



# Byelaw & Permitting Sub- Committee Meeting

Final Minutes from 13<sup>th</sup>  
June 2019

## Version Control and Drafting

Date	Comments
18 <sup>th</sup> June 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
25 <sup>th</sup> June 2019	Internal amendments complete. Draft Minutes circulated for members.
16 <sup>th</sup> August 2019	Minor amendments made following B&PSC meeting held on 15 <sup>th</sup> August 2019

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Minutes of the Byelaw and Permitting Sub Committee Meeting  
Held on 13<sup>th</sup> June 2019 at Exeter Racecourse, Exeter

Present: Professor Mike Williams (Chair)

Stephen Gledhill	Jon Dornom	Dave Saunders	David Morgan
Andrew Knights	James Marsden	Simon Toms	Cllr Hawkins
Rachel Irish	Jim Portus		

Also Present: ACO Mander, DCO Clark, PPO Townsend.

Apologies: Richard White, John May, David Cuthbert and Cllr Hellyer

**Introduction**

The Chair welcomed everyone to the meeting and thanked members for their attendance. It was noted that the meeting had to be arranged relatively quickly to discuss the Exemptions Byelaw and the accompanying Impact Assessment and therefore due to the smaller agenda, the meeting was expected to be relatively short.

**Agenda Item 1 To consider and approve minutes of the Byelaw and Permitting Sub-Committee meeting held on 16<sup>th</sup> May 2019. (Circulated by email)**

The Chair invited members to raise any issues resulting from the draft minutes taken at this meeting. The minutes were examined page by page. Rachel Irish highlighted some spelling errors on pages 4, 11 and 12 which were noted by PPO Townsend.

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

**Proposed: Andrew Knights                      Seconded: Rachel Irish**

**All in favour**

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**Agenda Item 2 Business Arising**

There was no business arising.

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**Agenda Item 3 To discuss the officer actions resulting from the last meeting (16<sup>th</sup> May 2019)**

The Chair acknowledged that there had been limited time for officers to complete the actions from the last meeting held in May 2019. The Chair requested a verbal update from officers on the new actions recorded at the last meeting.

Action 1 (from May 2019)

1	DCO Clark	To prepare and send an email to Rachel Irish that will include: <ul style="list-style-type: none"><li>• A request for clarity regarding the content of any licences issued for the works within the Teign Estuary.</li><li>• To highlight that the already issued licence may be suitable for a review.</li></ul>
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DCO Clark informed members that an email had been sent to Rachel Irish. Rachel Irish reported that at this time she had not had time to address the content of the email but would update members at the next meeting.

Action 2 (from May 2019)

2	DCO Clark	To prepare and send a robust response to the Salmon Farm
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DCO Clark reported that this action was not yet complete and was on-going.

Action 3 (from May 2019)

3	PPO Townsend	To add the presentation on spiny lobsters to the D&S IFCA website
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PPO Townsend reported that this action had been completed with the presentation on spiny lobsters added to Section G of the D&S IFCA's Website Resource Library.

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**Agenda Item 4      To make the Exemptions Byelaw 2019 so it can be subjected to a period of formal consultation**

The Chair provided some background information about how and why this Byelaw had been developed, referencing the discussions at previous meetings and the drafting work completed by the Byelaw Technical Working Group (BTWG) on behalf of the Byelaw & Permitting Sub-Committee (B&PSC). The Chair also highlighted the need for D&S IFCA to replace the existing Emergency Application Byelaw before the extended deadline of November 2019 runs out.

ACO Mander explained how the most recent draft had been amended to reflect the decisions taken by the B&PSC in May 2019 and no longer contained a provision for D&S IFCA to consider charging a fee for an Exemption (application) or the assessment of it. Instead, the Byelaw had been formulated to place the responsibility on the applicant to assemble the required information and evidence to support their application. ACO Mander explained that the draft Exemptions Byelaw had already been sent to Defra to provide two weeks' notice that it would be presented to members for it to be made before being subjected to consultation. ACO Mander also explained that any charging provisions would have had to be fully explained in an accompanying Impact Assessment and this would have presented some difficulties associated with this type of byelaw and what it is intended to deliver.

The Chair added that the other types of D&S IFCA Byelaws that provide permissions (permits) to allow a fishing activity to take place are more suited to the user pays principle. The Chair then asked members for any comments.

David Morgan expressed some concern regarding the previous decision reached by the B&PSC to remove the reference to fees and, without opposing the re-drafted version, suggested that the need or reserving the ability for D&S IFCA to consider charging appropriate fees should be revisited in other byelaw work. James Marsden had a similar view but could understand how the decision had been reached regarding this Byelaw. James Marsden felt it was important to examine the principle of full cost recovery in more depth in other new byelaw development and the reviews of existing Byelaws. ACO Mander reassured members that the principle of charging fees would be examined in more detail soon and the documented approach taken by D&S IFCA would be important if a change of approach is considered. PPO Townsend reported that an existing B&PSC principle was to charge £20 for an administration fee (within Permit Based Byelaws). PPO Townsend reported that this principle (and others) could be re-examined in due course within focussed discussions regarding

cost recovery and informed members that those discussions would be set out as agenda items and would be well presented and fully documented.

A proposal was formulated as follows:

***That the Exemptions Byelaw is made by the D&S IFCA Byelaw and Permitting Sub-Committee***

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

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**Agenda Item 5      To approve the Impact assessment that will accompany the Exemptions Byelaw during a formal period of formal consultation**

The Chair informed members that prior to the meeting he had highlighted some minor amendments that he wished to be inserted in the draft Impact Assessment. The Chair asked if other members had any other suggested amendments. Andrew Knights highlighted a paragraph in section 7 (Environmental Impact) and suggested some re-vised wording which was discussed by members and noted by PPO Townsend. Rachel Irish also commented that references to the South West Inshore Marine Plan should be added and this was again noted by PPO Townsend. With no other amendments highlighted to the draft, the Chair asked for a proposal.

***That the Impact Assessment for the Exemptions Byelaw (subject to amendments identified in the meeting and previously) is approved for formal consultation***

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

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**Agenda Item 6      Any other business**

There was no any other business raised by members and the Chair moved on to date of next meeting.

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**Agenda Item 7      Date of Next Meeting**

PPO Townsend informed members that meeting dates have been set as follows and will be held at Larkbeare House, Exeter unless re-arranged.

- Thursday 15<sup>th</sup> August 2019
- Thursday 14<sup>th</sup> November 2019

PPO Townsend also informed members that doodle polls to confirm availability would be conducted nearer to the dates.

**End.**