

Potting Permit Byelaw

Removal of a Potting Permit Condition



Final Report – Process and Decision Making to Remove a Potting Permit Condition (2.5.3)

(26th February 2019 to 16th May 2019)

25th July 2019

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Version	Author	Comments
Final Version NJT 01 (25 th July 2019)	Neil Townsend	Prepared to accompany the circulation of amended Potting Permit Conditions in August 2019

1. Executive Summary

As specified within the Potting Permit Byelaw (in force date March 2015), the Authority may vary any of the flexible permit conditions in accordance with a review procedure. This report (25th July 2019) has been prepared to document and demonstrate the process followed and the decision making of the members of the Devon and Severn Inshore Fisheries and Conservation Authority's (D&S IFCA's) Byelaw and Permitting Sub-Committee (B&PSC) regarding a change to the Potting Permit Conditions (Version Control 1st August 2018). The B&PSC are tasked with different aspects of D&S IFCA byelaw related working and have delegated powers to conduct this working on behalf of the Authority. More information about the work of the B&PSC and how permit conditions can be amended can be read in a separate [guide](#).

The B&PSC identified an issue associated with the Potting Permit Conditions (Version Control 1st August 2018) that was associated with the [Landing Obligation 2019 – Rules and Regulations](#).

The Landing Obligation 2019 is related to the discarding of certain species of fish. All quota species must be landed and counted against quota unless exemptions apply. Therefore, some species of fish below the Minimum Conservation Reference Size (MCRS) must be landed, although they can't be sold for direct human consumption. Bass is not subject to the Landing Obligation 2019 and prohibited species should be released unharmed if possible. It was the view of the B&PSC that the rules associated with the Landing Obligation 2019 did not harmonise with the Potting Permit Conditions (Version Control – August 2018) which prevented fish landed legally being used as bait. A process was subsequently followed with a view to addressing this issue.

The Outcome of the Process

The outcome of this process, which included consultation with stakeholders, is that the Potting Permit Conditions (Version Control – August 2018) have now been amended. The Permit Condition (2.5.3) set out below has been removed from the revised Potting Permit Conditions that are due for circulation in August 2019.

Removed Condition: A permit holder or named representative is not authorised under this Permit to use any finfish as bait within the District unless it meets minimum sizes set out in Annex XII, Article 17 of Council Regulation (EC) 850/98.

Timetable of Action

Date	Event	Action/Decision
26/02/19	B&PSC Meeting	Report presented to B&PSC. Decision taken to consult on the removal of Potting Permit Condition 2.5.3
08/03/19	Consultation	Consultation conducted between 8 th March and 12 th April 2019. Findings summarised into a report.
16/05/19	B&PSC Meeting	Consultation report presented to and discussed by B&PSC. Decision taken to remove Potting Permit Condition 2.5.3
July & August 2019	Re-drafting and communication	The Potting Permit Conditions are amended and prepared for implementation and circulation. Communications conducted to raise awareness

2. B&PSC Meeting (26th February 2019)

On 26th February 2019, the B&PSC were presented with a [progress report](#) of the work undertaken by the Byelaw Technical Working Group (BTWG) on behalf of the B&PSC. The BTWG highlighted an issue associated with the present Potting Permit Conditions (Version Control - 1st August 2018) that is associated with the [Landing Obligation 2019 – Rules and Regulations](#).

Minutes are taken of all B&PSC meetings and posted in Section B of the D&S IFCA website Resource Library. The following is an extract from the minutes taken on 26th February 2019.

Potting Permit Conditions – Discussion on the potential removal of a permit condition (item 8e)

Members referred to pages 12 and 13 of the BTWG Progress Report. John Dornom explained that haddock was one of the species subjected to the landing obligation and the potential removal of the present potting condition 2.5.3 would benefit the industry. David Morgan also offered his support to the removal of this Potting Permit Condition. David Morgan pointed out that the waste resource is clearly separated on the market as a product that can be sold as bait and not for human consumption. In his view it made sense to potentially remove the present permit condition as this would enable this waste product to be purchased and used as bait, therefore making better use of it locally. Other members agreed and voted as follows:

That present paragraph 2.5.3 is subjected to consultation with a view to its removal from the Potting Permit Conditions.

***Proposed: Jon Dornom
All in favour***

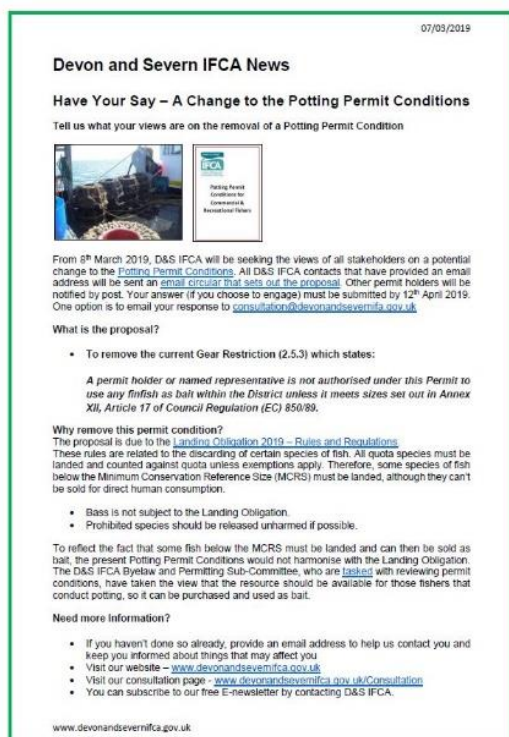
Seconded: David Morgan

3. Engagement with Stakeholders

Information about the proposal was widely circulated. A Call for Information campaign, including use of a Mail Chimp email circular, was conducted between 8th March and 12th April 2019. Over 1000 D&S IFCA stakeholders that had supplied an email address were directly notified of the proposal. Permit holders with no email address were notified by post. All stakeholders were invited to respond and not just those with a Potting Permit.

A news item was posted on the D&S IFCA website throughout the consultation period and four surgery sessions were advertised that provided stakeholders with the opportunity to visit the D&S IFCA Office and talk to an Officer. The [consultation page](#) on the website was used to provide information on the proposal and Facebook and twitter were also used to support the consultation.

- **780 of the mail chimp e mails were opened by stakeholders**



Links

- [Website news item \(PDF Version\)](#)
- [Mail Chimp email Circular \(PDF Version\)](#)

The information circulated and posted on the website explained the following:

- **What the consultation item was**
- **Why the B&PSC proposed to remove the Permit Condition**
- **How to find more information & a link to the 2019 Landing Obligations**
- **A guide to the work of the B&PSC**
- **How to respond using one or more of the multiple options that were available to provide a response**

4. Response from Stakeholders

The responses were summarised into a report ([Potting Response Supplement Report 23rd April 2019](#)) which was presented to members of the B&PSC on 16th May 2019. The content of the summary of response report is transcribed below:

Transcript of the consultation responses

A total of five responses were received. The content of all the responses was relatively simple and an in-depth summary has not been possible to formulate. All responses were submitted by individual stakeholders, other than a response from the Executive Officer of South Devon & Channel Shellfishermen Ltd. This response was supportive as in their view the amendment to the Potting Permit Conditions will enable potters to utilise fish that, due to the landing obligation, is not fit for human consumption.

Summary of response table

Response No.	Date Received	In Favour of Proposal (Y/N)	Additional Comments taken from the responses
1	07/03/19	Yes	It helps the many problems caused by the discard ban
2	07/03/19	Yes	No additional comments
3	18/03/19	Yes	South Devon & Channel Shellfishermen are supportive as it makes use of the resource
4	19/03/19	No	The industry needs to move away from quotas and sizes. Trawlers should be banned in UK waters to reduce overfishing. Potting should be prohibited within 600 metres of the shore.
5	30/03/19	No	No undersize fish of any description should be landed. Only fish of a suitable condition should be used for bait or human consumption.

Officer Comments

In general, the response was very limited, however this is not untypical when a proposal is, in the view of fishers, considered to be advantageous rather than adding additional restriction. It is also possible that the detail contained within the current Potting Permit Conditions (August 2018) is not fully understood or recognised by those with a permit.

No stakeholders took advantage of the four separate surgery sessions to visit the D&S IFCA Office and talk to an officer. Not all stakeholders that responded indicated which fishing sector (if they are a permit holder) they were from. It is known that at least one of the stakeholders that did not support the proposal has a commercial mobile fishing permit.

5. B&PSC Meeting (16th May 2019)

On 16th May 2019, the B&PSC discussed the findings of the consultation. Minutes are taken of all B&PSC meetings and posted in Section B of the D&S IFCA website Resource Library. The following is an extract from the minutes taken on 16th May 2019.

Agenda Item 5 To consider the findings of the potting consultation as documented in the supplementary report (23rd April 2019)

ACO Mander introduced this agenda item and explained that the single consultation item was focussed on a proposal to remove a potting permit condition (2.5.3). ACO Mander explained that the consultation had highlighted the rationale for the removal of this single permit condition which related to the use of finfish as bait which currently must be above the Minimum Conservation Reference Size. This permit condition had been considered suitable for removal by the B&PSC as it did not harmonise with the 2019 Landing Obligations and the supplement report had been prepared to summarise the limited number of responses. Members recognised the responses received in the consultation and formulated a proposal.

That the Potting Permit Conditions 2.5.3 which currently prohibits the use of finfish as bait unless it meets sizes set out in Annex XII, Article 17 of Council Regulation (EC) 850/98 be removed from the Potting Permit Conditions.

***Proposed: Jon Dornom Seconded: Cllr Hellyer
All in favour***

6. Further Information & Hyperlinks

All additional information embedded in this report is freely accessible within different sections of the [D&S IFCA Website Resource Library](#).

- [Website news item](#)
- [Mail Chimp email Circular](#)
- [Potting Permit Byelaw](#)
- [Potting Permit Conditions \(Version Control 1st August 2018\)](#)
- [Byelaw Technical Working Group Progress Report \(February 2019\)](#)
- [Potting Response Supplement Report \(23rd April 2019\)](#)
- [B&PSC Minutes \(26th February 2019\)](#)
- [B&PSC Minutes \(16th May 2019\)](#)
- [Guide to the work of the B&PSC](#)
- [Amended Potting Permit Conditions \(Version Control 1st August 2019\)](#)
- [Annex 1 \(Version Control 1st August 2019\)](#)
- [Annex 2 \(Version Control 1st August 2019\)](#)
- [Annex 3 \(Version Control 1st August 2019\)](#)
- [Annex 4 \(Version Control 1st August 2019\)](#)

End of Report