



# Byelaw & Permitting Sub- Committee Meeting

Final Minutes from 21<sup>st</sup>  
October 2021

## Version Control and Drafting

Date	Comments
Version 0.1 28 <sup>th</sup> October 2021	1 <sup>st</sup> Draft of minutes completed for circulation to Officer's present at the meeting for potential internal amendment and/or additions.
Version 0.2 11 <sup>th</sup> November 2021	MM and SCL comments and additions applied. Draft minutes (Version 0.2) finalised for circulation to Members for initial feedback.
Version 0.3 29 <sup>th</sup> November 2021	Feedback/comments from the Chair of the B&PSC applied. Draft minutes (Version 0.3) published on the public display areas of D&S IFCA's website.
Final Version 25 <sup>th</sup> February 2022	No amendments required following the B&PSC meeting held on 24 <sup>th</sup> February 2022. Minutes published as Final.

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Minutes of the Byelaw and Permitting Sub Committee Meeting  
Held at Old Forde House, Newton Abbot, TQ12 4XX on 21<sup>st</sup> October 2021

**Present:**

Dr Emma Bean (Chair)	Professor Mike Williams	Rachel Irish
David Morgan	Dr Pamela Buchan	Jon Dornom
Felicity Sylvester	Dave Saunders	Wayne Thomas
Andy Wray	Cllr Alistair Dewhirst	

**Present (officers):** Chief Officer (CO) Mat Mander, Deputy Chief Officer (DCO) Sarah Clark and Principal Policy Officer (PPO) Neil Townsend

**Public Observing:** None

## Welcome

The Chair of the B&PSC (Dr Emma Bean) welcomed Members to the Byelaw and Permitting Sub-Committee (B&PSC) meeting and thanked them for their attendance. As this was the first B&PSC meeting for the Chair, Dr Emma Bean provided Members with some background information about herself. Other Members introduced themselves in turn and following this the Chair moved on to the first agenda item.

## Action Items:

### Agenda Item 1

#### Apologies for Absence

PPO Townsend read out the list of apologies as follows: Jim Masters (temporary representative for Natural England), Cllr Nick Kelly, James Marsden, and Simon Toms (Environment Agency).

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### Agenda Item 2

#### Declarations of Interest

Cllr Dewhirst explained that although he was a representative of Devon County Council for D&S IFCA, he was also the Deputy Leader of Teignbridge District Council. This has relevance to Agenda Item 10, which would be discussions regarding the delayed development of a Hand Working Permit Byelaw and addressing the concerns raised by Teignbridge District Council and its residents.

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### Agenda Item 3

#### To consider and approve the draft minutes of the B&PSC meeting held on 22<sup>nd</sup> July 2021.

The Chair invited those who were present at the last meeting to raise any issues associated with the accuracy of the draft minutes from the July meeting and the minutes were then examined page by page. Mike Williams highlighted a missing word on page nine and a spelling error on page 10.

***That the minutes (subject to the amendment) provide a true and accurate record.***

**Proposed:** Mike Williams

**Seconded:** Jon Dornom

**In favour:** 6

**Abstain** 5

### Agenda Item 4

## Matters requiring urgent attention

The Chair consulted with CO Mander and there were no matters requiring urgent attention.

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### Agenda Item 5

#### Members of the public – questions or comments for the meeting

The Chair reported that an email had been received from a member of the public that related to the scallop closed season. The Chair explained that this would be addressed in Agenda Item 7.

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### Agenda Item 6

#### The Three-Year Review of the Netting Permit Conditions and the Review of the Netting Permit Byelaw.

##### *Presentation*

CO Mander provided a summary of the Officers' paper and explained that the approach, as set out, meets the mandatory requirement to review the Netting Permit Conditions as documented within the overarching Netting Permit Byelaw. CO Mander informed Members that as well as the review of the Netting Permit Conditions, the opportunity exists to simultaneously review the overarching Netting Permit Byelaw even though its review was not a requirement until 2023. CO Mander stated that it was the view of Officers that it would be time efficient to take on both aspects of this work at the same time, and that this would have some significant advantages. The review of the Permit Conditions can recognise potential changes in management of netting activity, whilst the review of the Byelaw can recognise structural changes that could mirror (where appropriate) the expected changes to the Mobile Fishing Permit Byelaw, leading to greater harmonisation. This approach, would simplify aspects of consultation, consolidating phases and leading to formal consultation on both the Permit Conditions and the Byelaw in 2022, as highlighted in the timetable set out in the Officers' paper.

##### *Debate, Questions & Comments*

Jon Dornom welcomed the review of the Netting Permit Conditions and informed Members that he was already working with D&S IFCA on a bass survivability study that may inform potential changes to management. CO Mander explained that a wide range of factors would be considered within the review including the greater use of technology. Felicity Sylvester enquired about the consultation processes that would come into play within the review as it was important that fishers can engage and added that some fishers in North Devon felt they were not adequately informed when the Netting Permit Byelaw was being developed. CO Mander responded and explained that the permit mechanism has enabled direct notification to fishers and that D&S IFCA's mailing list includes a wide range of interested parties that would all be notified. Coupled to this, other communication initiatives could include surgery sessions for one-to-one engagement with stakeholders. Mike Williams commented that although the implementation of the Netting Permit Byelaw was considered by some to be controversial, the high response during the Formal Consultation demonstrated that fishers could engage, with many doing exactly that. Mike Williams recalled that over 300 stakeholders responded in the formal consultation with the majority of stakeholders supportive of the introduction of the Netting Permit Byelaw.

Regarding combining aspects of the work, Mike Williams raised some concern regarding workload for Officers and suggested that the three-year cycle for permit condition review may be something that should be considered in the future, with a view to extending the time frame for mandatory reviews. PPO Townsend

commented that the three-year requirement to review permit conditions was set out within the overarching Netting Permit Byelaw; however, it could be considered as part of potential amendments to the overarching Netting Permit Byelaw if Members felt this to be appropriate. PPO Townsend added that this was not the expectation of Officers as part of the review work.

Jon Dornom and David Morgan commented that the permit review mechanism (a review at least once every three years) is of high importance as a lot can change quickly, and it provides the opportunity for more timely changes when required that can benefit both fishers and D&S IFCA. It was their view that a five-year interval for a review of permit conditions would be a step backwards.

Cllr Dewhirst and Pamela Buchan asked for some examples of the advantages of a three-year permit review cycle. PPO Townsend highlighted some past changes to the management of other fishing methods. DCO Clark added more detail on the advantages of a three-year review cycle and highlighted the expansion of Marine Protected Areas and the additional protection to features that has been required in a relatively small period. CO Mander commented that it was always the intention for the permit mechanism to be as dynamic as possible and explained that the reviews are beneficial to recognise changing environmental factors and the further developments in technology that can benefit both fishers and D&S IFCA's monitoring and management of fishing activity.

Felicity Sylvester informed Members that fishers were promised a review of the Netting Permit Conditions when the Byelaw was introduced; however, the use of technology may not be best suited to some small vessels that operate with no engine power. Rachel Irish informed Members that new technological advancements should be embraced and both the development of IVMS (national roll out) coupled with a catch reporting application (App), will all feed into future fisheries management.

The Chair highlighted that the Officers' paper included a recommendation. Mike Williams said that the recommendation recognises a commitment from the B&PSC to try and deliver the workstream in 2022 as set out in the timetable within the Officers' paper and that he would propose this as a motion for a vote.

### ***Decision Making***

***That Members of the B&PSC note the content of the Officers' paper and agree to the planned review timetable to review the Netting Permit Conditions and the Netting Permit Byelaw.***

***Proposed: Mike Williams                      Seconded: Jon Dornom***

There were no amendments offered and the motion was put to the vote.

***In favour: All (11)***

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## **Agenda Item 7**

### **The Scallop Closed Season.**

The Chair informed Members that an email from a fisher had been received by DCO Clark that related to this agenda item. DCO Clark confirmed that the content of the email had been circulated to all B&PSC Members and the points raised would be covered within the presentation.

### ***Presentation:***

DCO Clark explained that the subject matter had been presented to the B&PSC in February 2021 and that the B&PSC had raised some concerns regarding any changes to the existing scallop closed season. DCO Clark went through the Officers' paper and highlighted what had materialised since February 2021, including interest from the media and discussions with Blue Marine Foundation, fishing industry representatives and

fishers themselves. DCO Clark highlighted some past documented concerns raised by the B&PSC and went through each one in turn, highlighting the information that Officers had gathered, which may potentially alleviate those concerns.

The presentation was concluded with DCO Clark highlighting the email received from a scallop diver that appealed for a further consultation that would enable fishers to engage with D&S IFCA and put forward different options for management as an alternative to a continuation of the scallop closed season in its current form.

### ***Debate, Questions & Comments***

Mike Williams commented on the second point in the Officers' paper and said that the lack of a closed season in neighbouring districts was not a concern raised by the B&PSC, rather it highlighted a contradiction in management. Felicity Sylvester enquired about the level of commercial diving activity in North Devon. DCO Clark reported that most of the commercial diving takes place within South Devon and CO Mander added that one fisher in North Devon had previously raised their view that the Scallop Closed Season is a barrier to commercial diving in that area. Pamela Buchan said that she would be supportive of additional consultation and that further research, as suggested in the Officers' paper, involving the University of Plymouth should be welcomed if it can be arranged. David Morgan commented that any relaxation of the closed season for the commercial diving sector would be viewed unfavourably by the mobile fishing sector. DCO Clark reminded Members that potential additional access for commercial divers in a defined period, would (as proposed by Officers) be limited to areas within Marine Protected Areas (MPAs) where restrictions (prohibitions) on access by demersal mobile fishing vessels are already in place. David Morgan accepted this; however, it was his view that fishers would argue that closed areas for all are beneficial due to "spill over". David Morgan asked a follow up question relating to the closure of the ICES Area VIId due to low stock levels and the recommendations for potential restrictions in ICES Area VIIe. Wayne Thomas also enquired about the reliability of data. DCO Clark responded and explained that the only data available is from Cefas and it had been accepted that the stock levels in area VIIe were in a better state. Furthermore, DCO Clark informed Members that the stock assessments only take account of areas that are fished by scallop dredgers and there is a lack of data for areas that are not fished, for example areas closed due to their protection as Marine Protected Areas. DCO Clark added that a further pre-consultation may provide views on further restrictions that could be applied to the commercial diving sector such as bag limits, and an increase in the Minimum Conservation Reference Size (MCRS), but importantly gain views on developing more effective monitoring and research directed towards the scallop stocks in areas not assessed before.

Cllr Dewhirst enquired why additional pre-consultation would be focused on the commercial divers and not expanded to those operating Mobile Fishing Vessels (scallop dredgers). PPO Townsend informed Members that initial consultation was wide ranging; however, the response to date from the Mobile Fishing sector had been almost non-existent. In contrast, the responses from the commercial divers had been relatively high. DCO Clark added that the types of relaxation that may be possible to introduce (increased access within MPAs) for commercial divers would not be appropriate for scallop dredgers. DCO Clark explained that approximately 40% of the South Devon District is closed to scallop dredging to protect features such as reef; however commercial diving activity does not present the same risks to features. Rachel Irish commented that where possible D&S IFCA should be supportive of low impact sustainable fisheries and, although recognising concerns at that time from the B&PSC, it was regrettable that the consultation had not been actioned in February 2021 due to those concerns. Rachel Irish commented that now many of those concerns had been addressed, she would now be supportive of further pre-consultation.

It was the view of Mike Williams that there had been a significant development in information presented to the B&PSC including the stock assessment by Cefas. As stock is only assessed in dredged areas, it was logical to assume that stock levels in non-dredged areas would be even greater. Mike Williams suggested that Blue Marine Foundation, who have set out their views in the media about promoting low impact fisheries, should be contacted, and offered the opportunity to help fund additional research.

The Chair raised concern regarding D&S IFCA's resources and its capability to better monitor the activity from a research perspective. The Chair stated that the cessation of the Live Wrasse Pot Fishery may in



theory provide an opening for D&S IFCA's Environment Officers to switch effort to scallop survey work instead. DCO Clark confirmed that work needed to monitor the Live Wrasse Fishery was a significant drain on resources and that data collection for the scallop fishery would be aided significantly by the new Catch App and IVMS roll-out on all commercial vessels.

Jon Dornom enquired about the new Catch App and D&S IFCA's access to the data collected through it. Rachel Irish and CO Mander described the progression made regarding a Data Sharing Agreement between the Marine Management Organisation (MMO) and D&S IFCA.

Pamela Buchan highlighted that additional consultation (and potential changes in management that may arise) would promote co-management, trust, and give fishers more ownership of their activity and how it is managed. Pamela Buchan informed Members that she would propose a motion for a vote based on the Officers' recommendation in the paper.

### **Decision Making**

***That D&S IFCA undertakes further pre-consultation with stakeholders to gather information on possible management options for the commercial dive scallop fishery.***

**Proposed:** **Pamela Buchan** **Seconded: Jon Dornom**

There were no amendments offered and the motion was put to the vote.

<b>In favour:</b>	<b>10</b>
<b>Against</b>	<b>0</b>
<b>Abstain</b>	<b>1</b>

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## **Agenda Item 8**

### **Review of the Mobile Fishing Permit Byelaw.**

CO Mander introduced this agenda item and informed Members that there had been long delays completing the review with a view to re-making the Mobile Fishing Permit Byelaw. CO Mander explained how delays in receiving formal advice from Natural England in relation to MPA Assessments had impacted the decision making of the B&PSC and that attempts to manage sand eel trawling via permit conditions had proved to be very complex from a drafting perspective.

CO Mander informed Members that using permit conditions to manage sand eel trawling, albeit with additional categories of permits, is possible; however, on balance this was not the approach now recommended by Officers. CO Mander informed Members that Officers had made several attempts to draft new permit conditions that would recognise all appropriate restrictions already agreed by the B&PSC and function correctly; however, it gets very complicated due to estuary closing lines and allowing continued access for small vessels into estuaries. As an alternative, Officers recommend that key management measures for sand eel trawling, already agreed by the B&PSC, are incorporated as fixed provisions in the overarching byelaw. CO Mander accepted that flexibility regarding the management of this small-scale activity would be lost; however, the management measures are relatively low in total number, and the outcome would be an improvement on what is currently in place within the existing Mobile Fishing Permit Byelaw. CO Mander informed Members that the aim now, as reflected in the Officers' paper, would be to produce a re-made Mobile Fishing Permit Byelaw and all associated Permit Conditions that could be examined by the B&PSC in late January 2022, before a decision is taken to subject the package of information to formal consultation. CO Mander explained that to move forward with the work, Officers needed clarity on how to proceed and it was recommended that drafting work only recognised decisions and information available to date. Other factors such as advice not yet received from Natural England would not be recognised in forthcoming drafting work; however, it would be presented to the B&PSC for discussion at an appropriate stage.

### **Debate, Questions & Comments**

Dave Saunders informed Members that there was currently a large shortage of sand eels available this year and that none were being sold in Teignmouth. Wayne Thomas commented that, in his view, the lack of supply is unlikely to be because of local fishing activity. CO Mander responded that as far as Officers were aware there had been no increase in effort directed towards sand eel trawling over the last few years. This lack of effort and the complications in managing this activity via permit conditions is why Officers were recommending a change in approach. David Morgan said that, as reported, if Officers had experience drafting difficulties, he would not be opposed to the alternative approach. The Chair and Mike Williams raised concern regarding the flexibility in management that would be lost by placing provisions into the overarching Byelaw. CO Mander conceded that ideally, the permit mechanism would be used in full; however, this is one example where the complications to achieve this are outweighed by the need to progress at a faster rate. PPO Townsend explained how the re-made Byelaw would in part replicate what is already in place, with only vessels below seven metres in length (only conducting sand eel trawling) not bound by permit conditions. Instead, these fishers would have restrictions within the Byelaw based on the management measures already deemed to be suitable by the B&PSC. PPO Townsend added that the Byelaw Technical Working Group (BTWG) would look at the best way to accommodate the restrictions, possibly by using schedules or the use of wording to link to other legislation that would provide as much flexibility as possible (in the overarching byelaw) regarding restrictions, such as a mesh size.

Dave Saunders recalled a previous request for more information regarding sand eels and the feeding behaviour of birds. DCO Clark explained that some work had been undertaken; however, it was not at a stage where it could be presented. Andy Wray enquired about the level of fishing activity undertaken by recreational fishers and the suggested bag limit of 15kg. Jon Dornom provided a response based upon his observations in the Salcombe area and clarified that a 15kg bag limit had been previously discussed by the B&PSC and deemed to be appropriate in those discussions.

The Chair highlighted the two recommendations within the Officers' paper. Mike Williams commented that the second recommendation would not require a vote as drafting work will take account of all material considerations. It was agreed that Members would note the second recommendation. A motion was put forward for a vote.

### **Decision Making**

***That the restrictions relating to the management of sand eel trawling are placed into the overarching re-made Mobile Fishing Permit Byelaw.***

**Proposed:**                      **Jon Dornom**                      **Seconded: Rachel Irish**

There were no amendments offered and the motion was put to the vote.

<b>In favour:</b>	<b>10</b>
<b>Against</b>	<b>0</b>
<b>Abstain</b>	<b>1</b>

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### **Agenda Item 9**

#### **Review of the Size of Vessels Byelaw.**

CO Mander introduced this agenda item and focussed on the pre-consultation response that had been documented in an accompanying report and summarised within the Officers' paper. CO Mander reminded Members that three main topics (with associated questions) had formed the basis of the engagement work.

- Views on a potential reduction in the maximum size of vessels from 15.24 metres to 15 metres
- Views on existing Grandfather Rights
- Views on a Sunset Clause



CO Mander briefly explained how the consultation was undertaken with electronic engagement forming the basis of it, with the exception being that letters were sent directly to the two vessel owners known to be impacted by a potential removal of existing Grandfather Rights. CO Mander highlighted the lack of response from these two vessel owners. CO Mander said that it was the view of Officers that the responses offered no reason why the B&PSC should not proceed to develop, and then formally consult, on a re-made Size of Vessels Byelaw as per the recommendation in the Officers' paper.

Pamela Buchan asked if there was any reason why the response to the pre-consultation had been low and questioned if the current communication approach was reaching enough stakeholders. PPO Townsend provided Members with more detail regarding how the communications had been undertaken using Mail Chimp, plus the use of the website and Facebook. PPO Townsend said that on this occasion 1500 stakeholders had been directly contacted (via email) and 789 stakeholders had opened the email. Cllr Dewhurst suggested that adding a "read receipt" may have benefits to monitor the effectiveness of the Mail Chimp circulations. David Morgan remarked that the low engagement on this occasion is more likely to be related to the content of the consultation, rather than the potential effectiveness of D&S IFCA's communications. David Morgan stated that the inshore fleet would not be impacted by the potential change and most fishers (other than the two vessel owners to be impacted) would not likely be interested in the subject matter. CO Mander commented that the mandatory formal consultation (advertising the re-made byelaw) will offer all stakeholders another opportunity, in due course, to object or demonstrate support for the Byelaw.

Felicity Sylvester enquired about the background and make up of Western Fish Producers' Organisation (WFPO) which was one of three organisations that responded to the "Have Your Say" pre-consultation. Rachel Irish and Jon Dornom had some background knowledge of WFPO which was then explained to all the Members. The Chair highlighted the recommendation in the Officers' paper which included three elements (a, b & c). David Morgan said he would propose a motion which was then put to the vote.

### **Decision Making**

***That formal consultation on the review of the Size of Vessels Byelaw be undertaken on the basis that:***

- a) 15 metres in overall length is the maximum size of vessel***
- b) All grandfather Rights are removed and***
- c) No Sunset Clause is included***

**Proposed:** **David Morgan** **Seconded: Wayne Thomas**

There were no amendments offered and the motion was put to the vote.

**In favour:** **11 (All)**  
**Against** **0**  
**Abstain** **0**

### **Agenda Item 10**

#### **The Hand Working Permit Byelaw.**

CO Mander explained that there had been increased interest within the media and from stakeholders regarding the development of the Hand Working Permit Byelaw. The Officers' paper had been produced to demonstrate the work to date by D&S IFCA, the mixed reaction to pre-consultation already undertaken by D&S IFCA, and to clarify why this workstream had not progressed as originally envisaged. CO Mander explained that the B&PSC had recognised D&S IFCA's Statutory Duties by initiating the development of the Byelaw in 2019 and that stakeholders, including those in the Exe and Teign Estuaries, had a legitimate expectation that the Byelaw should be developed and implemented to manage hand gathering (and bait digging and the use of crab tiles). CO Mander highlighted that this expectation is mirrored by Teignbridge District Council who, like D&S IFCA, receives a lot of correspondence from stakeholders raising their concerns about excessive and unregulated collection of sea fisheries resources. CO Mander said that whilst he and Officers sympathised with these stakeholders, the lack of development of the Hand Working Permit

Byelaw was as a direct result of D&S IFCA's on-going funding difficulties and a lack of resources should the Byelaw be implemented. CO Mander highlighted the recommendation as set out in a report to the Executive Committee of Teignbridge District Council:

***"Devon and Severn IFCA adopt either a sectoral or geographical approach to prioritise the early adoption of an appropriate Byelaw".***

CO Mander explained that this approach would not harmonise with the Authority's byelaw review strategy and principles. Furthermore, if a Teign and Exe focussed byelaw (with limited specified species such as cockles and mussels) was implemented instead of a more wide-ranging Hand working Permit Byelaw, D&S IFCA would not be able to effectively enforce that either. CO Mander explained that D&S IFCA has to prioritise its expenditure and use of resources, and undertakes a risk based, targeted approach to fisheries and conservation management, monitoring and enforcement. The gathering of cockles and other shellfish (other than mussels that is prohibited) from the Exe and Teign is not presently an illegal activity. CO Mander added that unlike the Exe, the Teign is not designated as a Marine Protected Area and the effects of cockle gathering, as compared to other activities elsewhere in the District, equates to a far lower risk. CO Mander recognised that Cllr Dewhirst had a particular interest in the subject matter (as Deputy Leader of Teignbridge District Council) and welcomed his views. However, CO Mander wanted to make it clear to all Members that allocating resources to manage hand gathering is not possible with the D&S IFCA's current Revenue Budget.

### ***Debate, Questions & Comments***

Cllr Dewhirst confirmed that Teignbridge District Council had seen a large increase in reported concerns and complaints from residents about unregulated and excessive collection of shellfish from both the Teign and Exe Estuaries. Cllr Dewhirst also confirmed that the matter had been discussed by the Executive Committee of Teignbridge District Council (TDC) who favour some form of immediate action to address the issue. It was the view of Cllr Dewhirst that some form of action was desperately needed, ideally with the introduction of a Byelaw that could be enforced and then explained how, in his view, there may be the possibility of TDC staff and the Police assisting with enforcement work. Cllr Dewhirst explained that information to the Executive Committee had been provided from their own Estuary Officers and he had not been aware that the Teign was not designated as a Marine Protected Area. DCO Clark responded and explained that as far as D&S IFCA was aware, the lack of designation for the Teign Estuary was primarily due to Teignmouth being a commercial port.

CO Mander responded to Cllr Dewhirst to clarify some key points. Firstly, CO Mander confirmed that the collection of shellfish was not unforeseen, and this prevents the use of an Emergency Byelaw. CO Mander also highlighted that there had been past examples of cross warranting across different agencies; however, this was not as straight forward as some would imagine and explained that there is a responsibility that investigations are conducted correctly, and training must be provided to ensure high standards are maintained. Furthermore, CO Mander explained how it would be the responsibility of D&S IFCA to process the investigations and build any required case files. CO Mander highlighted recent reporting in the press, including a statement that D&S IFCA had 48 staff members which was misleading and completely inaccurate. CO Mander reminded Members that D&S IFCA has only four Enforcement Officers to cover its entire District. CO Mander also highlighted missing information from some local news articles such as the recognition that a temporary closure of public mussel beds in both the Exe and Teign was currently in place via a Temporary Closure to Shellfish Beds Byelaw (legacy byelaw). CO Mander added that this legacy Byelaw had been used by the Authority to recognise depleted stock levels of mussels but that the scope of this Byelaw does not extend to cockles. However, even if the legacy Byelaw included cockles (scope of interpretations), CO Mander explained that there is no evidence to suggest that stock levels of cockles are so depleted that they need a temporary prohibition on their removal.

DCO Clark confirmed this by explaining that from the results of D&S IFCA surveys of the cockle stocks, there was no evidence of a decline in stock levels and in fact there is an increase in stock density on the Teign. DCO Clark went on to explain why there was a decline in mussels on both the Exe and Teign Estuaries, which was largely due to the severe storms experienced in 2013/2014. Members then discussed the changing

environment in the coastal waters, with apparent changes in stocks of fish such as sandeels and the increased appearance of tuna and crawfish in D&S IFCA's waters. DCO Clark explained that on top of the impacts of climate change there are other cyclical changes in the environment, one of which has been well researched called the Atlantic Multidecadal Oscillation, which over decades causes change in species and their abundance across the Atlantic Ocean.

Mike Williams welcomed the information provided by D&S IFCA Officers and Cllr Dewhirst. Mike Williams commented that the development of a Hand Working Permit Byelaw would firstly become a workstream for inclusion in D&S IFCA's Annual Plan, which currently it is not. Mike Williams posed the question to Cllr Dewhirst and other Members that if it did become part of the 2022/2023 Annual Plan, what would be removed from the Annual Plan, as D&S IFCA already cannot undertake a large range of work to fulfil its statutory duties. Mike Williams (Chair of the Authority), highlighted that both he and the Chief Officer were preparing information for Defra to clarify what statutory duties D&S IFCA could achieve, could partially achieve, and could not achieve – based on projected funding. Mike Williams urged Cllr Dewhirst in his capacity of a Devon County Council (DCC) representative on the Authority, rather than as Deputy leader of TDC, to inform his colleagues about his concerns and potentially support increased funding when it is discussed at the budget setting meeting (Authority meeting) in December 2021. Mike Williams offered his support to talk directly to Councillors and stakeholders in any relevant public meeting when one is potentially arranged. Cllr Dewhirst thanked Mike Williams for this support.

Cllr Dewhirst said that he recognised D&S IFCA's funding difficulties; however, there is clearly frustration amongst stakeholders regarding a lack of action and commented that it would be useful if D&S IFCA published its findings about stock levels of cockles. PPO Townsend responded and informed Members that the reports were already published on the D&S IFCA's website and were also available via hyperlinks within the electronic versions of Members' papers for the B&PSC meeting. DCO Clark explained how cockle surveys were now undertaken on a two-year cycle and highlighted other research including work focussed on crab tiles and bait digging. Discussion continued relating to the use of crab tiles, with Pamela Buchan seeking answers on the topic, including the numbers and locations of the tiles. Wayne Thomas highlighted issues associated with the use of crab tiles on the Taw Torridge Estuary and was aware of reports of organised gangs working in the area, "tile raiding" issues, reports of recreational anglers being assaulted and that levels of intimidation are preventing some recreational fishers from working their own crab tiles. DCO Clark responded to questions relating to crab tiles and highlighted that drone technology had been utilised to count tiles, which included about 3000 placed on the Taw Torridge Estuary. DCO Clark confirmed that D&S IFCA is aware of multiple issues across the whole District relating to bait digging, the use of crab tiles and many hand gathering activities, hence the desire to create a Hand Working Permit Byelaw.

Pamela Buchan enquired if there was scope to introduce voluntary measures within different estuaries that may drive change, without the need for legislation. PPO Townsend informed Members that different voluntary codes of conduct were already in place; however past pre-consultation and a reported continuation of excessive collection demonstrate that they are not effective.

Jon Dornom asked Cllr Dewhirst about the numbers of Coastal Officers and Environment Officers employed or funded by TDC. Cllr Dewhirst responded and explained how the Coastal Officers are funded by the Environment Agency and the Environment Officers are funded by the Council.

Regarding inaccurate reporting in the press, Pamela Buchan suggested that D&S IFCA becomes more proactive producing accurate information for potential media use. PPO Townsend explained how D&S IFCA has some capability to produce news items and press release and one such news item was currently being prepared for use by the Exe Estuary Management Partnership (EEMP) in their printed newsletter. PPO Townsend also explained that the Senior Management Team will soon be discussing further opportunities for press release work.

CO Mander offered a suggestion to Cllr Dewhirst to partially alleviate some of the concerns raised by TDC. As D&S IFCA was incapable of progressing a Hand Working Permit Byelaw at this time, CO Mander pointed

out that TDC could investigate the potential to introduce a Public Space Protection Order. CO Mander explained how Torbay Council had taken similar action regarding disturbance and anti-social behaviour at Hopes Nose, where it was concluded that organised commercial activity was present and directed towards the capture of mackerel. Cllr Dewhirst thanked CO Mander for this advice and said he would inform the Estuary Officer at TDC who would further investigate this possibility.

### ***Decision Making***

The Chair highlighted that there was a recommendation in the Officers' paper that Members note its content. Members acknowledged the content of the Officers' paper without the need of a formal vote.

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### **Agenda Item 11**

#### **Date of the Next B&PSC Meeting.**

The Chair thanked all Members and Officers for their attendance. It was confirmed that the next B&PSC meeting would take place week beginning 24<sup>th</sup> January 2022 with a preferred date of Thursday 27<sup>th</sup> January 2022, providing a venue can be secured. PPO Townsend said that he would contact all members in due course to confirm the details.

**End.**