

112 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE held at the Strathmore Hotel, Morecambe on 31st October 2017

PRESENT – MEMBERS

Mr R. Graham	(Chairman)	MMO appointee (Commercial)
Mr T. Jones	(Vice-Chairman)	MMO appointee (Commercial/Aquaculture)
Dr E. Baxter		MMO appointee (Marine Environment)
Ms L. May		Natural England
Mr B. Leigh		MMO appointee (Anglers and Recreation)
Mr S. Manning		MMO appointee (Commercial)
Mr K. Thompson		MMO appointee (Commercial/Aquaculture)
Councillor P. Williams		Chairman of NWIFCA

NWIFCA OFFICERS ATTENDING

Chief Executive Officer (CEO), Head of Enforcement, TSB Clerk (Comms Officer), Senior Science Officer.

IN ATTENDANCE

Ms V. Taylor Natural England

APOLOGIES FOR ABSENCE

Dr J. W. Andrews	MMO appointee (Marine Environment)
Mr C. Booth	MMO appointee (Marine Environment)
Mr M. Johnston	Natural England
S. Mounsey	Environment Agency
Mr A. Newlands	MMO (Officer)

113 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

1. Members were reminded of the importance of declaring pecuniary and non-pecuniary interests in Agenda items.
2. An additional paper was tabled for Agenda Item 8: Cockle and Mussel Fisheries.

114 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST IN AGENDA ITEMS (Agenda Item 2)

Agenda Item 5 Science Summary Report: Mr T. Jones, Mr S. Manning.
Agenda Item 6 St Bees Voluntary Code of Conduct: Mr R. Graham.
Agenda Item 7 Monitoring and Control Plans: Mr R. Graham.
Agenda Item 8 Cockle and Mussel Report: Mr T. Jones, Mr S. Manning.
Agenda Item 9 Byelaw Review: Mr R. Graham, Mr T. Jones, Mr S. Manning.
Agenda Item 10 Byelaw Review - Byelaw 3: Mr T. Jones, Mr R. Graham, Mr S. Manning.

115 TO RECEIVE MINUTES OF THE TSB COMMITTEE MEETING HELD ON 8th August 2017 (Agenda Item 3)

RESOLVED

Minutes of the TSB Committee meeting held on 8th August 2017 be approved and signed as a correct record.

Proposed: Mr B. Leigh Seconded: Dr E. Baxter

116 MATTERS ARISING (Agenda Item 4)

- a. Minute No. 104 (Matters Arising): The Senior Scientist asked Natural England whether any progress had been made regarding the light at Heysham Port. Ms L. May stated she is unaware of the situation and will request an update from Mr. M Johnston.
- b. Minute No. 105 (Science Summary Report): Mr Jones asked if the findings of the research into the approaches of other agencies managing Razor Clams will be presented as a report. The Senior Scientist clarified a report will be presented to the TSB.

Members discussed the growing interest within the industry in gathering Razor Clams.

- c. Minute No. 105 (Science Summary Report): Mr Jones asked for a progress update on the digitisation of the Monthly Shellfish Activity Returns Forms (MSARs). The Senior Scientist confirmed that the digitisation has been completed.
- d. Minute No. 105 (Science Summary Report): Mr Jones queried whether the side scan sonar had been repaired. The CEO said that the manufacturer has inspected the side scan sonar and found it to be fully operational. The issue appears to be with the power supply unit on the Solway Protector which should be resolved with the new vessel.
- e. Minute No. 110 (Byelaw Review): Members queried whether the suggestion to remove the regulation of buyers from Byelaw 3 had been agreed upon. A transcript of the discussion was requested.

The Chairman stressed the importance of following procedure when making proposals.

RESOLVED

A transcript of the discussion regarding the regulation of buyers under Byelaw 3 to be circulated to members.

117 SCIENCE SUMMARY REPORT (Agenda Item 5) included:

The report included:

- a. An update on Marine Protected Areas in the NWIFCA District.
The Chairman queried if there is an MMO timeline for the West of Walney MCZ Byelaw. The Senior Scientist stated that she will ask MMO.
Members discussed the issue of MPAs displacing fishing activity. The Senior Scientist raised the need to look at other more sustainable methods of fishing such as using creels for nephrops and stressed that as an authority she would like to encourage diversification of fishing methods. The Senior Scientist said she will circulate the report on Fishing Displacement and the consequences of implementing MPA's by Duncan Vaughan.
- b. NWIFCA New Vessel: Science officers have visited the vessel twice. The refit will support an outdoor wet lab as well as an indoor dry computer and tech work areas. The new facilities available on the vessel, such as the ability to carry quad bikes, will massively improve the capabilities of the scientific work carried out by NWIFCA.
Cllr Williams provided members with a further update on the vessel highlighting the potential for a delay of around one week for redesign of the RIB to fit the vessel.
- c. Monitoring and Assessment Workshop: The Senior Scientist attended a workshop hosted by the Environment Agency. The aim of the workshop was to focus on the monitoring requirements of each organisation, assessing what monitoring work is on-going, what resources are available and what potential exists for resource sharing in the future.
- d. Research Projects:
 - 1) Natural England underspend projects:
 - i) Drone surveys of crab tiles have gone ahead. The aim is to compare the time and accuracy compared to foot surveys.
 - ii) No update on the investigation into the use of nephrops creel pots as an alternative to trawling in West of Walney MCZ.
 - 2) Manchester University Lobster Genetics - Officers continue to facilitate the sending of samples from fishermen.
 - 3) Lancaster University Cockle Movements - Officers have been assisting two Masters Students with dissertation projects investigating cockle movements in Morecambe Bay.

- 4) Bangor University Bird Food Model - Mr Feather has been sampling and surveying mussel beds, focussing on Foulney. He intends to continue through winter.
- e. North West Marine Plan: Officers attended three 'cause and effect working group' meetings with the MMO.
- f. Bass Measures: 2017 EU Bass measures are being enforced. Will be reviewed by the EU at December Council and further expected measures will be implemented in 2018.
- g. Recreational Angling Strategy: An update was provided on the recreational sea angling strategy with a progress report provided in Annex A of the report.

RESOLVED

- a. The Senior Scientist to circulate the report on Fishing Displacement and the consequences of implementing MPA's by Duncan Vaughan.
- b. It was resolved receive the report.

118 ST BEES VOLUNTARY CODE OF CONDUCT (Agenda Item 6)

The Senior Scientist presented the amended voluntary code of conduct, allowing for flexibility in closure dates depending on bird behaviour each year.

Dr Baxter highlighted concerns raised at the Coastal Partnership meeting in Whitehaven about the speed that pot fishers travel through the area and asked if it could be looked into by Natural England. Ms May stated that it is currently being investigated with NE having already approached Whitehaven Yacht Club. Ms May raised that Jet Skiers will also need to be informed, which may be difficult as some will travel from outside the area.

RESOLVED

- a) The wording of the Voluntary Code of Practice be approved.
- b) The Code of Practice be implemented in 2018.
- c) The monitoring and reporting of compliance levels within the code of practice be approved.

119 MONITORING AND CONTROL PLANS (Agenda Item 7)

Defra have directed English fisheries regulators to write and implement Marine Protected Area Monitoring and Control Plans (M&C Plans). The plans require that management is monitored to ensure it is effective in protecting features of conservation and that non-compliance in management is detected and acted upon.

In an effort to avoid duplication the Senior Scientist has drafted a simplified M&C plan with site specific tables which reference the HRAs/MCZ assessments. The tables include parameters that will be monitored and trigger points for review of existing assessments with annual reviews built in.

The Senior Scientist presented the tables to the TSB.

The acting Head of Enforcement queried how long a review would take. The Senior Scientist said that it would depend on the area being reviewed.

Some members reported that they were unable to open the embedded excel document and requested that it be circulated separately.

RESOLVED

- a. Members unanimously approved the approach to the NWIFCA MPA M&C Plan.
- b. Members unanimously approved the continuation of work to complete a finalised draft of the NWIFCA MPA M&C Plan to be brought back to TSB.
- c. The excel document to be circulated separately for users who are unable to view it while embedded.

120 COCKLE AND MUSSEL REPORT (Agenda Item 8)

Cockles

Leasowe - A further stock survey was carried out on October 18th. The dense area of cockle has spread out towards the north-east. The stock is growing very quickly and little undersize cockle was found. The remaining biomass of size is less than predicted at 1366 tonnes. Given the current decreased rate of exploitation a tabled report amended the recommendation to close the bed on 2nd December to the 17th February with close monitoring to change this again if necessary (ie. the level of stock is getting close to that agreed as remaining for the birds).

Mr Manning raised the industries frustrations about the location of the representative monitoring point. Officers clarified that this is outside the remit of the Authority.

Penfold North - The stock is very slow growing and only around 10% is size. The environment is extremely muddy with little water which would make riddling impossible. A further survey is scheduled for 8th November.

Mr S. Manning raised concerns about opening the bed should there be sufficient quantities of size cockles found at the next survey. He stated that the cockles will be commercially unviable due to the low meat content and being too small for the live market.

The CEO clarified that fisheries are opened if they comply with byelaws, are sustainable and meet HRA; it is up to the industry on whether to fish it.

The Senior Scientist stated she will consult with industry if the stock is found to be size.

Morecambe Bay Pilling and Flookburgh/Leven Sands: Stock assessments were carried out on all three beds and an HRA completed. A report of prohibited tonning up on the Flookburgh bed was received. Senior Scientist informed those involved that the activity could render the fishery non-HRA compliant.

Mussels

Dee Estuary - A patch of dense mussel stock has been found within the Dee Estuary. A HRA has been completed and is with Natural England for sign off. A sewage spill temporarily closed the fishery but samples have returned to normal.

Heysham Flat - A seed mussel fishery was opened in August following the completion of a HRA with an exclusion zone in place to protect *Sabellaria alveolata*. Fishing began with a low level of activity and ceased once cockle fisheries opened.

Foulney and Low Bottom - Stock is mixed size and being monitored.

All other mussel beds have no commercial stocks at present and will be monitored for spat by IFCOs in spring.

Enforcement

Leasowe has seen the majority of industry activity with a shift to Flookburgh towards the end of September. Activity at Pilling has been limited. A high level of returns compliance has been recorded. Minimum landing size compliance has been excellent due to the size of the stock and the use of riddles when necessary. The following sanctions were issued in the reporting period: two FAPs, one verbal warning and four IFCO cautions.

Mr Manning stated that there were incidents of Support Workers gathering when IFCOs were not present.

RESOLVED

- a. The Senior Scientist will consult with industry if the stock at Penfold North is found to be size.
- b. To receive the report.

121 BYELAW REVIEW (Agenda Item 9)

The CEO provided an updated summary of the byelaw review report presented to the TSB in August 2016. The report highlighted the NWIFCA Byelaws that have been introduced,

the Byelaws that are currently being reviewed and the order of Byelaws that are to be reviewed.

The Chairman highlighted that Cumbria Sea Fisheries Committee Byelaw 9 still reflected the old district boundaries of 3nm and should be updated to the new boundary at 6nm.

Members requested an update on the progress made with the Dredge Byelaw. The CEO stated that it is still with Defra.

RESOLVED

- a. The CEO to contact Defra regarding the progress of the Dredge Byelaw.
- b. To receive the report.

122 BYELAW REVIEW - BYELAW 3 (Agenda Item 10)

The CEO presented a draft of the revised Byelaw 3.

The draft included the following issues for discussion:

- a. A reduction in the time window for renewal of Byelaw 3 permits.
- b. A five year cut off for Cumbria and Dee transitional permits.
- c. Revocation of support worker permits.
- d. The removal of boat safety provisions.
- e. The inclusion of a trading permit scheme.

Mr T. Jones stated that the inclusion of a trading permit scheme was dealt with at the previous meeting and that he was unhappy that Officers have included it in the draft, going against what the committee had discussed on the 8th August. Mr T Jones also queried the clarity and accuracy of minute number 110 and requested a transcript of the audio recording be circulated to members.

The CEO stated that the current Byelaw only allows the NWIFCA to take action against the gatherer. The Senior Scientist added that if illegally gathered shellfish could not be sold then it would not be gathered.

- f. The permit application process and the scope to allow people under 16 to join the waiting list.

Mr S. Manning suggested provisions for endorsing a daughter or son on a permit.

Mr B. Leigh raised concerns about the allowance of children of any age to be added to the waiting list.

RESOLVED

- a. Mr B. Leigh to redraft the wording allowing young people onto the waiting list.
- b. Members to submit comments to the CEO via email by the 30th November 2017.

123 A.O.B.

- a. Dr E. Baxter informed the committee that Chris Woods from the Marine Biological Association has heard rumours of the Carpet Sea Squirt being present in Morecambe Bay. Science Officers have not received confirmed reports.

Mr T. Jones reported the same about Morecambe Bay and the Menai Strait.

- b. The Senior Scientist informed members that the Preesall brine discharge is moving quickly with baseline surveys set for November. It appears only Cefas was consulted. Halite are not keeping NWIFCA informed despite agreeing to do so.