

Terms of Reference - D&S IFCA’s Byelaw and Permitting Sub-Committee

Officers’ Recommendation

That the Terms of Reference for the B&PSC, as set out in this Officers’ paper, are agreed by the Authority

Background

The Terms of Reference (TOR) for the Byelaw and Permitting Sub-Committee (B&PSC) have been reviewed by D&S IFCA’s Governance Working Group (GWG), which had its most recent meeting on 25th of May 2021. The GWG has recognised that the TOR for the B&PSC can be reviewed annually and amended as required. If approved by the Authority, the TOR for the B&PSC will become a stand-alone document and replace the current B&PSC’s TOR.

Key Changes

In comparison to the B&PSC’s TOR currently in place, several aspects have been amended which includes:

- The quorum being reduced from eight Members to six Members
- The Chair of the B&PSC cannot also be the Chair of the Authority
- An expanded list of functions is included (to interlink with Schemes of Delegation that will be presented in September 2021)

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The B&PSC Terms of Reference - Transcript

Name

The Committee shall be known as the Byelaw and Permitting Sub-Committee (B&PSC) of Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA).

Membership

The B&PSC shall invite all General Members to attend, and membership shall include two representatives of the funding Authorities and two Statutory Appointees (one representative from Natural England and one representative from the Environment Agency).

- The Chair and Vice-Chairs will be ex-officio members of the B&PSC.
- Other members may be co-opted as and when this is considered to be appropriate.
- Any member of D&S IFCA may attend a meeting as an observer.

Quorum

Six members from the total membership are required at any meeting of the B&PSC for it to be quorate and allow voting to take place.

Chairing the Sub-Committee

The B&PSC will appoint a Chair and Vice Chair at its inaugural meeting and at the first meeting following the Annual meeting of D&S IFCA each year thereafter. The Chair of the B&PSC shall not be the Chair of the Full Authority.

Functions

The role of the B&PSC is fundamental to the work of D&S IFCA. D&S IFCA reviews different fishing activities with a view to introducing appropriate management, which can also include the development of new byelaws. The primary function of the B&PSC is to support the delivery of this task, so D&S IFCA is able to complete its functions as set out in Sections 153 and 154 Marine and Coastal Access Act 2009. Core work and functions include:

- a. Reviewing the management of fishing activities
- b. Reviewing the effectiveness of existing legacy byelaws
- c. Reviewing current byelaws, no less than every five years
- d. Reviewing byelaw permit conditions, no less than every three years
- e. Where appropriate make amendments to existing byelaws
- f. Where appropriate make amendments to existing permit conditions
- g. Creating new byelaws
- h. Creating permit conditions to accompany new permitting byelaws
- i. Considering requests for a review of permit conditions
- j. Creating and reviewing policies for the administration of permits
- k. Creating and reviewing non-regulatory policies to support fisheries management
- l. Creating and reviewing guidance to support byelaws and permit conditions

This B&PSC must review information and evidence relevant to the review of management in line with the process set out in any relevant legislation, including any relevant byelaws. The B&PSC must discharge procedural obligations imposed by policy documentation. The B&PSC may consider any other matters referred to it by the Chief Officer or Chair of the Authority.

Delegated Powers

The Authority shall delegate powers to the B&PSC to complete the required functions. Although officers can and will provide technical advice, they will not take decisions at any time.

The B&PSC may delegate, to the Byelaw Technical Working Group, the drafting of legislation and legal documentation to introduce the agreed management measures.

The Chair of the B&PSC, or the Chief Officer in consultation with the Chair, may refer any of the matters set out above to the Authority for determination, where this is in the Authority's interests.

Role of Members

Members will:

- provide a channel of communication between the B&PSC and their host organisations.
- provide technical expertise and knowledge to the B&PSC to inform and support decision making.

- keep the B&PSC informed of their host organisations’ policy initiatives and position.
- provide support to D&S IFCA’s senior officers in their work for the Authority.
- notify officers if they are unable to attend scheduled meetings.

Members will be expected to play an active and participative role in all business associated with the B&PSC which may include, from time to time, written input.

Frequency of meetings

It is expected that at least four meetings will be scheduled in advance per calendar year, or as and when required. Additional meetings or emergency meetings can be arranged at a frequency determined by officers in order to undertake the level of work required in order that the D&S IFCA fulfils its legal responsibilities.

Sub-Committee Support

Support will be provided by D&S IFCA’s officers and its administrative support team who will be responsible for collating and circulating agendas, minutes, and all required officer papers to members in advance of meetings. The D&S IFCA website will also be used to display information that is suitable for publication and relevant to the B&PSC meetings.

Last Review Date/s	Comments
October 2020 (Delayed AGM)	The Terms of Reference were refined by the Governance Working Group following the AGM.
8 th April 2021	Minor amendments by CO Mander & PPO Townsend for further review by the GWG.
12 th May 2021	Reviewed by Mike Williams (Chair), Pam Buchan (Vice Chair), CO Mander, DCO Clark and PPO Townsend for review by GWG.
25 th May 2021	Examined by the GWG in preparation for presentation to the Authority at the AGM.

End.