

1 MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE on 2nd AUGUST 2022 AT TRUCKHAVEN CARNFORTH 10.00 AM.

PRESENT – MEMBERS

Mr S. Brown	MMO Appointee
Mr K Thompson	MMO Appointee
Mr S. Manning	MMO Appointee
Mr B. Leigh	MMO Appointee
Dr C Mihailovici	MMO Appointee
Mr P Capper	MMO Appointee
Mr L. Browning	Natural England

NWIFCA OFFICERS ATTENDING

S Atkins CEO, A Plumeridge SS, J Moulton HoE, K Atkins FO, A Nicholson Clerk

Four members of industry in attendance, Mr S Ward, Mr M Rowlings, Mr R Benson (authority member), Mr Karl Harmes.

APOLOGIES FOR ABSENCE

Dr J Andrews, Mr N Baxter, Dr A Richardson

2 APPOINTMENT OF CHAIR (Agenda Item 1)

The CEO gave details of nominations for Chair of the TSB.

Mr Leigh was nominated by Dr Andrews, seconded by Mr Thompson. No further nominations were received and Mr Leigh was re-elected as Chair. All in favour. Motion carried

3 APPOINTMENT OF VICE-CHAIR (Agenda Item 2)

Dr Andrews was nominated by Mr Leigh, seconded by Mr Brown. No other nominations were received. Dr Andrews was re-elected as Vice Chair. All in favour. Motion carried.

4 CHAIR'S ANNOUNCEMENTS (Agenda Item 3)

The Chair thanked everyone for attending and welcomed Dr Mihailovici as newly elected member of TSB

He reminded members to declare any interests prior to speaking on an agenda item.

5 DECLARATIONS OF INTEREST (Agenda item 4)

No declarations of interest had been received prior to the meeting. The Chair reminded members to declare any interests prior to speaking on an agenda item. Mr S Manning declared an interest in agenda items 7, 10, 11 and 12

6 MINUTES OF TSB MEETING 10th MAY 2022 (Agenda item 5)

Resolution: The minutes are a true and accurate record of the August 2020 TSB.

Proposed: Dr Mihailovici. Seconded: Mr S Manning. All in favour, carried

7 MATTERS ARISING FROM MINUTES (Agenda Item 6)

There were no matters arising raised.

8 BYELAW UPDATES – NETTING BYELAW (Agenda Item 7a)

Head of Enforcement gave update on the netting byelaw. Complex drafting is continuing,

9 BYELAW 4 POTTING (Agenda Item 7b)

Senior Scientist updated the committee on the new potting byelaw which is now being implemented. A presentation had been given to all officers to aid this process. The whelk track record appeals had been completed. An issue has been raised in respect of completing catch returns for recreational permit holders, which is part of the byelaw,

officers are now looking into a dispensation scheme so that this is not required, as it does not provide any significant benefit to the authority.
The whelk MCRS was reintroduced into the flexible permit conditions following agreement at the Authority meeting held 23rd June

10 BYELAW 3 (Agenda Item 7c)

Head of Enforcement reported that permits were now being issued for Byelaw 3, there is a transitional period as there are some double renewals outstanding, and it is a very busy period for officers. A very small number of complaints had been received regarding administrative sanction letters which have been sent to permit holders for non-compliance of submitting returns, these very rarely proceed further than a letter unless for consistent reoffending. Since sending the letters out in a 24 hour period 275 returns were received. The data gathered is used by scientific officers for the writing of HRAs, reporting to the authority and implementing effective fishery management.
Mr Brown sought further clarification on the sanction system and was informed that there was a penalty point system where 4 sanctions in a 3 year period may result in permit suspension.

11 MCRS BYELAW (Agenda Item 7d)

HoE reported that this byelaw had been resubmitted to the MMO on 1 Aug with editing to satisfy MMO. The whelk minimum landing size has been removed.

12 BYELAW STRATEGY WORKING GROUP (Agenda item 7e)

Currently a significant amount of time was being taken up with the netting byelaw.

13 HPMA CONSULTATION (Agenda Item 8)

The Chair introduced the agenda item. Allonby Bay in the north of the District is a candidate site. In areas that are designated it will mean no exploitation allowed to take place.

Mr Manning said there was a lot of recreational activity in the area such as wind surfers, dog walkers, bait digging.

The Chair asked for clarification with regard to recreational angling and bait digging, Mr Browning thought this would be one of the main aims of the consultation.

Mr Brown raised concerns from another Authority member from that region on the impact on recreational fishing.

The Chair asked if the Authority would be making a formal response to the consultation, which is due to end in the middle of September. CEO stated that with such differing views amongst members it would be very difficult for the Authority to respond, and therefore members should be encouraged to respond as individuals. The Chair also enquired as to the enforcement impact and asked if extra funding would be available, CEO said dedicated funding had been identified, and suggested that the Authority respond saying they support the initiative but it was imperative that extra funding is provided. Senior Scientist said that the Authority should respond quoting facts which we already have from internal reporting.

Dr Mihailovici thought this would have a positive impact on the area with regard to having a nature reserve would attract tourism.

Resolution: The Authority formally responds to the consultation process, highlighting available data we hold which may inform the consultation process, details of existing regulatory mechanisms designed to control exploitation, and our experience from regulating the candidate area as a MCZ

Proposed: The Chair, Seconded: Mr Capper, 6 in favour, 1 abstention, carried

14 FISHERIES INDUSTRY PARTNERSHIP (FISP) SCHEME (Agenda Item 9)

The Chair gave details of the scheme. He reported that there was a very large pot of money available to the UK Seafood Fund of which the FISP scheme has been designated £24m, there is currently a bidding round underway for projects, and there will be a further round later in the year. The funds are for data collection and research for sustainable marine management. The Chair said the Authority should consider how we could apply for funds with a partner organisation. If possible, would it be feasible that we apply for research work to aid the production of a Bivalve Mollusc Fisheries Management Plan. There is a time constraints for this round of 5th September.

Dr Mihailovici commented that any funding for research must be welcomed.

The Chair reported that it is intended that FISP projects be led by fishing groups. It was noted that there was a requirement for 25% match funding. The Authority may be eligible for funds in that we conduct a research function.

Mr Manning went on to say that he considered research into the decline of shrimping would be more beneficial.

Resolution: Explore avenues to access funding under the current or next funding round.

Proposed: Chair, Seconded: Dr Mihailovici, all in favour, carried.

15 SURVEY AND INSPECTION REPORT (Agenda Item 10)

Senior Scientist presented her report.

Mussels: Heysham had a mix of seed and size mussel, some previous year settlement had remained and grown larger. As it is an unclassified bed, there is concern size mussel could be removed alongside seed, confirmation has been received from the FSA that size or 'partially developed' mussel cannot be sold for relay or consumption. It is proposed that we apply for classification for size mussel and that process is already underway and an HRA will be prepared. An updated report will be submitted to TSB via email.

Falklands: Industry have submitted information, it has not yet been surveyed, but this will be done in 2 weeks' time.

South America: seed mussel is patchy, again mixed with size but smaller than previous years, will be resurveyed 12th to 16th of Aug.

Perch and Black Scar: Perch may be viable for a sea dredge fishery, but could be fished by both methods. Black Scar unlikely, again will be re-inspected.

Southport cockles: Southport has been previously surveyed on the 30th of May, and found to have possibly commercially viable stock there. Classification is being sought but there is an issue because the bed straddles two different management authorities. The requirement for 3 concurrent samples to be taken on the same day, which causes significant difficulties in relation to timescales for sampling and delivery to laboratories etc. alongside available tides. We act as a sub-contractor for sampling which we charge the authorities for on a cost recovery basis only. Officers have tried their best to facilitate this, but it is not working effectively. NWIFCA are not responsible for classification. Environmental Health officers were informed on the 26th of April of a possible fishery.

Members of industry present voiced their frustration over loss of earnings and accountability for the problems raised. The Chair stated that he understood, but was fully aware that officers had been trying their upmost but had been met with numerous complications.

HoE stated that if this situation were to continue it would be detrimental to the statutory functions we are meant to provide if enforcement officers have to aid sampling duties. He also stated that the Shellfish Liaison Group were best placed to raise concerns; the Group holds meetings twice a year and fishers could go direct to them.

It was suggested that a letter be composed and be signed by the TSB and Authority Chairs to sign and be sent to the FSA. Mr Manning was reminded to declare his interest and voiced his frustration and disappointment at the whole system, including surveys and dredging. Senior Scientist strongly defended the science team's position, and would seek to survey and clarify the state of the beds. Whilst the Authority valued information provided by industry, it could not act on that feedback alone.

Mr Manning commented that fishers are being asked to pay for permits with the possibility of nothing to fish and permits are expensive.

Cockles: Members of industry again raised the issue of classification and by the time the process is completed the cockles have lost their value. HoE reiterated his earlier suggestion that members of industry attend the Shellfish Liaison Group.

Agenda Item 10a

Morecambe Bay: Senior Scientist offered her apologies for the addition of the late agenda item, as not all inspections had been completed until the 25th July. This meant it was too late for the report to be circulated with other papers prior to the meeting. She reported that the availability of size cockles, total cockle biomass, and the density of cockle per m² across Morecambe Bay had declined again and it was recommended that cockle beds in Morecambe Bay remain closed.

Mr Benson speaking as a member of industry, remarked that the Authority should listen to the voice of experience over science, he also said in relation to Newbiggin and Aldingham he said the surveys are in the wrong place and that there is significant amount further out and offered to provide photographic evidence and greater detail on location. The Senior Scientist invited Mr Benson to provide the location of these areas so they can be plotted onto the surveys maps to identify whether they are already included in the current survey grids, or survey sites needed to be altered in response.

Mr Manning said local fishers were not expecting cockle beds in Morecambe Bay to be opened. He asked Mr Browning again about bird feed requirements. HoE asked Mr Browning if there had been any impact from avian flu on the bird feed situation, he thought this would be relatively low, but it is still a threat going forward, there had been little impact on wading birds but the disease can jump across species so must be mindful of it. Mr Thompson asked for more detailed information on undersize in the biomass table, spat is not included.

Resolution 1: Receive the report

All in favour, carried

Resolution 2:

Authority to write to FSA and Environmental Health regarding issues surrounding the sampling regime, and to be signed by both Chair of TSB and Authority

All in favour, carried

Resolution 3

To agree that the cockle beds in Morecambe Bay remain closed for the rest of the closed season, and that from the 1st of September they remain closed under Byelaw 3 paragraph 15.

6 in favour, 1 abstention, carried

Proposal 4:

Mussel fishery: Agree that we inform TSB of the results of our final inspections, and they consider a proposal on the opening of the fishery via email, subject to HRA.

5 in favour, 2 abstentions, carried

16 **SCIENCE REPORT (Agenda Item 11)**

Senior Scientist presented her report. Byelaw 4 potting, has now been implemented and this has now been handed over to the administrative and enforcement teams moving forward.

There have been six consultation requests and three dispensation requests received. A whelk research plan is being developed, and could possibly be a candidate for FISP funding.

We have been approached by the Environment Agency to get involved in collaborative work on small fish surveys, surveys are being planned in the Wyre Estuary. Mr Brown asked if this could be extended to the Ribble. Mr Browning asked to be updated on any further developments.

The final draft of the NWIFCA Biosecurity Plan 2021-24 has been sent back to Natural England, and will be available on the website once approved.

Resolution: To receive the report and to agree to the whelk research proposal detailed in Annex A in order for sampling to commence

6 in favour, 1 abstention, carried

17 **MUSSEL MLS CONSULTATION (Agenda Item 12)**

At the Technical Science and Byelaw meeting held on the 10th of May 2022, the Authority was asked to consider a reduction to the current minimum landing size (MLS) of mussels (*Mytilus edulis*) in the District from 45 mm to 40 mm.

It was subsequently resolved that a consultation would be undertaken to determine the view of industry on this matter.

A questionnaire was drafted and approved by TSB by email, before being made available on NWIFCA website on the 29th of June.

Byelaw 3 permit holders and other members of industry were informed of the consultation by news posts on the website, Facebook and Twitter updates, contacted directly by text messages and invited to complete a questionnaire on the 29th of June.

All relevant members of industry were asked to return their responses to the Authority by the 17th of July. In addition to the questions posed, the consultation also offered the opportunity for industry members to raise any additional information they believe to be relevant to this matter.

Senior Scientist reported that a technical issue had arisen during the consultation resulting in not everyone eligible to complete the questionnaire had been reached, there were a few potential reasons for this, members not updating contact details, and phone providers filtering out some messages as spam. This will be investigated in greater detail and the Authority will aim to find a more reliable avenue for wider communications.

A total of 14 industry members responded to the questionnaire, of which 12 were commercial fishers. The results were quite evenly spread, for and against the proposals.

The Chair remarked that there had been quite a low take up on the survey, but far fewer fishers target mussels rather than cockles.

Mr Manning, having declared an interest remained insistent that there was a case for reducing the MLS, and voiced his frustration at the consultation process.

The preferred option appeared to come out in favour of a temporary reduction in MLS only on specific beds at certain times, but further research is needed. The Chair asked what impact this would have on the level of activity, HRAs and bird feed etc., and what the timescale was likely to be. Senior Scientist felt it highly unlikely that any work could begin before end of September due to current work streams. The Chair raised a concern that this could lead to unnecessary wastage of potential economic resource for fishers.

Mr Brown agreed that small areas of reduced MLS were necessary and concurred with previous comments, and we must avoid wastage in order to help fishers.

Mr Benson and Mr Manning stated that Foulney was the largest mussel bed in Europe and requested that officers visit the bed alongside members of industry, there is a small window of opportunity to prevent significant loss. Mr Manning again reiterated his disapproval of dredging.

Mr Capper asked if there was a method of identifying and pre-designating beds which may be suitable for reducing the landing size.

Senior Scientist said she would develop a strategy for moving forward and bring her proposals for recommendation back to TSB for approval. A fisheries management plan would be the preferred option but the time involved makes this preventative.

Resolution: To accept the report and for officers to bring recommendations back to the TSB for approval.

6 in favour, 1 abstention, carried

18 ANY OTHER BUSINESS (Agenda Item 13)

Mr Manning raised the point of wet dredging at Southport, asked if it was worth local fishermen applying for a permit if they can prove a track record. CEO said there would need to be an HRA, and any interested parties should make a request.

Mr Brown recommended the use of wet dredging to manage the area properly. HOE said there would be similar discussions as we currently have, designating between hand gathering and dredging areas.

Mr Benson raised the question of SORN a permit, as fees are due to be paid and if there are no fisheries it is a significant amount of money to pay for possibly no reward. CEO said there was no mechanism for this, it is a commercial choice for individuals to make.

Meeting closed 14.30pm