



Environment, Food and Rural Affairs Committee

Oral evidence: [Work of the Committee 2010–15](#),
HC 942

Wednesday 21 January 2015

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Written evidence

- [Marine Management Organisation](#)

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Members present: Miss Anne McIntosh (Chair); Richard Drax; Jim Fitzpatrick; Mrs Mary Glendon; Mrs Emma Lewell-Buck; Sheryll Murray; Neil Parish; Ms Margaret Ritchie; Mr Mark Spencer; Roger Williams

Questions 1–80

Witnesses: **Sir Bill Callaghan**, Chair, **John Tuckett**, Chief Executive Officer, **Andrew Beattie**, Former Acting Chief Executive Officer, and **Kevin Williamson**, Head of Statistics and Analysis, Marine Management Organisation (MMO), gave evidence.

Q1 Chair: Good afternoon and welcome. May I ask, gentlemen, if you could introduce yourselves for the record?

Andrew Beattie: Andrew Beattie. I am the Director of Operations for the MMO, and I have been Acting Chief Executive for the last four months, prior to John's arrival.

John Tuckett: I am John Tuckett. I am the new Chief Executive of the Marine Management Organisation.

Sir Bill Callaghan: I am Bill Callaghan and I chair the board of the MMO.

Kevin Williamson: I am Kevin Williamson. I am the Head of Statistics and Analysis in fisheries management in the MMO.

Q2 Chair: Thank you very much indeed. I am very grateful to you for participating in what is a one-off evidence session. It is a relatively new organisation. I wonder if it is fair to put the first question to you, Mr Tuckett, if I may. You have only been established as an

organisation in this Parliament. It is just to ask if all structures and staffing are in place and how long it took you to get that up and running.

John Tuckett: I must first of all start my evidence by saying that I have only been with the organisation for two to three days, so my knowledge is inevitably limited and I hope the Committee will accept that in the comments that I make. However, in my research into the MMO before I joined and all the time I have been here, it is clear that the MMO has gone through, in its years, a number of iterations. It has evolved and developed, as pressures upon it—financial pressures and work pressures—have been realised.

My initial feeling is that, if one looks at the balance of the resources it has, what it does and how it does it, it is an organisation that is appropriately structured at the moment for what it is doing, with the money that it has. If these change, due to either financial pressures or commitments coming from either national or European Governments, then we may be in another situation.

Q3 Chair: Congratulations on your position. What do you think are the main challenges facing you in the first few months of the position?

John Tuckett: My personal challenges are, first, to understand the MMO, how it works, where its strengths are and where it needs strengthening. I have a background in the public sector, but I do not have a detailed knowledge of marine management as such. Getting up to speed and understanding the business is a key priority for me. Very significant amongst that would be getting to know all the key stakeholders, working with stakeholders and seeking the views of stakeholders, as to how the MMO can best serve them and best serve the UK in its role of managing the sea environment.

The second priority is around looking at this balance between the resources that we have, what we are doing and how we do it. It is always getting the three in balance with each other. At the moment, my initial reading is that the MMO is an organisation that is in balance. That could, however, change given the financial pressures that we are all aware of within the public sector. That could impinge on us in the next Parliament or in the next year or so. There is a challenge for me that is going to be very immediate about how we adjust and how we flex to the changing environment, which is not just financial; there is also a changing environment in policy terms, coming from the European Union and possibly from a new Government as well. How do we flex those challenges and, again, reach a stage of balancing the resources with what we do and how we do it?

There is a third agenda, which is engaging with key stakeholders, particularly the fishing industry, where I know there are a lot of concerns, and the various organisations that represent the fishing industry, but not exclusively with the fishing industry. There is a huge range of stakeholders within ports authority, within industry, all of which have active interests in how we manage the marine environment. I see it as a key role of mine over the next few weeks to get to meet all the key players, so that I know where they are coming from and, equally, they get to know me and, hopefully, we can build up a working relationship.

Q4 Chair: Just looking ahead to how the fisheries are going to change, how close are your relations with your opposite numbers, particularly in the North Sea coastal states, where that will have an impact on future fisheries?

John Tuckett: I would have to ask Andy to answer the detail of that, but my initial impression is that there is an area where we still have quite a lot to do. We have spent the first few years very much focusing on the English side of life, which is after all our core business, but there is a huge agenda for European co-operation, working with our European partners to perhaps greater degrees than we have done in the past. We do a lot already.

Andrew Beattie: We closely support Defra in the discussions across the North Sea. The MMO has a number of people who are experts in a particular field of regulation, and they are currently discussing how the actual discard bans, for instance, will work and putting into the development of what it will be like to actually fish under the new CFP reforms. Those discussions are ongoing. Defra clearly takes the policy lead in the final discussions at the regional level. We support Defra there.

Q5 Chair: What would you say your immediate priorities are for the next five years?

John Tuckett: As the Chief Executive, the immediate priorities are, first, to continue what we are doing. Over the five years, we have made a lot of achievements. We have started the process of marine planning. We have issued the first two marine plans. We have a programme of work that will have a complete set of marine plans in place by 2021. Marine plans are a new feature of how we manage the marine environment, and getting those plans in place is a key long-term activity on which we need to focus.

The second priority is that we have to manage our fisheries, our quotas and our activities in line with regulations and in line with quotas that come down to us from Government and from the European Union. The management of the fisheries industries and the fisheries business is a huge challenge in its own right to ensure we stay within the quotas that we are allocated. If we go outside the quotas, as I am sure all members are aware, not only do we suffer from reduced quotas thereafter, but potentially infraction and financial penalties. It is in everyone's interest that we manage fisheries in the best possible way to maximise income for fishermen, remain within quotas and ensure that we get the maximum benefit from that.

Q6 Chair: Can you give the Committee an assurance this afternoon? A number of us have actually served as Members of the European Parliament and are very familiar with European directives that do not always reflect the British way of life. Will you give us an assurance that you will mount a robust defence and response to any that encroach unnecessarily on both the boating and fishing industries?

John Tuckett: I would like, if I may, to ask my colleague to answer that one, because it comes under the enforcement activities and how the MMO tackles that.

Andrew Beattie: Effectively we, particularly in fishing, are bound by the more detailed regulations of the common fisheries policy. That is due to change and be adapted.

Chair: We are coming on to fishing. I am thinking particularly of boating and other forms of marine industry.

Andrew Beattie: There are different ways that we manage that currently. Essentially, we do have a compliance and enforcement strategy, which is available on our website, which talks about how we, as a regulator, in the round deal with compliance and regulation. Essentially that is being proportionate and transparent in what we do. We report our activities in relation to that strategy.

Where we have issues such as boating, as an example, boating would be a feature in the development of the MPA network and MCZs, where the MMO, under the capacity of developing management measures, would be considering recreational activities. That is one of the duties that the MMO has. It is actually quite a complex field, the management of MPAs, and MMO is only one of the players. The thing that we have been doing over the last year with the MCZs, as they have rolled into our network, is to make sure that we collaborate very closely with our partner organisations and make sure that we do not have any disjointed regulation that goes across the piece and does not make sense. Things like boating would be picked up in the detailed regulation of a marine protected area or an MCZ. Boating would also be reflected in marine plans.

If you put the individual licensing decisions to one side and look into the future, we engage with the Royal Yachting Association in the development of the east coast marine plans. That is looking to where the future pressure from yachting is, what the likely impacts are and trying to develop a more strategic look. It features many different elements that the MMO does as part of its regulatory piece.

Q7 Sheryll Murray: I am sorry, Chair—I know we are going to move on to fisheries—but there was a specific reference to quota management by the MMO. I really do feel that, while it is fresh in your memory, I need to ask a couple of questions. I have the spreadsheets from last year and in particular for the non-sector skates and rays quota. It clearly shows that, in England, for the skates and rays quota, we took 268.7% of our quota. Could you tell me why it went wrong and could you also tell me what is going to happen to this year's allocation? Will we have to repay it? If you look at that, and there was no increase in the TAC, it looks as though it is going to take us two and a half years to repay it and it will be closed.

Andrew Beattie: I can take that in the initial bit and then I will probably hand over to Kevin for a bit more detail. Clearly how we manage the under-10 quota—

Sheryll Murray: It's not under-10; it is non-sector.

Andrew Beattie: Sorry, the under-10 and the non-sector quota. We have a section to manage. Ultimately for the larger vessels, the POs, they will manage their own quota and we oversee, so it is a different type of management.

Sheryll Murray: Chairman, if I could just interrupt, I should point out I do have an interest. I was the former chairman of a fish producer organisation before I entered this place.

Q8 Chair: Mrs Murray, can I just make a suggestion? Can we do the detail when we move on to the section on fishing? Can I just conclude the introductory remarks with one thing that I care passionately about? Has anybody done any work, and would you be the right organisation to do the work, on why, for example, we are seeing more whales, porpoises and marine animals banking, to see whether this is caused by the impact of sonar from offshore wind farms? Is that something that you might do?

Andrew Beattie: It is something that we have certainly been involved in. There is a network of bodies looking at it. Particularly there were some injuries to seals—spiral injuries. The MMO plays its part there. We share information where we can with individual bodies. Where we see wildlife impacts such as that, we are one of a number of players. We do issue wildlife licences and that is more in line with where we have a development and, as part of that development, there is potential disturbance as specific wildlife. Take that aside. We are involved in that in some way.

Q9 Ms Ritchie: Moving on to the triennial review of the MMO, what are the main areas you expect to come out of the triennial review for action by yourselves?

John Tuckett: We are caught slightly on this one, because the triennial review has not yet been published. We understand it is still with Ministers and, whilst we may have seen earlier drafts of it and had discussions with Defra on it, I think it would be somewhat inappropriate for us to comment on the specifics of it before it has actually been released, because there may be changes to the review and the recommendations that we are not aware of.

Q10 Ms Ritchie: You are in the midst of deliberations with Government. Have you any estimation of an expected publication date?

John Tuckett: No. We have discussed this with Defra ourselves. We would be very keen for that review to be published, because it gives us very much a framework document to work with in involving the MMO in the next few months and years. I am keen for it to be out there, but we have had no firm timescale from Defra.

Q11 Ms Ritchie: How many meetings would you have had with Defra—discussions with them about it?

John Tuckett: There were discussions with the review team when it carried out its work.

Sir Bill Callaghan: Yes, indeed. The review came twice to meetings of the board and so, during the course of 2013 and early 2014, we had a number of discussions. Since then, we are awaiting. We would welcome the report and I am sure your Committee would as well.

Q12 Richard Drax: Good afternoon. The first thing is just to confirm how many of you have experience in the fishing industry, per se, out of interest.

John Tuckett: I have no direct experience of the fishing industry as such.

Andrew Beattie: No.

Sir Bill Callaghan: No.

Kevin Williamson: No.

Q13 Richard Drax: None of you do. That is interesting. How many staff do you have under you?

Andrew Beattie: We have 267 current headcount.

Q14 Richard Drax: You have a strategic evidence plan for 2011 to 2015. How is success or failure being assessed against it, whoever would like to answer that question—Mr Beattie perhaps?

Andrew Beattie: Our strategic evidence plan is specifically targeted at two areas. That is to support the marine licensing development decisions that we do and also marine planning. We have traditionally not done any of what you would class as blue-sky wet research, where we would commission boats and do various activities. In our development of planning, we have been attempting to take the information and the evidence that is already out there and try to best use that to make decisions on planning so, inevitably, a lot of the projects that we will do are around modelling and interpretation of data that already exist. We have done that from 2011 to 2014, where we had a strategic evidence plan that laid out what it was we were intending to do and commission. We created a framework agreement to try to streamline that.

Broadly speaking, we are now in the position of assessing, particularly with the east coast marine plans that have been adopted in April, what value for money we had with the modelling tools and the evidence that we commissioned for those plans. Have we seen the benefit as we prepare to go into the development of the south plans? The world has slightly changed under our feet as well, in that Defra is looking to co-ordinate much more closely across the evidence piece, so we are playing our part with that as well. We recognise that our evidence budget, which is approximately £500,000, is relatively small when you look at the needs of the marine space.

Q15 Richard Drax: Forgive me, just to cut through, what you are trying to say is that your resources are quite small to find information that you need to make the right decisions.

Andrew Beattie: Yes.

Q16 Richard Drax: Who do you go to for this evidence? There are potentially very serious consequences from your decisions, not least on the fishing industry, and others. If you make a decision not based on proper evidence that is not going to help, is it? Who do you go to? Who are all these evidence-gatherers for you?

Andrew Beattie: I can get some information that gives you the full breakdown of the different suppliers that are under our framework agreement, but it is a multitude of expertise in the field, across different types. We might have people who are able to do environmental type work, interpretation of environmental activity that is being run.

Q17 Richard Drax: Is that the Environment Agency?

Andrew Beattie: No, these are commercial companies. Sometimes we would use Cefas to do a lot of the fisheries-type analysis that we might have commissioned, but it is a broad range of organisations, including private sector. Occasionally we will partner with other Government bodies, such as the EA and Cefas.

Q18 Richard Drax: How many conservation bodies do you see?

Andrew Beattie: We do not commission work from conservation bodies.

Q19 Richard Drax: So they lobby you, do they?

Andrew Beattie: Often we would be talking to conservation bodies about collaboration. We do not necessarily commission a body that was interested in something else, but was very similar to our needs. We would always try to look for ways of saying, if work is being commissioned in this area, if the MMO could join with that work and perhaps add a flavour that helps us for marine planning. We do look for those opportunities.

Q20 Richard Drax: We are pushed for time. I would be very grateful and I know the Committee would be very grateful as to who you go to. Who are all these evidence gatherers and how do you make the decisions? The decisions are going to have very major impacts. When is the plan for the post-2015 period due to be published and what priorities is it likely to highlight?

Andrew Beattie: We had adoption of the east coast plans in 2014. We are currently midway through the south inshore and offshore plans, with a target for delivery in 2016. There is a secondary target, which is to have all plans delivered by 2021.

John Tuckett: Were you asking about the strategic evidence plan or the marine plans?

Richard Drax: You tell me what plans you are going to publish. You are the experts.

John Tuckett: If I may, you started your question on the strategic evidence plan.

Richard Drax: It was originally the strategic evidence plan, yes.

John Tuckett: There is a new strategic evidence plan due to be developed this year, which will build on the outcomes of the last strategic evidence plan. During that process, we will be looking to see what worked in that, what did not work and what lessons we can learn from the first one. There will be a new strategic evidence plan later this year.

Q21 Richard Drax: What priorities is it likely to highlight? What do you not know?

John Tuckett: I do not know the detail of that at this stage and we have not yet got into the reviewing of the first evidence plan to learn the lessons fully but, I can assure you, as a process that will be happening this year.

Q22 Mrs Lewell-Buck: Good afternoon. Mr Tuckett, in responding earlier to the Chair, you said that your priorities are continuing to do what it is that you have been doing. I am just curious as to how effectively you think you can do that with a reducing budget.

John Tuckett: We do not know that the budget is reducing yet, first of all.

Q23 Mrs Lewell-Buck: It has reduced since 2010 though.

John Tuckett: It has reduced since 2010. As I said in my earlier remarks, there is a balance currently between the resources we have, the activities we undertake and how we do them. If any of those three parameters change, like the budget is reduced, we will have to look at whether we can do the same things more efficiently and effectively, and change how we work, or if we have to look at what we do and see whether there has to be some kind of limit on what we do, given the money that is available.

At this stage, until I know what the budget for next year will be—and I do not know what that budget will be—I cannot really give you any indication of how that will work out. What I can say is that, as a new Chief Executive just coming into post, one of the first things I want to explore is what the organisation is doing, what activities we are undertaking, why we are undertaking them and whether there is any scope for how we do them being done more efficiently and more effectively. I know the organisation has done a lot of that sort of internal review work already over the years to cope with decreasing budgets, but there is always scope for further change. We are going to be in a different environment and that is the impetus I would bring to it.

Q24 Mrs Lewell-Buck: Do you anticipate any staff cuts in the future if your budget does reduce further?

John Tuckett: I cannot say that there will be no staff cuts for ever and a day, because no Chief Executive could ever say that. We do not plan any at the moment. There are no current plans for redundancies. Equally, you never know what is going to happen. You never know what happens with budget levels and what options have to be considered later.

Q25 Neil Parish: Good afternoon, gentlemen. I want to move on to the under-10-metre fleet now. How do you manage quota allocations for that fleet?

John Tuckett: I will start off with the general answer to your question and then I will hand over to Andy or Kevin, when we get into more specific detail. I would not have that level of detail as yet.

Let us first of all make it quite clear that the overall aim of the MMO is to ensure, through quota management, that we achieve as high an uptake, within the quota, by the fishing industry to maximise their income, to maximise the input to the UK economy and to maximise the benefit for the UK through the fish catch. We are achieving, I believe, over 90% of quota uptakes across all groups. Given the complexity of the environment that is no mean achievement at all.

In terms of the under-10, we do not issue a quota to each boat. There are an incredible number of under-10s in the English fleet. I think the answer is something like 2,500. What we can do, though, is give catch limits. These are promulgated through the MMO website, with warnings to individual owners, if there are any changes to those catch limits, for them to then abide by. We monitor the activity of the under-10s to see how action is going and we have to do this through sales invoices when the fish are sold to an agent on land. We have no real-time data coming in from the under-10s saying, "This is me back in the port. I've caught this amount of fish." We have to wait until the sale invoice comes, which inevitably involves a time delay. We assume a delay of approximately two weeks. The information comes to us and we have that information about two weeks after the catch has actually been landed.

Q26 Neil Parish: How do you manage where you have a mixed fishery and the under-10-metre fleet are bringing in a variety of fish? Some of those fish might be over quota. How do you manage that? Are they able to land those fish? What happens?

John Tuckett: At this point, if you will excuse me, I will hand over to Andy who has that detail.

Andrew Beattie: At the minute, and it is obviously due to change with the discard ban, discards on demersal fisheries are allowed. The practice would have been, if a fisherman is landing fish that he does not have quota for, that he can discard. There are carve-out provisions that exist and have done for a number of years with that. That is set to change and there will be challenges with the discard ban as we move forward, where somebody may be in a mixed fishery in the future.

For instance, in January, with the pelagic discard ban, in terms of England, there are three vessels that land 95% of the pelagic tonnage. The rest is scattered between smaller fishermen. As of today, if you are in that particular group and you are targeting a pelagic species and catch a quota species, which is a demersal species, you have to land it, whether you actually have the quota or not. That is the big shift that we are seeing at the moment. The reality is we have already seen a few phone calls come in to say, "This has happened", and we have said, "Land it, and then we will work it through with you when you reach shore." That is the major change.

Q27 Neil Parish: If you land it, are they going to be able to sell those fish or will they have to go into fishmeal even if, for argument's sake, it was cod?

Andrew Beattie: There are detailed rules, which I profess not to be a complete expert on; Kevin will help here. This is into the future. Essentially if you have landed a species that is under the minimum landing size, it will be going to fishmeal. It cannot go into human

consumption, as it would not want to drive a behaviour of targeting juvenile fish. The idea is to change fishing practices and work with the fishermen with their technical conservation measures, with their nets, how they are fishing, where they are fishing and when they are fishing, to try to avoid such things. There will be instances where you might have a bycatch where you would be forced to land it, but you may not hold that quota. You would then be in a position of attempting, as an individual, to try to get that quota and lease the quota from somewhere else. They are other things that we are currently working on. It will be much more complex when the demersal discard ban starts to be phased in.

Q28 Neil Parish: That leads neatly into the other part of the question. If you look at the under-10-metre fleet website, it will talk about the fact that they only have 4% access to quota and they make up possibly up to 75% of the number of vessels. You do not historically make the rules, but is this a fair situation? How on earth are we going to manage a discard ban if these fishermen only have that very small amount of quota?

Andrew Beattie: I would not want to comment on the fairness or otherwise. Ultimately, it is a regulation that has been agreed and that is what we are adopting. Our job as the MMO, as managers, is to try to find practical solutions where we can meet the regulation, but also where fishermen can still retain a livelihood.

We have a duty not to be heavy-handed in this approach. Lots of the issues will emerge as the regulation comes into force. We are encouraging people to talk to us about what is happening. Land your catches; tell us about that and we can work through it. We have conducted some catch quota trials over the past couple of years, where we have signed up individual fishermen to say, "Can you be trialling this as if the regulation is coming in today?" and we have learned an awful lot from that process. Part of that learning has been that, actually, if we make subtle changes in putting in square-mesh panels and targeting certain fisheries at different times of the year, in different areas, a lot of the bycatch that is unwanted can be avoided. The proof will be in the pudding when we start to do this across the multiple fisheries that we have.

Q29 Neil Parish: In the Western Approaches in particular, there are a lot of mixed fisheries. Therefore, unfortunately for your management systems, fish do not always swim separately and therefore they are caught all together. This has been an age-old problem, but we do have to deal with it, especially with a discard ban. Otherwise, if I go out to fish in an under-10-metre boat, I have a very good catch but it is a mixture of fish. I come back and there is not enough quota for that fish when I land it, what am I going to do with it with a discard ban? Are good healthy fish going to have to go into fishmeal or will they have to be discarded on land? What is going to be the situation?

Andrew Beattie: The situation as it stands at the minute is that we are working closely with Defra and the other devolved administrations in the UK at trying to understand, fishery by fishery, exactly as you say. It is no good looking at an area and saying everybody fishing in that area will be fine. Different fishermen exploiting different areas, with different methods of fishing, will all experience a different discard ban. We recognise that. What we are trying to do is look proactively at each of the fisheries and try to predict what position that person will be in when the discard ban comes in. Helpfully,

as a positive thing, the demersal discard ban is phased in over a number of years. That just gives us that room to actually look at the practical challenges.

John Tuckett: If I can make one interjection here. In the longer term, marine plans around the country, with a different marine plan for each geographic area around the country, give us the framework whereby we can treat each area differently and build in exactly what you are saying. The challenges are posed with fishing vessels coming back with mixed catches that may pertain in one particular area, but may not be relevant in other parts around the country. It is a long-term solution, but this is one of the great advantages of the marine planning system that we are developing: it gives us a framework to manage all the activities in the marine environment in a way that has never been possible before. We have managed everything more case by case, subject area by subject area.

Q30 Neil Parish: I do accept that but, in the end, the practicality is that, when you go out to fish, you will catch a number of fish. We need to be able to develop a system that allows fishermen to be able to fish. That which is fit for human consumption should be consumed, otherwise we are not solving the problem.

Kevin Williamson: In terms of that issue, there are some flexibilities at the moment whereby, specifically for the under-10-metre fleet and for non-sector vessels, if they are landing fish and it looks like they are going to be landing above the catch limit for a month, because of the fact that it is a mixed fishery, then there is the flexibility allowed to lease in fish and that is specific for their use. That is in addition to the quota. That does have to be arranged by the fishermen. There are issues about doing it, because it tends to have to come from another part of the fleet, but we do see during the year 80 to 100 vessels that choose to do that to some extent or another.

That principle of being able to lease in quota to meet needs is going to carry on under the landing obligation. There are extra flexibility mechanisms allowed for in the landing obligation as well. I know that is what Defra is considering, about how those flexibilities will be implemented in what will be a very much changed management system, in the future, under the landing obligation.

Q31 Neil Parish: You as an MMO do not have any powers to be able to lease or buy in any extra quota for the under-10-metre fleet.

Kevin Williamson: We do that as quota managers. We use the package of quotas for the groups that we manage to do things like arrange deals with other groups within the UK. We use that to make deals internationally as well to bring extra opportunity in. It is a bit like all groups do when they are allocated that quota. We take what we have, look at what the needs are, look at what is not needed from the package we have and look to swap out what is not needed to try to bring in what is needed to try to meet their needs. It is very difficult to do because of the complexities of it. Quite often, we are not able to get enough quota in to meet the needs of the fleets we manage.

Neil Parish: I want to hand over now to Sheryll Murray, whose husband was an under-10-metre fisherman.

Q32 Sheryll Murray: Okay, gentlemen, we will try again. I am going to repeat my question but, first of all, I ought to make you aware, because I felt it was very unfair. I understand exactly what you are talking about when you are talking about technical terms. It might be an idea for the benefit of those on the Committee who are not so aware if you could speak in layman's terms a little bit more with your answers. I was a fisherman's wife for 24 and a half years, the owner of an under-10-metre vessel. I was a former chairman of a fish producer organisation, hence the interest in your spreadsheets. I do note that they have been delayed this week because of industrial action today. I received an email this morning.

If we could get back to my question about skates and rays, we overshot our quota and took 268% of the quota allocation for last year. What are you going to do to address and make sure that this does not happen again in your quota management system? What discussions and notice did you give the industry that the quota was beginning to run up? I cannot believe that it was allowed to go that far over quota in just two weeks. I am pretty sure that, if you had a reasonable system now in place, you could actually get the landing declarations from the vessels emailed to you the next day. There would not be any need at all for this delay.

Finally, could you just confirm what is going to happen? Will the UK have to repay it, because that could mean vessels not being able to catch skates and rays for another 18 months? Why could you not engage in international swaps? Why could you not engage in swaps with other POs? I really think that this needs explaining. Also have you looked at your whole quota management system? I think what you have done to some fishing businesses, at the end of last year, was an absolute disgrace. I would like an explanation as to why it happened and how you are going to address it to make sure it never happens again.

Chair: Shall I ask both Mr Beattie or Mr Williamson to reply in some length to this?

Sheryll Murray: It would be very interesting to hear their views and of course the views of the chairman as well.

Sir Bill Callaghan: We recognise the difficulties that the closure caused to the industry and we are very aware of the impact that has on fishermen. We are a learning organisation. We think we have a good record. We do not get everything perfect, but we want to work with stakeholders to make sure that we do things better. I know Andy has been talking to key figures in the fishing industry to see what lessons are learned from this and how we can do better. There are lots of detailed issues you raised, Mrs Murray, and I hope my colleagues will be able to deal with each of them in turn.

Andrew Beattie: There was one point that you started with—I will leave it to Kevin—which is the state of this year from the knock-on from last year. It is important that we get a clear answer for you. Effectively, our objectives with the individual quotas and how we start the year, if you like, are to try to utilise as much of that quota that we are given. We target a position where we try to get more than 90% use out of each individual quota. Across the quotas that we manage for the under-10s—

Q33 Sheryll Murray: I am referring to non-sector. I am referring to the specific case of the non-sector overshoot of 268% of English skates and rays last year that put some businesses out of business on the North Devon coast. I am asking you some very specific questions. Why did it happen? What have you done to stop it happening? Very clearly, will we have to pay it back? We do not need to hear an awful lot about under-10-metre quota allocations and that sort of thing. They are three very simple questions. Would you answer them?

Andrew Beattie: I will do my best. We effectively take a number of decisions throughout the year for each of those quotas, including the quota that you mentioned for skates and rays, where we have to take a certain level of risk with the decisions that we make and anticipate where we will be at each stage of the year, given the number of quite large variable factors that we have, including the weather. In fact, for that year, we had a very stormy start to the year. One of the things that we wanted to do, and made an active decision to do this, was to allow some catch-up with the fleets, including non-sector.

We also try to predict a level of swaps that we can have throughout the year. Instead of being overcautious and stopping fishing too early in certain circumstances, we try to estimate how many swaps we can make towards the back end of the year, so that we can take a slightly more adventurous approach to the uptake in that season.

Q34 Chair: Before you move on, Sheryll Murray raised a very specific point that I am very interested in. Mr Beattie, you answered by saying that you wanted to stay within 90% of the quota and I think the Committee would accept that that was very cautious, but Mrs Murray has just said that you went from 90% of the quota to 268% overfishing?

Sheryll Murray: The figures are there, Chairman—268%.

Chair: At what stage could the fishermen possibly have known that they were going over 90%?

Andrew Beattie: Can I just ask Kevin to describe that non-sector?

Kevin Williamson: In terms of how we release information out to the industry, we make releases every week of the spreadsheet that Mrs Murray has seen and quoted from. Within that, the 268% figure is based on the level of uptake that we see, and it is balanced against the quota allocation we have for the individual groups. We monitor that level of uptake through the year. What we do is we bear in mind that we have aims in terms of trying to get additional quota, so that that effectively would allow that 268% figure to be reduced down.

Q35 Chair: It is a very simple question. At what point did it go over 90% and at what point were the fishermen told that it has gone over 90%?

Kevin Williamson: In terms of the actual specific, I cannot tell you the exact date when it went over 90%. I would be able to provide that to the Committee afterwards.

Sheryll Murray: If you could write to the Committee that would be useful.

Chair: I think we would need to know.

Kevin Williamson: In terms of what is happening at the moment in terms of that 268% over, as Mr Beattie said, part-way through the year we were aiming to bring in more quota to specifically clear that overfish and allow the fishing to go on. It is the same with a few other stocks as well. What happened in the middle of the year was we knew the uptake was higher than last year, for example, for a lot of the groups catching skates and rays. We anticipated being able to get in enough additional quota to cover that level of overfishing, so we therefore made the decision to allow the fleets to continue fishing.

Q36 Sheryll Murray: Can I come back to you just for a minute? I printed these off; they are last week's figures. You got extra quota in, but it is still showing, even with that extra quota, that it was a 268% uptake.

Kevin Williamson: My apologies. Just to clarify what I said, we were trying to get in additional quota to make sure we could clear that overfish. While we were doing that, we made the decision to keep the fishery going and keep the fishery open, because we had that anticipation of being able to bring in quota to cover the activity that we had seen. We could have faced the decision, when we reached 90% early in the year, to close the fishery down, but we took the decision, in terms of managing the level of risk we had, to say we had an anticipation of being able to bring in quota, so we decided to keep the fishery open.

We are still doing what we can. You mentioned about what we are doing; are we looking at international swaps and swaps with POs? We are still doing that. We are doing what we can to try to clear the whole range of overfishes that we see, both at national level and within the UK, because the way the system works we can be within the overall limit for the UK, but individual groups can have an overfish. We are working with those groups to try to make sure we balance the books across the board as much as we can to try to remove any penalty at the UK level and, where possible, any penalty for individual groups as we go into 2015. The closedown date for getting those international swaps and deals agreed is 31 January. It is one set by the EU, so that is what my team is working on.

Q37 Sheryll Murray: How successful have you been so far?

Kevin Williamson: At the UK level, at the moment, we only have six overfishes. That is out of about 140 quota stocks.

Q38 Sheryll Murray: How many skates and rays have you got in to take off that 268%?

Kevin Williamson: I cannot tell you that.

Q39 Sheryll Murray: We only have two weeks to go. Can you write to me or the Committee?

Kevin Williamson: Yes.

Chair: If you could, write to the Committee.

Kevin Williamson: Would the Committee prefer we write with the situation as of 31 January, when we are able to, because the situation is changing from day to day?

Chair: That is next week, so that is fine.

Kevin Williamson: The situation changes from day to day. We have deals being proposed to us. We start hearing good deals from one part, then they end up being cancelled. There are some things I know of, but there are other things I know have dropped out.

Q40 Sheryll Murray: So as not to detain the Committee on this matter for much longer, could you tell me what will happen if you do not secure those extra fish? Is it going to come off this year's allocation, so we are going to find the over-10 non-sector boats that target skates and rays tied up in port?

Kevin Williamson: The quota management system and the system of allocation of quota that we implement does include a system of penalties, which is why it is important that we manage to try to avoid that and also that we do what we are trying to do now, which is to try to swap in quota to clear any overfishing. There is a likelihood that penalties will carry forward. What we will also be doing is carrying on with that work on swaps, both internally and internationally, into 2015, so if the situation is that a group has a penalty applied to it, we would look to try to bring in extra quota to offset that.

Q41 Jim Fitzpatrick: Does that penalty mean that boats will be tied up?

Sheryll Murray: Yes.

Kevin Williamson: I cannot speak on that at the moment, without knowing the final situation. I would say it is a possibility, like we had to last year end up closing some fisheries down. Like we said at the time and since, that is very much the last resort and not something that we wish to have as our management aim. It is not our management aim to close fisheries down.

Q42 Chair: Just before we move on to the next set of questions, I am not sure that you have responded to the point about overfishing. Can I understand that those who are overfishing know that they are overfishing this month?

Kevin Williamson: To clarify, within that overfish, it may well be, because of the way we manage activity—

Chair: To be clear, you did actually just say that in six sectors you think they are overfishing. They are either overfishing or they are not. If I were a fisherman, I would like to know.

Kevin Williamson: The group as a whole might well be over its allocation of fish. Within that, a fisherman might well have been catching within the catch limits that apply to the fleet as a whole. The way we manage does not allocate that quota to individual vessels.

Sheryll Murray: It might be good to explain the differences between overfishing and over quota. Overfishing is where a vessel has a certain amount of fish to catch, and they catch and land more than that. Over quota is when the UK exceeds its shares of the total allowable catch from the EU.

Chair: We would obviously want not to have the boats tied up, if we can help it.

Q43 Sheryll Murray: Just one final point on this: would you like to comment on the proposed ban on landing and catching of bass? It is proposed to be agreed on Friday for the spawning period between January and April

Andrew Beattie: We cannot comment on that. That is something that Defra, as the policy team, would be dealing with.

Q44 Sheryll Murray: The MMO has not been informed about that, in any way, shape or form.

Andrew Beattie: There will have been technical discussions on what we know as a regulator, but the decision is for Defra.

Q45 Sheryll Murray: Thank you very much. I am moving on now to perhaps make it a bit easier for you now, gentlemen, but I am sure you understand this is a really close subject. I would like to turn to the Ramsgate pilot and how successful the community quota approach, in giving local fishermen better controls on fisheries, has been. This relates to the under-10s again.

Andrew Beattie: I can start on that and Kevin might have a bit to add. Trials such as this are a good idea. They tell us whether there is an appetite for the under-10 fishermen to group together in any way to manage their own quota. In many respects, from our perspective as a regulator, it is a very difficult juggling act to try to get the interests of the diverse range of fishermen in the under-10. We do various road shows around and try to do forums where we talk to individual fishermen. We have been continuing with that each year for the last few years, but it is still difficult.

Where you have a quota group like the Ramsgate group, it has broadly been seen as a success. It certainly allows that group to manage things, such as if any particular boats within the group are tied up, others can exploit that quota. It is more flexible. I think the reality is that we would have liked to have seen more groups tested and tried out. The appetite was perhaps less than we anticipated.

Q46 Sheryll Murray: Why did more fishermen not take up those pilots?

Andrew Beattie: I am not really sure. Ultimately it is individual choice for individual groups. There was an element of quota uplift to support the trial at the time. Individual groups would have looked at their individual circumstances to say, "Is it worth us attempting to do this?" I am not entirely sure of the reasons why those groups declined. Ramsgate decided to do that and, like I say, it has broadly been a success. There is a

question moving forward about how much control the under-10 fishermen themselves want to take from the regulator. That is a good thing to be exploring. Defra has a consultation out at the minute that looks at one feature of that, but that is a conversation that needs to continue.

John Tuckett: If I could just add, there is an agenda for us about engaging with the under-10-metre fleet, whether it is on skates and rays, or whether it is on fixed quota allocation, such as Ramsgate. We have already, as you may be aware, quota surgeries around the country and those have engaged many hundreds of individual fishermen. We are about to set up an industry panel as well, where we hope we can talk to representatives of the fishing industry.

As a new Chief Executive, I would personally like to see it go much further and talk about how we can engage in shared responsibility, co-working between us as a regulator and the industry as an industry. How can we work together to manage these issues together, rather than us, the regulator, saying, “This is how it must be. You must do this; you must do this,” and so on and so forth? It is one of my aims as Chief Executive to explore with the industry, “How can we work more closely with you? How can we get shared responsibility and shared ownership, and improve communications?”, such that if there is an overfishing situation, we have much better ways of getting that data across to all parts of the fishing industry that it affects, so that everyone is much better informed.

Q47 Sheryll Murray: Mr Tuckett, what you have just said reminds me of the industry and what we were hearing from the regulators 25 years ago. Here we are, 25 years later, hearing a different organisation saying exactly the same thing. If I could just go back to a discard ban, I would be really interested to know if there is going to be any uplift in quota available to compensate for the discard ban, particularly for small inshore vessels, because they cannot migrate. If you are going to ban them because their quota is exceeded, and we have already heard about the under-10s with 4% of the UK catch, they will be tied up to the wall again, if they cannot go to the sea to catch quota. I would like to know what plans you have in place in preparation for 2016.

Andrew Beattie: It is worth first of all making clear that, in terms of the FQAs, they are not the MMO’s job. That is Defra and the Minister’s job ultimately. Our job as the manager is to look to ways of managing the FQAs.

Q48 Chair: Mrs Murray did ask that you elaborate the technical terms. FQA?

Andrew Beattie: Sorry, fixed quota allocation.

Chair: For people reading the evidence afterwards it will be very helpful.

Andrew Beattie: Apologies. We do not distribute fixed quota allocations. That is a matter for Defra and the policy Minister. What we do as the managers is attempt to assist the industry in managing and controlling.

Q49 Sheryll Murray: Can I just interrupt you again? You are talking about fixed quota allocations now, but they do not apply to under-10-metre vessels unless they join a PO and they buy them. I am asking you specifically about the pool that you manage. The under-10-metre quota is underpinned, so they are guaranteed to get a certain amount. What I would like to know is if you are looking to perhaps top-slice some of the TACs even further. We have already seen top-slicing on any increases. Are you looking to perhaps do a rebalancing again to compensate these small vessels to ensure that they can continue to fish? Large vessels can migrate. Tiny under-10-metre vessels cannot migrate around the coast and I do not want to see their safety compromised in any way. Could you just explain that?

Kevin Williamson: It might assist if I get involved, because I think Mr Beattie is getting a bit confused. Fixed quota allocation is a technical term that comes right when you go down into the very detail. What you are talking about is if there will be an uplift of quotas as a result of the landing obligation to take account of that. There will be. That is part of the EU legislation, where the discard ban comes in.

Q50 Sheryll Murray: Do you know how much that is going to be?

Kevin Williamson: It will vary from stock to stock. It is yet to be decided for some, but there is talk of various percentages. Like with all quotas, the decision on the methodology that we implement to share that out amongst fishermen will be taken by the fisheries administration, so the fisheries Minister. It will not be for us to decide if there is to be a top-slice or anything like that, but it will be for the Defra Minister to decide about that.

Q51 Ms Ritchie: A very quick question to Mr Beattie. In your discussions about discard issues, you mentioned that you did an in-depth analysis, fishery by fishery, with the devolved Administrations. Could you give us very briefly those discussions with the devolved Administrations? I represent a constituency in Northern Ireland, which has two fishing ports, and already the fishermen there, through their appeal, have implemented a particular issue to do with gears and that has been accepted as a very good means of addressing discards.

Andrew Beattie: There are two specific issues there. We are talking to the devolveds particularly around the national measures at the regional level. We have technical people who have joined forces with the technical people from Scotland, etc, on those discussions. For the individual fishery by fishery, each area, so for England, we are looking at our English fisheries but keeping a constant dialogue with Marine Scotland to ensure that ultimately we have minimal differences between the boundaries. Obviously fishermen are moving across. Anything that will keep arbitrary differences away from that, we will do that, so there is a constant dialogue and I suspect it will be incredibly important to maintain that over the next few years, along with the individual specific fisheries people.

Q52 Richard Drax: Mr Beattie, you mentioned the word “manager”. I have heard it many times this afternoon. Mr Tuckett, you were in the Civil Service I see for 17 years, used to leading and making decisions and, where you saw unfairness, no doubt dealing with it. Could I suggest most humbly that this 4% quota for the under-10 fleet is grossly unfair when seen on paper? I am not a fisherman, but I would suggest that perhaps the MMO could take

more of an executive role in the future of fishing management, rather than managerial, with all due respect to you, Mr Beattie. That is just an observation.

Can I then lead on with my question, which is moving quota? What has the impact been on quota for the under-10-metre operators of moving unused quota into the pool?

Andrew Beattie: We can start with Kevin, who will probably be able to quantify that.

Kevin Williamson: By this I think you mean the realignment of quota that has been taking place in recent years for a certain small set of stocks or what unused quota has been taken from some of the producer organisations.

Q53 Richard Drax: There is the unused quota from producer organisations into the pool in 2012, and Defra stated that, “This benefitted all under-10-metre vessels, including those taking part in the Ramsgate pilot group”.

Kevin Williamson: The way that works, effectively, is what started in 2012 has been continued. We have followed Defra’s instructions to carry that forward in 2013, 2014 and 2015. We have been building that extra quota into the decisions we make about the monthly catch limits for the stocks concerned.

Q54 Richard Drax: How much is that quota?

Kevin Williamson: It is a package of quotas. I cannot remember the exact figures. I will be able to provide the Committee with details of the individual quota stocks covered, i.e. the species and areas covered, and the quantities involved. It varies from year to year as well, so I will be able to give a rundown of 2012, 2013 and 2014, if I can, by writing. It can be a couple of hundred tonnes of fish, but it is of a range of different stocks, some of which the under-10-metre fleet really wants to have, things like pollock in the Channel. We have been able to make that freely available to the under-10-metre pool and they have been able to catch that. For other stocks, like lemons and witches in the North Sea, there has been less success in increasing the uptake.

Q55 Richard Drax: You cannot tell us the impact. You can tell us the various breeds, but you cannot tell us the impacts, because you do not know what the figures are. Is that right?

Kevin Williamson: I do not know the detail of the figures, but they are available. Within the allocations process, we do calculate those tonnages each year. What I will be able to do is provide details of the individual tonnages and estimate the value worth of those tonnages.

Q56 Richard Drax: Finally, I see that this approach has been subject to legal proceedings. I may be behind the scale here, but to establish the ability of Defra to move quota the UK association of fish producer organisations has applied for a judicial review on this decision. Where are we with that?

Kevin Williamson: That judicial review finished last year, last May, and Defra won the case. At the moment, there are discussions about making that realignment—at the moment we do it year by year—a permanent feature of the allocation process each year.

Q57 Jim Fitzpatrick: Gentlemen, good afternoon. Can we move on to marine protected areas and marine conservation zones? The requirements of the Marine and Coastal Access Act on Defra are that they are supposed to achieve the forming of a network of marine protected areas, which are supposed to contribute to the conservation or improvement of the UK marine environment. Could you comment on whether you are satisfied that Defra is achieving those requirements?

John Tuckett: You are right in saying that Defra is responsible for introducing marine conservation zones and marine protected areas, and it is the MMO's responsibility, once they have been introduced, to then ensure that there are appropriate management processes in place to ensure conservation and protection of species.

I think what we can say is that Defra is adopting a phased approach to this, which we very much welcome, because we are not the only player involved in managing the protection of species in the environment, when they have been created. A phased approach is enabling us all to learn together and not have to do it, as it were, in a big bang—suddenly having to do everything at once. From our point of view, the phased approach is something we welcome and we enjoy doing it.

We have a team of 14 that is dedicated to this work, working on marine protected areas and marine conservation zones. They work not only with themselves; they work with partners in organisations such as IFCA's and other environment and conservation agencies. We feel that this is an area of work that we are getting ahead with. We have a good story to tell on it. We are learning as we go, as is everyone. This is a new concept. A lot of our protections of those areas are already embodied in various licensing activities that we already have. Again, coming back to what we were saying about the marine plans as a long-term way, that is the way in which we can get a much more co-ordinated approach to how we co-ordinate licensing with any marine protected areas and marine conservation zones. That brings it all together. At the moment, it is still a little bit patchwork quilt, if you follow me.

Q58 Jim Fitzpatrick: Having said that and having accepted your description of it coming in as a phased approach, there have been questions about the slow rates of progress. Are you satisfied that they are achieving the requirements and have you given Defra any advice as to the rates of progress and the phased approach to help them?

John Tuckett: We have certainly fed back to Defra that we welcome the phased approach. The first tranche of MCZs is already out and we will have management arrangements in place by 2016, which is on target and on track. We understand there may be a tranche two of MCZs coming in due course. We do not know when, and that of course is a Defra responsibility as to how they introduce them. We are talking to them regularly on this, yes.

Q59 Jim Fitzpatrick: Are you satisfied with the progress that has been made?

John Tuckett: I do not think you would expect me to comment on whether a Government Department is making satisfactory progress but, as I said, we genuinely welcome the phased approach and we have fed back to Defra that that is something we welcome.

Q60 Ms Ritchie: An additional question on marine conservation zones: how will you ensure you have sufficient resources to monitor and manage the extensive MCZ network?

John Tuckett: That is a very good question and it is a great challenge. We have to look at it. There is a whole range of mechanisms that apply to how an MCZ can be managed, ranging from voluntary local actions whereby, once you know what it is going to happen, it is done at a local level and is purely voluntary. At the other end of the spectrum, you can go to the legal aspects of having bylaws, which enforce it legally and then there is the licensing that we have mentioned as well, which imposes legal obligations on people.

The spread of measures that we are going to need and the resources we need to do that we are going to have to learn. It is impossible to quantify it at this stage. The more we can get local ownership of the protection issues, with us enabling it and helping it to happen, supporting it through IFCA's, supporting it through local authorities; the more we can get that local ownership, the better, rather than us as a central organisation managing it from our Newcastle headquarters or coastal offices.

Q61 Ms Ritchie: Could I thank you for that? Just moving on to a specific issue, obviously those POs, producer organisations, and in the fishing industry generally have a certain level of disquiet about marine conservation zones, in that they feel there may be a propensity to disturb rich fishing grounds. I can take the case around the British Isles and in particular the Irish Sea. I would suggest it may be useful if there were a greater level of deliberation between the industry, Defra, yourselves in the MMO and, in the case of Northern Ireland, the local Department of the Environment to ensure respect for MCZs does not impact on incomes and does not impact on wealth creation and a local economy, which is the fishing industry, both onshore and offshore.

John Tuckett: You are very right to suggest that we may have a role in being a sort of facilitator within those various groupings. I am not saying we have a lead role in that. As and when the next tranche of MCZs are announced, it will be for consultation and people can feed in their comments to Defra, along the lines addressing the issues. The whole aspect of the MMO being a body that can bring other bodies together to discuss these is one that is quite right and I would certainly wish to explore in the future.

Q62 Ms Ritchie: With a view to devising a plan to manage the situation?

John Tuckett: I keep coming back to this like a broken record, I am afraid. This is where the marine plans kick in, because we integrate all these activities and what we want to achieve within a marine plan and people know how the whole thing hangs together within a certain geographic area.

Sir Bill Callaghan: It is worth pointing out, if I may, that Lyme Bay is a good example of where conservation objectives have been met. Through the use of what is called VMS, vehicle monitoring system technology, we can ensure that fishermen avoid protected features like the reefs. This is not a ban on fishing, but it is preventing, with the agreement of the fishing industry, fishing that could damage the reefs that are part of the protection. It is possible with discussion, with the industry and with the IFCA's, to achieve both the conservation objective and safeguard the income of fishermen.

Q63 Sheryll Murray: Again, a very recent decision that has been taken falls between licensing and a marine protected area. It is the licensed site for dumping dredged spoil adjacent to the marine protected area in Whitsand Bay, and the wider SAC under the Natura 2000 regulations. I understand yesterday that a consent order was lodged, which effectively stops the judicial review that the protestors had applied for and got permission to seek. This has effectively negated the licence; it has quashed the licence and a new licence will have to be applied for. Will the MMO, because of the proximity to a marine protected area, be looking at an alternative site to dispose dredged spoil and will that happen to all the licensed dump sites around the UK?

John Tuckett: This is a very big issue and it has been going on for a long time. May I just take the opportunity not to correct you, but perhaps to lay before the Committee what we believe the facts of the case actually are, at this moment, as we speak?

As you say, an application was made to dredge from Devonport Dockyard and to dump at the Whitsand Bay site. The Whitsand Bay site is a designated dumping site. It has been subjected to a whole lot of scientific trials and evidence to assess its suitability, and there has never been any question from a scientific perspective of its suitability as a dumping site. I know that local people feel very strongly about it, but that is the fact; it is a designated site.

You are right that the protester group launched a judicial review and we initially, as the MMO, resisted that, because we believed that our process in awarding the licence had been robust and was entirely appropriate. In the course of looking at the paperwork and the work preparing for a judicial review, we did find within the MMO that we had made two minor procedural omissions and we acknowledge that. They were minor and they were procedural, and we do not believe they in any way affected the integrity or the appropriateness of the decision to award the licence. Nevertheless, they were procedural omissions and, because this was a judicial review process, we sought legal advice. Counsel's opinion was that even though he could see they were minor procedural issues, in a judicial review context this could potentially prejudice an outcome in our favour, against us.

The MMO took the decision to say, given that and rather than wasting everyone's time and money in a judicial review process, let us seek consent orders from the interested parties, whereby the existing licence could be quashed, thereby enabling a new licence to be applied for to go through the process and hopefully be revalidated with those procedural issues. The position at the moment is, and I have to be careful here because we are still under judicial review and I cannot say—

Chair: If it is sub judice, having had the debate, I think we can leave it there.

John Tuckett: I can certainly assure you that, if there is a reapplication, we will look at it and we will look at whether they wish to apply for the same dumping ground or whether they wish to look at alternatives.

Sheryll Murray: Thank you very much, Mr Tuckett. I really appreciate that and I appreciate your honesty.

Q64 Chair: Could I just follow up one tiny little thing? I forget now who said it. I think it was yourself, Mr Tuckett, to Margaret Ritchie's question about how we do it now on MCZs. Was this something that has been done consistently over the last four or five years, or is this something that you have just started doing now? It was her last question.

John Tuckett: Was this referring to bringing people together and agencies together?

Chair: Yes.

Andrew Beattie: I could probably answer that. We have taken an informal co-ordination approach across the different bodies. Even though ultimately we are one body that acts in there, we have had great success by bringing people together.

Chair: It is something that you have consistently done.

Andrew Beattie: We are doing that consistently.

Q65 Roger Williams: Private companies collect a large range of scientific data and records during their operations at sea. Could the MMO take a stronger role in encouraging commercial organisations to share that data and improve their knowledge of habitats and species in UK waters?

John Tuckett: We certainly would like to. The operative word here is "encourage". If we start applying a statutory function and insisting on it, we then get into the realms of competition between companies. Why should they share data that would benefit other companies? We have been working with companies, particularly on wind farm developments and the extraction of aggregates, to encourage a sharing of data to help build up the collective evidence base around the marine environment, and we are continuing to do that.

Q66 Roger Williams: Could you give us some brief indication of what that data might cover?

Andrew Beattie: Ultimately for the wind farms, for example, we chair a group that looks at bringing different developers together with different regulatory bodies, which tries to give a consistent approach to data capture. It does that job in itself so that, when people are capturing data, it is readily transferrable between the different regulators. What we had seen in the past is that different organisations are doing it in a slightly different way and actually that leads to delays, because the interpretation the regulators are having to do takes longer. That group has largely been active in ensuring that everybody is doing a similar thing in a similar way, in presenting information.

We have encouraged collaboration, so when wind farms neighbour each other, where there are obviously issues of cumulative impacts, we have encouraged organisations to talk to each other, often with the Crown Estate as the leaseholders, acting as a collaborator between the two parties and sharing information. As John has just said there, we have been encouraging, rather than saying, “You must do it in this way”, because there are commercial sensitivities for people collecting raw data and spending an awful lot of money collecting raw data.

Q67 Roger Williams: How regularly does the MMO issue licences for small offshore energy installations? This is below 100 megawatts.

Andrew Beattie: It is not very often now. The reality is we are into the development phase of round three, where there are larger wind farms. The larger wind farms are nationally significant infrastructure projects considered under the Planning Act. The MMO still has a part to play in that, in that through that process a deemed marine licence will be issued and the MMO will need to manage that marine licence with that wind farm once it starts operating. We play quite a large part in that, but our own licences are very small scale. We have information on our public register that we could make available.

Q68 Roger Williams: In terms of staffing, what expertise and resources does the MMO have, either for doing the actual decision making or advising on the infrastructure?

Andrew Beattie: On licensing, we have a team of approximately 55 people. The team works—it is one of the only teams that does this within the MMO—on a cost recovery basis. For our own licences, we cost-recover up to 95%. We still do provide statutory advice under the Planning Act. What that means in the round is that, for those 55 people, in total you recover approximately 60% of the cost of that team. The benefit, particularly when we are dealing with large industry projects, is that what is really important to industry is that they have a regulator that is able to put the bodies on to the project and not see delays. Having an element of cost recovery allows us to say that, if we see an increase on the workload on the horizon, we can actually recruit and manage our numbers, because we cost-recover in part. It is incredibly important to us.

Q69 Roger Williams: I was on the committee stage of the Marine and Coastal Access Bill that set up the MMO, and I think there was some debate at that time about how many staff you were going to employ. You tell me now you are employing 260. How many were you employing when it was set up?

Andrew Beattie: It was about the same actually.

John Tuckett: I do not have the figure for the original complement of the organisation when it was set up.

Q70 Roger Williams: I thought it was much lower than 260.

Andrew Beattie: Actually it was 215. We then moved steadily up over the last three years.

Q71 Roger Williams: What is your assessment of the impact of offshore developments on marine habitats and species? Presumably we are talking about wind farms, ports and things.

John Tuckett: This is a very difficult question to answer succinctly because, by and large, it depends so much on the nature of each particular development and the nature of the application. I do not honestly think I can give you a generic single answer; suffice to say that, as part of the licensing process, we do a very thorough review into the impact of each proposed venture and then use our guidelines and scientific evidence to take that into account.

Q72 Roger Williams: Do you look back retrospectively to see whether what you thought was going to be the impact actually turned out to be the impact? Some people say that these developments provide a good habitat.

John Tuckett: If we had unlimited resources, this would be an area we would very much like to get into, because it provides part of the scientific evidence base for future decision-making. My understanding is we do some retrospective looking back, but we could probably do more if we had more resources for it.

Andrew Beattie: Could I just add one little bit to that? Where you have major wind farms, there is a regime of post-consent monitoring, where the licence conditions and the science that it was based on are tested at various stages. That is very well developed already.

Q73 Roger Williams: What schemes or measures have you got in place to ensure you have adequate resources and staffing if you had to deal with a major marine pollution incident?

John Tuckett: Our role in marine pollution is very much to liaise with other organisations, which will tend to be the lead bodies, in particular the Maritime and Coastguard Agency and SOSREP, which come under the Department for Transport. They tend to be the lead in these things and our role there tends to be licensing the use of any new dispersants that may be part of an emergency procedure. We do have people who are dedicated to this, and I am glad to say that they are on permanent call if needed and we have had to use them very rarely. They are there and we have sufficient resource to fulfil our remit to work with other emergency groups as needed.

Q74 Roger Williams: They are on standby when doing other things. What other things would they be doing?

Andrew Beattie: Typically they would be marine officers, so they could be on multiple duties. They are tasked as warranted officers in the first mainly and we have a rota. We train people up to be able to do emergency response as part of another role that they may be doing. We have some resilience there.

Q75 Richard Drax: Mr Tuckett, can you comment on the plans for a massive wind farm off Swanage, just a few kilometres off our coast, a World Heritage and Jurassic Coast line, which no doubt is going to have a massive impact, not least on marine life? Are you allowed to and can you comment on that?

John Tuckett: I cannot comment on it because, first, I have not been made aware of it as yet. I can certainly come back and give you comment later on. Is it a proposal?

Richard Drax: It is a long way down the road and a decision is going to be made this year, after the election, so summer this year. It is a long way down the road for over 200 massive Gherkin-sized turbines, only a few kilometres off our coastline.

John Tuckett: I would have to ask my colleague here whether we have received any application or if we are aware of it.

Andrew Beattie: Offhand I do not know. I can certainly get some information to you. Clearly if we have received an application, it is likely that that would be through the PINS process, so that is a Planning Act major infrastructure project, I would imagine. I can certainly pass some information to you to see what stage that development is at.

Sir Bill Callaghan: Is this Navitus Bay?

Richard Drax: It is Navitus Bay.

Sir Bill Callaghan: It is large enough to be dealt with by PINS.

Richard Drax: You get involved in these things. I am wondering if you have been involved in this particular one.

Sir Bill Callaghan: Not to my knowledge.

Q76 Sheryll Murray: You will be pleased that this is the last one from me, gentlemen. Can I ask how you have publicised your consultation on changes in procedures for the recovery of certain marine licence decisions for the Secretary of State? It is again a consultation issued by Defra. It looks as though it is going to remove some of your authority to issue licences and allow the Secretary of State to recover them, specifically in relation to quite a few different marine operations, including dredging. It is also to strengthen democratic accountability by enabling locally accountable bodies, like local authorities and the IFCAs, to seek an independent inquiry. How is this going to affect you? If it is an independent inquiry, is it going to impact on your budget?

John Tuckett: Defra have only issued the consultation document within the last few days.

Sheryll Murray: 14 January.

John Tuckett: There is now a consultation period that goes on for about a month, where consultees will make comments. Our line as the MMO is, if the Minister decides to go ahead with this and implements it, then we will work with it and see what the impact is on our work. It is worth stressing that, in that consultation document, if I recall it correctly, it was anticipated that only very few cases would be called in by this procedure. It was not something that was going to impact on the vast majority of MMO-type licensing business. It was only those exceptional cases where a local authority or IFCA specifically wanted to

request it or there was some technologically innovative feature that meant it was of national interest and should therefore have a broader base.

Q77 Sheryll Murray: Do you envisage, if this is supported and the Government intend to adopt the new process, that this would happen very soon?

John Tuckett: The consultation document includes an intention that it could be implemented towards the end of April, if I remember. I look to my colleagues to check whether that was correct or not. I think the intention was for it to be implemented before the election.

Q78 Roger Williams: Very quickly, I represent a landlocked constituency so my interaction with you is not very great at the moment, but our very fine fishing rivers depend upon salmon and trout returning through the estuaries. Even though we have done a huge amount of work on improving the environment of those rivers, we have had a disappointing run of fish and we are very concerned that too many are fished at the entrance of the estuaries.

Andrew Beattie: Is it recreational fishing rather than commercial fishing?

Roger Williams: I am worried about the commercial fishing that is stopping our salmon coming up for recreational fishing in the rivers.

Andrew Beattie: I personally do not have that information to hand but, if we can get the specifics for that area, we could perhaps pass some information to you about that.

Q79 Chair: Just a couple of questions: I have under-10s fishing off the coast of Filey, most of which have moved now to Bridlington. It is largely shellfish, because they cannot access the larger quota. They are saying to me that their shellfish is being fished by fishermen who are perhaps not from this country. Are you aware of that and is that all as it should be?

Andrew Beattie: We are not specifically aware of that. I would imagine, in the first instance, that would be for the IFCA, the inshore fishery and conservation authority. We can certainly take that away and talk to the relevant IFCA and get some information.

Q80 Chair: If you had anything on that it would be very helpful. If we were to look forward to five years' time, so approaching the end of another four or five-year Parliament, what do you think you would say to our successor Committee would be your biggest achievement and the biggest impact you have had on the marine environment, including recreational and coastal fisheries, and coastal communities?

John Tuckett: In a five-year period, it would be my aim as a Chief Executive to ensure we have those marine plans in place for the vast majority of the country, by that stage. The great benefit of that is it gives us a much more co-ordinated approach between all those users of the marine environment, whether they are commercial fishers, recreational users or whoever. I would hope, in five years' time, we could say to your successor Committee,

“We are a world-class organisation that is leading the world in this new area of marine planning”, because it is a new area and there are plenty of countries that are starting to do it. We have made a very good start and I would hope, in five years’ time, we could say to your successor Committee, “We are a world-class authority in this business”.

Chair: Thank you. Can I thank you each for being with us this afternoon and being so generous with your time, and for our first meeting formally with you, which has been enormously helpful? You have very kindly undertaken to write to us on a number of issues and I am afraid, if we do not get satisfaction, I might let Mrs Murray have another go at you. Hopefully that will give you an incentive to give us a very prompt response. Particularly what you have promised on the fisheries front would be enormously helpful, but we are very grateful to you. Thank you very much and congratulations. We wish you every success.