

30 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE held at the Strathmore Hotel, Morecambe on 4th February 2020

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 M. Johnston		Natural England
Mr B. Leigh		MMO appointee (Anglers and Recreation)
Mr T. Smith		MMO (Officer)
Councillor P. Williams		Cheshire West and Cheshire Council

NWIFCA OFFICERS ATTENDING

CEO, HOE, Senior Scientist (SS), Deputy Senior Scientific Officer, Clerk

IN ATTENDANCE

Mr S. Manning MMO appointee (Commercial)

APOLOGIES FOR ABSENCE

Mr R. Graham	MMO appointee (Commercial)
Mr M. Taylor	MMO (Officer)
Mr. K. Thompson	MMO appointee (Commercial/Aquaculture)

31 CHAIR ANNOUNCEMENTS (Agenda Item 1)

1. The Chair welcomed Mr S. Manning, MMO appointee.
2. Members were reminded that today, 4th February, is the 16th anniversary of the Morecambe Bay Tragedy.
3. Members were reminded to declare pecuniary and non-pecuniary interests.

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

Agenda Item 5 (Whelk Track Record). Mr R. Benson, Mr T. Jones
Agenda Item 6 (Potting Permit Byelaw). Mr R. Benson, Mr S. Brown, Mr T. Jones
Agenda Item 7 (Cockle and Mussel Permit Byelaw (progress update). Mr R. Benson, Mr T. Jones, Mr S. Manning
Agenda Item 8 (Byelaw Review). Mr R. Benson, Mr T. Jones, Mr S. Manning
Agenda Item 9 (Minimum Conservation Reference Sizes Byelaw). Mr R. Benson, Mr T. Jones
Agenda Item 10 (Science Summary Report). Mr T. Jones, Mr B. Leigh, Mr S. Manning
Agenda Item 11 (Dredge Byelaw Permit Fees). Dr J. Andrews Mr R. Benson, Mr T. Jones

33 TO RECEIVE MINUTES OF TSB SUB-COMMITTEE MEETING HELD ON 5TH NOVEMBER 2019 (Agenda Item 3)

Proposed: Dr Andrews Seconded: Mr Leigh

RESOLVED

Minutes of the TSB Sub-Committee meeting held on 5th November 2019 be approved and signed as a correct record.

34 MATTERS ARISING (Agenda Item 4)

Minute No. 22 (Byelaw Making Process). Mr Leigh made reference to comments made previously by Mr Manning regarding protection of local fishing communities. He said in the context of post Brexit negotiations the government has talked very much about the need to protect coastal communities. It is hoped this will make for a positive change going forward.

Minute No. 27 (Science Report – Mussels). Mr Jones pointed out that whilst the first paragraph is factually correct there is more to this item than the minute shows. He will raise this further under Agenda Item 11.

35 WHELK TRACK RECORD (Agenda Item 5)

Following the November 2019 meeting minor amendments had been made to the track record eligibility criteria. A minor change to paragraph (f) was suggested and agreed.

Officers had drafted a track record appeals process as agreed at the November meeting. Members discussed the composition of the appeals panel. It was suggested this should comprise three members drawn from members of the Authority as available. Members agreed the appeals procedure should be conducted by Skype where possible. Submissions should be in writing unless the applicant has a problem with literacy. Officers would be available to go through the Skype involvement with the panel for anyone with a literacy problem.

RESOLVED

1. With the agreed minor change in wording to paragraph (f) the amended track record eligibility criteria be approved.

Proposed: Dr Andrews Seconded: Mr Leigh

2. Taking account of the suggested changes put forward, the track record appeals procedure be approved.

Proposed: Dr Andrews Seconded: Councillor P. Williams

6 in favour, 0 against, 1 abstention (Mr Brown)

Messrs R. Benson and T. Jones had declared an interest in this item and did not vote.

36 POTTING PERMIT BYELAW (Agenda Item 6)

Consultation on this byelaw had raised two issues relating directly to the byelaw which officers considered needed further discussion by TSB. The first related to the permit fees for crab and lobster permits, the second that vessels without a shellfish entitlement on their MMO fishing licence have a daily allowance for crabs and lobsters. The current byelaw contradicts this and needs correcting.

Dr Andrews suggested some clarification on the classes of permits is needed in the explanatory notes as it is not immediately apparent what they all do.

Councillor Williams proposed that amendments to the NWIFCA Potting Permit Byelaw and Flexible Permit Conditions, taking account of comment around additional clarification of class in the explanatory notes, be approved. The proposal was seconded by Mr Leigh.

Members discussed the amended byelaw. This had been out to formal consultation, comments received had been taken on board and some changes made. CE reminded members of the process for confirmation.

RESOLVED

1. The byelaw be presented to the March Authority meeting to be re-made.

Proposed: Councillor P. Williams Seconded: Mr B. Leigh

6 in favour, 0 against, 0 abstentions

Messrs R. Benson, S. Brown and T. Jones had declared an interest and did not vote.

37 COCKLE AND MUSSEL PERMIT BYELAW (PROGRESS UPDATE) (Agenda Item 7)

The CEO provided a verbal report on the Cockle and Mussel Permit Byelaw. The byelaw has been submitted to MMO and an acknowledgement has been received. Members will be kept updated on progress.

It was RESOLVED to receive the report.

38 BYELAW REVIEW (Agenda Item 8)

The Chair had produced a slide presentation following discussions at the December meeting with TSB Chair, TSB Vice-Chair and senior officers. Byelaws discussed at that meeting were vessel size, minimum landing sizes, shimp & prawn and static netting. Members agreed that the timescale for completion of the remainder of the byelaw should be 2025.

Members firstly discussed the minimum size byelaw and it was suggested any new byelaw will need to fit in with the new EU Tech Con measures and with the landing obligation. Following the December meeting HoE had drafted a byelaw for discussion at Agenda Item 9.

With respect to the vessel size byelaw, Mr Brown agreed to draft a paper on this for further discussion at the May TSB.

39 The Chair adjourned the meeting for lunch

40 MEETING RECONVENED AT 1315 HOURS

41 BYELAW REVIEW (Continued)

Members discussed the need for a netting byelaw. HoE agreed to consult with IFCOs on list of measures for the proposed byelaw for further discussion by TSB. There had been some questions around the EA byelaws and how they should be dealt with in the review process. CE agreed to follow this up and report back to the next TSB meeting.

The Chair raised concerns that it is difficult to make progress between meetings due to limited responses from TSB members and officers to emails. It was agreed a concerted effort should be made to improve communication and acknowledge emails.

Members agreed a second meeting of TSB Chair and Vice-Chair with senior officers to continue productive discussions on byelaw review would be useful. A list of priority for byelaw development could then be agreed. Members were asked to put comments in writing to the Chair on the presentations for further discussion

RESOLVED

1. Timescale for completion of the remainder of the review to be 2025.
Proposed: Dr Andrews Seconded: Councillor Williams
2. HoE to consult with IFCOs on list of measures for the proposed netting byelaw for further discussion by TSB.
Proposed: Dr Andrews Seconded: Councillor Williams
3. A further meeting be arranged with TSB Chair and Vice-chair and senior officers to discuss order of priority for remaining byelaws.
Proposed: Dr Andrews Seconded: Councillor Williams

6 in favour, 0 against, 0 abstentions
4. Members resolved to make the Byelaw Review a priority.

Messrs R. Benson and T. Jones had declared an interest in this item and did not vote.

42 MINIMUM CONSERVATION REFERENCE SIZES BYELAW (Agenda Item 9)

The CE provided the background to the proposed byelaw.

Mr Brown voiced concerns over paragraph 4 of the byelaw and asked for that paragraph be removed completely as he felt live baiting is unacceptable. HoE said it is national advice to include that paragraph but a paragraph relating to live baiting had been in the previous version of the byelaw and this could be reinstated.

Dr Andrews proposed the paragraph on live baiting removed from an earlier draft be reinstated in the byelaw. The proposal was seconded by Mr Jones.

5 in favour, 1 against (Mr Benson), 1 abstention (Mr Leigh)

It was suggested further advice may be needed on the question of live baiting. HoE agreed to look into this.

Dr Andrews suggested paragraph 2 of the byelaw could benefit from future-proofing to cover future changes in legislation.

It was pointed out that the title shown for the byelaw at the end is different to that shown at the beginning.

Mr Brown's said Black sea bream, which is a species that does occur in the southern part of the district occasionally, had been omitted from the list. SS said it had been taken out because she did not believe it was being caught in the district. It could be put back in if considered necessary.

There was a lengthy discussion on skates and rays during which Mr Brown pointed out an error in the size shown for ray of 45mm. Mr Brown said the practice of landing skate or ray wings was not environmentally or socially acceptable. He proposed that the line reading any skate or ray wing be removed. The proposal was seconded by Dr Andrews. Messrs Benson and Leigh abstained from voting.

Other issues discussed included minimum size for whelks and winkles. It was felt for whelks that some explanation around incremental increases in size is needed. The question of

winkles was also raised and it was suggested if these are going to be included in the minimum size that it should be done by amendment rather than revoking a section of a byelaw.

Dr Andrews proposed that subject to the proposed changes, the byelaw be presented to the March Authority meeting to be made. The proposal was seconded by Mr Jones.

6 in favour 0 against 1 abstention (Mr Leigh)

Messrs Benson and Jones had declared an interest in this item and did not vote.

RESOLVED

1. Amendments to the NWIFCA MCRS Byelaw be approved.
2. The MCRS Byelaw be re-drafted taking account of comments and agreed changes and presented to the March Authority meeting for re-making.

43 SCIENCE REPORT (Agenda Item 10)

The SS reported the departure of Science Officer Tom Brook. Recruitment for his replacement will start shortly. Mr Leigh voiced concerns on the high turnover of staff in the science section. It was thought this could perhaps be because of the nature of the job and lack of progression opportunities.

a) NWIFCA Research Projects – Razor Clam collaborative research. This is moving slowly but hopefully surveying will start soon. An application to use electro gear is being submitted to MMO and the HRA is almost complete. A student from Liverpool University will be looking at the intertidal stock at Leasowe which borders on to the subtidal stock which officers will be surveying with Bangor University to look at how that links and try to get a better understanding of that stock and the other species that are on that beach. They will also be carrying out a desk based study on birds' use of the subtidal razor clams.

b) Marine Protected Areas in the NWIFCA District. The Environment Minister delivered a keynote speech at the 2020 Coastal Futures Conference in London. Ms Pow congratulated the IFCA's on their work in managing fisheries within MPAs. She announced the government will be developing and publishing a comprehensive Seabird Conservation Strategy for England this year to help in understanding the biggest impacts on our seabirds and how to protect them. A consultation will be ongoing later in the year

c) Highly Protected Marine Areas – Review. Defra has now confirmed the review will continue. Defra officers had a useful meeting with NWIFCA officers at Carnforth last week. It is hoped this will lead to establishment of a direct line of communication with Defra

d) MMO Draft North West Marine Plan. These are prepared under the Marine Policy Statement and have to conform to various other planning policies and directives. The draft Marine Plan for the North West is out for consultation. The SS is disappointed that the vision statement does not include anything about fisheries in the North West Marine Plan whereas in other areas it does. Members were asked to look at the consultations online and try to make some contribution to this.

e) Eden Project North – Morecambe. Plans are proceeding and officers are trying to keep engaged with the project as much as possible.

f) National Angling Strategy. Defra and EA launched a National Annual Strategy in 2019 with the aim of increasing participation in angling because of the health and well-being benefits it brings. Tim Dapling of Sussex IFCA is keeping a watching brief on this on behalf of IFCA's.

g) Survey and Fisheries Reports. A full survey report is provided at Annex D to the report. With respect to cockles, officers are monitoring Warton Sands. Fortnightly samples are being taken in order to get it classified but it is still undersize at the moment. The biggest issue with this fishery is access. A meeting of BMWG will be called to discuss this in more detail at the appropriate time.

It was RESOLVED to receive the report.

44 DREDGE BYELAW PERMIT FEES (Agenda Item11)

The Menai Strait Fishery Order Management Association has asked the Authority to consider a review of the permit fees charged for mussel dredging in the NWIFCA District. At present the fee for a dredging permit to access the resource is £9,000 per vessel per year for vessels over 15m length. Mr Jones pointed out that seed mussel has been in short supply in recent years. Perch Scar and Black Scar historically build up stock very quickly which then gets washed out very quickly.

Mr Brown proposed that work be started on a review of the dredge byelaw and this be added into the byelaw review process. The proposal was seconded by Councillor Williams.

Dr Andrews agreed to provide information on these discussions to the Menai Strait Fishery Order Management Association.

RESOLVED

Review of the dredge byelaw be added into the byelaw review process.

Proposed: Mr Brown Seconded: Councillor Williams.

6 in favour, 0 against, 0 abstentions

Dr Andrews, Mr Benson and Mr Jones had declared an interest and did not vote.

Meeting ended 1550 hours.