

1 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE on 17th AUGUST 2021 AT COUNTY HOTEL CARNFORTH, CARNFORTH 10.00 AM.

PRESENT – MEMBERS

Dr. E. Baxter	Chair	MMO Appointee
Dr J. Andrews	Vice Chair	MMO Appointee
Mr S. Brown		MMO Appointee
Mr R. Benson		MMO Appointee
Mr S. Manning		MMO Appointee
Mr B. Leigh		MMO Appointee
Mr G. Pidduck		MMO Appointee
Mr L. Browning		Natural England

NWIFCA OFFICERS ATTENDING

S Atkins CEO, J Haines Deputy SS, J Moulton HoE, A Nicholson Clerk

There was one member of the public in attendance, Mr S Ward

APOLOGIES FOR ABSENCE

Cllr P Williams, Mr K. Thompson

2 APPOINTMENT OF CHAIR (Agenda Item 1)

The CEO invited nominations for Chair of the TSB.

Dr Baxter was nominated by Dr Andrews, seconded by Mr Leigh. No further nominations were received and Dr Baxter was re-elected as Chair. All in favour. Motion carried

3 APPOINTMENT OF VICE-CHAIR (Agenda Item 2)

The CEO invited nominations for Vice Chair of the TSB.

Dr Andrews was nominated by Mr Leigh, seconded by Mr Brown. No other nominations received. Dr Andrews was re-elected as Vice Chair. All in favour. Motion carried.

4 CHAIR'S ANNOUNCEMENTS (Agenda Item 3)

The Chair reminded members of the return to using the member's attendance register. She underlined that members were free to wear a face mask if they felt more comfortable doing so.

She welcomed Mr Manning as the newly elected member of TSB, replacing Mr Jones.

5 APOLOGIES (Agenda Item 4)

Apologies were received from Mr K. Thompson and Cllr P Williams.

6 DECLARATIONS OF INTEREST (Agenda item 5)

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.

7a MINUTES OF TSB MEETING AUGUST 2020 (Agenda item 6a)

The Chair presented the minutes of the August 2020 TSB which were re-written at the end of 2020 but never formally voted on.

Proposal: The minutes are a true and accurate record of the August 2020 TSB.

Proposed: Mr Leigh. Seconded: Dr Andrews.

The minutes were accepted as being a true and accurate record. All in favour, 1 abstention. Motion carried.

7b MINUTES OF TSB MEETING FEBRUARY 2021 (Agenda item 6b)

The Chair presented the minutes of the February 2021.

Proposal: The minutes are a true and accurate record of the February 2021 TSB.

Proposed: Mr Benson. Seconded: Mr Brown.

The minutes were accepted as being a true and accurate record. All in favour, 1 abstention. Motion carried.

7c MINUTES OF EXTRAORDINARY TSB MEETING 30TH JUNE 2021 (Agenda item 6c)
The Chair presented minutes of the meeting.

Proposal: The minutes are a true and accurate record of the June 2021 Extraordinary TSB meeting.

Proposed: Mr Leigh. Seconded: Dr Andrews. All in favour. Motion Carried

The minutes were accepted as being a true and accurate record.

8 MATTERS ARISING FROM EACH SET OF MINUTES (Agenda Item 7)

The Chair invited comments about any matters arising from the February minutes, no comments were forthcoming. .

9 BYELAW REVIEW AND STRATEGY (Agenda Item 8)

The CEO presented his report on the byelaw update and reported that although progress was slow comments received from MMO had been responded to. MMO had requested some minor amendments to Byelaw 3 which were under consideration

Mr Manning asked if there were any amendments to the criteria for issuing permits to EU nationals following on from Brexit. In response, HOE confirmed there had been no changes, and all applicants had to supply documentation in support of their application, which are checked prior to a permit being issued.

The Chair asked the CEO about his suggested next priorities for the Byelaw Review as the list had changed again, for example, iVMS was not previously stated as the next byelaw to work on. The CEO confirmed this was as per the annual plan. He stated that the iVMS regulations may become a requirement and therefore it would be necessary to make a byelaw in the next few months but there was no clarity on when. The vessel size byelaw to limit size or engine power of vessels might be appropriate but no progress had been made. Similarly, a district wide shrimp byelaw could be the next priority but with the different measures across the district and in adjoining areas in Wales, Scotland and so on, it would be quite difficult to do and further research was required.

The Chair raised the point that Mr Brown had already written helpful summary papers on both how the vessel size and shrimp byelaws could be reviewed to consolidate measures across the District. Mr Brown commented that he did not see any significant problems going forward due to the similarity of byelaws within the district but that the MCRS byelaw would have to be sorted out before the shrimp byelaw.

Mr Manning and Mr Brown agreed that because of different gear types used in different locations for shrimp fishing in different conditions all that was needed for a shrimp byelaw was a length of beam and mesh size, and the MCRS byelaw would provide cover for things like mechanical fish sorting.

The Chair expressed frustration that a more strategic approach to byelaws was called for in November and February and due to the cancelled meeting in May, no further progress had been made. Annex A, deferred from the May meeting was presented and comments were invited from Members on how to progress.

Dr Andrews suggested that a Byelaw Strategy Working Group be set up as soon as is feasible to do so.

Proposal: In response to this document on byelaw strategy, that a working group of officers and members is established to develop the strategy further and bring it back for discussion at the next meeting of this subcommittee.

Proposed: Dr Andrews. Seconded: S Brown. All in Favour. Motion carried

Dr Baxter, Dr Andrews, Mr Leigh, Mr Manning and Mr Brown volunteered for the working party and it was agreed to hold it in person at the Carnforth office.

HOE presented his paper on progress regarding the netting byelaw, as discussed at the last meeting. HOE reported that he had progressed the drafting of a rough byelaw, which was not ready to present at the meeting today due to the constraints of other work demands. Mr Leigh expressed his approval for introducing a hobby permit for netting under this byelaw. Mr Moulton agreed and suggested there was an opportunity to solve a range of issues in the district and highlighted the need for communications in future to aid public education on fishing activities that had been incorrectly deemed illegal. He highlighted in particular vigilante members of the public on beaches causing damage to fishing gear/impersonating fishery officers.

10 PROGRESS ON COCKLE AND MUSSEL FISHERIES (Agenda Item 9)

Mr Haines (Deputy SS) presented the report. He commented that much of the Morecambe Bay data had been addressed in the Extraordinary TSB so highlighted the Solway subtidal mussel survey at Annex A. He highlighted issues with tides, weather, crew shortages and COVID but nonetheless described it as a good report and part of the ongoing data requirement for the area.

Mr Leigh praised the comprehensive nature of the report on the Solway subtidal mussels. Mr Browning asked Mr Haines about records of subtidal *Sabellaria* and if any live specimens were retained, he confirmed not on this occasion but they could be in future. He was invited to retain and verify the records in future surveys if not too inconvenient. He confirmed this was fine.

He moved on to discuss the inspection on Duddon and highlighted the challenges with classification, commenting that there had been contact with Environmental Health and sampling timings would depend if there were a requirement for a new sanitary survey.

He commented on Morecambe Bay; that Perch Scar was now open, Black Scar was – not opened due to the level of mud underneath the mussel and Heysham was opening as soon as possible but was delayed due to the requirement for the Council to sort out access. HOE added there had also been some difficulties in communications with Lancaster City Council and outlined discussions around health and safety concerns with the council regarding Morecambe. He commented that he had not heard of any interest in accessing the fishery there. The Deputy SS agreed, commenting on issues with exporting to Ireland.

The Falklands had been inspected by RIB and was not opened due to the amount of hard substrate and *Sabellaria alveolata* present. South America was inspected on the 26th and opened on the 30th of July. The Deputy SS discussed the conditions and reasoning behind this. The Chair asked if there had been any fishing activity in the area since opening and the Deputy SS confirmed yes, with good reports from the fishermen.

Regarding potential cockle fisheries at Pilling and Newbiggin, Morecambe Bay, formal advice on the HRA was still being awaited from Natural England following the resolution taken at the Extraordinary TSB meeting. Mr Browning added that due to the nature of the fishery advice was being sought from shellfish and ornithology experts and he was attempting to push the issue forward as fast as possible. Mr Benson asked who had asked for the HRA to be escalated within Natural England. The CEO confirmed he had asked Mr Browning to escalate this because he was concerned about the impact it could have on the reputation of the Authority given the sensitivities of this fishery/Morecambe Bay in general.

Mr Benson voiced dissatisfaction with this approach, stating he had asked for a copy of the HRA and not received one and he would like to know what and where the concerns are. The Deputy SS said draft HRA are not sent out as they may be changed and directed Mr Benson to the website where all final HRAs are published. Mr Benson asked if that included the current HRA and the Deputy SS confirmed it was not, because it was currently in draft form and subject to change. Mr Brown criticised the lack of communication and urged better communications between Natural England and local experts to avoid damaging delays. Mr Browning agreed, though underlined that IFCA's do not necessarily have to take the advice of Natural England, however they would be liable for any damage caused by fisheries opened against the advice of Natural England.

Mr Benson expressed concern that the problem had been unnecessarily escalated to experts who would not necessarily have local knowledge.

The Chair, Mr Leigh and Dr Andrews all expressed concern that the action had been taken without being mentioned in the report or to the Chair. The Chair expressed disappointment that following a well-reasoned and informed discussion at the Extraordinary TSB, at which the CEO was not present, a different decision had been taken by the CEO without consultation of, or informing, the TSB.

Mr Brown highlighted a sense of urgency was required, particularly in matters of shellfish management, as delays can cause serious damage.

Mr Manning directed a question to the Deputy SS about Perch Scar and Black Scar. He asked why it had been announced on the website that Perch Scar would not be opened and then the situation changed two weeks later. The Deputy SS explained the situation with mud and that the fisheries had to be HRA compliant before opening.

Mr Manning questioned the accuracy of reports stating there was no mussel mud at South America and asked why permission for dredging had been given. The Deputy SS explained the surveys and defended the content of the report and reasoning for the dredge fishery being opened.

Mr Brown explained that although Perch Scar and Black Scar are close together, Black Scar is a manmade feature so the conditions must be treated differently.

Mr Manning criticised the decision to put South America down as a hand-gathered seed mussel fishery because it is not worth anything to hand-gatherers due to the distance/achievable price. The Chair commented the committee were just opening the fishery to make it accessible to everyone.

Mr Manning expressed further dissatisfaction with the report.

Mr Benson assured Mr Manning that the dredging operations in the area were very professional and would not do any damage to the seabed. Mr Manning called for an investigation to prevent the issue recurring the following year. Mr Benson suggested he go aboard one of the dredging boats and see for himself the process. Mr Manning referred to a conversation with Dr Atkins at the previous meeting regarding a 'gentleman's agreement' that there was to be no dredging of intertidal areas that could be accessed by local fishermen.

Mr Pidduck asked about timescales for opening the Duddon Estuary fishery. Mr Moulton said he would speak to Environmental Health to check what samples would be required. The Deputy SS suggested it would probably be 10 samples at least a week apart due to the fact the area had not been fished since 2016 and highlighted the difficulty of getting samples a week apart due to the conditions and state of tide needed. Mr Pidduck stated if the area was accessible it would be good to be out fishing, however if the documentation was not in place within a fortnight, the weather could cause issues for the fishery.

The Chair apologised for not asking Mr Ward if he wanted to speak earlier on the cockle issue and asked Mr Ward if he had any comments to share with Members. Mr Ward expressed dissatisfaction with IFCA's actions, referring to one person (the CEO) overruling the decisions of the TSB Sub-Committee, and expressed the sentiment that there was now a general lack of goodwill among fishermen towards IFCA officers as a result.

The CEO explained that he did not think any policy had been overruled but acknowledged that there had been a delay. He explained that he understood the decision had been to open the fishery as soon as possible but highlighted the need to protect the IFCA and the risk that the decision could lead to the damaging of cockle beds in Morecambe Bay for years to come.

Mr Ward commented that the cockles are now worthless and fishing had been missed out on. The CEO underlined the need to protect stocks now so that the fishery can open in future and not to take the last bit of potential brood stock now. He understood the decision for Natural England to further examine whether the fishery should open.

Mr Manning criticised the approach of keeping stock for breeding, saying it does not work. The CEO commented that the byelaw provided for the protection of breeding stock and if that were not agreed with, the byelaw would have to be changed.

The Chair again expressed frustration and disappointment at the situation as the issues and data around the brood stock and bird food requirements had been discussed at length at the Extraordinary TSB meeting in August at which the CEO was not present. Dr Andrews once again echoed the Chair's disappointment that following the decisions taken at the Extraordinary TSB, that the CEO communicated with Natural England without prior discussion with the Chair. Dr Andrews and the Chair emphasised that TSB Members were left wondering why they were volunteering their time to attend extraordinary meetings and take urgent decisions if the resolutions taken by the TSB could be overruled by the CEO after the meeting without any consultation or approval.

The Chair invited the Deputy SS to finish his report.

The Deputy SS reported a cockle spat settlement on the Ribble Estuary to be monitored in future, and a bivalve mollusc survey done at Leasowe recommending that the area remain closed due to low stock levels.

Dr Andrews asked what the current situation was at Leasowe with regard to illegal activity. HOE explained that following an extreme level of enforcement there has been an improvement this year.

Proposal: To receive the report

Proposed: Dr Andrews. Seconded: Mr Leigh. All in favour. Motion Carried

Proposal: The management of the Morecambe Bay cockle beds was agreed at the Extraordinary TSB meeting in June, but the rest of the beds within the District, the byelaw 13a and byelaw 18 closures, would be implemented due to a lack of stock.

Proposed Dr Andrews, Seconded Mr Leigh. 3 in favour, 1 against, 4 abstentions due to Declarations of Interest

11 SCIENCE REPORT (Agenda Item 10)

The Deputy SS outlined the short nature of the report but highlighted in particular the Government's response to Highly Protected Marine Areas. The Government accepts the main recommendations of the Benyon Review and will begin introducing HPMA's, identifying a number of locations in English waters as a priority. Mr Leigh asked if Morecambe Bay was on the list as a potential HPMA because they were designed to be

subtidal. Mr Browning clarified that they can also be intertidal. Dr Baxter commented that it did not necessarily mean Morecambe Bay would be taken forward as a HPMA, this was on a list of sites previously suggested by stakeholders but that a number of organisations had already made representations to Defra about the unsuitability of Morecambe Bay as an HPMA due to the high level or various activities that are already present in the area, and the Committee would have to wait for further information.

Dr Andrews praised the Deputy SS for delivering the scheduled surveys despite COVID restrictions. HOE concurred adding that the Deputy SS had worked extremely hard for the past six months.

Dr Andrews asked for an update on the recruitment for the science team. HOE confirmed that the position had been formally filled but was unable to elaborate because the development was extremely recent.

12 ANY OTHER BUSINESS (Agenda Item 11)

No further business was raised. The Chair thanked participants for attending and closed the meeting.