



# Mobile Fishing Permit Byelaw

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## Changes to Category One Permit Conditions (2022)



**Providing a Choice of Remotely Accessed Electronic  
Reporting Devices (iVMS/VMS)**

**Process and Decision Making**

**Final Report:**

**29<sup>th</sup> June 2022**

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## Version Control

<b>Edition</b>	<b>Author</b>	<b>Date</b>	<b>Comment</b>
Final Report	Neil Townsend	29 <sup>th</sup> June 2022	Created to document the outcome of the process and decision making by the Byelaw & Permitting Sub-Committee related to changes to the Category One Mobile Fishing Permit Conditions valid from 1 <sup>st</sup> March 2022.

## Executive Summary

The Mobile Fishing Permit Byelaw introduced flexibility for the management of this fishing activity with the D&S IFCA District. The Mobile Fishing Permit Conditions (Category One or Two) can be amended, by undertaking the process as set out within the Mobile Fishing Permit Byelaw. This report documents the process that has been followed that has resulted in a change to the Category One Mobile Fishing Permit Conditions that apply from 1<sup>st</sup> March 2022. The process included consultation with stakeholders and the decision making of D&S IFCA's Byelaw and Permitting Sub-Committee (B&PSC).

D&S IFCA has a duty to review the Permit Conditions (per byelaw) at least every three years but can review the Permit Conditions within a shorter time as considered necessary. A review can be triggered at any stage and in a variety of ways. In early 2022 the Marine Management Organisation (MMO) began the roll of iVMS devices on all under 12m licenced fishing vessels. Officers from D&S IFCA recognised that elements (relevant to iVMS/VMS) of the existing Category One Mobile Fishing Permit Conditions (Version Control 1<sup>st</sup> August 2018) did not harmonise with the national roll out.

In January 2022, Officers from D&S IFCA identified that amendments to existing Category One Mobile Fishing Permit Conditions would benefit vessel owners and result in the owners of vessels under 12 metres in length having a greater choice of approved iVMS devices to fish within D&S IFCA's District. It was recognised that vessel owners would also have opportunity to benefit from the available grant funding relating to the National rollout of iVMS devices to all under 12m licenced fishing vessels.

The outcome of this review resulted in changes to Category One Mobile Fishing Permit Conditions. On 24<sup>th</sup> February 2022, the B&PSC agreed to changes to the interpretations section of the Category One Permit Conditions to apply from 1<sup>st</sup> March 2022.

### Interpretations:

*“Remotely Accessed Electronic Reporting Device” means a device that transmits the required information which must be received by the UK VMS hub.*

*“Required Information” means*

- a) a report flag to indicate that the report is the result of the Authority's permit condition requirements and is not made under EU regulations;
- b) the most recent geographical position of the fishing vessel to 5 decimal places (in WGS84);
- c) date and time (in UTC) of the fixing of the most recent position;
- d) the instant speed and course of the vessel (equivalent to 0.1 knots and course expressed in degrees (true not magnetic) to 0.1 degree) at the time of the report;
- e) the unique serial number of transmitting device;
- f) a status code;
- g) an indicator of the strength of the positional report accuracy.

## 1. The Consultation

The consultation began on 20<sup>th</sup> January 2022.

Information was directly circulated to all vessel owners that held a current Category One Mobile Fishing Permit. This included 97 email (Mail Chimp) circulars, which were opened by 67 of the recipients.

Hard copy information was sent to Category One Mobile Fishing Permit holders with no email.

The circulated information set out key information as follows:

- The purpose of the consultation
- The rationale for the proposed change to Category One Mobile Fishing Permit Conditions
- The benefits of the proposed change to Category One Mobile Fishing Permit Conditions
- The proposed Category One Mobile Fishing Permit Conditions (wording) to apply
- The process that was being followed for the potential changes
- How to engage in the consultation
- Guidance for VMS for England (Guide produced by the Marine Management Organisation)
- Further information about D&S IFCA and a Privacy Notice

The theme of the consultation was simple, and therefore a questionnaire was not included within the circulated information. As well as the use of Mail Chimp (direct email circulation), information was made available as a news item on the D&S IFCA website (latest news/news scroll) and Facebook. Information was also posted on the D&S IFCA website - Have Your Say/Consultation page.

### *Links to supporting communication*

- [Pdf of the Mail Chimp Circular](#)
- [News Item \(pdf version\) posted on the Website & Facebook](#)
- [Website Consultation/Engagement & Have Your Say Page](#)

Options were provided for engagement as follows:

1. Contact us via email – [consultation@devonandsevernifca.gov.uk](mailto:consultation@devonandsevernifca.gov.uk)
2. Write to us

Ideally the option for one-to-one surgery sessions would have provided another option for stakeholders to express their views. Due to Covid-19 and a change in working practices, this option was not available for this information gathering exercise.

## 2. The Response

The proposed change would not impact vessel owners in a negative way, and officers did not expect the response to be large.

- **No responses to the consultation were received by the closing date of 7<sup>th</sup> February 2022.**

### 3. Reporting to the Byelaw and Permitting Sub-Committee

Officers prepared information for discussion by the B&PSC at their meeting held on 24<sup>th</sup> February 2022. This included the following, which can be read in full by using the links below.

- [Agenda Item 7: Amendments to Category One Mobile Fishing Permit Conditions](#)

Supporting Information:

- [Providing a Choice of Remotely Accessed Electronic Reporting Devices \(iVMS/VMS\) - Consultation Report – \(10<sup>th</sup> February 2022\)](#)

The Officers' paper set out that the proposed changes would achieve the following:

- Vessels under 12 metres in length, that do not have an iVMS device fitted, will be able fish in D&S IFCA's District under a Category One Permit, provided that the vessel has fitted an approved and fully operational iVMS device. (*Owners of such vessels will be able to obtain a type approved iVMS device through the national rollout*)**
- Vessels under 12 metres in length, issued with a valid Category One Permit, can continue to fish in D&S IFCA's District if the already fitted iVMS device is fully operational.**
- When vessels under 12 metres in length have new type approved devices fitted, they will be able to fish in D&S IFCA's District if the new device is fully operational.**
- Vessels over 12 metres in length (up to 15.24 metres) do not need to replace their current devices and can continue to fish (under a permit) within D&S IFCA's District provided that the device is fully operational.**

#### ***Proposed text changes to the Permit Conditions and further refinement***

The consultation set out the proposed changes to the interpretations in the existing Category One Mobile Fishing Permit Conditions. These changes were also set out within the Officers' paper as follows:

"Remotely Accessed Electronic Reporting Device" means any device of a type that is approved by the Authority that transmits the Required Information.

"Required Information" means

- a report flag to indicate that the report is the result of the Authority's permit condition requirements and is not made under EU regulations;
- the most recent geographical position of the fishing vessel to 5 decimal places (in WGS84);
- date and time (in UTC) of the fixing of the most recent position;
- the instant speed and course of the vessel (equivalent to 0.1 knots and course expressed in degrees (true not magnetic) to 0.1 degree) at the time of the report;
- the unique serial number of transmitting device;
- a status code;
- an indicator of the strength of the positional report accuracy.

Since the consultation had been undertaken and the Officers' papers had been circulated for the B&PSC meeting, the D&S IFCA Byelaw Technical Working Group (BTWG) had discussed the issue and formulated amended wording. Although the amended wording formulated by the BTWG was different to the wording set out in the consultation, the B&PSC were informed that it did not represent a material difference, and the benefits to vessel owners resulting from the change would remain.

The amended wording for consideration by the B&PSC was amended to the following:

*"Remotely Accessed Electronic Reporting Device" means a device that transmits the required information which must be received by the UK VMS hub.*

The B&PSC were informed that the list (a-g) as set out, would remain the same.

#### **4. B&PSC Decision Making – 24<sup>th</sup> February 2022**

On 24<sup>th</sup> February 2022, the B&PSC agreed the following:

***That the existing Category One Mobile Fishing Permits are amended as set out (in the discussion) and will apply from 1<sup>st</sup> March 2022.***

The minutes from the B&PSC meeting held on 24<sup>th</sup> February 2022 can be read in full [here](#). The relevant section of the minutes has been transcribed below:

#### ***Transcript of B&PSC Minutes – 24<sup>th</sup> February 2022***

#### **Agenda Item 7: Amendments to the Current Category One Mobile Fishing Permit Conditions.**

##### **Presentation**

CO Mander provided an update on the progression of the national roll out of IVMS devices and explained that the change to existing Category One Mobile Fishing Permit Conditions being recommended, should not be confused with the work being undertaken to re-make the Mobile Fishing Permit Byelaw and its associated Permit Conditions. In the short term, the change as recommended would provide a range of benefits, as set out in the Officers' paper, and that the lack of response in the consultation demonstrated that the amendment had no clear opposition.

CO Mander explained that the consultation had demonstrated the rationale for change and had set out the envisaged changes to the wording in the Permit Conditions. CO Mander highlighted that since the consultation had been undertaken and the Officers' papers had been circulated for the B&PSC meeting, the Byelaw Technical Working Group had discussed the issue and formulated amended wording. CO Mander clarified that although the wording would now be different, it did not represent a material difference, and the benefits to vessel owners resulting from the change would remain. The Vice Chair asked that the amended wording be read out to Members.

PPO Townsend asked Members to examine page 2 of the Officers' paper for Agenda Item 7 and highlighted the section titled "The Text Change for Category One Mobile Fishing Permits". Rather than the text as printed, the wording to be inserted within amended Category One Mobile Fishing Permits would now be:

***“Remotely Accessed Electronic Reporting Device” means a device that transmits the required information which must be received by the UK VMS hub.***

PPO Townsend added that the list (a-g) as set out, would remain the same and CO Mander informed Members that there are currently four devices that would be suitable for use within the District.

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**Note:**

*The Chair of the B&PSC (Dr Emma Bean) arrived at the meeting for the debate; however, the Vice Chair continued to chair Agenda Item 7 until its conclusion.*

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**Debate, Questions & Comments**

Pamela Buchan asked some questions regarding the procedure to amend permit conditions and if they do require approval from the Secretary of State. Dr Emma Bean provided Members with an explanation of how the overarching Byelaw provides the framework for the issue of associated Permit Conditions and includes the review process for changes to Permit Condition. The Secretary of State had approved the Byelaw; however, it was the Permit Review Process that enabled the changes to the Permit Conditions to be considered (and implemented) without further approval of the Secretary of State.

CO Mander informed Members that the existing Mobile Fishing Permit Byelaw had been introduced over eight years ago and in that time the Permit Condition Review Process had been put to good use, including the introduction of vessel monitoring as a Permit Condition. CO Mander added that as part of the re-making of the Mobile Fishing Permit Byelaw, the Byelaw Technical Working Group will review and seek refinements to its structure and the terminology used.

Members asked CO Mander a series of questions regarding the national roll out of IVMS. CO Mander responded and explained how it would affect vessels of differing sizes and over what time frame. CO Mander responded to a question from Felicity Sylvester regarding communication. CO Mander confirmed that D&S IFCA had used direct circulation (Mail Chimp), and the website, to highlight the proposed changes to Permit Conditions and information about the national roll out of IVMS.

Members discussed grant aid available to fishers for the fitting of units and Jon Dornom added that manufacturers are assisting fishers with the process and requirements set out by the Marine Management Organisation.

The Vice-Chair suggested to Members that the Officers' Recommendations could be taken as the basis for a single motion for a vote. Members agreed and Jon Dornom proposed a motion.

**Decision Making**

***That the existing Category One Mobile Fishing Permits are amended as set out and will apply from 1<sup>st</sup> March 2022.***

***“Remotely Accessed Electronic Reporting Device” means a device that transmits the required information which must be received by the UK VMS hub.***

“Required Information” means

- a) a report flag to indicate that the report is the result of the Authority’s permit condition requirements and is not made under EU regulations;
- b) the most recent geographical position of the fishing vessel to 5 decimal places (in WGS84);
- c) date and time (in UTC) of the fixing of the most recent position;
- d) the instant speed and course of the vessel (equivalent to 0.1 knots and course expressed in degrees (true not magnetic) to 0.1 degree) at the time of the report;
- e) the unique serial number of transmitting device;
- f) a status code;
- g) an indicator of the strength of the positional report accuracy.

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

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

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

## **5. Additional information and Hyperlinks**

All Officers’ papers and reports presented to D&S IFCA’s Byelaw and Permitting Sub-Committee are freely available within Section B of D&S IFCA’s website Resource Library and for a limited time on the “Authority Meetings” website display page. All minutes from these meetings are also located in Section B of D&S IFCA’s Resource Library.

Further detail about D&S IFCA’s byelaw review work and the work conducted by D&S IFCA’s Byelaw & Permitting Sub-Committee can be found in a guide that is posted on D&S IFCA’s website ([click here](#)) or available upon request.

This report contains the following embedded information:

- [Pdf of the Mail Chimp Circular \(the consultation information\)](#)
- [News Item \(pdf version\) posted on the Website & Facebook](#)
- [Website Consultation/Engagement & Have Your Say Page](#)

B&PSC Meeting – 24<sup>th</sup> February 2022

- [Agenda Item 7: Amendments to Category One Mobile Fishing Permit Conditions](#)
- [Providing a Choice of Remotely Accessed Electronic Reporting Devices \(iVMS/VMS\) - Consultation Report – \(10<sup>th</sup> February 2022\)](#)
- [The final minutes from the B&PSC meeting](#)

End.