

NWIFCA TSB Quarterly Meeting:

29th May 2025

REPORT NO.
1

BASS ENTITLEMENTS

Purpose: To agree a process for deciding who gets a bass entitlement under the forthcoming Byelaw 7 (Netting).

Recommendations: Members vote to:

1. Approve the policy and process as per the attached paper
2. Elect three members to form the Bass Entitlement Panel.

1. Introduction

Members will recall that, four years ago, provision was made in The Sea Fisheries (Amendment etc.) Regulations 2021 for 26 nets to be exempted from the prohibition on landing European seabass (*Dicentrarchus labrax*) as bycatch in shore-set, intertidal fixed nets being fished commercially. After a good deal of debate and questioning with Defra where this exemption and the specific number of 26 came from, last year, the Authority undertook to enact the exemption through the provision of an entitlement for 26 Category 2 permits in its proposed Netting Byelaw (Byelaw 7 as it will come to be known). The Byelaw was made by the Authority in September 2024 and is currently with the MMO undergoing a second round of QA; I am anticipating their response in early June. I do not anticipate any need for further QA beyond this, so am hopeful that the Byelaw will be sent over to Defra for confirmation shortly after this deadline. How quickly thereafter the Secretary of State, or one of his representatives, can sign off on the Byelaw and confirm it into law, is largely unknown and out of our hands.

In the meantime, I have been working with officers to develop our application process for all categories of permit that may be issued under Byelaw 7. As part of the application for a Category 2 permit (commercial intertidal shore-set nets), we will need to invite fishers to indicate whether they wish to hold an entitlement to retain bass as a bycatch in their permitted nets. During the byelaw drafting process, the Authority steered away from focussing on track record as a basis for deciding who should receive a bass entitlement, primarily because the prohibition on landing bass has been in place for over five years now, so no fishers would be able to demonstrate a track record since 2020. Furthermore, many fishers who would have fished commercial shore-set nets during this period have not due to the very fact that they have been unable to retain bass, so they have deemed it to be not commercially viable. As such, the Authority decided to take a more merit-based approach to its decision making, and I have drafted the attached paper which sets out a proposed way forward for this decision-making process. I am grateful to members of the Byelaw Working Group who have provided feedback to me whilst drafting this paper.

2. Intertidal Bass Entitlement Policy

The attached paper sets out the proposed way forward for this decision-making process. In essence, I have proposed a ‘blind’ application process, whereby each application is anonymised and assessed without knowledge of the fisher who has made it. I have also proposed that TSB members, rather than officers, are the ones to make the decision on behalf of the Authority, which further removes any potential perceptions of bias from applicants. Three TSB members are proposed, who would assess each anonymised application and score them according to specific criteria. Further detail on the scoring criteria needs to be drawn up, but essentially this would be around providing each applicant with a score (suggested 0-10) for each criteria regarding their reasons for wanting to hold a bass entitlement, their commercial intertidal net fishing in the district to-date, their routes to market and their fisheries compliance history. These total scores (out of 40 or 50) would then be recorded and the highest scoring 26 applicants would be offered an entitlement, with a waiting list then created for the others based on their individual scores. Further detail is provided in the attached paper, and I have also attached the draft application form for Category 2 permits, which includes a section on applying for a bass entitlement.

There would be no appeal process as part of this decision making, primarily because the 2021 Regulations only allow for a *maximum*¹ of 26 nets to be exempted from the prohibition on retaining bass as bycatch in intertidal shore-set commercial fixed nets. Therefore, once 26 entitlements were issued, no more could be issued due to any appeal; the legislation simply doesn’t provide for this. The blind application process, coupled with the appointment of three independent TSB members, should mitigate any potential calls for decisions to be reappraised.

3. TSB Members for Bass Entitlement Panel

If the policy and process in the attached paper is approved, then I suggest that three members are appointed to form a Bass Entitlement Decision Making Panel to assess the anonymised applications and score them accordingly, in order to then derive a decision on which 26 fishers will receive a bass entitlement as part of their Category 2 Byelaw 7 permit, and what order others should go onto a waiting list. Please note, we would need to open the applications and have a substantial window (suggested three months) before applications are then assessed. After the explicit deadline, other fishers may still apply, but only to be placed on the waiting list, as once the 26 entitlements are issued, there is no provision for any more than 26 to be issued.

Mark Taylor, CEO, North Western Inshore Fisheries and Conservation Authority, 12th May 2025

¹ The Authority could decide to issue fewer than 26 entitlements, although this is unlikely to be deemed appropriate given the anticipated high levels of interest there will be from fishers in acquiring one.