the charge should be a one off fee

Question	Responses	Comments
<p>Support Workers</p> <p><i>Under Byelaw 3 commercial organisations trading in cockles can apply for 6 support worker permits per organisation, on production of required evidence. Support workers are allowed to move/transport (but not gather cockles or mussels) in support of full gathering permit holders (see paragraph 27 of Byelaw 3).</i></p> <p>Should there be support workers? If so how many? What is your reasoning for this answer?</p>	46	<ul style="list-style-type: none"> • <u>Summary:</u> • Of those who answered the question 27 expressed clear objections to support workers and 16 showed a clear preference for them. 2 others gave ambivalent answer dependent on how the permit would function. A common theme, particularly among those objecting to support workers was the enforceability of the scheme. Numbers of suggested support worker permits varied significantly from 2 per 12 gatherers to 1-2 per organisation. • <u>Main Points Raised:</u> • The enforcement of support workers and that they allegedly gather when IFCOs are not present • Suggestion that the number should increase with the quantity of stock in the bed that is being fished or allowed to be fished by the IFCA. One submission suggested between 1-6 based on this • One submission queried the definition of “commercial organisation” and support workers in the context small groups of fishermen working independently • The use of support workers increases the rate of exploitation of the cockle stock – which may be against the IFCA’s intentions • Issue of one submission raised disability inhibiting gatherers from transporting the stock • Safety issues raised on the context of a “back-log” of stock on the bed delaying gatherers leaving the bed • Support workers are not required by “genuine fishermen” and that it is for the individual B3 holder to exploit the fishery themselves • The cockle and mussels fisheries are now not “dominated by big gangmasters” • Any support worker should be given “environmental education” as part of the issuing of the permit • Support workers for shore based activities

Question	Responses	Comments
<p>Young People</p> <p><i>Byelaw 3 does not contain a system to allow young people to enter the industry and new permits are issued from the waiting list in chronological order.</i></p> <p>Do you think there should be a system to allow young people to enter the industry? If so how would you manage the introduction of young people? What is your reasoning for this answer?</p>	45	<p><u>Summary:</u> 23 consultees responded in what was interpreted as a positive way to young people getting into the industry. Large variation in the scope of the answers makes quantifying the responses difficult. The scope of responses varied from the view that young people should be issued a permit in accordance with the current waiting list and not prioritised in any way to an apprentice scheme based on family relations.</p> <p><u>Main Points Raised:</u></p> <ul style="list-style-type: none"> • Suggestions of a family link between the issue of a permit to young person, including an automatic offer of a permit at age 16 or 18 • Issuing of permits to young people should be in accordance with the waiting list • Any young person would have to be accompanied by an adult and only allowed to work with a designated current B3 holder • Objection to young people being active in the industry due to it being too dangerous • Any linking to “experience” should not be local and should relate to other parts of the country • Entry of young people to the industry is essential for its future • Young people should jump those on the current waiting list • Split the offering of new permits between young and waiting list – i.e. 5 per year to each • Offer should be based locality • It requires further consultation • Allow children to work weekends only • Statements that the current Dee system is

Question	Responses	Comments
<p>Safety Certification</p> <p><i>All Byelaw 3 permit holders are required to have an approved "Foreshore gatherers safety training certificate". Those accessing a fishery by small boat are required to have their permit "endorsed" with four additional certificates – sea survival, first aid, firefighting and Health and Safety Awareness.</i></p> <p>What if any safety certification should there be as part of the permit? What is your reasoning for this answer?</p>	41	<p><u>Summary:</u> 37 consultees responded in support of the certification being in the byelaw – although not a large number of these were in support of certification in general and not specifically within the new byelaw. 2 consultees explicitly objected to safety certification being within the byelaw.</p> <p><u>Main Points Raised:</u></p> <ul style="list-style-type: none"> • Current system is adequate • Industry is dangerous and certificates are important • All B3 holders should have the four boat based certificates • All new B3 holders should have foreshore gatherers • Keep the same • Keep the same and include skippers requiring the 16.5 Seafish skippers requirement (page 8) – all should be captured by the certs to ensure all are aware of the H and S issues of the industry • Query regarding renewal of foreshore course – boat courses should be maintained • Current system is appropriate • Any vessel registered should be registered with the MCA – MCA regulations require 9 safety certification • All should attend the "new" foreshore gatherers course • Current system is ok • Current system ok • Current system om • Ifca/Seafish need to ensure that the syllabus is maintain to a high standard • Resit/renewal is not necessary • IFCA should not be involved in boat based certification • B3 holders should have obtained an "experienced" fishermen's card from Seafish • English fluency is essential • Criticism of the foreshore course • Essential that those coming in from outside the industry are captured by training • Foreshore as a minimum • A short test on tide tables etc. • Can't replace experience • Support for boat certs but criticism of the foreshore course • Shouldn't renew • Should liaise closely with MCA and HSE during the byelaw

Question	Responses	Comments
<p>Buyers</p> <p>What if any safety certification should there be as part of the permit? What is your reasoning for this answer?</p> <p><i>Byelaw 3 does not regulate persons or companies who are buying Cockles or Mussels within the district.</i></p> <p>Should the buying of Cockles and Mussels be regulated as part of the scheme? If yes, how?</p>	39	<p><u>Summary:</u> 24 consultees objected to the regulation of buyers within the new byelaw and 12 supported it. Particular concern was raised with respect to two areas – the IFCA remit to regulate in such a way and the effect of the regulation on the trade aspects of the industry.</p> <p><u>Main points Raised:</u></p> <ul style="list-style-type: none"> • Control on potential illegal fishing and accountability • Concern it would create “hurdles” if a new buyer was found – particularly in the live trade. Might prevent open markets • Not an issue for IFCA to regulate and querying that it’s not within the scope of 1966 sea fisheries regulation act and the IFCA can only regulate below HW mark • Current suite of LA shellfish hygiene regulations • Raising of concerns re fishermen working in small groups and the interaction with the GLA act • Concern re reduction of competition and effect on prices • Comparison with the RBS system • Buyers should be legitimate and buying should be regulated • Governance and oversight mean buyers should be regulated • Worker should be able to able to sell to whoever so long as the correct documentation is in place • Not within the IFCA remit • Small groups and how regulation would interact with them • IFCA has no officers with the experience/time for this type of regulation • Registration documents covers this • Would add more work to the fisheries • Summarise answer page 29 • System should ensure that only B3 holders are bought from • If gathering is regulated then so should buying • Return from buyers would give indication of the amount of waste when compared with the EH documentation • Will increase accuracy of amounts removed from the beds • Would restrict “free market” • Unnecessary red tape • Inspection at the processing end is important • would prevent cash trade

Question	Responses	Comments
<p>Closed Season</p> <p><i>Byelaw 3 has a closed season for cockles than runs from the 1st May to the 31st August each year. There is no closed season for Mussels in Byelaw 3.</i></p> <p>Should there be a closed season for either species and if so when or how long? What is your reasoning for this answer?</p>	41	<p>Of the 41 responses 23 supported a closed season for cockles. Only two alluded directly to a closed season for mussels. There was significant variation in the placing of the closed season within the year. The variation in suggestions went from 1st April – 30th Nov. 3 responded in support of the current closure reason</p> <p><u>Main Points Raised:</u></p> <ul style="list-style-type: none"> • Beds should be open when suitable for fishing • 1st Jul – 30th Nov – cockles spawn march/April • Current season inhibits trade conditions • The current closure is 100yrs old and not suitable for current industry • Is a question for the science team • Should not be fixed but dependent on species and conditions • Industry will regulate its self when spawning due to trade • Prohibits small order stuff that can be marketed – • For cockles not mussels • Should be more flexible with trade/economic conditions being taken into account • Reference to Allow product to grow to generate better product • Shrimp fishing and considering with cockles • Flexibility with regard to stock choking • Season should be reviewed and be 1st April 1st July • Considered whether the current closed season has any impact on the districts stocks • Closure with months with an “R” in it • A specific closed season for Flookburgh – 1st May – 31st Oct • Shrimp fisheries coinciding with the closed season for cockles

Question	Responses	Comments
<p>Public Access</p> <p><i>Byelaw 3 allows non-permit holders to take 5kg each of Cockles and Mussels for personal consumption unless the beds are closed. For Cockles and Mussels closures are under either NW&NW SFC Byelaw 13a or CSFC Byelaw 18 and the 5kg limit is prohibited for Cockles within the “commercial areas” or the closed season in NWIFCA Byelaw 3. There are two commercial areas in Byelaw 3 in Morecambe Bay and the Ribble Estuary.</i></p> <p>How should public access to the fishery be managed? What is your reasoning for this answer?</p>	38	<p><u>Summary:</u> The question does not lend itself to quantifying of responses so no attempt has been made. General sense of opinion being mixed between a desire to reflect the public right to fish and not allowing it due to its interaction with commercial fisheries and enforcement issues. When supporting the public access there was wide support for the current limit of 5kg. Some answers responded in the context of going on/off the sands which was not the intention of the question</p> <p><u>Main Points Raised:</u></p> <ul style="list-style-type: none"> • Byelaw should regulate the “possession” • Recreational removal should be subject to returns • Sighting of enforcement issues at Leasoe and associated gathering of Razors • Health and Safety issues re recreational gathering and members of the public not having a foreshore gatherers certs etc. or are aware of classification issues • Sighting of the common law public access fishery rights • Suggestion of a 10kg limit for commercial bait gathering • When a commercial cockle fishery is running the 5kg limit should be suspended

Question	Responses	Comments
<p>Minimum Sizes</p> <p><i>Minimum size for both species is set by the size of the gauge - 20mm square for Cockles and 45mm in length for Mussels. Seed mussel fisheries are managed by derogation.</i></p> <p>Should there be a minimum landing size for either species and if so what should it be? What is your reasoning for this answer?</p>	42	<p><u>Summary:</u> 35 of the 42 who responded agreed to an MLS for both or either species. The median suggested MLS for cockles was 20mm and the average was 20mm – the suggested range was 17-30mm. The median suggested MLS for cockles was 44mm and the average was 45mm (omitted 0mm re seed)– the suggested range was 50mm to 40mm. 6 consultees suggested of variation of the MLS for cockles with respect to chocking stock and mussels in terms of stunting and pearl. Three Responses question the need for an MLS in the context of other effort controls such as permit numbers and TAC.</p> <p><u>Main Points Raised:</u></p> <ul style="list-style-type: none"> • The link between setting the MLS and the closed season • Citing the lack of MLS in the Wash fisheries • The Cockle MLS should be set at mortality to avoid chocking or stock being wasted • The current MLS for mussels are a metric version of the historic MLS set 100yrs ago and are not based on biology • Queries regarding the scientific basis for the setting of the MLS
<p>Hand Gathering Methods</p> <p><i>Byelaw 3 only regulates the hand gathering of Cockles and Mussels. It only allows gathering by hand or hand held rake for Mussels and by craams, rakes, spades, tamps or jumbos for Cockles.</i></p> <p>What methods of hand-gathering do you think should be permitted or prohibited? What is your reasoning for this answer?</p>	41	<p><u>Summary:</u> 20 responses indicated they agree with current methods within. 4 responses indicated a desire to prohibit completely or when using a craam the use of net bags when cockling. 3 responses raised objections to any mechanical/dredge fishing.</p> <p><u>Main Points Raised:</u></p> <ul style="list-style-type: none"> • Net bags should not be used when cockling due to the retention undersized/juvenile cockles • Query the reference to spades in the current byelaw and suggesting it should be removed

Question	Responses	Comments
<p>Rigid Riddle</p> <p><i>Byelaw 3 requires all Cockles that have been fished to be passed through a rigid riddle designed to retain Cockles which will not pass through the gauge having a square opening of 20mm across either side.</i></p> <p>What is your view on the use of a rigid riddle for gathering cockles? What is your reasoning for this answer?</p>	38	<p><u>Summary:</u> 27 responded that they supported the use rigid riddles. 8 indicated they felt that riddling should only apply when there was juvenile/small cockle on the bed and not when the stock is large.</p> <p><u>Main Points Raised:</u></p> <ul style="list-style-type: none"> • Sighting of the difference in the function between net bags and rigid riddles • Suggestion of 19mm bar spacing rather than mirroring the 20mm gauge requirements • Sighted the importance of riddling re the recent Flookburgh cockle fishery