

Recommendations of the Byelaw and Permitting Sub-Committee

Background Information:

All papers for the last meeting of the Byelaw & Permitting Sub-Committee (B&PSC) held on 20th November 2018 were circulated to members of the B&PSC prior to the meeting. All papers including the relevant reports were also posted on the secure members area of the D&S IFCA website prior to the meeting and presently remain there.

Process:

The B&PSC meeting held on 20th November was insufficiently attended to be quorate. After discussion relating to the officer papers and an officer presentation on the Live Wrasse Fishery, a series of recommendations relevant to the on-going work of the B&PSC were formulated. A formal vote is required on the recommendations listed below:

Recommendation 1: The Formal Review of the Live Wrasse Fishery

That no changes are made to Potting Permit Conditions relating to the Live Wrasse Fishery subject to the findings of further evidence submitted by officers.

Recommendation 2: The Status of Mussel Stocks within the Teign and Exe Estuaries

(Teign)

That on the grounds of depletion the Temporary Closure of Shellfish Beds Byelaw is applied to the Salty and Polly Steps public mussel beds in the Teign Estuary.

Recommendation 3: The Status of Mussel Stocks within the Teign and Exe Estuaries

(Exe)

That on the grounds of depletion and in the interests of the development of the fishery by the protection of transplanted mussel, the Temporary Closure of Shellfish Beds Byelaw is applied to the public mussel beds on the eastern banks of the Exe Estuary.

Recommendation 4: Principles for Byelaw Review Work

That having reviewed the existing principles for Byelaw Review Work, the Sub-Committee recommends their adoption for on-going work and the potential new principle deferred.

Members recommended further discussion on any new potential principle relating to section 153 and 154 of the Marine and Coastal Access Act 2009 and it was therefore not added to the list of existing principles.

Recommendation 5: Terms of Reference for the Byelaw Technical Working Group

That the Terms of Reference as set out below are adopted for the Byelaw Technical Working Group.

On 20th November 2018, members suggested amendments to the Terms of Reference (as set out in the original officer paper) for this new formalised working group and the amended wording is set out below:

Byelaw Technical Working Group Terms of Reference (as amended)

Name:

The group shall be known as the Byelaw Technical Working Group (BTWG)

Membership:

The membership consists of any member of the Byelaw and Permitting Sub-Committee, Fred Howell (D&S IFCA Prosecuting Solicitor) and selected D&S IFCA Officers.

Functions:

The role of the BTWG is to prepare legal documentation that is relevant to support the functions of the Byelaw & Permitting Sub-Committee (B&PSC) as set out in the B&PSC Terms of Reference.

The BTWG has no delegated decision-making powers.

Reporting:

All work conducted by the BTWG must be reported to the B&PSC and or the Full Authority for consideration and decision making.