

## **Additional B&PSC Meetings & Timetable for Byelaw Work**

### **Background**

Byelaw & Permitting Sub-Committee (B&PSC) meetings and the decision making of members dictate the progression of much of the byelaw related working. A significant amount of work must be completed in between the scheduled meetings to progress the different workstreams as set out in the Annual Plan. The time between the different B&PSC meetings is typically used for the following:

- **Completing minutes & actions from previous B&PSC meetings**
- **Preparation of information for the BTWG meetings (Draft Byelaws/Permits)**
- **Assembling the outcomes of completed BTWG meetings**
- **Preparation of consultation and communication material**
- **Analysing & documenting consultation responses**
- **Preparation of Impact Assessments**
- **Preparation of officer papers for decision making by the B&PSC**

### **Byelaw Technical Working Group**

Although the B&PSC have formulated the Byelaw Technical Working Group (BTWG) to assist with drafting work and to provide advice to members, there is a need for this group to be provided with clear tasking. There is also a reporting requirement as set out in the BTWG Terms of Reference. The work of the BTWG must be presented to the B&PSC so members can scrutinise and potentially approve it.

### **Meetings**

There are typically four separate pre-arranged B&PSC meetings scheduled for each calendar year. In order to progress some of the byelaw working as per the desired time scales set out in either the 2019-20 Annual Plan or specific byelaw development planning reports, officers have concluded that some additional meetings of the B&PSC will be required, or work will be delayed. The need for decision making has already prompted two additional B&PSC meetings in 2019. Even with these additional B&PSC meetings, some elements of 2019-20 byelaw working are behind schedule. Officers have attempted to keep the agenda for any additional B&PSC meeting as small as possible and, when needed, arrange them for the same dates as Full Authority meetings. Although officers will accept the challenge of additional meetings it is a reality that they do place extra burden on officers, members and the Chair.

### **Mobile Fishing Permit Byelaw**

The review or re-make of this Byelaw is underway but is now behind the original timetable for delivery. Although it is the Mobile Fishing Permit Byelaw that is being reviewed, the original expectation was to review the management, as set out within both the Category One and Category Two Permit Conditions, of mobile fishing activity at the same time. Due to some uncertainty and deferred decisions surrounding potential changes to Category One (at sea) Permit Conditions, officers are progressing with the work with a view that the existing Category One Permit Conditions will not be significantly amended as part of this review of the Byelaw. Officers now plan to continue with changes to the Byelaw and the other Permit Conditions, but any further changes that are ultimately recommended or required to Category One (at sea) Permit Conditions can be considered and potentially amended via a focussed review of those conditions later in 2020 or possibly 2021. The B&PSC meeting on 14<sup>th</sup> November 2019 will be used to examine, potentially approve the work completed by the BTWG, and to clarify the

missing elements of the draft Mobile Fishing Permit Byelaw, including potential establishment of two new categories of permit conditions that relate to the management of sand eel trawling.

The decision of members to date, including the expectation that sand eel trawling for both commercial and recreational users now be regulated via permit conditions has added some complexity to the original task. Additional decision making of the B&PSC will now dictate the speed for completion of this work. It may be that members favour some additional pre-consultation to help establish the conditions of use for sand eel trawling, including a catch restriction for recreational fishers. Pre-consultation (if actioned) will potentially impact the timetable for completing the overall task.

The decision making of members will influence further drafting work, and creation of an impact assessment that must be produced in preparation for formal consultation. The completed draft Mobile Fishing Permit Byelaw and the amended Permit Conditions must be presented to the B&PSC with a view to “making” the Byelaw and Defra must be notified two weeks before this that the Byelaw could potentially be “made” by members prior to conducting a formal consultation.

Although it is not the only area of byelaw related working, the following table provides members with a delivery forecast based solely on the required stages to re-make the Mobile Fishing Permit Byelaw. It has accounted for some additional pre-consultation for sand eel trawling and no B&PSC meetings being arranged other than those already scheduled for 2020.

<b>Date</b>	<b>Event</b>	<b>Action</b>
Dec 2019 & Jan 2020	Officer Work	To potentially conduct any required pre-consultation/communication to influence and develop sand eel permit conditions including a catch restriction for recreational fishers.
11 <sup>th</sup> Feb 2020	B&PSC Meeting	To report on the findings of any pre-consultation conducted for sand eel trawling. B&PSC decision making to dictate drafting work.
March/April 2020	Officer Work /BTWG	To finalise the draft Mobile Fishing Permit Byelaw 2020, Permit Conditions (other than Cat 1), Annexes and Impact Assessment for consultation. Defra notified about intention to “make” the Byelaw
14 <sup>th</sup> May 2020	B&PSC Meeting	B&PSC potentially “make” the Mobile Fishing Permit Byelaw, approve the Impact Assessment for consultation and action formal consultation.
June 2020	Officer Work	Formal consultation conducted (6 weeks) and findings documented
13 <sup>th</sup> Aug 2020	B&PSC Meeting	Findings of the formal consultation considered. Potential changes recommended to draft Byelaw & Permit Conditions.
September 2020	Officer Work	Objections managed. Final Impact Assessment created. Final Byelaw developed to send to Defra.
November/December 2020?	Defra	Confirmation of new Mobile Fishing Byelaw and circulation of Permit Conditions

#### **Discussion:**

**Additional B&PSC meetings can be arranged which will influence the above timetable for this and other byelaw related working, however it for members to discuss and guide officers if they favour additional meetings being arranged or not.**