

169 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE held at the Strathmore Hotel, Morecambe, on 6th November 2018

PRESENT (MEMBERS)

Mr R. Graham	(Chairman)	MMO appointee (Commercial)
Dr J. W. Andrews		MMO appointee (Marine Environment)
Dr E. Baxter		MMO appointee (Marine Environment)
Mr S. Brown		MMO appointee (Recreational)
Mr T. Jones		MMO appointee (Commercial/Aquaculture)
Mr B. Leigh		MMO appointee (Anglers and Recreation)
Mr S. Manning		MMO appointee (Commercial)
Dr K. Nisbet		Natural England
Mr K. Thompson		MMO appointee (Commercial/Aquaculture)
Councillor P. Williams		Cheshire West and Chester Council

NWIFCA OFFICERS ATTENDING

Chief Executive, Head of Enforcement, Clerk, Senior Science Officer, Inshore Fisheries and Conservation Advisor, IFCO J. Sparks

IN ATTENDANCE

Mr R. Benson	MMO appointee (Commercial)
Mr D. Clarke	MMO appointee

APOLOGIES FOR ABSENCE

Mr S. Garner	Environment Agency
Mr P. Gray	MMO (Officer)
Dr B. Pearce	MMO appointee (Marine Environment)

170 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

1. The Chairman announced apologies and welcomed visitors.

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

Dr Andrews asked that Authority member Mr Clarke be allowed to speak on Items 6 and 9. CE reminded members that the Constitution allows any member to attend and speak but not vote.

Agenda Item 5 (Science Summary Report). Mr T. Jones, Mr S. J. Manning
Agenda Item 7 (Cockle and Mussel Report). Mr T. Jones, Mr S. J. Manning
Agenda Item 8 (Cockle and Mussel Permit Byelaw). Mr S. J. Manning

172 TO RECEIVE MINUTES OF THE TSB COMMITTEE MEETING HELD ON 7TH AUGUST 2018 (Agenda Item 3)

RESOLVED

Minutes of the TSB Committee meeting held on 7th August 2018 be approved and signed as a correct record.

173 MATTERS ARISING (Agenda Item 4)

There were no matters arising.

174 SCIENCE SUMMARY REPORT (Agenda Item 5)

The report covered:

- a) Marine Protected Areas in the NWIFCA District: Marine Conservation Zones.: No further information is available on the Defra consultation on a proposed byelaw for the West of Walney MCZ. NFFO had submitted a substantial objection to the management proposed. Defra had also consulted on the three estuarine Tranche 3 sites in the NWIFCA district. Information on that consultation is unlikely to be available until the New Year.
- b) Assessment of Fishing Activities in Marine Protected Areas: Bait Collection Assessments: A decision on a request to extend the deadline for assessments to March 2019 is awaited from Defra. Questionnaires for the District's bait collectors have been drawn up and placed on the website and Science Officer Mr James has also been meeting with anglers and visiting angling clubs to disseminate the questionnaire. Mr Leigh said he had tried to initiate support from angling groups and the response was mixed. It is likely that many recreational anglers may not understand the role and remit of NWIFCA and how it works with anglers to enhance and protect sport. He is happy to support and help Mr James in furthering engagement with the recreational angling community.

The Senior Scientist said there had been reports of large numbers of people from the North East coming to collect peeler crabs in the District and this activity will need further investigation. All other types of bait collection are thought to be very low key across the district. Mr Manning said a large amount of data on bait collection produced by the Irish Sea Conservation Zone Project in 2010 should be available on the internet.

- c) NWIFCA Research Projects. Nephrops creel potting. This NE project is now managed by Dr Baxter. There has been little progress this year but it is hoped some work can be carried out on the project in 2019.

Bass populations and tagging study: A workshop was held by Cefas in September with presentations given by Cefas scientists, Bangor University and NWIFCA. It was attended by both commercial and recreational sectors. Mr Leigh asked if a colleague from Cefas could be asked to make a presentation to the Authority on the study. The Senior Scientist agreed to try to arrange this.

Razor clam collaborative research: Officers met with three companies interested in a collaborative research project. A separate meeting was also held with an English razor fisher working in Scottish scientific trials of electro gear in razor fisheries. Officers have been restricted from going out on fishing vessels to observe razor clam fishing under a derogation due to H&S protocols and insurance.

Whelk Fisheries in the North West: First samples of whelks to be assessed for age and reproductive condition are awaited from the contracted fisherman. It is hoped to extend the project from the initial 12 month period into subsequent years, also to expand the project further across the district.

- d) Crown Estate Offshore Wind Leasing: Dr Hartley has responded to a consultation on the next round of potential new offshore wind leasing sites. The impact of wind farms and loss of fishing grounds to wind farms is a matter of concern and NWIFCA will watch developments closely and contribute to the consultation.

RESOLVED

A representative from Cefas be asked to make a presentation to a future meeting of the full Authority on the Bass populations and tagging study

175 POTTNG PERMIT BYELAW (Agenda Item 6)

The Senior Scientist presented the report providing an update on the work carried out on this byelaw since the August meeting. Three members had provided input to the draft byelaw and their responses were provided in Annex A to the report. A drop in day for fishers held in Whitehaven on 3rd October had been well attended and a further drop in day has been arranged for 12th November in Preston.

Mr Leigh suggested that the Authority should adopt an appraisal procedure so that the committee can look at all the considerations before proposals are made and approved.

Mr Brown pointed out the byelaw will cover not just potting but hobby fishing and there is also no provision for commercial beach fishermen. Mr Brown felt the figures shown for prawns and nephrops in the byelaw are too low and suggested more realistic figures were 150 prawns and 50 nephrops.

It was pointed out the proposed fees did not achieve full cost recovery. NWIFCA had agreed to full cost recovery and the importance of applying this in all future byelaws was stressed. The Senior Scientist said fees charged by other IFCA's shows a broad range of charges. A comparison table is being drawn up.

Dr Andrews pointed out that both he and Mr Brown had previously raised concerns about vessel size being a flexible permit option in the proposed byelaw. This is inappropriate as there is already a vessel size byelaw in place.

The Senior Scientist asked Messrs Clarke, Andrews and Brown to put their comments in writing so they can be incorporated in the revised draft byelaw. Mr Clarke felt there is a lack of awareness from the Authority of the activities of the commercial fishermen. The Senior Scientist said she was willing to meet with Mr Clarke to discuss his concerns if this would be useful.

Dr Andrews asked whether a written procedure is in place for reviewing flexible permit conditions. He moved that such a procedure be produced for discussion and approval by TSB followed by subsequent adoption by the Authority.

RESOLVED

1. A written procedure be produced for approval by TSB and adoption by the full NWIFCA.
2. Members submit comments on concerns relating to the proposed byelaw to the science team with a further report submitted to the next TSB meeting for discussion.

176 COCKLE AND MUSSEL REPORT (Agenda Item 7)

The Senior Scientist presented the report, updating the members on the current status of the cockle and mussel beds within the district.

Mussels: Heysham Flat: Fishing ceased naturally early on due to the hardness of the ground.

Perch Scar. The majority of the mussel was lost through high winds.

Seafield Road, Lytham. Due to the high readings of e-coli the stock has been classified as prohibited. A dense seed mussel settlement there was last surveyed in September. Officers hope that sampling will be re-started to see if the classification has changed. A

number of factors could have caused the high readings including dung from sheep on the saltmarsh, agricultural run-off and birds. .

Solway Mussels: The Senior Scientist reported that two fishermen had requested authorisation to dredge for subtidal mussels in the Solway due to starfish predation. A HRA cannot be carried out as no information is available on this fishery at present. NWIFCA is therefore unable to authorise a fishery in the Solway at this time. It was suggested "North Western Protector" would have the capability to carry out scientific surveys of the area to gain more information on the stocks.

Cockles: Penfold North, Southport: The bed was opened during the seasonal closure as cockles were dying off in the hot weather. The fishery continued there for four or five weeks.

Leasowe, North Wirral. Inspection of the bed showed a further recruitment of cockles has taken place. The bed will be resurveyed in the spring.

Morecambe Bay cockles: Survey results are provided in Annex A of the report on Pilling, Leven and Flookburgh which were surveyed later in the summer, and Newbiggin which had been surveyed the previous April.

Pilling Sands. A limited cockle fishery has not yet been authorised as it is felt a craam only fishery would be unenforceable.

Leven Sand/Flookburgh: This fishery which opened on 8th October has not been operated in compliance with the authorisation. A number of permit holders have been found using rakes rather than the craam and reduced size jumbos specified in the authorisation and sanctions have been imposed. Mr Leigh proposed closure of the bed given the current behaviour and conduct of permit holders. The Authority has a statutory duty to ensure that fisheries comply with the Habitats Regulations and at present the bed is not being prosecuted in compliance with that HRA.

Mr Manning felt that fishers should be given a second chance, with sanctions imposed on anybody caught using a rake as from today. He subsequently asked that his comments be recorded in the minutes.

RESOLVED

The Leven Sands/Flookburgh cockle bed be closed with immediate effect pending a further survey to assess remaining stock. Should sufficient stock remain a revised Habitats Regulations Assessment will be required before a decision can be made on reopening the bed.

177 The Chairman adjourned the meeting for lunch.

178 MEETING RECONVENED AT 1320 HOURS

179 COCKLE AND MUSSEL PERMIT BYELAW (Agenda Item 8)

New proposals for commercial areas have been added following MMO comments that the proposals would give NWIFCA too much power. Four areas are suggested instead of the two at present. CE suggests the permit fee remains at £500. Members were concerned that this would not achieve full cost recovery with the present number of permits being issued.

Possible deterrents and sanctions that could be imposed in future on offenders were discussed. Dr Andrews suggested one sanction could be removal of a permit. CE agreed to investigate whether this could be a feasible option. A further matter of concern is the

procedure for changing flexible permit conditions and it was felt this needs further discussion.

RESOLVED

A further draft of the proposed Cockle and Mussel Permit Byelaw 2018 taking into account members' comments be prepared for discussion at the NWIFCA quarterly meeting in December.

180 DISTRICT WHELK FISHERIES (Agenda Item 9)

Officers have met individually with 6 whelk fishermen and 2 major processors in the district since August and the feedback has been positive. The Chairman and Mr Clarke said they had received less favourable responses from fishermen. The Senior Scientist suggested discussion on their concerns outside this meeting would be useful. Officers are trying to obtain as much information on the fisheries in order that an informed decision on how to progress this matter can be taken.

The Senior Scientist had a lengthy discussion with the Bangor scientist working on management of the Isle of Man whelk fisheries. Work on whelk fisheries is also being carried out by other IFCA's and also Cefas.

Dr Andrews proposed approval of the recommendations in the report.

RESOLVED

Members approve work to produce a full report on the knowledge gained from stakeholder consultation, issues identified and proposals for a precautionary approach to management.

Moved: Dr J. Andrews Seconded: Dr E. Baxter

181 iVMS CONSULTATION (Agenda Item 10)

CE said he still has certain concerns about the introduction of iVMS but few problems have been encountered with the consultation. Members were asked to agree the draft response to the consultation as provided in the report. Members agreed that in view of the very short consultation period which closes on 14th November, Defra be informed that NWIFCA has no comment to make on the consultation at this stage.

Arrangements are being made to install iVMS on the Authority's patrol vessels as agreed at a previous meeting.

RESOLVED

Defra be informed that NWIFCA has no comment to make on the consultation at this stage.

182 ANY OTHER BUSINESS (Agenda Item 11)

Dr Andrews said Mr David Jarrad of SAGB had informed him of a consultation on proposed changes to existing exemptions to the marine licensing process. Members agreed that officers should prepare a report for the December meeting so that a response can be made by the consultation deadline 14th December.

Meeting ended 1440 hours.

