

1 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE held at the Strathmore Hotel, Morecambe on 6<sup>th</sup> August 2019

PRESENT (MEMBERS)

Dr E. Baxter	MMO appointee (Marine Environment)
Mr R. Benson	MMO appointee ((Commercial)
Mr S. Brown	MMO appointee (Recreational)
Mr R. Graham	MMO appointee (Commercial)
Mr M. Johnston	Natural England
Mr T. Jones	MMO appointee (Commercial/Aquaculture)
Mr B. Leigh	MMO appointee (Anglers and Recreation)
Mr T. Smith	MMO (Officer)
Mr K. Thompson	MMO appointee (Commercial/Aquaculture)
Councillor P. Williams	Cheshire West and Chester Council

NWIFCA OFFICERS ATTENDING

CEO, Senior Scientist (SS), Head of Enforcement (HoE), Clerk

IN ATTENDANCE

Ms Lydia Tabrizi Marine Future Intern with Cumbria Wildlife Trust,  
Mr Gary Pidduck  
Mr D. Howarth

APOLOGIES FOR ABSENCE

Dr J. Andrews MMO appointee (Marine Environment)  
Mr D. Howarth MMO (Officer)

2 APPOINTMENT OF CHAIRMAN (Agenda Item 1)

The Chief Executive opened the meeting by calling for nominations for Chairman. Dr E. Baxter was proposed by Mr K. Thompson and seconded by Mr Jones.

RESOLVED

Dr E. Baxter be appointed Chairman of the TSB Sub-Committee for the forthcoming year.

3. CHAIRMAN'S ANNOUNCEMENTS (Agenda (Item 2)

1. The Chairman thanked Mr Graham on behalf of members for the excellent job he had done as Chairman of TSB since 2012.
2. The Chairman welcomed new member Mr R. Benson appointed by MMO, announced apologies and welcomed visitors
3. Members were reminded to declare pecuniary and non-pecuniary interests.
4. Members should have received a copy of Potting Permit Byelaw 2019. (Agenda Item 7)). Hard copies were available from the Clerk.
5. AOB. Pilot Creel Fishery Project. Dispensation request from Dr E. Baxter.

4. APPOINTMENT OF VICE-CHAIRMAN (Agenda Item 3)

Mr T. Jones was proposed by Councillor P. Williams and seconded by Mr B. Leigh

Members discussed the possibility of co-opting additional expertise to the TSB Committee to address technical questions. Chairman agreed to consider if this was needed.

RESOLVED

Mr T. Jones be reappointed Vice-Chairman of TSB for 2019-20.

5. DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST IN AGENDA ITEMS (Agenda Item 4)

Item 7 (Potting Permit Byelaw 2019). Mr R. Benson, Mr S. Brown, Mr R. Graham, Mr T. Jones

Item 8 (Byelaw Review). Mr R. Benson, Mr R. Graham, Mr T. Jones

Item 9 (Science Report). Mr R. Benson, Mr T. Jones.

Item 10 (Pilot Creel Fishery Project). Dr E. Baxter, Mr R. Graham.

6. TO RECEIVE MINUTES OF THE TSB SUB-COMMITTEE MEETING HELD ON 14<sup>TH</sup> MAY 2019 (Agenda Item 5)

RESOLVED

Minutes of the TSB Sub-Committee meeting held on 14<sup>th</sup> May 2019 be approved and signed as a correct record. Proposed: Mr B. Leigh; Seconded::Councillor P. Williams.

7. MATTERS ARISING (Agenda Item 6)

1. Minute No. 212 (NWIFCA Potting Permit Byelaw 2019). Mr Jones said at the last meeting it had been agreed the charges for the potting permit should stand subject to confirmation of proportion of full cost recovery of Byelaw 3 permits. He asked if these charges had been confirmed. CEO agreed to re-circulate a spreadsheet detailing the calculation of costs and payments for the potting permit byelaw which had been prepared for a previous meeting.

Councillor Williams proposed suspension of Standing Orders in order that certain issues on the potting byelaw which were discussed at the last meeting could be reconsidered. The proposal was seconded by Mr Leigh.

Vote: 7 in favour, 0 against, 1 abstention (Mr Brown)

9. POTTING PERMIT BYELAW 2019 (Agenda Item 7)

Following the June Annual Meeting members had commented on the proposed byelaw.

Mr Pidduck was invited to comment on this agenda item if he wished to. He said he has a track record issued by MMO but under the new potting byelaw he will need a different track record for the NWIFCA area. Senior Scientist said what Mr Pidduck was referring to was a specific track record document from the MMO regarding latent capacity for crab and lobster fisheries. IFCA's are entitled to set a track record requirement for fisheries within their districts.

Mr Brown outlined options in Dr Andrews' discussion paper. His preferred option would be 3(c) to rescind Cumbria SFC Byelaw 25. While escape gaps keep the lobster fishery cleaner and prevent cannibalism within the pots, they also allow the fishery to work more pots. Mr Brown felt this to be the simplest and quickest option open to the Authority with the minimum environmental risk to the fishery.

SS raised a concern that the latter the two options put forward, the rescinding of Cumbria Byelaw 25 and the amended byelaw proposed by Dr Andrews would provide inadequate management for all pot fishing. The level of crab and lobster activity in the old NWNWSFC district is minimal compared to the level of activity in the northern part of the district.

Mr Brown proposed that the Cumbria SFC Byelaw 25 be rescinded. There was no seconder and the motion was not carried.

Mr Thomson proposed working through the sticking points identified in the byelaw, taking decisions on each. The proposal was seconded by Councillor Williams.

Messrs Benson, Brown, Graham and Jones declared an interest in this item and did not vote.

Members discussed and voted as follows.

Vessel Length. Proposal to remove vessel length from the existing byelaw and consider it further in a separate byelaw.

Vote: 5 in favour, 0 against, 0 abstentions

Pot limit. Proposal to retain a pot limit for whelk fishery under flexible permit conditions enforced using tags.

Vote: 5 in favour, 0 against, 0 abstentions

Riddles and bar spacing. Proposal to include these within the flexible permit conditions but not set any bar spacing limit at present.

Vote: 5 in favour, 0 against, 0 abstentions

Paragraphs 35 and 36. Permit suspension. Proposal to retain power to issue fixed penalty points.

Vote: 4 in favour, 0 against, 1 abstention (Mr Leigh)

10 The Chairman adjourned the meeting for lunch.

11. MEETING RECONVENED AT 1255 HOURS

12 NWIFCA POTTING PERMIT BYELAW (Continued)

Paragraphs 13 and 14 (Separate Category One permits for different species). Proposal to retain both paragraphs.

Vote: 5 in favour, 0 against, 0 abstentions.

Paragraph 26 (Marking of Gear). Proposal to retain existing paragraph.

Vote: 5 in favour, 0 against, 0 abstentions

Paragraphs 30 to 32. Proposal to retain these paragraphs within the byelaw with the acknowledgement that 150cm is changed to 84 cm.

Vote: 2 in favour, 1 against, 2 abstentions

Paragraph 54. Proposal to retain this paragraph referring to amending existing Marking of Gear byelaws.

Vote: 5 in favour, 0 against, 0 abstentions

Flexible Permit Conditions. Paragraph 1(e) Minimum Landing Size. It was suggested the word "notwithstanding" be removed and Byelaw 19 be amended at the same time.

Proposal to retain MLS conditions within the flexible permit conditions

Vote: 5 in favour, 0 against, 0 abstentions

Proposal to remove requirement for escape gaps in Nephrops creels from flexible permit conditions at present time with option to add in future if evidence shows need.

Vote: 5 in favour, 0 against, 0 abstentions

RESOLVED

A revised version of the proposed byelaw be prepared incorporating the agreed changes with the aim of making the byelaw at the September meeting of the Authority.

13. BYELAW REVIEW (Agenda Item 8)

The Chairman suggested the Byelaw Review requires further consideration and that it be referred to the next TSB for full discussion.

CEO reported on changes in regulations removing IFCA powers to enforce Minimum Conservation Reference Sizes (MCRS) for recreational fishers. A further discussion on MCRS may be needed at the next TSB presenting options.

Mr Benson suggested there should be some flexibility built into the Cockle and Mussel permit scheme to offer permits to allow mussel seed to be fished by additional permit holders when other concurrent fisheries mean effort is directed elsewhere. He proposed the Authority calls back the Cockle and Mussel Permit Byelaw made in June. This was not agreed.

RESOLVED

1. The Byelaw Review be discussed at the next TSB meeting.
2. Reports to TSB Committee in future be separated into those for information only and those for decision.

14. SCIENCE REPORT (Agenda Item 9)

The report covered:

Marine Protected Areas in the NWIFCA District  
NWIFCA Research Projects  
National IFCA TAG Conference and Whelk Working Group  
Halite Gas Storage and Brine Discharge  
Dee Tidal Catchment Partnership – Dee Coastliners Project  
EMFF Workshop  
Mussels

Cockles: There is a stock of size cockles in Morecambe Bay spread across a wide area. Proposed Newbiggin, Leven Sands, Flookburgh and the east side of Pilling beds are opened for size cockle fishing to Byelaw 3 permit holders from 1<sup>st</sup> September with Byelaw 16 closures on the beds at Middleton and Aldingham, Warton Sands and the west side of Pilling.

A recent survey of Leasowe found size cockle in muddier areas between groynes had spread across the whole bed. The biomass estimate is 1,200 tonnes of size and 500 tonnes of undersize. There is the possibility of a limited fishery with a restricted TAC. Discussions with Natural England on bird food provision will be required.

RESOLVED

1. Newbiggin, Leven Sands, Flookburgh and the east side of Pilling are opened for size cockle fishing to Byelaw 3 permit holders from 1<sup>st</sup> September.
2. Byelaw 16 closures are imposed on the beds at Middleton and Aldingham, Warton Sands and the west side of Pilling.
3. A decision on the Leasowe fishery be made via email once the HRA has been drafted.

15. ANY OTHER BUSINESS (Agenda Item 10)

Pilot Nephrops Creel Fishery Project. The Chairman requested a derogation against Cumbria SFC Byelaw 25 to allow a limited number of nephrops creels without escape gaps to be set from North Western Protector within the NWIFCA District. All catch would be recorded and released.

Mr Johnston (NE) said this would be a small-scale trial to identify potential issues and the feasibility of the fishery due to weather and exposure. Consultation with fishing community would be sought on a suitable area for the trial where no trawling would be occurring for the duration of the surveys to avoid any impact on current fishing activity occurring within the District.

Mr Graham commented on the paper saying that reference to lack of fishing activity in the mud areas around the proposed site for the project should not be read to suggest there is little interest by West Cumbria boats.

The Nephrops fishery is a seasonal fishery and very important and mud areas have already been lost to fishing as a result of MPA designation.

Mr Graham suggested that the project creels be set in the Plaice Box to reduce the risk of creels being towed away.

RESOLVED

Members approve the derogation from Cumbria SFC Byelaw 25 for this project.

Vote: 6 in favour, 0 against, 0 abstentions

Meeting ended 1500 hours.