

06 MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE ON TUESDAY 5TH NOVEMBER 2024 AT TRUCKHAVEN, CARNFORTH 10AM

PRESENT MEMBERS

Mr. B. Leigh	MMO Appointee
Mr. N. Baxter	MMO Appointee
Mr. S. Brown	MMO Appointee
Mr. K. Thompson	MMO Appointee
Mr. S. Johnston	MMO Appointee
Mr. L. Browning	Natural England
Mr. J. Turner	Environment Agency
Mr. L. Stainton	MMO Appointee
Ms. S. Isles	Natural England

NWIFCA OFFICERS ATTENDING

M. Taylor (CEO), J. Moulton (Head of Enforcement), A. Plumeridge (Head of Science), A. Schweizer (EO), C. Silverwood (Admin Officer), S. Reid (Admin Officer), L. Misra (Lancaster University Student).

MEMBERS OF INDUSTRY PRESENT

Mr. M. Rowlings, Mr T. Davies, Mr A. Davies

07 APOLOGIES FOR ABSENCE

Mr. R. Benson, Mr. P. Capper, Mr. T. Jones

08 APPOINTMENT OF CHAIR

The CEO explained members were invited to self-nominate for the role of Chair and Vice-Chair and votes would be counted accordingly. A five-minute recess was taken for members to consider their position. The CEO stated that Mr. T. Jones had self-nominated himself for the role of Chair. The CEO invited other members for their self-nomination. Mr. T. Jones was the only self-nomination and appointed as Chair.

09 APPOINTMENT OF VICE-CHAIR

The CEO invited self-nominations for the role of Vice-Chair of the TSB Committee. Mr. S. Brown was the only self-nomination and appointed as Vice-Chair. The CEO explained that for this meeting, Mr. S. Brown would act as Chair in Mr, T Jones' absence.

10 CHAIR'S ANNOUNCEMENTS (Agenda Item 1)

The Chair extended a welcome to all members present and to Ms. S. Isles representing Natural England. He reported that Mr. S. Manning's tenure as a member of TSB had come to an end. He thanked Mr. Manning for his time and contributions during his tenure and expressed that his in-depth knowledge of the local area would be missed.

The Chair welcomed all members of industry present and explained that they would be invited to ask questions or make comments but requested that they introduce themselves before speaking.

The Chair reminded members to sign the attendance register and complete declarations of interest slips if required.

11 DECLARATIONS OF INTEREST (Agenda Item 2)

Mr. Stainton declared an interest in Item 7.

12 MINUTES OF TSB MEETING 13TH August 2024 (Agenda Item 3)

HOE requested page numbers to be added to future written minutes.

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

Proposed: Mr. Leigh, Seconded: Mr. Baxter, 7 in Favour, 1 Abstention, Carried

ACTION: Page numbers to be added to written minutes (SR, CS)

13 MATTERS ARISING FROM MINUTES (Agenda Item 4)

There were no matters arising.

14 NETTING PERMIT BYELAW UPDATE (Agenda Item 7)

HOE informed members that the Byelaw was successfully made at the last Authority meeting and has been out for formal consultation since 8th October and will run until 17th November. Any feedback will be added to the Byelaw pack which will be sent to the MMO Byelaws team. Further information will be reported to the Authority after this process. Mr. Stainton asked if Byelaw 7 would replace all the old Netting Byelaws. HOE said that a raft of byelaws had been put forward for ramification.

15 PILLING COCKLE FISHERY (Agenda Item 8)

CEO referred to his report to give background information regarding the Pilling Cockle Fishery. Members and Stakeholders had been kept up to date on the progress of the Fishery. The decision to close the fishery was made to ensure that NWIFCA maintained its statutory obligations under section 153 of the Marine and Coastal Access Act 2009 and regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017. CEO reported that he had discussed alternative options with Mr. Leigh, who was TSB Chair at the time, and it was decided that one option would be tabled at the TSB meeting today. The CEO proposed that the fishery reopens to the west of Fluke Hall Lane slipway. HOS and Mr. Browning were invited to add further information about HRA process. HOS and Mr. Browning reported that the HRA would need to be resubmitted, and more inspections would be required to limit the number of undersize cockles being removed. Morecambe Bay Wildfowlers Association have reported concerns about the disturbance to geese roosting during early morning fishing periods. The HRA requires there to be a spatial separation between the beach access and the geese to reduce the disturbance to them. Mr. Browning suggested that one method to reduce the disturbance would be moving the fishery westward and this is included in the proposal from the CEO. Mr. Stainton alluded to conflicts of interest

around the disturbance of geese at Pilling. Mr. Browning responded by explaining that any report of concern needs to be considered when ensuring a HRA is compliant. HOE gave further information around the concern raised by the Morecambe Bay Wildfowlers Association. Mr. Browning suggested ways in which the NWIFCA could make the fishery HRA compliant. Mr. Johnston enquired about the geese being disturbed at dusk and where they would then roost. Mr. Browning stated that the geese would find another location to roost. Mr. Johnston asked what the range of undersize cockle was and if there was a tolerance. HOE explained that the percentage of undersize per sample ranged from 1% to 52% and sanctions ranged from verbal warnings to financial administrative penalties, and it was zero tolerance.

Mr. Rowlings offered various reasons to why the fishery does not directly impact the roosting geese. Mr. Davies requested for Pilling Fishery to be open on a Saturday and a Sunday in exchange for it being closed on two weekdays. CEO acknowledged Mr. Davies' suggestion but referred to the consultation undertaken by HOS which identified that most fishers would prefer a Monday-Friday fishery. HOS gave further information about the consultations and the results. However, the CEO stated that he would be willing to consider a different approach for Pilling as it is a smaller more localised fishery. Authority members and members of industry continued discussions on the opening conditions of Pilling Cockle Fishery and ensuring it is HRA compliant. HOS suggested it would be beneficial for members to be shown the HRA application process. The CEO felt that the Authority must be mindful of everyone's opinions and wishes but an alternative to a Monday – Friday fishery would be considered.

RESOLUTION: MEMBERS VOTE TO OPEN THE FISHERY TO THE WEST OF FLUKE HALL LANE SLIPWAY SUBJECT TO HRA

Proposed: Mr. Leigh, Seconded: Mr. Baxter 6 in favour, 1 abstention, Carried

16 SURVEY AND INSPECTION REPORT (Agenda Item 9)

HOS explained that survey reports for Leasowe and Pilling, which had been presented at the extraordinary TSB, have been included in her report documents for background information only. HOS reported that three Dutch Wand surveys have taken place at Foulney, Low Bottom and Walney Channel. The surveys showed that there has been a reduction in size mussel on Foulney but the amount of size mussel on Low Bottom and Walney has remained consistent. Seed mussel was identified on all three beds, but this was mainly on Foulney and it was a limited amount. Mr. Leigh asked if the Science Team inspected the quality of mussel during the surveys. HOS responded by explaining that they do not inspect for pearling because this is too intensive however the mussels were inspected for barnacles and the likelihood of them washing away. On Foulney there has been no change from the initial survey.

17 SCIENCE REPORT (Agenda Item 10)

HOS said this would be verbal as previously agreed. She explained that the Science Team have two students from Lancaster University working with them. The students are learning about the work undertaken by NWIFCA and will use their findings to inform a research project as part of their final year dissertation. She also reported on the work being undertaken by Gemma Grose on investigating the minimum landing size of whelks. More samples have been taken from the five different ICES sub-rectangles

within the district and have been examined. The results of the project will be presented at the next TSB in February along with a proposal for the minimum landing size.

The Science Team have taken part in a joint potting study project with Natural England in Allonby Bay. The project gave the Science Team experience of tagging and measuring crabs and lobsters. The information gathered will be used to create a report and provide the next steps for monitoring Allonby Bay. Mr. Leigh questioned if any other monitoring work was being undertaken in the HPMA by the Science Team. Mr. Browning explained that Natural England are responsible for monitoring of Allonby Bay HPMA. It was Natural England who commissioned NWIFCA to carry out the potting surveys on their behalf. Natural England are undertaking an extensive suite of surveys. The CEO confirmed that once the Byelaw for Allonby Bay has been passed, the IFCA will be responsible for enforcing it but at present there are no restrictions. A meeting has been arranged with the MMO to discuss the enforcement of the Byelaw.

The HOS stated that they have been working with Natural England on the Oral Histories project which explores how the IFCA incorporate social and cultural values in its decision making. Additionally, Lucy Loud is still undertaking work on shrimps comparing the status of shrimp fishing historically to what it is now. She will be circulating a questionnaire to fishermen on shrimp fishing and it will be presented to the TSB Committee. Future projects will include exploring cockle dispersal around the district and completing MCZ assessments.

18 BYELAW STRATEGY REVIEW (Agenda Item 11)

The CEO gave a historical context to the Byelaw Strategy. It had previously been reviewed and a strategy had been created but this had not been formally adopted. The CEO referred to the information in Report No. 3 and the NWIFCA Byelaw Strategy 2024-2029 draft document to explain why the Byelaw Strategy Review needs to take place. The aim of the strategy is that in five years' time the IFCA should have a suite a Byelaws which are purposeful, effective, rational and streamlined. Previously the Byelaw making process has been too slow. The Byelaw Making Process proposed in section three addresses this, with each step proposed taking roughly two months. Officers will do their best to ensure momentum is maintained when the Byelaws are sent to the MMO. Ideally, the entire process for making a byelaw should take 18 months. The CEO went through the order of byelaws which need to be reviewed and created, referring to appendix 1 to give more information on this. The proposed Byelaw Strategy was taken to the Byelaw Strategy Working Group, some amendments were made following the Working Group meeting. The CEO thanked everyone who was part of the group.

The Vice-Chair felt that due to timing constraints in the previous meeting, the Byelaw Strategy Working Group would need to revisit the order in which the byelaws are reviewed. The Vice-Chair requested a further Byelaw Strategy Working Group meeting to address the Byelaw Review order, he felt that Vessel Size Byelaw should be reviewed next, and shrimping is not mentioned, and this should be addressed after Vessel Size. Mr. Leigh suggested that the policy could be adopted today with acknowledgments that some changes to ordering might be required. The CEO agreed that the order in which the byelaws are reviewed can be amended once the Strategy

has been adopted. Mr. Turner stated that the committee are voting on the process of the review and not the specific operational details.

RESOLUTION: To formally adopt the five-year byelaw strategy which is in draft and presented to members.

All in favour: Carried

Meeting suspended for lunch at 12:00.

Meeting reconvened at 12:35

19 BYELAW 3 – YOUNG PEOPLE ISSUE (Agenda Item 12)

The CEO started by explaining that Byelaw 3 had been discussed at the Byelaw Working group and acknowledged that there is more the IFCA could do to support young people and their ability to access the cockle and mussel fisheries. In the longer term the IFCA can change Byelaw 3 as part of the Byelaw Review Strategy but what is being proposed are changes that can be put into place in the meantime. The review of the byelaw has been brought forward by a year and will be looked at in 2025 rather than 2026. The CEO referred to the Agenda Item 12 document. He explained each of the five short-term options in the document and discussed each options strengths and weaknesses. Mr. Johnston asked if the IFCA had defined what a young person is in relation to age. The CEO said that this is something which needs to be explored as well as what age a person was when they joined the Byelaw 3 waiting list. The Administration Team are currently requesting and adding the date of births of all the Byelaw 3 permit holders and those who are on the waiting list. The CEO said that members need to consider the whole package of options which have been recommended by the Byelaw Working Group. Mr. Thompson felt that increasing the price of a Byelaw 3 permit would prevent people from taking a permit but not using it. The CEO responded that currently the IFCA cannot change the amount charged for a permit because it is stated in the Byelaw, but this is something which will be explored during the Byelaw review. Discussion took place around the timescale to implement changes in comparison to reviewing Byelaw 3. The CEO felt that changes to Byelaw 3 to address issues related to young people could be made within 6 months. Mr. Thompson raised the question of taking younger family members on to cockle beds as hobby fishers. The CEO raised concerns about the health and safety linked to taking children onto regulated beds and an increase of people on the beds would cause the IFCA to be non-compliant with the HRA. Mr. Leigh agreed with the CEO and said that the health and safety risk would be deemed too high. Ms. Isles raised concerns with option 3 as age is a protected characteristic and cannot be discriminated against. Mr. Leigh and the CEO felt that because the amendments link to public law, the NWIFCA should be able to exercise statutory powers in a responsible way. Mr. Leigh felt that option 3 would help the NWIFCA to meet MACCA's objectives of NWIFCA supporting local coastal communities. Mr. Leigh commented on option 5 that from a legal stance a handover scheme would infer ownership over the permit. A permit is only valid and attached to an individual for 12 months, if they meet a qualifying criteria and ownership is not the intended purpose of a permit. Mr. A. Davies suggested having a quota on all beds and a fisher could sacrifice some of their quota for a nominated family member as part of a heritage points scheme. Mr. T. Davies supported this idea. The CEO responded by saying that this would need to be considered during the Byelaw Review.

The CEO referred to the work being undertaken by the Science Team on creating a draft cockle policy for the district. This work might lead to total allowable catches for beds and applying this to daily quotas. Members asked questions around the current byelaw 3 waiting and suggested ways in which it could be reduced.

RESOLUTION: Members vote to instruct officers to begin implementation of the recommended

options, namely:

- A 'use it or lose it' policy for permit holders
- Prioritisation of young people on waiting list
- A handover scheme for permit holders to nominate young people to take on their permit

6 in favour, 1 abstention, Carried

ACTION: The CEO will seek legal advice on prioritising young people

20 DATE OF NEXT MEETING (Agenda Item 13)

The date of the next meeting will be Tuesday 11th February 2025

21 AOB (Agenda Item 14)

The CEO gave an update on Leasowe Fishery. The spill in the River Mersey has caused Environmental Health to keep Leasowe Fishery closed while several samples, over a period of time were taken. Mersey Port Health Authority are still liaising with the Food Standards Agency to gain the sample results. They have not indicated if they require a third sample. Mr. Rowlings enquired if the spill was chemical or oil and if the IFCA could provide a headed letter. HOE confirmed the spill was oil and the CEO said that the IFCA had produced a press release as agreed by the Authority.

The Chair thanked everyone for attending – meeting closed at 13:40.