



# Byelaw & Permitting Sub- Committee Meeting

Final Minutes from 14<sup>th</sup>  
November 2019

## Version Control and Drafting

Date	Comments
20 <sup>th</sup> November 2019	1 <sup>st</sup> Draft of minutes completed for circulation to officer's present at the meeting for potential internal amendment and or additions.
28 <sup>th</sup> November 2019	Minor amendments by ACO Mander applied.
29 <sup>th</sup> November 2019	Draft minutes circulated to members.
10 <sup>th</sup> December 2019	Minor amendments applied following comments received by Mike Williams
24 <sup>th</sup> January 2020	Minor amendments applied following the B&PSC Meeting on 23 <sup>rd</sup> January 2020. Approved Minutes published on the D&S IFCA website.

Minutes of the Byelaw and Permitting Sub Committee Meeting  
Held on 14<sup>th</sup> November 2019 at Larkbeare House, Exeter

Present: Professor Mike Williams (Chair)  
Cllr Hawkins James Marsden Rachel Irish  
Simon Toms Dave Saunders Andrew Knights  
Richard White David Cuthbert Sangeeta McNair  
Stephen Gledhill Cllr Hellyer Jim Portus\*

Present (officers): ACO Mander, DCO Clark, PPO Townsend.

\*Jim Portus arrived for agenda item 3

Apologies: Jon Dornom, David Morgan

### Introduction, announcements and apologies

The Chair welcomed members to the meeting and thanked them for their attendance. It was noted that Jim Portus was not present for the beginning of the meeting but was expected to arrive shortly. The Chair explained that Sangeeta McNair from Natural England would be attending her first meeting as a replacement for Andrew Knights, whose role at Natural England had changed. Members and officers took the opportunity to thank Andrew Knights for his significant contribution to the work of the Byelaw and Permitting Sub-Committee (B&PSC) over many years and for the benefit of Sangeeta McNair, everyone introduced themselves. It was noted that Andrew Knights would be advising Sangeeta McNair at this meeting and she would be voting on any proposals, rather than Andrew Knights.

### Agenda Item 1 To consider and approve minutes of the Byelaw and Permitting Sub-Committee meeting held on 12<sup>th</sup> September 2019. (Circulated by email)

The Chair invited those who were present at the last meeting to raise any issues associated with accuracy of the draft minutes. The minutes were examined page by page. There were no amendments required. Members recognised that those not present at the last meeting would abstain from the vote that followed.

*That the minutes (as amended) provide a true and accurate record.*

**Proposed:** Simon Toms **Seconded:** Rachel Irish

**In favour:** 5

**Abstain:** 6

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### Agenda Item 2 Business Arising

ACO Mander gave the members a verbal update on the status of the Exemptions Byelaw 2019. It was explained that both the Byelaw and the Impact Assessment had been submitted to the Marine Management Organisation (MMO) for quality assurance, prior to submission to Defra. It was reported that the 28-day quality assurance period would end on 21<sup>st</sup> November and officers would then address any comments received.

The Chair provided members with an update on some other D&S IFCA matters. This included reporting to members that a Police Investigation into an abuse of process claim had been resolved. The Chair confirmed that a letter had been received from Devon and Cornwall Police explaining that having reviewed the matter no investigation would be undertaken by the Police.

(Jim Portus arrived at the meeting)

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**Agenda Item 3 To receive a verbal update on the officer actions resulting/continuing from the last meeting.**

The Chair invited DCO Clark to provide an update on the first action.

<b>1</b>	<b>DCO Clark</b>	<b>To arrange a meeting with the Teignmouth Harbour Master to discuss the works within the Teign and the Marine Licences issued.</b>
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DCO Clark reported that several attempts had been made to arrange the required meeting. After a delay a response was finally received from the Harbour Master's Office, however this was only to seek some clarity on the role of D&S IFCA and why members of the B&PSC had an interest in Marine Licences. Correspondence will continue and the matter is therefore on-going. DCO Clark said that she will provide an update at the next meeting.

DCO Clark was also requested to provide an update on action item 2 which had been carried forward from 15<sup>th</sup> August 2019.

<b>2</b>	<b>D&amp;S IFCA Officers</b>	<b>To collect landing data on sand eel landings in the D&amp;S IFCA District</b>
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DCO Clark handed out some graphs that had been prepared for the meeting that demonstrated sand eel landings for Teignmouth and Exmouth. Simon Toms commented that declines in landings was a concern and efforts where possible should be made to better understand this keystone species. DCO Clark explained that further efforts could be made to gather a wider data set including more historic information, however there will always be limitations with such data. DCO Clark informed members that a Data Protection Act request had been issued to the MMO to provide sales notes within the D&S IFCA's District, which will enable cross referencing with the landings data. ACO Mander commented that whilst further efforts could be made by D&S IFCA, the severe limitations on current resources for the undertaking of additional work must be considered.

The Chair invited further comments from members. Simon Toms informed members about the potential for others to take the lead role conducting more intensive data analysis which could include the SW Ecosystem Workshop and potentially academic contacts within Exeter University. After some additional discussions the Chair inquired if Simon Toms could prepare a background paper to explain the various issues and to form the basis for further data collection and to add to the D&S IFCA evidence base. Simon Toms agreed and said he would report back to members. Sangeeta McNair added that Defra have recognised the importance of sand eel fisheries and that Natural England may also be able to provide further information in due course on sand eel fisheries and the Ecosystem Approach to Fisheries work. The Chair thanked both Simon Toms and Sangeeta McNair for the assistance offered to the B&PSC.

The Chair asked for an update on action 3 which was carried forward from 15<sup>th</sup> August 2019.

<b>3</b>	<b>BTWG</b>	<b>When re-drafting the Mobile Fishing Permit Byelaw, to include in the explanatory note some wording to clarify that a review will take place at least every five years</b>
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PPO Townsend informed members that the requirement to develop a suitable explanatory note containing reference to a five-year review period was all noted within the on-going drafting work. The action was therefore complete.

The Chair thanked officers for the updates on the actions and with no further questions raised by members, the Chair moved on to agenda item 4.

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**Agenda Item 4      To consider the content of the *Meetings & Timetable Discussion Officer Paper* and provide officers with guidance regarding the scheduling of B&PSC meetings**

The Chair invited ACO Mander to introduce this item. ACO Mander explained that the paper was designed to highlight the constraints that exist in proceeding with byelaw work due to the limited number of B&PSC meetings typically arranged for each year and the need for formal decision making at those meetings. ACO Mander added that additional meetings would be of value to progress or finalise different elements of byelaw work, but the paper also highlighted the additional burden the extra meetings present to officers, members and the Chair. ACO Mander also reported that there are now plans to limit the number of D&S IFCA Finance and General Purposes (F&GP) meetings. It is considered that this change may free up space on the days allocated for full Authority and F&GP meetings, thereby affording some extra time for single or significantly reduced agenda item B&PSC meetings.

Members recognised the difficulties officers have with progressing the relatively ambitious byelaw review programme and discussed potential solutions to the issues raised. James Marsden commented that although he fully recognised the need for most matters to be considered at the formal meetings, written comments or documented suggestions relating to some of the work could be provided to officers in between meetings that may then assist to move certain workstreams forward without the need for further group discussion. ACO Mander clarified that when voting is needed, this could not be done electronically.

The Chair invited some additional discussion relating to the already planned dates for 2020 B&PSC meetings. It was noted that several members would not be available for all of them, and the stated date of 14<sup>th</sup> May 2020 posed the most significant problem. PPO Townsend said that the 2020 meetings would all be held if possible, in a larger room which would provide more space for any members of the public who wished to observe. PPO Townsend also said that there was time to adjust the room booking dates and would focus initially on the February and May 2020 dates. The Chair suggested use of a doodle poll and this was noted. At the end of the discussion, members concluded that they were satisfied that officers plan the timetable for byelaw working as they feel fit and members will continue to try to commit to additional meetings if they were arranged.

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**Agenda Item 5      Managing Hand Working Fishing Activity – Options for Management**

**5.1      To consider the discussion questions relating to options for management as set out in the *Managing Hand Working Fishing Activity – Options for Management Discussion Report (25<sup>th</sup> October 2019)***

The Chair asked ACO Mander to introduce this agenda item. ACO Mander explained how the report had been set out and linked directly to the agenda for the benefit of members so key discussion points and decision making could be addressed in an organised fashion. More for the benefit of new member Sangeeta McNair, ACO Mander explained how the review of the fishing methods under the umbrella term of Hand Working had been divided in the original planning phase into three separate categories namely;

- The use of Crab Tiles
- Bait Digging
- Other numerous mixed methods identified to be “Hand Gathering”.

ACO Mander highlighted that each separate category of Hand Working Fishing Activity had been subjected to focussed pre-consultation and information and evidence collation. The task for members at this meeting would be to re-visit previous observations and conclusions made by the B&PSC during 2019, consider relevant information bullet pointed in the report and to consider the different options that exist to manage the activities and species taken by the three different categories of hand working. ACO Mander added that in the

eventuality that members concluded that regulation was required, an example of an all-encompassing byelaw model had been presented in the report. Due to its difference between other D&S IFCA Permitting Byelaws it had been described in the report as a Hybrid Permit Byelaw.

Members examined the duties of D&S IFCA and familiarised themselves once again with the byelaw review principles as set out in pages 3 to 5 of the report. With no issues initially raised about this section of the report, the Chair raised a discussion about the potential use of a Hybrid Hand Working Permit Byelaw and encouraged ACO Mander to explain a bit more about how it would function if this option was selected for management.

ACO Mander expanded on the information provided in the report on pages 6 to 9. ACO Mander informed members, that in the view of officers, this type of approach would meet both the duties of D&S IFCA and align with many of the existing byelaw review principles. ACO Mander explained that this type of Permit Byelaw would essentially be a mix between the more rigid traditional type of Byelaw and the greater flexibility offered by the other permit-based type of byelaws developed to date by D&S IFCA to manage other fishing activities. The Hybrid Permit Byelaw would include a greater number of fixed provisions that would apply to all fishers and this would include the setting of catch restrictions (bag limits and minimum conservation reference sizes). The bag limits would be fixed but would be developed to reflect a level of resource that would be suitable for removal for recreational (personal) use. Other fixed restrictions could also apply to all fishers such as spatial restrictions to protect species or habitats. Commercial fishers with a need to remove more than the fixed bag limits would require a permit to operate that could include restrictions of use based around catch, gear, spatial and time restrictions.

The Chair thanked ACO Mander for the introduction and summarised some benefits and weaknesses of this approach. It was recognised that not all fishers would require a permit, and this would reduce the administration burden on smaller scale fishers and D&S IFCA; however, it was also recognised that this approach would leave the Authority without a means to establish exact levels of fishers undertaking the activity and the ability to collect fisheries related data from non-permit holders.

Richard White commented that, if this approach were taken, it would be a relatively big change from the existing D&S IFCA permit based byelaw model. Although there may be nothing wrong with this change in approach it could potentially be viewed as a lack of consistency in the Authority's approach to management. Richard White also added that the different approach may lead to a future need to consider changes to existing Permit Byelaws when they were reviewed. ACO Mander said that this was possible in theory, but the activities managed to date by other D&S IFCA Permit Byelaws were potentially more suited for maximum flexibility via the permits for all approach and a hybrid type of Byelaw may become a suitable mechanism in the future to manage hook and line fisheries if the review of those activities results in a need for regulation.

Andrew Knights raised some concern regarding the ability of an all-encompassing Hybrid Permit Byelaw to recognise all the management already in place via the numerous legacy byelaws, in particular the Temporary Closure of Shellfish Beds Byelaw (26<sup>th</sup> February 1998). Andrew Knights added that the legacy Temporary Closure of Shellfish Beds Byelaw had already been highlighted as having a weakness regarding the limited number of species that it covers and, in any attempt to merge its contents into a Hybrid Permit Byelaw, consideration over its scope should be applied to recognise other issues including bird disturbance and bird food supply. Andrew Knights went on to explain some issues associated with the current management of the mussel fishery in the Taw Torridge Estuary which is a Site of Special Scientific Interest. Due to this designation, Natural England has applied some management including a 500kg per month catch limit for the fishery each month; however, the current management as a whole is not considered to be as robust, efficient and as enforceable as a regulatory alternative that could be introduced by D&S IFCA.

ACO Mander informed members that all the legacy byelaws, as set out in the report, would be scrutinised during the making of a potential new Byelaw with the Byelaw Technical Working Group (BTWG) able to advise on what could be incorporated into the structure of it. It may be that not all relevant legacy byelaws would be able to be merged into it, and if so, consideration could be applied to the re-making of specific hand



## Bag Limits

ACO Mander explained that ideally the setting of bag limits would be built around key categories of resource such as mollusca, crustacea, seaweed and worm species. ACO Mander continued the introduction to the discussions on bag limits by returning to the duties of D&S IFCA and some of the key byelaw review principles to highlight what the concept of a hybrid type Permit Byelaw would achieve if the bag limits were set at a proportionate level. This included:

- Balancing the needs of various users and helping to meet conservation objectives
- Sustainability
- To drive behavioural change and high compliance
- To encourage legitimate activity and remove illegal, un-licensed and un-regulated fishing activity

Members recognised that establishing appropriate levels of bag limits was of importance and rather than attempting to set them all, it would be advantageous to seek the views of stakeholders to establish a set of bag limits.

Andrew Knights commented that as well as a byelaw review principle, the separation of different users and the use of recreational catch limits is already a key part of D&S IFCA management of other fishing activities via the other permit-based byelaws. Andrew Knights suggested that the additional consultation could be used to set out the D&S IFCA position to separate users with the exercise then hopefully producing additional information to inform members.

### Considering each category of Hand Working Fishing Activity in turn

#### 1. Focus on the use of Crab Tiles

Discussions moved on briefly to gear restriction, and in particular the use of crab tiles. Simon Toms commented that the threshold bag limit of species model would prevent the Authority from establishing a known quantity of crab tiles in use within the District, but recognised that within any drafting exercise, defining crab tiles may become a challenge.

At this point the Chair suggested that it may be beneficial to break away from the agenda ordering and make use of Section 7 (pages 16 to 22) of the *Options for Management Report*. In doing so members would have the opportunity to consider each sub group (Crab tiles, Bait Digging and Hand Gathering) in turn and in more detail, consider what key management is required or not, and compare these conclusions to the potential development of an all-encompassing Hand Working Permit Byelaw. PPO Townsend commented that page 5 of the *Options for Management* report highlights the opportunity for members to move away from the set agenda items and highlighted questions. Members agreed that this would be a better approach and discussions were then focussed on the use of crab tiles.

ACO Mander informed members that if permits were issued to all users of crab tiles, legally binding application forms would be developed to collect specific information about all permit holders. Without championing either option, ACO Mander explained that there are compromises, benefits and disadvantages associated with the development of either a hybrid type of Permit Byelaw or a permit all users type of Permit Byelaw. After some further discussion members formulated a proposal as follows:

***To adopt a preliminary position to permit all users of crab tiles with limited conditions of use.***

***Proposed:***                      ***David Cuthbert***  
***In favour:***                    ***All***

***Seconded: Cllr Hellyer***

## 2. Focus on Bait Digging

ACO Mander introduced this discussion and prompted members to examine pages 18 and 19 of the *Options for Management Report*. Discussions centred around the key bullet points as set out including the observations and positions taken by members in the B&PSC meeting held in May 2019 when Bait Digging was examined as an agenda item.

ACO Mander informed members that fixed provisions within a hybrid type of hand Working Permit Byelaw could be used to set restrictions on all users without a permit. This could include specific restrictions to bait digging activity including the requirement to back fill, avoid digging on seagrass or the removal of species completely in certain areas. ACO Mander reminded members that one legacy Byelaw in place already prohibited the removal of shore crab from sections of the Exe Estuary and such a restriction could become a fixed provision for those not issued with any form of permit to conduct bait digging.

Andrew Knights commented that in relation to bird disturbance, this is not without complication and regarding the Exe estuary, other factors come into play citing potential disturbance by dog walkers as an example. Other issues such as a lack of back filling and potential damage to areas of seagrass were far more of a concern and would be more appropriate for legislation rather than the use of voluntary measures.

DCO Clark added that most estuaries within the D&S IFCA are Marine Protect Areas and provided members with some background detail about the numerous Habitat Regulations Assessments that have been undertaken by D&S IFCA. DCO Clark agreed with Andrew Knights that any bird disturbance issues are not always as a direct result of bait collection activity, but bait digging activity can have an effect. Other environmental considerations would include the protection of sabellaria reef in areas such as the Severn Estuary and therefore members would have an option to consider a precautionary approach to the management of bait digging. DCO Clark went on to say that although bait digging surveys had been undertaken by D&S IFCA Environment Officers, there is not a great deal of detail at this time to identify the levels of bait digging taking place in different areas. One advantage of a permit type of Byelaw would be that those issued with a permit would then be known to D&S IFCA and a better assessment of activity levels could be undertaken. Determining who should have a permit will dictate the level of data that can be extracted from the issuing of permits. The conclusions of those assessments highlight that it is the potential impact that the activity can have rather than who is undertaking it either recreationally or commercially that is the key factor.

ACO Mander again pointed out that the development of a hybrid type of Permit Byelaw does come with a compromise, in that not all fishers would be permitted if they removed less than a defined amount of resource. However, ACO Mander also explained how activity on sensitive areas could be restricted or prohibited for all fishers via the fixed prohibitions within the Byelaw.

Andrew Knights commented that the protection of seagrass would be a key consideration in the development of restrictions and in his view the use of voluntary measures would not be insufficient to mitigate the risks of damage. The Chair pointed out that using fixed restrictions within the Byelaw to protect seagrass would be an option, but some flexibility would potentially be lost if areas are defined and set out in the Byelaw. Andrew Knights highlighted that areas of seagrass are subject to fluctuation and potentially drafting could take this into account. James Marsden agreed and felt that any drafting work potentially conducted by the BTWG should recognise the wording used in the SSSI legislation "damage or disturb". Sangeeta McNair also agreed with the need to protect specific features and felt that a permit for all fisher's route would certainly be of use to gather the maximum amount of information to inform future or revised assessments.

Before discussions escalated on to the best form of regulation, the Chair asked if members wanted to establish that doing nothing was an option or to proceed with a regulatory approach. A proposal was formulated as follows and put to the vote:

***That a regulatory framework be developed for management of bait digging activity with the management details to be determined during the process***

**Proposed:** Jim Portus                      **Seconded:** Cllr Hawkins  
**In favour:** All

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*At this point members ended discussion for a lunch break*  
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The Chair opened the afternoon discussions by inviting discussions on the different forms of regulatory options. Sangeeta McNair was in favour of the need to protect specific features and in order to do so, felt that a permit for all fisher's mechanism would certainly be of use to achieve those goals and also to gather the maximum amount of information to inform future or revised assessments. James Marsden stated that he was also inclined to support a permit for all rationale based on the advantage it offers for establishing base line information, some of which could be extracted from application forms for a permit.

Richard White commented that as some potentially damaging activity is beyond the remit of D&S IFCA, a proportionate approach is of importance for managing fishing activity including determining who should potentially be issued with a permit and questioned what permits for all fishers would achieve. Stephen Gledhill took the view that for bait digging, a permit for all approach may be seen as being overkill and although the IFCA needs to consider balancing the needs of users, a bag limit type of approach with no permits for those below a set threshold can still achieve some key objectives.

David Cuthbert was fully supportive of the importance to protect specific areas of the District from potentially damaging activity but explained that he was not personally comfortable that a permit approach be extended to all bait diggers. Over regulation for low scale bait collectors would potentially make self-collection a pointless exercise, but the demand from the angling sector for different bait species would remain. The supply void created by a lack of recreational fishers collecting for their own use would potentially be filled with more commercial users and in David Cuthbert's view this may have a negative effect on both stocks and habitat.

#### Bag Limits for Bait Digging

Some other members were not so convinced that recreational fishers would decide to stop digging if faced with the need to gain and pay for a permit costing £40 for a two-year period. David Saunders reported that a 1lb of lug worm was worth about £14 and may last for 2 to 3 fishing trips and therefore investment in a modestly priced permit would still be advantageous for many. Andrew Knights commented that on balance a threshold type of byelaw can still achieve some key objectives, providing bag limits are set at a suitable level and protection of key features can be built into the fixed provisions. Determining what the bag limits should be and establishing what criteria needs to meet to gain a commercial permit to bait dig will be more of a challenge for members and the BTWG.

Simon Toms added that in his experience commercial and recreational bait diggers dig for different time periods with a commercial operator looking to take potentially 500 to 600 worms from each day of digging activity. A recreational digger would often be satisfied with a level of less than 200 worms, that will then last for several days or over a weeks' worth of angling. Members including Simon Toms and Andrew Knights suggested that further consultation with stakeholders will potentially help to further develop restrictions to be placed within both a byelaw and/or permit conditions.

ACO Mander explained that for the consultation work on establishing bag limits to be as effective as possible it would be advantageous for some levels to be set so stakeholders would have a starting figure to respond to. The Chair suggested that officers could go away and examine different species and determine weights or numbers that may be suitable and encouraged members to email officers if they had any strong feelings on what levels should be established in the first instant for a period of consultation.

The Chair summarised the discussions and felt that from listening to the debate, members were more inclined to support a hybrid bag limit threshold type of Permit Byelaw as their preferred option. The Chair then asked if a proposal could be put forward for a vote to confirm the level of support for this approach. David Saunders came forward with a proposal as follows:

***That a threshold (bag limit) type of Permit Byelaw be developed to manage the activity of bait digging.***

<b>Proposed:</b>	<b>David Saunders</b>	<b>Seconded: Cllr Hellyer</b>
<b>In favour:</b>	<b>10</b>	
<b>Against:</b>	<b>2</b>	

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### 3. Focus on other Hand Gathering

ACO Mander introduced this discussion and prompted members to examine the information presented on pages 20 to 22 of the *Options for Management* Report. ACO Mander explained that the report provided a summary of the key points already documented in a previous report presented to and discussed by the B&PSC in August 2019.

#### Spear Fishing

The Chair explained to other members that although spear fishing had initially been determined to be a “hand gathering” method, both he and the D&S IFCA prosecuting solicitor felt that it was more appropriate to incorporate management of this activity within the Diving Permit Byelaw. The Chair went on to explain that the Diving Permit Byelaw would need to be reviewed in 2020 and at that time, discussions could focus on the activity of spear fishing. With this information in mind, the Chair suggested that spear fishing be formally removed from the discussions relating to the management of the identified hand gathering methods. A proposal was formulated and put to the vote as follows:

***That the method of spear fishing is removed as a hand gathering method and is discussed when the review of the Diving Permit Byelaw is underway.***

<b>Proposed:</b>	<b>Jim Portus</b>	<b>Seconded: Richard White</b>
<b>In favour:</b>	<b>All</b>	

#### Other Hand Gathering Methods

ACO Mander explained that the methods that fall under the term “hand gathering” are numerous and that with hindsight the method of bait pumping is also not a natural fit for these discussions. The other methods are in keeping with “hand gathering” and many of the legacy byelaws are related to them. ACO Mander explained that as with the use of crab tiles and bait digging, there is an option to regulate the activities in a species related manner by restricting the catch that can be taken, regardless of how they are taken. Stephen Gledhill thanked ACO Mander for the introduction and given the information already presented to and understood by members, asked if a vote could take place to determine what form of action to proceed with. Cllr Hellyer agreed, and a proposal was formulated and put to the vote as follows:

***That a regulatory mechanism involving the use of a bag limit threshold is to be applied to manage hand gathering fishing activities.***

<b>Proposed:</b>	<b>Cllr Hellyer</b>	<b>Seconded: Jim Portus</b>
<b>In favour:</b>	<b>All</b>	

### Bag limits for hand gathering fishing methods

With a decision made to develop a regulatory mechanism using bag limits, ACO Mander explained that the challenge would once again be to determine those levels that could be taken with no need of a permit. ACO Mander went on to explain that when drafting work begins, it may be that species are grouped together such as crustacea and mollusca. David Saunders suggested that, as with the target species for bait digging, the contribution of members to determine the initial levels for consultation would be advantageous. Other members agreed and ACO Mander explained that officers can do some initial work and send it to members for scrutiny prior to any consultation work. Members agreed with this course of action. ACO Mander explained that this work setting initial bag limits could be reported back to members at the next full Authority meeting that has now been delayed until 23<sup>rd</sup> January 2020. After the full Authority meeting officers could then begin the consultation.

### Seaweed collection

Discussions moved on to seaweed harvesting and Jim Portus informed members about developments associated with the work of the Sea Fish Industry Authority. Although this work is on-going, Jim Portus suggested that D&S IFCA may be able to gain some additional information on the subject matter by tapping into this work. Andrew Knights also reported that further background information could be provided by Natural England. This would include the Seaweed Harvesting Code of Conduct and also formal advice relating to Seaweed Harvesting that was established and published by Natural England a few years ago. Other discussions were then had that related to the designation of seaweed (Kelp) as a feature of Marine Protected Areas and issues associated with water classification and commercial collection.

### Minimum Conservation Reference Sizes (MCRS)

ACO Mander explained that the legacy byelaws contained several MCRS for the species that could be taken by the different hand gathering methods. The sizes do need to be examined and set accordingly. As a suggestion, ACO said that officers could do some further examination of the legacy measures, compared to the Permitting Byelaws and report back with suggestions that may be suitable for future work. Members recognised the need to retain and set MCRS in the Hand Working Permit Byelaw that will be developed and agreed with the suggestion of the ACO for officers to take the lead role in this exercise and report back. The Chair asked for a proposal and a vote to confirm the need to include MCRS:

***That Minimum Conservation Reference Sizes (MCRS) are to be applied in the Hand Working Permit Byelaw.***

***Proposed: James Marsden                      Seconded: Jim Portus***  
***In favour: All***

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## **Agenda Item 6            Mobile Fishing Byelaw 2019 – Development of Byelaw & Permit Conditions**

### **6.1    To examine the progress of the drafting conducted by the Byelaw Technical Working Group (BTWG) as set out in the *Progress & Discussion Report (29<sup>th</sup> October 2019)* and address the BTWG recommendations and discussion questions**

The Chair introduced this item and explained that the large report was in the main an information item for members to follow the progress of drafting work, rather than a report that needed to be examined in depth at this meeting. The Chair explained that during drafting work to date, the BTWG had identified the need for some potential changes to the overarching Mobile Fishing Permit Byelaw and needed some clarity on aspects

of draft permit conditions. The Chair asked ACO Mander to provide a brief introduction to each item in turn as set out on the agenda.

***a) To consider the BTWG recommendation (1) on page 4 that relates to the interpretations to be used in the Byelaw***

ACO Mander explained that this recommendation was related to a recent court case with the outcome being that the master of a fishing vessel losing the right to hold a permit issued by the Authority. The recommendation of the BTWG was to amend the wording in the Byelaw so that there was a clearer link that a named representative would be determined to be the master of a fishing vessel. Jim Portus inquired if the verdict of the case was being appealed. ACO Mander responded and said that he was not aware of any such appeal. The BTWG was put to the vote as follows:

***That the B&PSC agree to the BTWG recommendation that, if required in additional drafting work, the interpretations as set out in the report relating to Named Representatives be added to the Mobile Fishing Byelaw.***

<b>Proposed:</b>	<b><i>Cllr Hellyer</i></b>	<b>Seconded:</b>	<b><i>Stephen Gledhill</i></b>
<b>In favour:</b>	<b><i>11</i></b>		
<b>Abstain:</b>	<b><i>1</i></b>		

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***b) To consider discussion questions 2, 3 and 4 on page 6 that relates to the management of sand eel trawling***

ACO Mander introduced this discussion item which has arisen due to the intention to manage the activity of sand eel trawling. As new permits would be needed to manage the activity, conditions of use needed to be established to be inserted into both recreational and commercial sand eel permits which would be named Category 3 and Category 4 Mobile Fishing Permits. The decisions of members would be used to continue with drafting work so the permits could be prepared for formal consultation in 2020.

Members decided that an additional period of consultation with stakeholders would be appropriate and the results would help to inform the decisions of members. Members could see the value in setting some initial conditions as the base for additional consultation, but it was recognised that two members with expertise in conducting fishing activity were unfortunately not present at the meeting. Members suggested that officers correspond with both Jon Dornom and David Morgan who would be able to provide further advice on the initial conditions for both the commercial and recreational sand eel permits that were being developed. The decision to set conditions for catch, gear, spatial and time as set out in questions 2, 3 and 4 in the report were therefore deferred.

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(intentionally blank)



