

1 MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE on 15<sup>th</sup> AUGUST 2023 AT TRUCKHAVEN , CARNFORTH 10.00 AM.

PRESENT – MEMBERS

Mr B. Leigh	MMO Appointee
Mr P Capper	MMO Appointee
Mr R Benson	MMO Appointee
Mr S. Brown	MMO Appointee
Mr K Thompson	MMO Appointee
Mr S. Manning	MMO Appointee
Dr C Mihailovici	MMO Appointee
Mr N. Baxter	MMO Appointee
Mr L. Browning	Natural England
Mr S. Johnston	MMO

NWIFCA OFFICERS ATTENDING

M Taylor CEO, J Moulton HOE, A Plumeridge SS, A Nicholson Clerk, A Graham IFCO/Intel

MEMBERS OF INDUSTRY PRESENT

Mr T Davies, Mr S Ward, Mr M Rowlings, Mr M Hughes, Mr T Jones, Mr M Swistun, Mr K Mould, Mr J Wilson

2 APPOINTMENT OF CHAIR (Agenda Item 1)

There was one nomination for Chair, Mr B Leigh

Proposed: Mr P Capper, Seconded: Mr K Thompson, all in favour.  
Mr Leigh was re-elected to stand as Chair for 2023/24

3 APPOINTMENT OF VICE-CHAIR (Agenda Item 2)

There was one nomination for Vice-Chair, Dr J Andrews

Proposed: Mr K Thompson, Seconded: Mr S Brown, all in favour  
Dr Andrews was re-elected to stand as Vice-Chair for 2023/24

4 APOLOGIES FOR ABSENCE

Dr J Andrews

5 CHAIR'S ANNOUNCEMENTS (Agenda Item 3)

The Chair thanked everyone for attending and welcomed members of industry present  
He reminded members to sign the attendance register and to complete Declarations of Interest slips

6 DECLARATIONS OF INTEREST (Agenda item 4)

No declarations of interest had been received prior to the meeting. The Chair reminded members to declare any interests prior to speaking on an agenda item. Mr Manning then declared an interest in agenda items 7 and 8

7 MINUTES OF TSB MEETING 9<sup>th</sup> May 2023 (Agenda item 5)

An amendment Mr S Johnston, he is not an MMO appointee but an MMO representative

RESOLUTION: TO APPROVE THE MINUTES AS A TRUE AND ACCURATE RECORD OF THE MEETING

Proposed: Dr Mihailovici Seconded: Mr N Baxter All in favour, carried

8 MATTERS ARISING FROM MINUTES

There were no matters raised.

9 BYELAW UPDATES – (Agenda Item 6)

HOE reported that we were still awaiting sign off by the Secretary of State for Byelaw 1 MCRS, he also confirmed that work was ongoing in drafting the netting byelaw.

10 SURVEY AND INSPECTION REPORT (Agenda Item 7)

The Senior Scientist presented her report in three separate sections and referred to the contents therein. Firstly, she provided an overview on the seed mussel fishery and gave details of the methodology undertaken at surveys and inspections. This resulted in a lengthy debate. Tide times had been problematic as reported earlier in the year. A provisional HRA had been submitted, with worst case scenario assessed for, and now final proposals have been put forward. Details of the individual beds were contained in the report. Fleetwood had dense seed mussel, deep mud and had scoured out. South America had seen significant changes and was not deemed suitable for a dredge fishery, and Heysham had also scoured out and not available to fish, Falklands had not been accessible to survey due to tides and vessel availability. An email vote had taken place for which we had received 5 in favour, 3 not in favour and 3 abstentions for the opening of fisheries as per the recommendations of the report.

Mr Brown agreed with the survey results at Fleetwood, he stated there were two separate fisheries, one suited to dredging and the other for hand gathering. He suggested that we modify a dividing line to ensure neither side is encroached in error. He also suggested that greater clarification was needed on what was to be voted for in the email vote which was circulated.

CEO raised the issue of allowing email voting on important issues. He stated that if members are not certain about what they are voting for they should seek clarification and felt that for contentious issues email votes are not always appropriate and an extraordinary meeting should be called. The Chair agreed. Mr Manning also raised concerns regarding email voting and said no offering had been made to hand gatherers which he claimed the Authority held a legacy policy to that affect. The Chair said legacy policies can be amended and the Authority is bound to represent all interests not just that of commercial fishers. The issue of ephemerality was also raised, and CEO reiterated that officers follow the due process and act on resolutions passed at committee meetings. The Chair asked that the committee discuss the definition of ephemerality at its next meeting. Mr Brown also raised concerns regarding access issues at Fleetwood. The Chair invited stakeholders to speak on the issue at hand. Mr Terry Davies referred to classification discussions held with Wyre Council and Cefas. He said they would like the chance for the seed mussel to grow on, but also there was a market for seed mussel. Mr Brown requested better maps be provided and not posted on the website only.

RESOLUTION: TO APPROVE DREDGE FISHERY AS PROPOSED

Proposed: B Leigh, Seconded: P Capper, 6 in favour 3 abstentions, carried.

RESOLUTION: OFFICERS INVESTIGATE FEASIBILITY OF A HAND GATHERED SEED MUSSEL FISHERY, SEAFIELD ROAD AND WYRE END

Proposed: B Leigh, Seconded: P Capper, 5 in favour, 3 abstentions, carried.

Senior Scientist referred to the report on cockles, Mr Manning declared an interest in this discussion. It was recommended that due to the reduction in biomass that Penfold fisheries remain closed. And that Leasowe also remained closed. Mr Brown reaffirmed his belief that more harm is caused by keeping beds closed, and asked if a restricted fishery with quotas could be a feasible option. CEO felt that the current boom and bust situation needs to be

reviewed and that quotas might be a way forward subject to enforcement resources. He went on to state that officers cannot be omnipresent at every tide and every fishery, but that such issues are not unsurmountable. HOE stated that quotas should be based on weight and not number of bags. Mr Manning said that quotas do not work, and the bed would self-regulate. Mr Browning stated there was a large number of wading birds in the Dee Estuary and some level of precaution would be necessary. Doctor Mihailovici said that cockles were a very important part of the eco system, and we must ensure there is no waste. HOE asked members of industry how much tonnage they would be willing to fish for, Mr T Davies did not feel there would be many gatherers. Mr Swistun said that as a rule of thumb working in thirds tends to work elsewhere, on third for bird food, one third left to grow on and one third to be fished. He went on to say that spat should also be considered as birds do feed on it.

RESOLUTION: TO OPEN PENFOLD FISHERY SUBJECT TO HRA AND APPROPRIATE TAC, SUITABLE MANAGEMENT RESOURCES AND WITH REGARD TO PROTECTED FEATURES

Proposed: B Leigh, Seconded: S Brown, 8 in favour, 2 abstentions, carried

RESOLUTION: LEASOWE COCKLE FISHERY REMAIN CLOSED AS PER THE RECOMMENDATION

Proposed: P Capper, Seconded: S Brown, 8 in favour, 1 abstention, carried.

The Senior Scientist reported on Morecambe Bay fisheries and referred to Annex A of her report.

Mr Benson declared an interest in this item.

She reported that we are at the lowest reported biomass of size cockles in this area since 2017 but there is a significant amount of undersize. It is typically 1-2 years from allowing the undersize to mature that you get viable fisheries. Aldingham, Newbiggin, Pilling and Flookburgh have significant quantities of 15-20 mm and 20-25mm, should these survive the winter a proportion should grow to size for next year, therefore it is recommended they remain closed from 1<sup>st</sup> September.

Mr Brown said there is a case for opening a low-level fishery, low levels of cockles is not a reason for a bed to remain closed. Mr Benson said whatever the resolution passed he felt that the beds should be opened next year from 1<sup>st</sup> July due to the change in markets. He went on to say that 1<sup>st</sup> July coincides with the opening of other beds on the Dee and in Wales and permit holders would naturally disperse geographically. The Senior Scientist said there was no sufficient scientific reason for beds to only open from September and this is something open to further consideration. Mr Manning disagreed with the findings detailed in the report and Mr Browning said the recommendations followed a consistent approach year on year. CEO was in favour of reviewing the opening dates of beds but was against the principal of keep resurveying until stakeholders' interests are met, however he did not rule it out.

Mr Ward said that some of the cockle would have grown on since the survey and requested that Flookburgh be resurveyed and potentially open in October when Penfold would no longer be viable.

RESOLUTION 1: TO ACCEPT THE CONCLUSIONS OF THE REPORT AND TO APPROVE THAT THE COCKLE BEDS IN MORECAMBE BAY REMAIN CLOSED FOR THE REST OF THE CLOSED SEASON, AND THAT FROM 1ST SEPTEMBER REMAIN CLOSED UNDER BYELAW 3 PARA 15

Proposed: B Leigh, Seconded: N Baxter 5 in favour, 4 abstentions, carried

RESOLUTION: TSB REQUEST CEO AND OFFICERS CONDUCT A MINI SURVEY OF FLOOKBURGH IN OCTOBER TO SEE IF COCKLE STOCK HAS GROWN ON SUFFICIENTLY TO OPEN A WINTER FISHERY, RESULTS TO BE BROUGHT BACK TO NOVEMBER TSB.

Proposed: P Capper, 5 in favour, 2 abstentions, carried.

11 SCIENCE REPORT (Agenda Item 8)

Senior Scientist referred to her report. It was suggested that better imagery and presentations would enhance meetings as diagrams etc in paper form are not always easy to follow. The use of the drone which is being procured would improve this considerably.

RESOLUTION: TO RECEIVE THE REPORT.

Proposed: B Leigh, all in favour, carried.

12 NORTH WIRRAL FORESHORE (Agenda Item 9)

CEO gave a verbal update on the netting activity on the North Wirral Foreshore reported that an open event had been held on the Wirral following media attention regarding the wash up of smoothhounds etc. No solid evidence was presented but is open to further conducting research.

He stated both sides of the argument were presented, and he was keen to manage the expectations of the people raising concerns. He is waiting to be contacted by representatives of the council to further this debate.

The Chair felt it is a very positive way forward having public events as the work of the Authority is often misunderstood and this can only go to improve this.

49 ANY OTHER BUSINESS (Agenda Item 9)

Mr Manning asked about public meetings with fishermen and said these used to be held at least annually. CEO said that is the intention and is being looked at by our Comms Officer.

The Chair thanked everyone for attending – meeting closed at 14.45