

16 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE held at the Strathmore Hotel, Morecambe on 5th November 2019

PRESENT – MEMBERS

Dr E. Baxter	(Chair)	MMO appointee (Marine Environment)
Mr T. Jones	(Vice-Chair)	MMO appointee (Commercial/Aquaculture)
Dr J. W. Andrews		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 B. Leigh		MMO appointee (Anglers and Recreation)
Mr T. Smith		MMO (Officer)
Mr M. Taylor		MMO (Officer)
Mr K. Thompson		MMO appointee (Commercial/Aquaculture)

NWIFCA OFFICERS ATTENDING

CEO, Senior Scientist (SS), Deputy Senior Scientist, Scientific Officer, Clerk, Senior Finance & Operational Support Officer,

IN ATTENDANCE

Mr S. Manning	MMO appointee (Commercial)
Mr Thomas Watson	
Mr John Watson	

APOLOGIES FOR ABSENCE

Councillor P. Williams	Cheshire West and Chester Council
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17 CHAIR ANNOUNCEMENTS (Agenda Item 1)

1. The Chair welcomed Mr S. Manning, MMO appointee and visitors Messrs Tom and John Watson.
2. Members were reminded to declare pecuniary and non-pecuniary interests.

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

Agenda Item 5 (Byelaw Review). Mr R. Benson, Mr R. Graham, Mr T. Jones
Agenda Item 6 (Byelaw Making Process). Mr R. Benson, Mr R. Graham, Mr T. Jones
Agenda Item 7 (Science Report). Mr R. Benson, Mr R. Graham, Mr T. Jones
Agenda Item 8 (Whelk Potting Track Record – Appeals Process). Mr R. Benson, Mr R. Graham, Mr T. Jones

19 TO RECEIVE MINUTES OF THE TSB SUB-COMMITTEE MEETING HELD ON 6TH AUGUST 2019 (Agenda Item 3)

The Chair pointed out that Mr Andy Bell was present at that meeting but had not been listed.

Mr Graham asked that his comments on the Pilot Nephrops Creel Fishery be minuted as follows: The 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 in the area from West Cumbria boats. The Nephrops fishery is a seasonal fishery and very important. 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.

Proposed: Mr Jones Seconded: Mr Thompson, 1 abstention (Dr Andrews)

RESOLVED

1. Minutes to be amended as agreed and a new version circulated to TSB members.
2. Minutes of the TSB Sub-Committee meeting held on 6th August 2019 be approved as a correct record following the above change.

20 MATTERS ARISING (Agenda Item 4)

There were no matters arising.

21 BYELAW REVIEW (Agenda Item 5)

A meeting in December was suggested between the TSB Chair, Vice-Chair and officers to discuss future byelaws priorities. The outcome of that meeting would be reported to the February 2020 TSB meeting for further discussion on measures to be included in each byelaw and to agree an order of priority.

Proposed: Dr Andrews Seconded: Mr Leigh

Carried unanimously

RESOLVED

1. Actions outlined in paragraphs 9i), ii) and iii) of the report were approved.

22 BYELAW MAKING PROCESS (Agenda Item 6)

Members discussed possible ways of streamlining internal byelaw development. A new byelaw audit process incorporating and extending the Defra guidelines was presented to the Authority in 2016, the aim being to put in place a clear and consistent approach to byelaw making.

Members discussed the different approaches taken by different IFCA's. In streamlining any process for byelaw making it is important for TSB to be involved in the early stages. One option was for byelaw drafting to be outsourced to someone of suitable legal standing such as a solicitor with fisheries expertise. Early engagement with TSB should happen before any outsourcing.

Mr Manning raised a point he had previously made that Byelaw 3 should contain measures to protect local fishing communities. Members were reminded the Authority cannot include any measures in a byelaw which discriminate against a person's address, heritage or family background. Following a lengthy discussion Mr Manning was asked to put proposals in writing for amendments that could be made to the permitting process.

Mr Brown said it would be helpful and useful to record against the relevant minute which members had declared a pecuniary interest and were not able to vote on an item.

It was suggested this matter be kept under review for discussion perhaps once a year.

It was RESOLVED to receive the report.

23 The Chairman proposed a change to the Agenda to take Item 8 next and this was agreed.

24 WHELK POTTING TRACK RECORD – APPEALS PROCESS (Agenda Item 8)

The Senior Scientist welcomed visitors Tom and John Watson. She said the track record issue is separate from the actual byelaw but has been included in the formal consultation to

make stakeholders aware of all the proposals around the byelaw. An appeals process is proposed for those applicants who fall just outside of the track record eligibility criteria

Messrs Tom and John Watson were invited to comment on this item. Their concerns were over the clause within the track record proposal that this cannot be transferred under any circumstances. It was suggested that ownership of track record, whether vessel owner or vessel itself, needs clarification.

Mr John Watson suggested consideration be given to opening Cumbria inside the 6nm for all vessels on a very limited basis for the first year, to determine who is pursuing the fishery on a limited number of pots and then consider a track record based on that information.

Dr Andrews proposed an appeals process be established as outlined and recommended to the full Authority. The proposal was seconded by Mr Leigh.

With respect to the appeals process it was felt the wording to the methodology needs to be looked at again. An amended wording will be circulated to TSB members.

Members then voted on the recommendations in the report

RESOLVED

1. The wording of recommendation be amended to read “a proposed track record method is retained to screen in the main pool of whelk fishers eligible to whelk permits.”

Proposed Mr Leigh

Seconded Dr Andrews

Carried unanimously.

2. In order to capture those who might fall just outside the proposed method, an appeals process and panel should be initiated to scrutinise those who fall into this category.

Proposed Dr Andrews

Seconded Mr Leigh

Carried unanimously

3. Officers to draft an appeals process for members' further approval.

Proposed Mr Thompsons

Seconded Mr Jones

Carried unanimously

In closing the discussion the Chair said she hoped the Watsons' were reassured that the Authority is doing all it can to address their concerns.

25 The Chair adjourned the meeting for lunch

26 MEETING RECONVENED AT 1330 HOURS

27 SCIENCE REPORT (Agenda Item 7)

The report covered

Marine Protected Areas in the North West District
Halite Gas Storage and Brine Discharge
NWIFCA Research Projects

Whelk Fisheries in the North West. An undergraduate from Lancaster University has been engaged to assist with this work.

Nephrops creel project. Members approved the issue of a derogation to the Natural England / Cumbria Wildlife Trust project for the use of North Western Protector to put creels off St Bees Head. Science officers have assisted in hauling and measuring of the catch. A report is imminent.

Plastics in mussels. Officers met with Dr Gill Notman of Cumbria University to discuss common areas of interest and what areas of research can be undertaken. Wyre Rivers Trust are also looking at this issue.

Whelk Working Group. Work is going on nationally. A work plan has identified gaps in knowledge and areas for research.

Byelaws – MCRS byelaw. Work has started on this. A report will be submitted to the TSB meeting in February.

Fisheries Management – Longer Term Planning. Officers will be looking at finalising cockle and mussel management plans for the Morecambe Bay. BMWG members were consulted on this but it was not finalised due to the bird food resource issue. The longer term plan is to look at management plans for all fisheries. It is intended to draw up a list of key commercial species to work on initially.

Survey and Fisheries Report.

Mussels

Mussels at Perch and Black Scar, Fleetwood. Following a request from industry to authorise a dredge fishery in a limited area at Perch Scar Officers inspected the area. Following approval by TSB officers set up the administration for this but no applications were received from industry to fish the area.

Solway Mussels – Work on the subtidal survey. Work on this has been ongoing. Officers will be preparing standard operating procedures for side scan and Olex equipment.

Port of Silloth Dredging. MMO has inspected the marine licence and found operators have been compliant. NE are looking at requesting a review of the marine licence with a view to potentially moving the disposal site which is adjacent to the mussel bed. Discussion on this will be required with the Port itself.

Cockles

Warton Sands. There is a dense stock of undersize cockles and the area is being monitored on a monthly basis.

Pilling Sands has been open since 1st September but no activity has taken place.

Wirral – Leasowe. This bed opened on 30th September as a 3 day a week fishery with a restricted TAC. Following a request from industry this has been increased to a 5 days a week fishery.

Solway – Middlebank. It is the intention to dry out North Western Protector on Middlebank and crane quad bikes and officers on to the sandbank to carry out stock surveys. Due to daylight on suitable tides being lost the work will be prioritised for the earliest opportunity in 2020.

It was RESOLVED to receive the report.

- 28 The Chair asked if members wished to discuss how to deal with comments received from the byelaw consultations. Mr Jones proposed this be taken under AOB. Standing Orders would need to be suspended for the following item.

Proposed Mr Jones Seconded Dr Andrews

Carried unanimously

RESOLVED

Standing Orders be suspended for the discussion on responses from byelaw consultation.

- 29 ANY OTHER BUSINESS (Agenda Item 9)

Update – Byelaw 3 (Cockle and Mussel Permit) and Byelaw 4 (Potting Permit)

The statutory consultation on these byelaws will conclude on 9th November. CE outlined the current procedure for responding to objections and comments from byelaw consultations.

Dr Andrews proposed that the feedback from the consultation is collated to members of TSB with recommendations of a response for consideration by email and that a report is presented to the full Authority meeting in December to endorse the TSB decision. Mr Jones seconded the proposal.

Carried unanimously.

RESOLVED

Comments received following the byelaw consultations and draft responses from the Authority be circulated to TSB members for consideration with a full report to the December Authority meeting to endorse the TSB's decision.

Meeting ended 1435 hours