

183 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE held at the Royal Station Hotel, Carnforth on 5th February 2019

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 D. Howarth		MMO (Officer)
Mr M. Johnston		Natural England
Mr S. J. Manning		MMO appointee (Commercial)
Mr K. Thompson		MMO appointee (Commercial/Aquaculture)
Councillor P. Williams		Cheshire West and Chester Council

NWIFCA OFFICERS ATTENDING

Chief Executive, Senior Scientist, Clerk, Master of Patrol Vessel, Science Officer J. Haines

IN ATTENDANCE

Mr R. Benson	MMO appointee (Commercial)
Dr B. Pearce	MMO appointee (Marine Environment)

APOLOGIES FOR ABSENCE

Mr T. Jones	MMO appointee (Commercial/Aquaculture)
Mr B. Leigh	MMO appointee (Anglers and Recreation)

184 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

1. The Chairman announced apologies and welcomed visitors.
2. Members held a minute's silence in memory of all those who lost their life in the Morecambe Bay Tragedy 15 years ago.
3. Members were reminded of the importance of declaring pecuniary and non-pecuniary interests in Agenda items.
4. EXCLUSION OF THE PUBLIC

Members were asked to agree exclusion of the public from the meeting during the consideration of Agenda Item 8 (District whelk Fisheries) in accordance with Section 100(A) (2) of the Local Government Act 1972.

It was felt that there was nothing in the report which warranted exclusion of the public. Following a lengthy discussion and a vote of 5 in favour, 0 against, 1 abstention.

It was RESOLVED that the public be not excluded from the meeting for Item 8 on the Agenda but that Annex D to that report be withheld.

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

5. Copies of Annex A to Agenda Item 10 (MMO Report: quality Assurance of IFCA Byelaws: Process Review) were available from the Clerk.

185 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST IN AGENDA ITEMS

Agenda Item 5 (Science Summary Report). Mr S. Manning.
Agenda Item 6 (Cockle and Mussel Permit Byelaw). Mr S. Manning.
Agenda Item 7 (Potting Permit Byelaw). Mr S. Brown.

Agenda Item 8 (District Whelk Fisheries). Mr R. Graham.

Agenda Item 12 (Landing Obligations). Mr R. Graham.

186 TO RECEIVE MINUTES OF THE TSB COMMITTEE MEETING HELD ON 6TH NOVEMBER 2018 (Agenda Item 3)

RESOLVED

Minutes of the TSB Committee meeting held on 6th November 2018 be approved and signed as a correct record.

187 MATTERS ARISING (Agenda Item 5)

There were no matters arising.

188 SCIENCE SUMMARY REPORT (Agenda Item 5)

The report covered:

- a) Marine Protected Areas in the NWIFCA District: Assessment of Hand-gathering activities in Marine Protected Areas. Two years' worth of sightings data is being analysed and 40 bait collection questionnaires have been returned. Defra has recently published a report on the Marine Protected Areas Network 2012-2018. Assessments have previously been carried out on a risk based approach which looks at individual gear / feature interactions whereas the "whole site approach" referred to in the Defra reports will look at the surrounding substrates and how gear will impact on those. Members will be kept informed of developments.
- b) St Bees Head - Cumbria Coast MCZ – Netting Voluntary Code of Practice. IFCOs have reported sightings of birds on the cliffs at St Bees Head. Further evidence is being gathered to assist a decision on whether the voluntary Code of Practice needs to be implemented earlier than last year.
- c) Development of Subtidal Survey aboard North Western Protector. Progress is being made on commissioning all survey equipment on North Western Protector. Cornwall IFCA has offered assistance with this.
- d) National IFCA Tag Conference. The annual TAG Conference is being hosted in Lancaster this year from 19th to 21st February.
- e) North West Marine Plan – MMO. A workshop in London on Essential Fish Habitats was held in January which the Senior Scientist had dialled in to. The workshop was part of a project to identify essential fish habitats to put into Marine Plans that are being drawn up. Ms Knott will be attending a further MMO workshop in Carlisle in February and will report back.
- f) Cockles. The cockle fisheries were reopened on 21st January. The Byelaw 13A closure was lifted on the eastern part of the bed at Pilling for jumbo and rake fishing, and for craam only fisheries at Flookburgh/Leven Sands and Newbiggin.
- g) Mussels – Southern Ireland – BIM Risk Assessment for Chinese Mitten Crab mussel from Foulney. Movement of mussels from Foulney to Southern Ireland had stopped during January because of the perceived increased risk of the presence of adult Chinese Mitten Crab. Mr Benson reported that Southern Ireland is now accepting exports of size mussel.
- h) Solway Mussels. Problems have been experienced in getting out to sea to carry out surveys because of bad weather.

- i) Mussel Spawning Work. Member Mr. Thompson has been receiving samples from Foulney mussel bed and carrying out work to assess their spawning conditions. Members of the Science Team attended a demonstration on spawning conditions in mussels and oysters at the hatchery on Walney Island in December.
- j) Bass Regulations. Councillor Williams asked if a decision had been made on the regulations for 2019. Mr Howarth said if these had yet been published MMO will be taking the 2018 regulations forward into 2019. He agreed to check this point.

It was RESOLVED to receive the report.

189 A change in the Agenda to take Item 10 next was proposed and agreed

190 MMO REPORT ON BYELAW MAKING (Agenda Item 10)

The CE said this report will have some impact on the way IFCA's do byelaws in the future. The review sets up three principles: IFCA's taking more ownership of their byelaws, streamlining processes to remove unnecessary delays and continuation of targeted support from MMO and Defra. Members discussed the 8 main outcomes in the report and concerns were raised on a number of these including the seeking of independent legal advice which is likely to have cost implications. It was suggested that it might be appropriate to raise the matter with either the Minister or Association of IFCA's. Dr Andrews suggested a possible alternative mechanism may be for the byelaws to be checked by two other IFCA's and by our lawyer and a lawyer from another IFCA before submission to Defra or MMO. The CE said he would discuss that with IFCA Chief Officers.

RESOLVED

The views and ideas of other IFCA Chief Officers be sought on the proposals in the byelaw making review.

191 The meeting reverted to the Agenda as printed.

192 COCKLE AND MUSSEL PERMIT BYELAW (Agenda Item 6)

A further version of this byelaw was provided at Annex A to the report. The CE has discussed the byelaw with the Authority's lawyer and his advice is awaited. Concerns were raised on proposed commercial areas, flexible permit conditions and criteria for the waiting list. Members asked about the reference to suspension of permits in a note attached to the byelaw. CE explained this was a proposed provision to be included in the byelaw if members agreed. The final wording would be adapted from a draft Cornwall IFCA flexible permit conditions byelaw for possible inclusion in the NWIFCA byelaw.

The Senior Scientist said she would again like to raise the question with Defra of inclusion of buyers in the byelaw. Dr Andrews moved that this issue be included as an item for discussion at the next TSB Committee meeting and this was agreed. It was further agreed that subject to legal advice the byelaw be presented to the March quarterly meeting to be made.

RESOLVED

1. A further version of the byelaw be prepared taking into account members' comments including provision for suspension of permits, the byelaw to be made at the March quarterly meeting subject to legal advice received.
2. The issue of inclusion of buyers in the byelaw be an item for discussion at the May TSB Committee meeting

193 POTTING PERMIT BYELAW (Agenda Item 7)

The latest version of the draft byelaw at Annex A was discussed. Industry has been widely consulted on the proposed measures.

Mr Brown raised queries on paragraph 30 where he would like an explanatory note on what an A1 size is, and on Gear Restrictions where it refers to Norwegian lobster pots. He pointed out cylindrical pots are available and easily convertible for the whelk fishery. With regard to charging Mr Brown said he remains vehemently and morally opposed to all fees.

On the question of tagging of pots Dr Andrews said it was perhaps appropriate to require some way of marking gear to identify which are recreational pots and which are commercial but he felt the requirement for tags could be a huge cost and may not be enforceable. Mr Thinnesen stated that individual pots tags for recreational pots was a crucial element of enforcement to remove un-licensed commercial fishing.

Mr Brown proposed that paragraph 47(e) in the Flexible Permit Conditions (vessel length and/or engine capacity restrictions) be removed as it would be more appropriate in a separate vessel length byelaw. The proposal was seconded by Dr Andrews

The question of removing paragraph 47(f) (number of permits issued) from the Flexible Permit Conditions was considered. Councillor Williams suggested it is an appropriate measure for the future sustainability of the fishery. He proposed the paragraph should remain and the proposal was seconded by Mr Manning.

The Senior Scientist said she would prepare a new version of the byelaw taking into account members' comments and circulate a track change version for approval. Legal advice on the byelaw will then be sought.

194 The Chairman adjourned the meeting for lunch.

195 MEETING RECONVENED AT 1325 HOURS

196 POTTING PERMIT BYELAW (Continued)

Members discussed the charging of permits and what these should be for both commercial and recreational potting. Annex D in the report gave the charges operated by other IFCA for similar types of fisheries and this seemed to show a high degree of inconsistency between and within IFCAs on charging. It was felt full cost recovery might be inappropriate but that working on charging a proportion of the costs could be considered.

Dr Andrews suggested Byelaw 3 could be looked at as a starting point as this is based not on full cost recovery but on a proportion. Members firstly discussed charging for commercial permits and Councillor Williams proposed £200 which would equate to 20% cost recovery. This was seconded by Dr Andrews. CE agreed to re-check the calculations for Byelaw 3 permits to see if this figure would be considered appropriate.

For recreational permits Councillor Williams proposed £20 which is 1/10th of the cost of the proposed commercial permit. The proposal was seconded by Dr Andrews.

Mr Brown reiterated his concerns over charging for permits and said as the appointed member for the recreational fishery he wished to record his objection to the fee for hobby fishing.

RESOLVED

1. A further draft of the byelaw be prepared for discussion at the next TSB Committee meeting taking account of members' comments, with a view to the byelaw being 'made' at the June meeting of the Authority.
2. The charge for commercial permits be set at £200 and £20 for recreational permits subject to confirmation of proportion of full cost recovery of Byelaw 3 permits.

197 DISTRICT WHELK FISHERIES (Agenda Item 8)

The Senior Scientist said the report refers to the flexible permit conditions for the whelk fisheries within the Potting Permit byelaw. Information on different management of whelk fisheries in England, Wales, Isle of Man and States of Jersey has been obtained. There is concern nationally about whelk stocks and certain management measures need to be introduced to prevent the potential for overfishing. Proposed measures include an increase in MLS to 75mm, restricting the number of permits issued to those with track record and under 10s with no track record in the north of the district, restricting vessel length to 15m across the whole district and limiting pots to 1,000 per vessel and 300 for u10m vessels with no track record in the north of the district.

There was some discussion on the proposal to increase MLS and whether this should be done in one step or as a phased increase. It was agreed that industry should be consulted on this.

Mr Benson said he would be prepared to deploy a string of pots with escape gaps within the district which could provide useful information on measurements of sizes of whelks being caught.

The Senior Scientist suggested the industry be consulted on the proposals and a further report on the outcome of the consultation be provided to the next TSB Committee meeting before a final decision is made.

RESOLVED

1. Officers consult with industry on flexible permit conditions for whelk fishing in the Potting Permit Byelaw and report back to the next TSB Committee meeting.
2. Comprehensive data from whelk fishing activity be gathered from permitted fishers to assist in informing evolving management of the fisheries.

198 POTENTIAL RAZOR CLAM RESEARCH PROPOSAL WITH INDUSTRY (Agenda Item 9)

Members were updated on developments in relation to a collaborative approach to razor clam research. The Shellfish Centre at Bangor University has EMFF funding available for projects which must benefit Welsh companies but the research does not have to be conducted in Welsh Waters. Deepdock has expressed an interest in working with Bangor University and NWIFCA in carrying out the research in the district's waters. The methodology developed could then be used by any other parties who have shown an interest in collaborating with NWIFCA throughout the district. The outcome of research carried out in 2011 looking at the effects of electro dredging was that impact of the equipment used on macrofauna, epifauna and fish species is very low. Discussion would be needed on the exact locations to be used for the research.

RESOLVED

1. Development of the research proposal be approved.
2. Application MMO for dispensation to use electro-fishing be approved.

3. Derogation to Deepdock against the NWIFCA dredge byelaw for the project be approved.

199 AMENDMENTS TO FLEXIBLE PERMIT CONDITIONS (Agenda Item 11)

The CE said little progress has been made with this. He outlined the background to flexible permitting conditions. Advice on whether the Authority could define the process in more detail and make it clear has been sought from the Authority's lawyer. Mr Oliver's advice is that the process set out in the wording used in the byelaw is adequate and secure and does allow the flexible conditions to be amended. Further definition of the process could expose the Authority to risk. Written confirmation of this verbal advice is awaited.

Dr Andrews suggested a flow chart approach would be useful. A clear process to be agreed beforehand, that can be followed and covers both the regular review of flexible permit and the need to act quickly is needed.

RESOLVED

Consideration of further work required to clarify the process for amending flexible permit conditions be approved.

200 LANDING OBLIGATIONS (Agenda Item 12)

The landing obligation is an EU regulation which requires the fishing industry to land undersized quota species from 1st January 2019. The Chairman outlined the implications to the fishing industry of these landing obligations. There has been a major concern for the fishing industry nationally that there is no leeway in terms of small undersized quota fish being discarded and you have to bring them ashore.

Mr Brown said a he had attended a meeting in Whitehaven in November arranged by MMO. It had been a very constructive and positive meeting.

Mr Howarth said the MMO is working quite closely with industry on this and looking at the potential issues it will face. A further meeting is planned with Fleetwood fishermen in late February/early March

Meeting ended 1545 hours.