

19 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE held via video conference on 3rd November 2020

PRESENT – MEMBERS

Dr E Baxter (Chair)	MMO appointee (Marine Environment)
Mr S Brown	MMO appointee (Recreational)
Mr B Leigh	MMO appointee (Anglers and Recreation)
Mr K Thompson	MMO appointee (Commercial)
Councillor P Williams	Cheshire West and Chester Council
Mr T Jones (Vice-Chair)	MMO appointee (Commercial/Aquaculture)
Dr J W Andrews	MMO appointee (Marine Environment)
Mr R Graham	MMO appointee (Commercial)
Mr A Graham	MMO appointee (Commercial)
Mr M Taylor	MMO
Mr S Manning	MMO appointee (Commercial)
Mr L Browning	Natural England

NWIFCA OFFICERS ATTENDING

CEO, Senior Scientist (SS), Scientific Officer, Head of Enforcement (HoE), Senior Operational Support Officer and Digital Communications Officer.

APOLOGIES FOR ABSENCE

Garry Pidduck MMO appointee (Commercial)

20 ANNOUNCEMENTS & VIDEO CONFERENCE PROTOCOLS (Agenda Item 1)

- 20.1 Dr Baxter welcomed everyone to the Zoom meeting which was also being streamed live on YouTube. 16 members were present and so the meeting was quorate. Apologies were read out.
- 20.2 Dr Baxter reminded members to keep comments clear, constructive and concise, and to mute when not talking. She confirmed Ms Knott was producing minutes (via transcription service) and Mr A Graham was recording votes.

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

Mr Graham read out previously received declarations of pecuniary interest from Mr B Leigh for item 8 and Mr R Graham for items 5 and 7. Members were further reminded by the chair to declare pecuniary and non-pecuniary interests before speaking on an item.

22 TO RECEIVE MINUTES OF EXTRAORDINARY TSB SUB-COMMITTEE 4th AUGUST 2020 (Agenda Item 3a)

Dr Baxter pointed out an incorrect date that possibly needed amending.

Proposal that minutes of the TSB Sub-Committee meeting held on 4th August 2020 be approved as a correct record.

Proposed: Trevor Jones

Seconded: Brian Leigh

Vote carried unanimously.

RESOLVED

23 TO RECEIVE MINUTES OF TSB SUB-COMMITTEE 11th AUGUST (Agenda Item 3b)

Dr Baxter expressed concern that the minutes are “a little scant... given that it was quite a lengthy meeting”, that some things have been heavily summarised and that some of the actions discussed do not appear in the minutes. She gave two examples including was a request from Brian Leigh for Stephen to bring a paper on the Byelaw Review back to TSB.

Dr Atkins stated he had checked the transcript and found no reference to TSB. He reminded members that care needs to be taken that the actions that members think they have asked for have actually been clearly expressed and that there is a proper vote to get an action put in place.

Dr Andrews commented that he found minutes “slightly cryptic” and expressed desire for more expansive minuting once a replacement clerk has been found, but underlined this was not a criticism of Ms Knott.

Ms Knott underlined that the draft minutes are circulated amongst officers for editing so the agreed version is not the original draft.

Mr Leigh underlined that the process of editing must be a transparent process. He suggested that perhaps a leading officer can remind members to formally vote on actions so a distinction can more accurately be drawn between the recommendations that are voted on and the more general actions that are discussed. Dr E Baxter agreed with this sentiment.

Ms Knott pointed out that heading for agenda item 9 was missing, and reiterated that minutes produced were as the result of a process.

Dr Andrews expressed concern that scientific team were tied up with writing minutes rather than doing science and underlined that replacing clerk role needed to be resolved swiftly.

Dr Atkins reiterated process for producing minutes and that extra material could be added to the minutes if necessary through a process of voting. He added, “That’s the point of saying, ‘Is it a correct record?’”

Proposal that the minutes be amended and include a title that is missing on Byelaw review, agenda item 9, above paragraph 9.

Proposed: Brian Leigh

Seconded: Jim Andrews

Vote carried.

RESOLVED

Dr Atkins requested that the reference to the future TSB meeting is deleted from the last sentence.

Proposal that a sentence be amended to remove “TSB” from the minutes.

Proposed: Brian Leigh

Seconded: No seconder

UNRESOLVED

Proposal that the minutes are a true and accurate record of the meeting

Proposed: Brian Leigh

Seconded: No seconder

UNRESOLVED

Ms Knott reflected on the “strange position” of having no approved minutes.

Dr Atkins commented that he did not think officers can make any changes to the minutes now without members requesting additional material, so if members are not happy that it is a correct record then each member individually might wish to consider why they are not a correct record, and what they think should be added to make them a correct record. Dr Atkins did not think officers now can amend them or change them, because they have gone to members. They have effectively gone into the public domain.

Mr Leigh suggested members indicate in detail where minutes are lacking and they are revisited at next meeting.

Dr Baxter raised concern about creating additional work for officers.

Mr Taylor suggested change to process where minutes are drafted and then are given to the chair for formal approval before being disseminated to committee. Ms M Knott and Dr E Baxter agreed this was a sensible approach. Dr S Atkins agreed.

Proposal for Ms Knott's initial minutes to be recirculated to officers and then to the chair before being circulated to members via email for approval.

Proposed: Brian Leigh

Seconded: Kelsey Thompson

Vote carried unanimously.

RESOLVED

Proposal for minutes to be sent to the chair before being circulated to members

Proposed: Mark Taylor

Seconded: Brian Leigh

Vote carried unanimously.

RESOLVED

24 MATTERS ARISING including Chair's Summary of Actions (Agenda Item 4)

The Chair commented that the actions were not circulated or formally voted on. The Summary of Actions noted were:

- 24.1 Stephen to discuss the recruitment for the clerk at the next managers' meeting and to advertise as soon as possible – Dr S Atkins advised that advert had been placed legal and compliance officer and one applicant was being interviewed for the post. Mr J Andrews, Dr E Baxter and Mr B Leigh expressed concern that the advertised post outline indicated a change of role from that of a clerk. Mr B Leigh, Mr J Moulton and Mr R Graham all expressed concern that this discussion was outside the remit of the current meeting. Mr J Moulton particularly underlined confidentiality concerns with regards to the applicant. Dr E Baxter suggested livestream be paused to discuss and take a vote. Dr S Atkins considered this inappropriate as the formal procedure for making an item confidential had not been followed and suggested he would refer the matter to the Finance and HR committee. He outlined the difficulties with the recruitment process during the initial lockdown period.

Proposal that a Zoom meeting is held with absolute haste by the appropriate persons on the authority and officers to resolve this matter

Proposed: Steve Brown

Seconded: Jim Andrews

Vote carried.

RESOLVED

The Chair invited any other Matters Arising, none were raised.

25 **BYELAW REPORT (Agenda Item 5)**

- a) Potting Byelaw: Ms Knott confirmed she was hoping to finish work on the Potting Byelaw in the next day. It did not require substantive changes and the comments from the MMO on the standard of the submission/standard of the impact assessment were very positive. Applications for the whelk track record were described as trickling in, with Mandy, Jon and Anthony responding as they come through. There were more that were due to come, because applicants were waiting for the evidence from MMO in terms of positional data of where they had been fishing. The stage is near of starting to invite other applications for other permits. Ms Knott reflected that DEFRA is tied up with EU exit work so progress on the next stage is unlikely before 1st January turnaround. She did not foresee that a deadline extension for applicants would be necessary due to this process implemented. The February deadline is for the track record/permit applications for whelks, all other species permits can come in at any time. Mr M Taylor commented that the data suggests that whelk industry has been immune to the COVID situation. Mr J Andrews questioned whether that was an accurate reflection at the local level, referencing North Wales. Mr T Jones asked for update on the status of the appeals panel. Ms M Knott explained that the written process was in place. If individual cases needed to be considered and it was not near a meeting members would be invited to form a panel as soon as possible.
- b) NWIFCA Byelaw 3: Dr Atkins, reported that this byelaw was almost ready to be resubmitted to MMO with a new version of the Byelaw and a new version of the regulatory impact assessment, which he hoped will then go through to DEFRA relatively quickly, but he echoed Ms M Knott's comments on DEFRA delays.
- c) MCRS Byelaw/Annex A NWIFCA Byelaw 1 Minimum Sizes Byelaw: Mr J Moulton recapped discussion from the previous meeting on this byelaw and the whelk transportation issues arising in the report. He outlined that he had considered a prohibition by Southern IFCA (““A person must not take, retain on board, tranship, land, transport, store, sell, display or offer for sale from a fishery within the district..””) and explained his proposed solution, in that this is quite simply to apply the prohibition of landing, retaining, transporting, transhipping, offering for sale etc of undersize species by referring it only to apply to the district. This would mean that vessels could fish outside the district and still land those species into the district. They could offer for sale and that would be fine, but it would allow NWIFCA to enforce, quite strongly, the landing of undersize species that are fished in the district at any point in that chain of sale, so even in a fishmongers if it can be proven – and that would be the key that a fisherman has illegally fished fish and then a fishmonger decides to become an offender as well by offering that undersize fish that is from the district for sale in his fish shop.

Mr Moulton first addressed queries from members' previous emails and then invited discussion.

Dr Andrews praised the pragmatic form of words and encouraged collaboration between himself, Mr Moulton and Mr Brown to expedite a solution.

Mr Leigh suggested that decision be taken by email rather than waiting for the next quarterly meeting. Dr E Baxter agreed.

Mr S Brown asked Mr Moulton for the costings for issuing suitable scales to all officers to deal with the problem of the live weight by catch to ensure that officers and the authority are in the absolute correct position to enforce it within the law. Mr Moulton commented that, that action has not been taken with any other Byelaw. Dr Baxter asked that this discussion be moved to outside the meeting.

Dr Andrews raised the issue of enforcing pelagic allowance rules in principle, giving example of different types of fishing operations and suggested a change of wording to focus it on the vessels that matter and take it away from the individuals that do not matter. Mr Moulton accepted and supported these comments, however, outlined further examples where pelagic allowance rules were useful. Dr Andrews did not accept, the argument that the Authority should retain the pelagic allowance across the board. Following further debate, Dr Andrews suggested that the pelagic allowance be removed and to apply some sort of derogation for people using small mesh gear. Mr Moulton agreed with that suggestion.

Proposal for Dr Andrews, Mr Brown, and Mr Moulton to discuss a re-draft of this Byelaw before sending around TSB for approval by email to come to the full committee.

Proposed: Brian Leigh

Seconded: Jim Andrews

Vote carried.

Proposal for another meeting to discuss a re-draft of the Byelaw.

Proposed: Steve Brown

Seconded: Kelsey Thompson

Withdrawn.

RESOLVED

26 BYELAW REVIEW INCLUDING ANNEXES A, B & C (Agenda Item 6)

Dr Atkins outlined the comments and changes to the paper. He commented that he was happy to develop and add to it if there were proposals for him to do so for another meeting.

Dr Baxter commented that it looks like nothing has been achieved towards the Byelaw Review despite two specific meetings to discuss this. She underlined comments from previous meetings about the needs to prioritise remaining byelaw areas (vessel size, shrimp and prawn fishing, netting, probably static, trawling or mobile netting, recreational gathering, and the IVMS byelaws). Mr Leigh agreed with this sentiment.

Dr Andrews highlighted issue with Annex A which quotes from minutes of 11th August – a section does not appear in 11th August minutes. Dr E Baxter agreed.

Mr J Andrews stated that vessel size limits ought to be a significant priority and Mr Brown later fervently agreed. He invited discussion on the matter from the enforcement side.

Ms Knott clarified minutes issue in Annex A (quoted extract taken from original draft not finalised minutes) and reiterated that communication was needed to make process easier.

Mr Brown suggested that moving discussions on the Netting Byelaw up the priority would resolve many issues.

Dr Andrews added further to Ms Knott's comments on communication that a small working group of officers and interested members to crack on with something, have informal discussions, and come up with agreed text that we can present to a meeting would make meetings shorter. Mr Leigh endorsed this approach and added that the prioritised list should be put together on the principle of the activities that have the greatest potential to adversely impact on the sustainability of our local marine environment.

Ms Knott said that once prioritised Byelaws are identified it is a matter of putting a strategy in place to progress them.

Proposal for that to be taken to the next meeting with a plan looking at strategy for moving the next few Byelaws on once the current Byelaws are out of the way.

Proposed: Jim Andrews

Seconded: Trevor Jones

Vote carried unanimously.

RESOLVED

[Comfort break]

27 NEPHROPS CREELS STUDY – CUMBRIA WILDLIFE TRUST (Agenda Item 7)

Ms Knott outlined the purpose of the report (feasibility of catching nephrops through potting rather than through trawling) and reported that she has given a recommendation on the paper asking for members' approval for the IFCA officers to have involvement in this project. The Wildlife Trust (WLT) put in a further bid to the Maritime Fisheries Fund and they were successful in gaining funding for a further year. She reported that a WLT consultation in Whitehaven has been successful in locating three fishermen interested in being involved in the project and asked for members' approval for officers to continue working in collaboration.

Mr R Graham declared a pecuniary/non-pecuniary interest in this item. In response to a question posed by him, Dr Baxter clarified the primary focus area for the study (West of Walney Marine Conservation Zone). Mr R Graham noted that the first he had heard of the study/consultation was upon reading the report. He expressed concern about the impact on the recovery of businesses in Whitehaven, Maryport and potentially Fleetwood – conditions are abnormal and prices of nephrops have halved in the past year. The study would hinder access to traditional nephrops fishing grounds.

Dr Baxter outlined the informal nature of consultation and Mr R Graham expressed concern that interest had only been expressed because the project was being funded and the operations would not be viable on a private, commercial basis.

Ms Knott thanked Mr R Graham for raising his points. She stated she was very interested to see whether or not this is a feasible fishery. It may prove, as Mr Graham was saying, that it is not, in which case there is the that answer Ms Knott underlined that bringing the project into the inshore waters in any way that would affect fishermen and the gear conflict would need to come back to the committee to have a full derogation against Byelaws. Dr Baxter echoed her sentiments and reassured Mr R Graham that this project had not be taken on naively.

Mr R Graham repeated his concerns that there would be acrimony between fishermen asked to be involved in the project and those who have not been asked, and if creels are paid for by project funds they may be abandoned at sea causing a hazard as the pilot fisherman would have no commercial investment to encourage them to retrieve the equipment.

Mr Brown commented that the problem of gear conflict between static and mobile gear was very real and very urgent. In his opinion the West of Walney wind turbines had had an environmental impact and taken the living off about 20 vessels. He supported the study as it may create some work for specialist vessels in an area which does not have any great, high-value fishery and help those that have been displaced by the wind farm projects. However, he raised the issue of potential problems with the wind farm operators due to wreckage and abandoned static gear.

Dr Andrews asked for investigation into the fact that creels tend to catch more berried female nephrops and therefore nephrops are caught that would otherwise have been undisturbed. Dr Baxter drew Dr Andrews' attention to a part of the report where this is addressed. Dr Andrews highlighted the possibility that this fishing method would skew the composition of the population due to the territorial nature of decapod crustaceans, and the need to address

the issue of lost gear and avoiding ghost fishing. Bearing these issues and the issues of gear conflict in mind, he expressed general support for the project.

Ms Knott proposed to Dr Baxter that they discuss the lost gear issue outside the meeting.

Dr Baxter confirmed discussions has been had with the windfarm developer (Ørsted) about lost gear.

Mr Jones wanted to reinforce the message about ghost-fishing and incorporating biodegradable mechanisms into the gear as being a necessary element of the trial. He confirmed it is easier to put biodegradable elements into creels than whelk gear generally.

Mr R Graham stated that the ecological priorities of the Maritime Fisheries Fund imply and would be interpreted as an opposition to bottom-gear boats working. He stated that he had no problem with the pilot being carried out in the Marine Conservation Zone, but was strongly against testing the pilot scheme in other areas which would restrict access by trawl fishing vessels.

Dr Baxter stated the need to work towards the priorities set by the Fund in order to secure funding. Ms Knott underlined that it is a duty of IFCA's to be looking at conservation issues and openness and discussion was essential.

Proposal that members approve further work on the project with Cumbria Wildlife Trust.

Proposed: Jim Andrews

Seconded: Trevor Jones

Vote carried. Two abstentions. (Dr E Baxter declared non-pecuniary interest and abstained).

RESOLVED

28 LEASOWE CLAMS REPORT/ANNEX A LEASOWE CLAM SURVEY (Agenda Item 8)

Ms Knott outlined the scientific work that has been undertaken to support work on a recommendation for what to do when the emergency byelaw expires. She outlined that the survey samples found not a single show for any of the large clams and because of this gave a recommendation that the area should be closed to all gathering of any bivalves unless permitted under the cockle and mussel Byelaw or under the Restrictions on the Use of a Dredge Byelaw. In the meantime surveys should continue.

Mr R Graham excused himself from the meeting.

Mr Brown welcomed the recommendation to keep the fishery closed but advised caution regarding the timing due to daylight changes. Ms Knott reiterated that her recommendation was to make it a permanent byelaw so when the clocks change the closure would be in place and needing to be enforced. Mr Brown stated his view that, "There is nothing more open than a closed area." Ms Knott confirmed that fishery officers in the area supported the recommendation.

Dr Andrews said there was no option other than to progress with the closure of the area but expressed concern about enforcement and that the people gathering there may simply be displaced elsewhere. Ms Knott said there was not enough evidence to look for a district-wide closure. Dr Andrews agreed it was sensible to keep the focus on this location for now.

Mr Leigh declared an interest in the item. He asked for clarification if anglers who are digging worm will not be able to take any razor clams off the beach, even as washout. Ms Knott informed him this was correct and unfortunately this was unavoidable due to enforcement difficulties. Mr Moulton agreed with Ms Knott.

Dr Baxter sought clarification on the numbers of sightings in the report. Mr Moulton outlined the impact of the COVID pandemic on activity. Ms Knott clarified that she took the figures from the IFCO sightings reports.

Dr Andrews asked what is being done to raise awareness of the rules on removing bivalves among people from outside the district/who do not read the IFCA website. Mr Moulton outlined signage in the area and attempts to investigate community aspect of where information was being disseminated. Mr Leigh outlined the need to use the “information grapevine” to communicate with the communities involved. Mr Moulton impressed the fact that investigations into this were ongoing but difficulties have been encountered due information being disseminated primarily through informal word of mouth. Hopefully news of positive enforcement and sanctions will filter through in discussions within the communities.

Dr Andrews questioned data in the report and cautioned making an emergency byelaw based on inconsistent data. Ms Knott clarified data collection methods.

Mr Taylor asked if any intelligence-gathering work had been done in the local Leasowe area. Mr Moulton confirmed that extremely high volumes of intelligence developed from the local area, and asked Mr Taylor if he could topress MMO central intelligence team for the analysis product on this issue nationally. Mr Taylor confirmed he would look into the matter.

Mr Brown discussed work in 2004/5 with Chinese Community Groups in Manchester in producing tide tables as a means of distributing information. Mr Moulton confirmed he is not keen on progressing in that direction and stated that the law is quite clear that if it is advertised in English, that is enough, and that is acceptable. He outlined that there are many different dialects, languages and ethnicities involved in the issue and raised concerns over ethics and appropriateness.

Proposal to implement a permanent Byelaw that prohibits the removal of any bivalves from the beach at Leasowe unless under a permit issued by Northwestern IFCA Byelaw 3 or under North-Western IFCA Restrictions on the Use of a Dredge Byelaw 2017.

Proposed: Jim Andrews

Seconded: Kelsey Thompson

Vote carried. One abstention.

Proposal that scientific surveys should continue over the next three years to provide data on population recovery in order to inform the Byelaw review after three years.

Proposed: Kelsey Thompson

Seconded: Jim Andrews

Vote carried. One abstention.

RESOLVED

Ms M Knott therefore suggested that the emergency byelaw should be turned into a full byelaw, to be discussed at the authority meeting in December.

29 MORECAMBE BAY CHINESE MITTEN CRAB ISSUE/ANNEX A NWIFCA CMC POSTER OCTOBER 2020 (Agenda Item 9)

Ms Knott said that two adult live Chinese mitten crabs had been caught in the Keer river by a netsman. She had received the report, collected the crabs and was able to make a firm identification. She outlined the steps taken, including facilitating further research, notifying the regulators and putting out a press release/posters/social media. She said that she will keep members informed of the situation as it develops. Dr Baxter praised Ms Knott’s efforts and outlined efforts to increase awareness through social media posts reaching 60,000 people.

Mr Manning said that at the moment it is not going to affect the local hand gathering community. Ms Knott outlined the need to continue to be vigilant in light of the new sightings. Mr Jones commented on his experience with “outliers” in different areas and agreed for the continuing need to keep a watching brief.

30 SURVEY AND INSPECTION REPORTS/ANNEX A SOUTH AMERICA SEED MUSSEL INTERIM REPORT (Agenda Item 10)

Ms Knott had included the interim report about South America sent to Members in this set of papers for consistency and record keeping. The main issue was the mussel stock at South America and the North Morecambe Bay beds which are further offshore beds. Investigations by Ms Knott corroborated Mr Jones report about the condition of stock on South America. Mr Jones reported that Small Island and Trailer Bank were heavily populated by starfish. She outlined the findings of the South America inspection, and that from the July to the October inspections, there had occurred roughly, in terms of percent cover of the whole area an estimated loss of 70 to 75 percent of the mussel, obviously leaving 25 to 30 percent of the original stock in terms of coverage of ground. She reiterated that there were no recommendations in this report, but rather a report of the situation as seen back in October compared to what it was in July when Officers first made the recommendation to open it for seed mussel.

Mr Manning declared a pecuniary interest in this item. He expressed disappointment with the way that the surveys have been concentrated on South America. and said there had been virtually no management whatsoever of the main mussel areas.

Dr Baxter described areas such as South America as particularly contentious and described the need to build up an evidence base in that area that may have disproportionately affected other areas. Ms Knott agreed, adding that she found Mr Manning’s comments unfair and totally unjustified.

Mr Manning expressed concern that requests to dredge mussels with a small scale dredger had been turned down. Ms Knott explained that the request had not been turned down and she had spoken to the fisherman in question at length to offer assistance in getting papers to TSB.

Dr Andrews commended Ms Knott for the work that had been done on the mussels under difficult circumstances and urged members to put any past rancour behind and build a constructive future. He commented that a resurrection of the Morecambe Bay Mussel management Plan might help to progress matters.

Dr Baxter asked for an update on the management plan.

Ms Knott confirmed she had met with the science team and Laurence Browning from Natural England. She later expressed the hope to bring an updated plan to a future meeting.

Dr SATkins commended the science team for their work throughout the COVID period. Mr Jones (who later expressed an interest) stated that he was really looking forward to coming to some sort of resolution with a mussel management plan. Dr Baxter echoed these sentiments.

31 SCIENCE REPORT/ANNEX A MOSTYN TIDAL LAGOON PRESS RELEASE JULY 2020 (Agenda Item 11)

Ms M Knott confirmed there was nothing she wanted to run through, but she would take questions.

Dr Andrews asked if there was any move towards a larger minimum whelk size nationally and Ms Knott confirmed she was not aware of any at the moment, other than agencies like Cefas working towards developing stock assessment models which will all be part of DEFRA

looking at management in the longer term. The reason the IFCA's are moving on it is because things take so long through DEFRA, and because of the recent increase in activity in whelk fisheries because of the markets opening up, this is an urgent issue, and needs dealing with a lot quicker, even if it is taking a precautionary approach.

32 GOVERNMENT CONSULTATION ON FISHERIES POST BREXIT (Agenda Item 12)

Ms Knott made members aware that there is a stakeholder consultation ongoing currently, finishing on 10th November, regarding the Fisheries Bill and post 1st January and encouraged members affected to give their views.

Dr Atkins underlined the importance of the consultation and encouraged members to send points into the office so that they can be coordinated into a response.

Mr Manning emphasised the importance of recognising coastal fishing communities within the consultation.

Dr Andrews commented that the consultation will have a limited impact (as the IFCA is not based on the South coast) and it would be better to focus our efforts on the things that actually we can influence and matter to us.

33 ANY OTHER BUSINESS (Agenda Item 13)

Dr Baxter asked if there was anything that could be done to facilitate Garry Pidduck attending future meetings. Dr Atkins highlighted Mr Pidduck's difficult personal circumstances throughout COVID events. Dr Andrews expressed the view that Mr Pidduck has a useful range of experience but if he is unable to attend meetings perhaps he could be diplomatically asked to give up his spot to someone else. Dr Atkins suggested he and Dr Baxter will try to resolve the issue before the next TSB.

MEETING ENDED 14:20