

33 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE via Zoom on 9th February 2021

PRESENT – MEMBERS

Dr. E. Baxter	(Chair) MMO Appointee – Marine Environment
Dr J. Andrews	(Vice Chair) MMO Appointee – Marine Environment
Cllr. P. Williams	Cheshire West and Chester Council
Mr G. Pidduck	MMO Appointee (Commercial)
Mr S. Brown	MMO Appointee (Commercial)
Mr R. Benson	MMO Appointee (Commercial)
Mr K. Thompson	MMO Appointee (Commercial)
Mr T. Jones	MMO Appointee (Commercial)
Mr B. Leigh	MMO Appointee (Recreational)
Mr L. Browning	Natural England

NWIFCA OFFICERS ATTENDING

Dr S Atkins CEO, J Moulton HoE, J Haines Acting Senior Scientist, A Graham DCO

APOLOGIES FOR ABSENCE

Mark Taylor MMO

34 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

Dr Baxter reminded participants that the meeting was being streamed on YouTube and to keep microphones muted when not speaking.

She welcomed new member Mr Rob Benson as well as Mr Garry Pidduck who had been absent from previous meetings due to technical issues.

35 DECLARATIONS OF INTEREST (Agenda Item 2)

Mr Graham confirmed no interests had been received in advance so Dr Baxter reminded members to declare pecuniary and non-pecuniary interests by raising their hands when the relevant item was discussed.

36 TO RECEIVE MINUTES OF THE TECHNICAL, SCIENCE AND BYELAWS SUB-COMMITTEE MEETING HELD ON 3rd NOVEMBER 2020 (Agenda Item 3)

Mr Thompson raised that he had been recorded as “Ms” rather than “Mr” in the transcript and Dr Andrews similarly noted that he had been recorded as “Mr Andrews”. Dr Baxter noted that “Gary” had been misspelt as “Garry” on one occasion. Mr Graham thanked participants and confirmed he had a note of the amendments needed.

Proposed: Mr Jones Seconded: Mr Leigh

7 votes in favour, 0 against, 1 abstention (Mr Pidduck as he did not attend meeting in question).

RESOLVED

37 MATTERS ARISING (Agenda Item 4)

Dr Baxter expressed frustration that, despite the agreement at the last meeting, the minutes were not sent to the Chair before being circulated to the committee, however she commented that “these are far more comprehensive than the minutes from the last meeting.”

Dr Andrews enquired about the resolution of the issue of the August meeting minutes not being approved. Dr Baxter confirmed Ms Knott had circulated them and asked for a response by email. Dr Atkins explained that the version initially circulated at the meeting was the incorrect draft and the correct draft had been located and approved by correspondence. Mr Graham located the finalised minutes from 23rd November but Dr Baxter noted that there was no comments included about who had voted. Dr Andrews suggested that the minutes be submitted for a formal vote to follow the correct process and close the issue.

PROPOSAL FOR THE MINUTES OF THE AUGUST MEETING TO BE TAKEN TO THE MAY TSB COMMITTEE FOR APPROVAL

Proposed: Mr Jones Seconded: Mr Leigh

6 votes in favour, 0 against, 0 abstentions.

RESOLVED

Dr Atkins outlined the current plan was to use Apple Transcription Ltd to provide a transcription of the meeting as well as the minutes. He commented that it took a few weeks to get the minutes back which is why it didn't get to Dr Baxter in good time. Dr Baxter commented that she made quite a lot of changes to the initial draft and the transcript was not in third person. She asked for update on when a clerk might be put in place as the transcription service was "a reasonable temporary measure but certainly not a replacement of a person taking the minutes."

Dr Atkins commented that although it was not the remit of the committee to discuss recruitment he hoped they were close to an appointment. Dr Andrews welcomed the news and said he would relay the message of support and enthusiasm to see a new clerk in place at his first meeting of Finance and HR.

Dr Baxter asked if the transcription service was being used for this meeting. Dr Atkins clarified that it was but that no future commitments had been made with the transcription company. Mr Jones asked for more information about Apple Transcription and Mr Graham responded it was a private company in the north west with no affiliation to Apple computers which provided interviews under caution to the police and had all the necessary clearances, noting that the cost was around £400. He also clarified that the turnaround time was faster than four weeks but he would have to check the portal to get the exact timings.

38 BYELAW REVIEW (Agenda Item 5)

Dr Atkins confirmed Byelaw 3 had gone back to MMO. Similarly, Byelaw 4 had received the corrections and amendments that MMO wanted in December and had also been returned to MMO.

The Leasowe and MCRS byelaws had gone through to formal consultation which was due to end on 5th March. Mr Graham confirmed there had been one response to the consultation on Leasowe.

Dr Atkins continued that future priorities as to Byelaws had not been decided upon. He highlighted netting and vessel length as two possibilities but noted that a briefing meeting with members or even outside expertise would be required to make progress on those Byelaws.

Dr Baxter expressed surprise at the brevity of Dr Atkin's comments and referred back to the resolution made at the last meeting agreeing that discussion of the byelaw review at this meeting should be with a view to looking at strategy to move forward. She found the lack of appropriate strategic review frustrating and commented, "It feels like procrastination, if not obstruction."

Dr Atkins strongly objected to her comments, underlining that the four byelaws currently being progressed were keeping them busy and they couldn't cope with another currently. He invited comment from Mr Brown who suggested Mr Moulton could send out his preliminary thoughts on the potting byelaw and a meeting be held to discuss them due to the intertwined nature of the potting and netting byelaws. He also suggested Mr Pidduck might have strong opinions on this as well.

Dr Baxter agreed that sounded sensible and acknowledged that due to the complicated nature of the netting byelaw it might not be the first one that gets drafted in its finality. Mr Leigh added that analysis needed to come from officers to members for them to understand the issues and competing policy options and not the other way around. Dr Baxter agreed.

Mr Moulton explained quite a bit of work had been done on the netting byelaw behind the scenes over the last few months. Although delays had occurred through COVID and disruption from other byelaws that needed urgent work, he had analysed the issues in a paper and provided ideas in terms of a byelaw to cover the north western IFCA district. Dr Baxter asked for timescales on when a paper could be brought to the TSB. Mr Moulton deferred to Dr Atkins as his line manager but said possibly the next TSB. Dr Atkins said he was happy for the paper to be circulated for the next TSB.

Dr Baxter expressed approval at the paper coming forward at the next meeting but questioned whether a vote would need to be taken on targeting netting as the next byelaw priority.

Dr Andrews reflected on the resolutions made at the February 2020 meeting to progress the byelaw review and expressed disappointment this had not been achieved. He urged the committee to resolve this.

Mr Pidduck described the netting byelaw as "a can of worms" and outlined issues with the two sets of byelaws to the north and south of [Haverigg?]. Mr Moulton thanked him for his input as a fisherman and affirmed his intention to bring his paper forward to the next TSB.

Mr Pidduck continued that the netting byelaw should not allow hobby fishermen to implement "a golden mile where there's no netting within a mile of the low water mark" against the interests of commercial fishermen.

Mr Leigh asked for clarification of whether a strategic document that looks at all byelaw issues was being brought to the next meeting but Dr Baxter confirmed the document specifically related to the netting byelaw. Mr Leigh went on to express concern about the lack of detailed consideration of the other potential byelaws. Dr Andrews seconded that Mr Moulton's proposals for the netting byelaw were welcome but there was a need for dialogue between officers and members to figure out an overall strategy in order to do the best job.

Dr Atkins commented that he had already presented a paper at several meetings which outlined the options for byelaws that need to be addressed but no comment was made on it and he was struggling to see how this could be turned into more of a strategy. He asked for guidance on how to modify his paper into something acceptable for the committee. Dr Andrews suggested a further meeting in order to turn the list of byelaws into a strategy/timeframe in order to achieve the target of addressing the byelaws by 2025.

Dr Baxter suggested the document produced as a result of the December and May meetings on the issue could be used as a basis for the strategy. Mr Moulton outlined places where evidence can be found to assist in developing the strategy (sanction reports, in funding, in the strategic risk assessment of fisheries).

Mr Pidduck further outlined issues with byelaw differences in the north and south of the district which caused issues for fishermen. Mr Brown described the issue as an "unholy mess" and highlighted the complicated, intertwined nature of the byelaws with the existing legal framework/Acts/regulations that need to be taken into account. He impressed the need

to consider whether the Environment Agency would give approval to proposals. "It's not simple, we need to find out what we want and then we have to find out what we are allowed to do and then we can go ahead and do it, and we need to get on with it." Dr Baxter suggested having someone from the Environment Agency in attendance might be beneficial. Dr Atkins asked if someone from the TSB or main committee could contact the Environment Agency to progress this and Dr Baxter agreed she had noted this suggestion down.

Dr Atkins reiterated that he needed clarification on what the committee needed from his strategy document if what he had previously produced did not meet their needs. Dr Andrews made two suggestions to help clarify and progress the matter and Dr Baxter moved to a proposal on each in turn:

PROPOSAL FOR MR MOULTON'S PAPER ON THE NETTING BYELAW TO COME TO THE CHAIR (DR BAXTER) AT THE NEXT TSB

Proposed: Mr Andrews Seconded: Mr Leigh

9 votes in favour, 0 against, 0 abstentions.

RESOLVED

PROPOSAL FOR MEMBERS TO WORK TOGETHER TO ASSIST DR ATKINS IN PRODUCING A STRATEGY DOCUMENT FOR THE NEXT MEETING

Proposed: Mr Andrews Seconded: Mr Benson

9 votes in favour, 0 against, 0 abstentions.

RESOLVED

Later on in the meeting Dr Andrews and Dr Baxter questioned if this could be done by correspondence but Dr Atkins stated that a meeting would probably be more helpful. Mr Brown, Dr Andrews and Mr Jones expressed interest in joining and it was agreed officers would organise the meeting.

39 SCIENCE REPORT (Agenda Item 6)

Mr Haines briefly outlined the contents of the science report including staff changes, priorities for the upcoming months and reduced members of staff and the survey plan for this year. He invited questions.

Mr Benson asked if exit interviews had been undertaken to determine the cause of the loss of two of the science team in such a short amount of time. Dr Atkins confirmed exit interviews did take place but it would not be appropriate to divulge the contents at this meeting. Mr Benson underlined the pressure caused and knowledge that had been lost by the departures.

Dr Baxter suggested members could promote the senior scientist post within their networks to reach a good number of prospective applicants.

Dr Atkins expressed a hope that an announcement on the science officer post could be made quite soon, following a recruitment period early on in COVID lockdown. He reiterated the science officer post could not be resolved until the senior scientist was appointed. Dr Andrews expressed anxiety that the science team should have close to a full complement by April/May and said he would express the anxiety to Finance and HR. Dr Atkins echoed this wish, saying that advertisements for the post would start in two to three weeks and he would like to have a senior scientist in post by March/April time in order to join in the survey programme. If this does not happen in time the essential survey work will be carried out by IFCOs, using assistance from Mr Moulton's team.

Mr Leigh commented on how shortage of staff resources affects day to day work and asked if the Vice Chair could raise the issue so that the Authority could have a better retention of staff moving forwards. Dr Andrews commented that if Dr Atkins needed member assistance to conduct interviews, "I'm sure there will be plenty of us happy to help out." Dr Atkins confirmed they have been under-resourced for the level of recruitment over the past few months, however there were no interviews outstanding. Councillor Williams and Mr Leigh said they would be happy to assist with recruitment but underlined their own specific areas of expertise.

Mr Benson commented on Annex A in the science report with regards to the survey schedule and highlighted a need to possibly change the closed period for shellfish. Dr Baxter asked if this could be raised in the next agenda item.

Dr Baxter praised Mr Haines for a useful science report and commented that, "seeing that survey schedule and the priorities was really helpful to have that laid out."

Mr Jones added that he would be happy to help with recruitment and concurred with Mr Benson's point.

Dr Atkins thanked members for their offers of help with recruitment and assured the committee that he would seek members with the relevant expertise when needed.

Dr Andrews commented that he noticed in the science report that the government was looking into making changes in the area of regulations and assessments of habitats and asked Mr Haines how that might affect workload. Mr Haines explained that he did not think it was something that would affect workload or assessments moving forwards. Mr Browning agreed, explaining that the intent of the process has been to retain processes as they are and not to introduce anything new. Dr Atkins highlighted that the amount of work that Habitats Regulations assessments take is immense and unlikely to decline.

Dr Baxter expressed approval that progress is being made on the mussel management plan, although it will not be in place for this year's management. Later in the meeting Mr Jones said it was a real shame this could not be progressed this year and made a plea that it be made a priority as soon as there was more officer availability.

40 BREXIT IMPACT ON FISHERIES (Agenda Item 7)

Dr Atkins stated that opportunity to discuss this matter should be given at the TSB. He highlighted the problem of exporting live shellfish. Initially DEFRA said this would be resolved by April 2021 and things would revert to normality. In the last two weeks it has become clear that there will not be a resolution and that Europe will not take live shellfish from a member country without a change in the law. All cockle and mussel catch for the foreseeable future will have to go for boiling, canning, bottling etc, which is a less valuable catch. DEFRA are aware but have not yet done anything. He invited comments from members.

Dr Andrews underlined the fact that while it should express to the government the heartfelt views of its members, the Authority is not a lobbying group. In that context he declared an interest as a member of the Shellfish Association of Great Britain.

Mr Jones also declared an interest in this item. He highlighted that a joined up approach was required to water classification in order to work towards resolution of this issue but all the Authority can do is "flag up the concerns of our constituents who make a living from this trade to the SAGB, to the government and leave it there." Mr Benson stated that the opening and closing times of fisheries needed to be looked at in relation to this issue. Mr Jones added that the trade had been operating for generations and "for it to end like this is quite ridiculous." He indicated that despite the science team being short-handed, survey work needs to be foremost in their work schemes in order to fulfil the requirements of the designation. Addressing Mr Benson's comment about the opening times of fisheries, Mr

Haines commented that this was in place for conservation reasons. Mr Benson shook his head at this and Mr Haines added that, "If we need to look into that then we will have to obviously take those considerations into account."

Mr Brown wanted to back up Mr Benson. He commented that the closed season for cockles was brought in as a solution to problems occurring in Morecambe Bay but it was acknowledged at the time they were not appropriate for other areas. He said "a realistic local view on the different fisheries" was needed and to get round closure of the whole of a district sub-permits could be issued to existing permit holders. Dr Baxter asked if the closed season was a flexible permit condition. Dr Atkins confirmed that Byelaw 13(a) allows for openings and closings according to circumstances. Mr Graham read from the appropriate section of the Byelaw: "A person must not fish for any cockle on or between 1st May to 31st of August in the same year unless permitted by a flexible permit condition." Mr Moulton confirmed this had been done already on a number of occasions in recent years. Dr Baxter thanked them for the confirmation.

Mr Thompson stated that even if things could not go back to how they were a four month season was not a suitable solution going forward. Mr Thompson agreed with Dr Atkins' and Mr Benson's comments and added that the IFCA needs to do everything within its power to support local businesses.

Dr Andrews highlighted the risk that by the time the issue between Britain and the EU was resolved it was likely the shellfish beds would be closed, which would be a very unpopular decision. He commented that the Authority could make the relevant preparations in terms of assessments to open the shellfish beds at a time they would ordinarily be closed, given that as nobody is fishing for significant quantities of mussels in the interim stocks ought to be better than expected by the end of April.

Mr Pidduck raised concerns from two fishermen in the district:

- i) A shell fisherman in the north of the district who highlighted that the EU have reverted back to strict enforcement of paperwork and legalities which is causing issues.
- ii) A whelk fisherman in the south of the district who said that the market price of whelks had dropped to a non-viable level and wanted to know if he scaled down his operation if his track record from his existing vessel could be transferred to a smaller vessel.

Dr Baxter, after clarifying the facts of each case stated, "I don't see why an application couldn't be made under the appeals procedure for the whelk potting permit." Mr Haines confirmed that there is the ability to transfer track record from one vessel to another within the byelaw so the fisherman in question just needs to amend his application.

Dr Baxter invited comments on Dr Andrew's suggestion that preparations be undertaken to open the cockle fisheries.

Mr Moulton, while expressing anger and dismay at the situation, highlighted that any opening would need to be scientifically and environmentally based rather than just because the industry has been closed for four months. He said the Authority could not be seen to have "just opened the doors" because of what has happened. Mr Haines states that without full sweep surveys there wouldn't be sufficient data to permit extending the open period from a stock point of view. Mr Moulton concurred. These surveys are not currently scheduled until July and changing the schedule could cause issues with other surveys.

Mr Benson urged the committee not to be negative and to look at the issue from a monetary point of view, as fishermen had no wages coming in.

Dr Baxter asked officers to have a discussion outside the meeting and email the TSB with thoughts.

Dr Andrews stated, "If we can see trouble down the road, we should be thinking about how we can address that." He highlighted that if the export controls on live bivalve molluscs are

sorted out, fisheries elsewhere in the country will be open and local fisheries will be closed. Mr Jones wanted to reinforce Dr Andrews' statement that it is the Authority's duty and remit to do this.

Mr Leigh questioned if there was a precedent of people in the industry assisting with surveys, given the resourcing problems currently faced. Mr Haines confirmed that this was a possibility. Dr Atkins added, "If the situation changes and we need to bring forward the survey work, bring forward the Habitats Regulations assessments, you know, clearance from Natural England, the whole programme needs to be brought forward, we will make every effort to do that."

Dr Andrews enquired if any firm proposals had arisen from this discussion. Mr Haines clarified that the two options were to extend the current open season or one to look at opening in July and cut the season short. Dr Andrews continued that "an awful lot is going to depend on what happens next." For the Authority to be responsive, there needed to be a plan or set of steps put together now which can be implemented efficiently at the March TSB if necessary, rather than starting the discussion in March.

Mr Moulton agreed but honed in on Dr Andrew's comment about "reinventing the wheel" and questioned if this was a one-off opportunity in the light of Brexit and if the decision could affect future sustainability.

Dr Andrews clarified that he wasn't talking about taking a decision immediately, only putting a plan together in readiness for a decision being taken at the March meeting, "so that we can respond to the situation as the stock would require and maybe shift our closed season." Mr Moulton agreed but reiterated that the closed season was a core function of cockle fishery management and any decision would have to be scientifically based with good justification.

Mr Pidduck added his perspective as a fisherman that if the problem is resolved, competition from the Thames, the Wash, the Dee etc will drive prices down, which is an unsatisfactory outcome to make the committee aware of.

PROPOSAL FOR OFFICERS TO PUT TOGETHER A PLAN OR METHODOLOGY IF THE NEED ARISES TO UNDERTAKE INTERIM SURVEYS, HRAS TO ASSESS WHETHER THERE MAY BE THE ABILITY TO CHANGE THE CLOSED SEASON FOR COCKLES

Proposed: Mr Andrews Seconded: Mr Thompson

6 votes in favour, 0 against, 3 abstentions (Mr Jones, Mr Pidduck and Mr Benson, having declared interest).

RESOLVED

41 A.O.B. (Agenda Item 8)

Dr Atkins highlighted an assertion on the Save our Seabass website that the Authority had been acting in secret with government and other interests to advance the case for looser restrictions on the netting of bass. He stated this is not true, he does not know where this mistaken assertion has come from and a rebuttal statement has been put on the website and social media. Mr Leigh noted he had picked the issue up over the weekend and alerted Steven and suggested that, rather than just writing to Save our Seabass to ask them where they got the information they should be invited to issue a public withdrawal and acknowledge that the contents of the post were incorrect.

Mr Graham read an email that had been recently received from Save our Seabass retracting the statement and Dr Andrews confirmed the reference to NWIFCA had been removed from the link. Mr Leigh reiterated that a public correction by way of social media was still warranted, Dr Andrews and Mr Moulton agreed. Mr Moulton theorised that the information could have come as a misunderstanding of papers surrounding the netting byelaw.

PROPOSAL FOR OFFICERS TO REQUEST FURTHER TO THE SAVE OUR SEABASS
EMAIL THAT THEY ISSUE A CORRECTION ON THEIR WEBSITE, SOCIAL MEDIA AND
ANY OTHER MEDIA OUTLETS

Proposed: Mr Leigh Seconded: Dr Andrews

8 votes in favour, 0 against, 1 abstentions (Mr Jones).

RESOLVED

Mr Leigh asked the Chief Executive to outline the engagement work with the Angling Trust due to take place in November. Dr Atkins confirmed he had no knowledge of the arrangement but he would follow it up if Mr Leigh sent him the link.

Dr Baxter gave a final summary of the resolutions agreed and the meeting was concluded.