



# Members' Handbook

October 2022

Version 1.1

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#### **Suggested Website Pages to Visit:**

- [Contact Us Page](#)
- [The public facing - Our Members Page](#)
- [The Members’ secure area - Members Details Page](#)

## 1. Introduction

Welcome to the Devon & Severn Inshore Fisheries and Conservation Authority (D&S IFCA/ the Authority). You are now (or continue to be) one of the Elected Members, Marine Management Organisation (MMO) appointed General Members, or one of the two Statutory Appointees that compose the Authority.

### 1.1 Making Use of this Handbook

This handbook has been prepared for Members of the Authority and forms part of a package of information that is both relevant and beneficial to members. The handbook includes hyperlinks to additional information and specific D&S IFCA's website pages, including several that are within a secure Members' area.

### 1.2 Using the D&S IFCA Website

The D&S IFCA's website is integral to the delivery of the Authority's communications. Authority Members are encouraged to visit the website as it provides a range of information associated with the core work of D&S IFCA.

#### *Home Page*

The home page of the website is arranged with a series of tabs at the top of the page.

Some of the main tabs provide a drop-down menu to provide access to additional pages.

The centre of the home page includes a news scroll, with news items ready to select. Alternatively, news items can be viewed on the Latest News and Information tab.

The home page of the website includes a tab "Resource Library". The library contains a large range of information and is divided into eight sections (A to H).

#### *Members' Secure Area*

The website has a secure Members' area which is accessible for Authority members via a login, username and password.

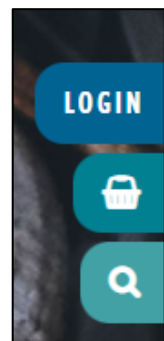
### **Login Instructions**

Visit [www.devonandsevernifca.gov.uk](http://www.devonandsevernifca.gov.uk)

On the home page there is a blue login/logout tab on the right-hand side of the home page.

Click on the LOGIN tab.

After the LOGIN is selected, a new page will appear with a prompt for a username and a password:



## LOGIN

#### *Login Details*

All Members can request Login details by contacting the office. The Login details will be amended when required.

## 2. The Inshore Fisheries and Conservation Authorities

The Inshore Fisheries and Conservation Authorities (IFCAs) were set up in April 2011 as a new type of regulator to work with marine stakeholder groups in English Inshore waters, under the Marine and Coastal Access Act 2009. The IFCAs replaced the Sea Fisheries Committees, with extended responsibilities to integrate inshore fisheries management and conservation objectives.

There are [ten IFCAs around the coast](#) of England and the Isles of Scilly which set fishing regulations and administer permitting in their district inshore waters, out to six nautical miles. They also share responsibility for management of fishing activity and its potential impacts within Marine Protected Areas (MPAs) which include Special Protected Areas, Special Areas of Conservation and Marine Conservation Zones, along with other statutory authorities. Highly Protected Marine Areas will be designated in the future and included in the MPA network.

IFCAs fund a national body, the Association of IFCAs and its primary function is to represent all IFCAs interest and duties at a national level. Further information can be found [here](#).

### IFCA Mission Statement

***“IFCAs will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry”***

## 3. Focus on D&S IFCA

D&S IFCA manages the exploitation of sea fisheries resources in its District.

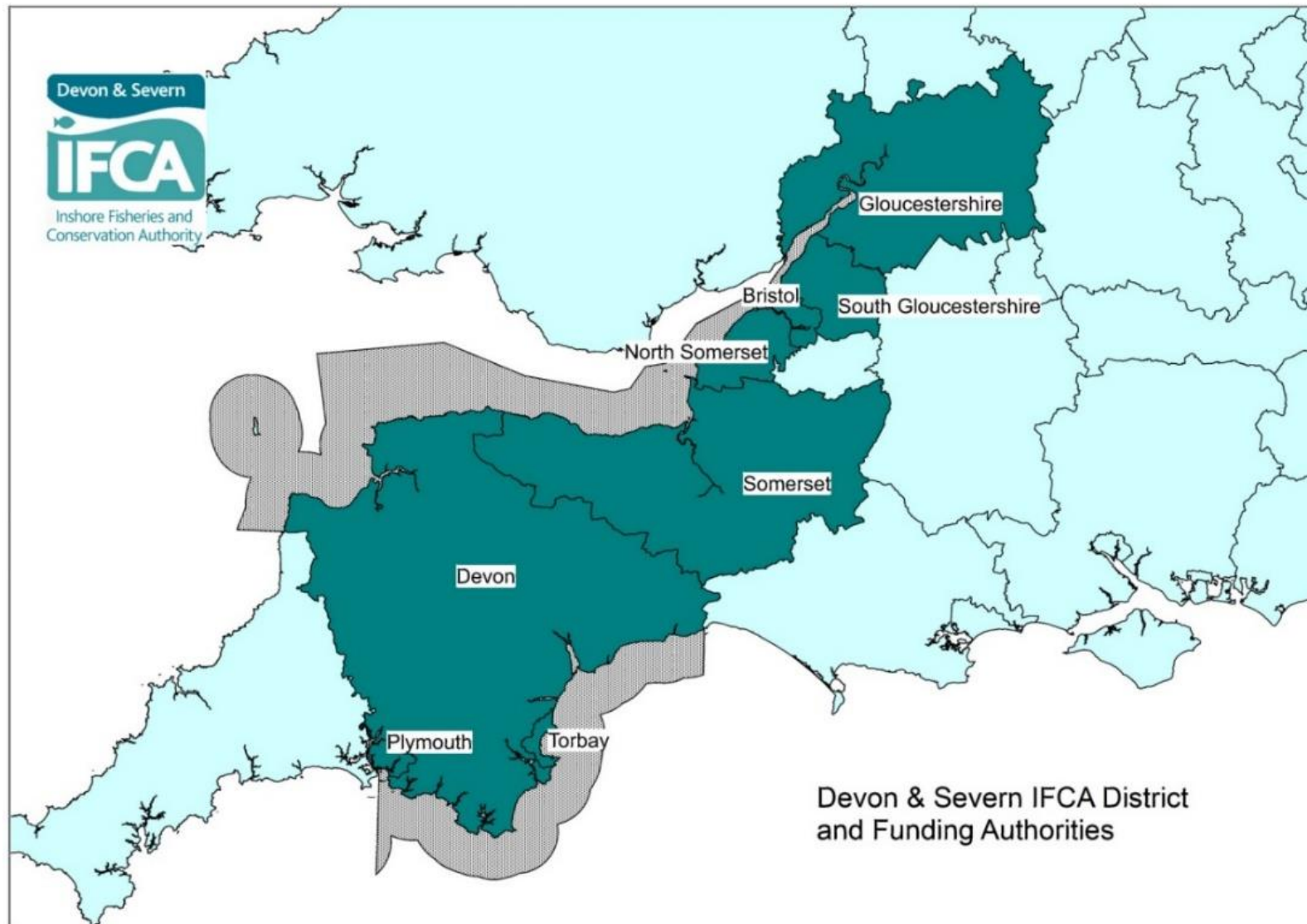
### Suggested Website Pages to Visit:

- [About Us & Our Work Page](#)
- [The Members' Secure Area \(via login\)](#)
- [Annual Business Plans & Reports Page](#)
- [Marine & Coastal Access Act 2009 - Browser](#)

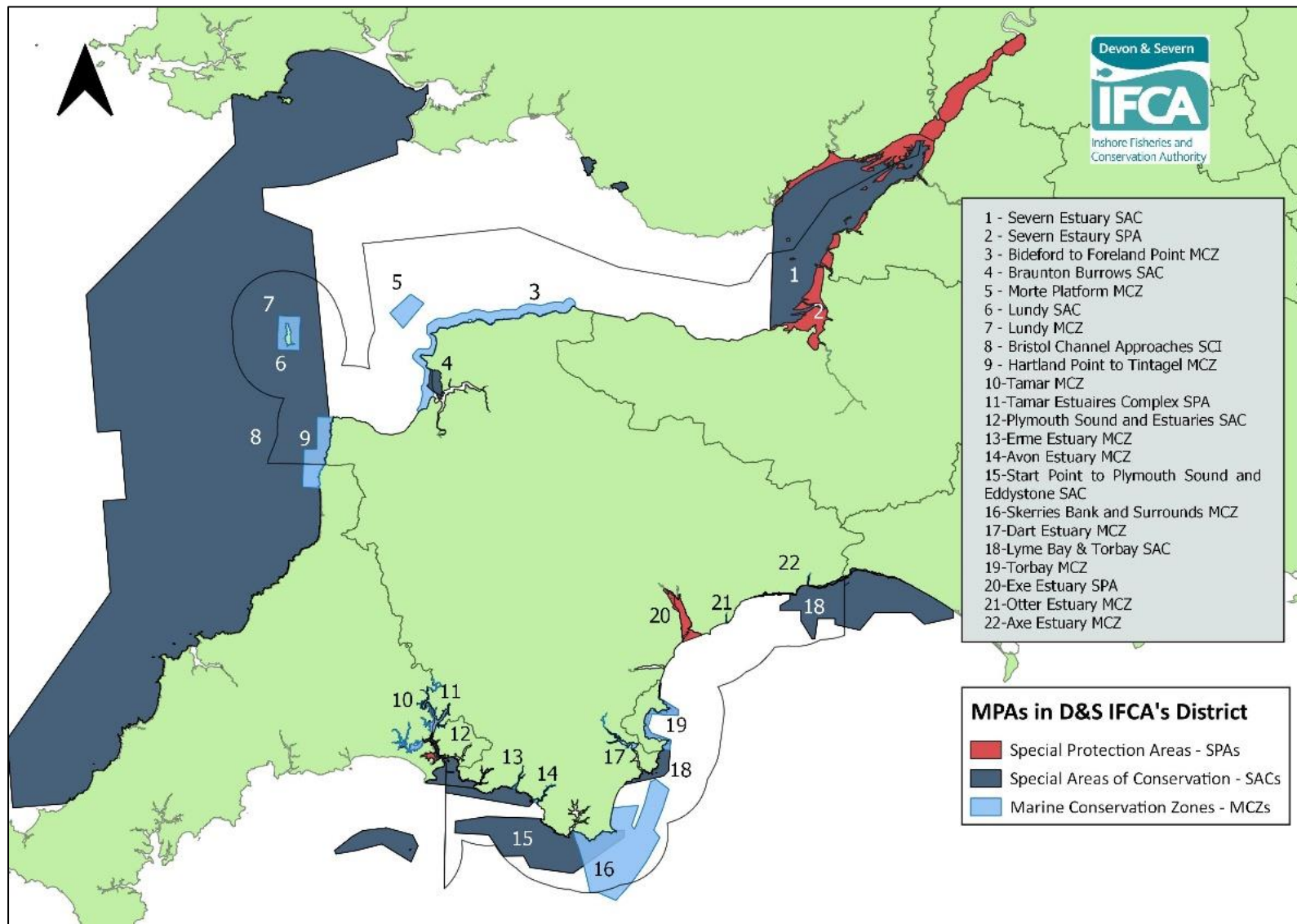
D&S IFCA has the largest of the ten IFCAs' districts and has two separate coastlines. The area of the District is 4,522km<sup>2</sup> and is defined in the Statutory Instrument (2010 No. 2212). D&S IFCA's District includes the areas of Devon, Somerset, Gloucestershire County Councils; Bristol City and Plymouth City Councils; North Somerset and South Gloucestershire Councils and all adjacent waters out to six nautical miles offshore or the median line in the Bristol Channel with Wales.

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*D&S IFCA District: Funding Authorities*



# D&S IFCA District: Marine Protected Areas (MPAs)





### 3.1 A Selection of D&S IFCA's Metrics

- D&S IFCA has the largest District with 4,522 km<sup>2</sup> of sea area.
- D&S IFCA has 22 Marine Protected Areas (MPAs) designations (European Marine Sites and Marine Conservation Zones) within its District, covering over 42% (1914.35 km<sup>2</sup>) of its sea area.
- 1100 km<sup>2</sup> of the designated MPA area (1914.35km<sup>2</sup>) is currently closed to demersal fishing gear to protect the sensitive features, which equates 57.37%. 1302.26 km<sup>2</sup> (68%) of the designated MPA area are subject to MPA management measures for the protection of sensitive habitats and species e.g. spiny lobster.
- D&S IFCA has introduced 58 management measures<sup>1</sup> to help protect these MPAs and these require high levels of monitoring and enforcement, mainly due to the presence of the 140 trawlers and scallop dredgers operating in the District.
- D&S IFCA has the second highest number of commercially licensed vessels, at 484, operating in its District (2021), with the highest value of fisheries
- D&S IFCA has two of the three largest landing ports in England i.e. Brixham and Plymouth
- D&S IFCA has England's largest mobile fishing fleet (demersal and pelagic trawlers, and scallop dredgers) operating in its waters, issuing Mobile Fishing Permits to 115 commercial vessels in March 2022.
- D&S IFCA has other significant commercial fisheries and issued 154 commercial Netting Permits, 197 commercial Potting Permits, and 18 commercial Diving Permits in 2022.
- D&S IFCA has important recreational fishing interests, having issued recreational permits to 313 divers, 539 potters and 64 netters (2022).
- D&S IFCA has the lowest level of funding of all mainland IFCA's.<sup>2</sup>
- D&S IFCA has the second lowest number of staff members of all mainland IFCA's.<sup>2</sup>

### 3.2 Understanding Fishing Methods

Understanding different fishing methods is advantageous for Members of the Authority. Seafish (the public body supporting the seafood industry) have produced a comprehensive guide to commercial fishing methods. The publication includes illustrations and descriptions of commonly used fishing methods and can be downloaded using this [link](#).

### 3.3 D&S IFCA's Vision

In October 2020 the Authority agreed to a shared vision for our work and district:

*We believe in shared responsibility for the health and benefits of the marine environment and uphold our duties, now and in the future. We will be proactive in our management to restore and recover marine ecosystems, habitats and species. We envisage that the waters, under our authority, will support sustainable fishing practices serving local, national and international communities. We will innovate, and champion the use of technology, the delivery of low impact fisheries and the UK Government's 'Net Zero' by 2050 carbon target. We embrace co-management and will drive change in inshore recreational and commercial fisheries, recognising their social and economic benefits, and securing a future for sustainable fishing in the coastal belt.*

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<sup>1</sup> Defra Report on IFCA's' Conduct and Operation 2014-2018 – December 2018

<sup>2</sup> Correct as of 2022



To achieve this vision, we need Authority Members to engage fully in the work of the D&S IFCA, and to recognise the importance of this regulatory body for the inshore fishing industry and for marine sustainability.

The General Members bring expertise and connections across the marine, fishing and environmental sectors. The Elected Members are the vital connection between communities, Local Authorities and the IFCA. It's through the Elected Members that people living in Devon, Torbay, Plymouth, Somerset, North Somerset, Bristol, South Gloucestershire, and Gloucestershire can be represented in D&S IFCA's decision-making. Alternatively members of the public can engage directly with D&S IFCA's Officers or through its consultation processes.

### 3.4 Statutory Duties

IFCAs were established under the Marine and Coastal Access Act 2009 (MaCAA). The following sections from the Act outline the duties of D&S IFCA.

#### S.153 Management of Inshore Fisheries

- (1) The authority for an IFC district must manage the exploitation of sea fisheries resources in that district.
- (2) In performing its duty under subsection (1), the authority for an IFC district must –
  - (a) seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way,
  - (b) seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation,
  - (c) take any other steps which in the authority's opinion are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development, and
  - (d) seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.

#### S.154 Protection of Marine Conservation Zones

- (1) The authority for an IFC district must seek to ensure that the conservation objectives of any MCZ in the district are furthered.
- (2) Nothing in section 153 (2) (performing its duties) is to affect the performance of the duty imposed by this section.
- (3) In this section –
  - (a) "MCZ" means a marine conservation zone designated by an order under section 116; (designation of MCZ)
  - (b) The reference to the conservation objectives of an MCZ is a reference to the conservation objectives stated for the MCZ under section 117 (2) (b).

## What does this mean?

The primary duty and power of each IFCA in section 153 of the 2009 Act is to “*manage the exploitation of sea fisheries resources*” in their district. An IFCA can therefore only act in relation to a specific matter, including making a regulatory byelaw, if it can show the matter falls within the power given under s.153 (*intra vires*). i.e. the matter involves the exploitation of sea fisheries resources. If an IFCA cannot show this, then it would be acting outside its powers (*ultra vires*) if it sought to regulate the matter.

When managing *the exploitation of sea fisheries resources* an IFCA must take into account the other considerations set out in s.153(2)(a) – (d) but it can only act on these considerations if they relate to *the exploitation of sea fisheries resources*. A simple example may assist. IFCAs have been asked to act on fertiliser run off from agriculture, as it goes into the rivers and thus into the sea, where it can adversely affect marine life. However, agricultural run-off relates to exploitation of agricultural land, not *the exploitation of sea fisheries resources*, so it would be *ultra vires* for IFCAs to concern themselves with this matter.

### 3.5 Precautionary Principle

In November 2017, the Byelaw and Permitting Sub-Committee (B&PSC) developed an explanation of the Precautionary Principle for publication on D&S IFCA’s website. It can be read in full [here](#). By utilising current systems such as catch reporting and monitoring, together with evidentiary reviews and a Permitting Byelaw system, D&S IFCA can apply an adaptive precautionary approach which is flexible, responds to increased evidence gathering and ensures a proportionate balance between risk and public benefit is maintained. The participation of sea users in this exercise is essential and should be seen as a collaborative exercise between the public and the IFCA in order to improve decision making.

### 3.6 D&S IFCA’s Annual Planning and Reporting

MaCAA requires each IFCA to make and publish a plan at the beginning of each financial year, setting out the Authority’s main objectives and priorities for the year. Due to its limited resources, D&S IFCA has not been able to deliver all of its Statutory Functions, and this is recognised within the Annual Plans.

Authority Members are required to approve the Annual Plan every March. As soon as reasonably practicable after the end of each financial year, D&S IFCA must prepare an Annual Report on its activities in that year.

An internal Annual Report is produced each March and presented to the Authority. A finalised version of the Annual Report is then produced and sent to Defra later in the year.

## Suggested Website Page to Visit

- [Annual Business Plans & Reports Page](#)
- [Website Resource Library \(A\) – Role, Function and Management of the Authority](#)

### 3.7 D&S IFCA's Funding Issues

D&S IFCA has significant funding issues, which, in part, stem from the terms of the Statutory Instrument establishing it. In March 2021, a report "Financial and operational Assessment of Devon and Severn Inshore Fisheries and Conservation Authority V1.8" was provided to Defra. There has been on-going correspondence with Defra and the Chair has encouraged all Members to follow progress, which is updated regularly.

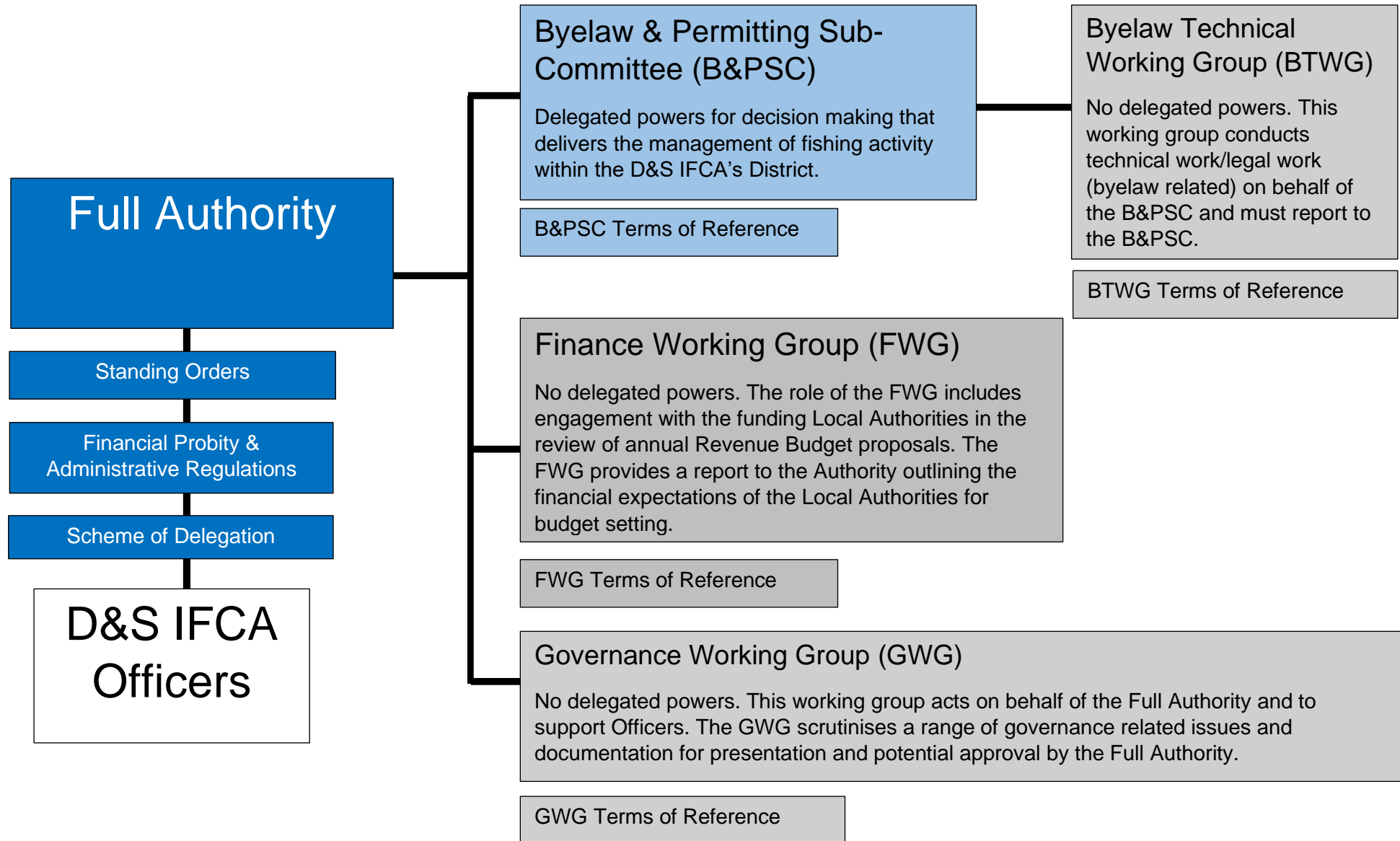
#### **Suggested Website Page to Visit:**

Members' Secure Area – (Login)

[D&S IFCA Funding Issues Page](#)

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### 3.8 Authority Structure



### 3.8.1 The Authority

There are typically **four** Authority meetings each year – March, June, September, and December. Officers prepare papers for decision making and present reports and recommendations from Sub-Committees and the Governance Working Group.

As per the [Standing Orders](#), each year (April to March) a Member must attend no less than 50% of the total number of meetings of the Authority and of the Sub-Committees of the Authority to which they have been appointed.

#### **Suggested Website Pages to Visit & Documents for Reference:**

- [The Secure Members Area – a range of pages](#)
- [Authority Meetings Page](#)
- [Annual Business Plans & Reports Page](#)
- [Latest News & Information Items Page](#)
- [Standing Orders](#)
- [Financial Probity & Administrative Regulations](#)

### 3.8.2 Sub-Committees & Working Groups

The Authority has established one Sub-Committee and three working groups to undertake different aspects of work. Sub-Committees and Working Groups have their own Terms of Reference. Members are encouraged to utilise the different skill sets that they have and join Sub-Committees and Working Groups. The formal Sub-Committee is the Byelaw and Permitting Sub-Committee (B&PSC). Working Groups consist of the Finance Working Group (FWG), the Governance Working Group (GWG) and the Byelaw Technical Working Group (BTWG).

### 3.8.3 Byelaw & Permitting Sub-Committee (B&PSC)

The B&PSC typically has four half-day, in-person meetings per year and meeting dates are set as far in advance as possible. All General Members are invited to join the B&PSC, and the membership also includes at least two representatives of the funding Authorities and representation from NE and the EA. The B&PSC's [Terms of Reference](#) set out the functions which include:

- Reviewing the management of fishing activities
- Reviewing the effectiveness of existing legacy byelaws
- Creating new byelaws and permit conditions
- Reviewing byelaws and byelaw permit conditions

Six Members must attend a B&PSC meeting (at a venue in person) for it to be quorate. The B&PSC has delegated decision-making powers. A separate [guide](#) has been created to explain the work of the B&PSC which also includes the principles governing its work.

### 3.8.4 Byelaw Technical Working Group (BTWG)

The B&PSC created this working group to prepare technical advice, especially in relation to the drafting of byelaws. The BTWG prepares drafts and legal documentation that is relevant to support the work of the B&PSC. The BTWG have their own [Terms of Reference](#) and have no delegated decision-making powers and must report to the B&PSC or the Full Authority. Membership consists of any Member of the B&PSC, D&S IFCA's prosecuting solicitor and selected D&S IFCA Officers. The BTWG meets as required, in person or virtually.

### 3.8.5 Finance Working Group (FWG)

In October 2022, this working group replaced the Finance and General Purposes Sub-Committee. As a working group the meetings can now be held virtually, and all Members of the Authority are invited to join the FWG. The FWG has no delegated powers and its reduced functions consist of the following:

- Engage the Funding Local Authorities in the review the Annual Revenue Budget proposals
- Provide a report to the Authority outlining the Funding Local Authorities' financial expectations to inform the decision making at the Authority's Revenue Budget setting meeting.

The Chief Officer is the Chair of the FWG. This working group is expected to meet approximately one month prior to the Authority's Budget Setting meeting but can meet as and when required. Support is provided to the FWG by Devon County Councils (DCC) Finance Officers and D&S IFCA's Officers. The FWG's [Terms of Reference](#) can be viewed by using the link.

### 3.8.6 Governance Working Group

All Governance Working Group (GWG) meetings can be held virtually and all Members, including those representing the funding Authorities, are encouraged to join the GWG. Although the GWG has no delegated powers, the Group supports the work of the Authority and has its own [Terms of Reference](#). The GWG leads on governance improvements across the IFCA, supports Members gaining a better understanding of the purpose of D&S IFCA and to drive the strategic work of the IFCA. Key functions include the following:

- Develop the overarching strategies to deliver the Authority's vision
- Review the Authority's governance structure and procedures
- Develop the Authority's draft Annual Plans and Reports
- Develop policies on advocacy and communications to improve dialogue with stakeholders

Tasks for the GWG have been broken down and set out in a Governance Working Group Catalogue which helps to track the work programme and report to the Full Authority. The Catalogue will be reviewed and amended by Officers.

#### **Suggested Website Page to Visit:**

- [The GWG Meetings & Information Page](#) (via login)
- [The GWG Catalogue](#) (view when logging in)

### 3.8.7 Schemes of Delegation

The GWG worked with Officers to develop the Scheme of Delegation and in October 2022 the Authority agreed to the Scheme of Delegation. The Scheme of Delegation is divided into different sections including governance, finance, policy, health and safety, general purpose, human resources and managing fisheries and conservation. Each section lists actions/functions and documents who (e.g., the Authority, Sub-Committee, Chair, or Chief Officer) are responsible for the action/function. The document also sets out the policy reference. The [Scheme of Delegation](#) can be viewed by using the link.



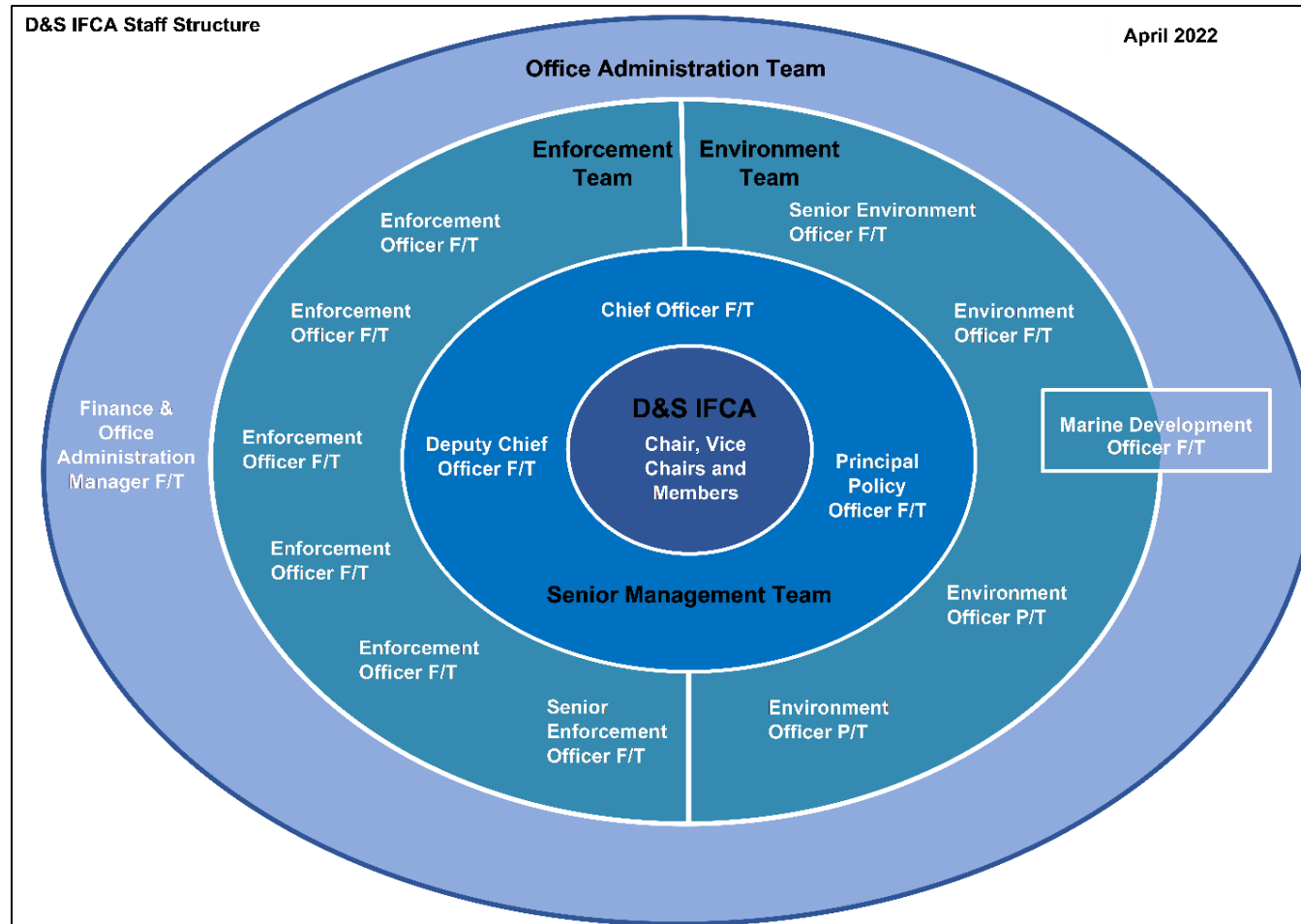
### 3.9 Standing Orders

The Standing Orders set out the rules on how Authority meetings are conducted and can be viewed [here](#). The diagram below demonstrates a debate process. A training presentation for the Standing Orders can be found on the Members' secure area of the website (Members Training Page).



### 3.10 D&S IFCA Officer Structure

The D&S IFCA's office is situated in Brixham and the structure and numbers of its Officers<sup>3</sup> are set out below.



<sup>3</sup> Structure Diagram - April 2022

### 3.11 Internal Functions

Different aspects of internal work are critical for the organisation Authority to function efficiently and effectively. The majority of the internal work is undertaken by Officers (reviews assisted by the GWG) and for some aspects of work D&S IFCA also uses outsourced service providers. Internal work includes:

- Finance (assisted by Devon County Council Finance)
- Human Resources (assisted by Devon County Council)
- GDPR/Data Protection (assistance per topic when required from outsourced providers)
- Health and Safety (guidance provided from outsourced provider)
- I.T. support/ issues/file security (assistance from outsourced provider)
- Communications (support available for specific communications beyond regular working)

### 3.12 Contacting Officers & Members

The contact details of Officers and Members can be found on the website pages below.

#### **Suggested Website Pages to Visit:**

- [Contact Us Page](#)
- [The public facing - Our Members Page](#)
- [The Members' secure area - Members Details Page](#)

## 4. The Role of Members and Support for Members

### 4.1 Representation by Authority Members

Member of D&S IFCA work in a team with others, helping to ensure that the duties of the Authority are fulfilled. Members do this by:

- giving up the time required to attend Authority meetings with the overall commitment being usually no more than one day a month;
- becoming a member of the B&PSC to advise on specific management issues;
- reading papers and preparing for meetings and consulting with others in the community;
- attending training briefings to help you in your role; and
- representing the Authority at other meetings or events where the need arises.

If, as an Authority Member, you are asked to attend an external meeting or event by the Chair or Chief Officer, it is hoped that this will add to the profile of D&S IFCA and its presence on the ground and will help members to provide information and enhanced understanding to Authority meetings. However, there must be clarity on the role of Authority members when attending such meetings.

Before attending such a meeting members must:-

- a. inform the D&S IFCA office;
- b. ascertain whether any D&S IFCA officers will also be attending; and
- c. make reasonable efforts to familiarise themselves with any policy development or other work that the IFCA has undertaken that may be of relevance to the meeting.

D&S IFCA officers are always willing to discuss issues with Authority Members, so Members can approach issues that may potentially be discussed upon an informed basis

When attending such a meeting, members must:

- Make clear whether or not they are speaking upon behalf of the IFCA or are expressing a personal view or preference.
- Disclose any other interests which they may have, such as membership of a fishing or other sea-user community. This is especially important where a matter is being discussed which may give rise to a potential conflict of interest.
- Convey their views in a moderate and professional manner, using reasoned arguments based upon the best available evidence known to them and bearing in mind that once their IFCA affiliation is made known, third parties will judge their conduct in terms of the reputation of the D&S IFCA.

Allowances to attend meetings are available for Members. Members should contact the office to determine what financial support is available.

It is important to emphasise that there is no intention to restrain the interaction of Authority members with third parties, nor to censure their entitlement to express personal opinions. Equally, it is important to remember that once an Authority Member's affiliation to D&S IFCA is made known to third parties, that member becomes a custodian of D&S IFCA's professional reputation.

## 4.2 Supporting you as a member

### *Expenses*

#### **Elected Members Allowances:**

Elected Members attendance and involvement with D&S IFCA are supported by their Local Authorities. Defra provide for up to £5,000 of New Burdens Funding to be allocated to Local Authorities for this purpose.

#### **General Members' Allowances:**

General Members are able to claim an allowance to attend meetings. In addition, travel expenses and subsistence expenses incurred can be claimed. The Chair of the Authority and B&PSC, together with the Vice Chair of the Authority, receive additional payments to reflect their roles.

#### **Payment of General Members' attendance and travel expenses:**

Payment of Members' attendance and allowances should be made by using the D&S IFCA form available in hard copy at all D&S IFCA meetings on request and available to download on the Members' area of D&S IFCA's website.

Members can elect whether to receive their payments by cheque or Bankers' Automated Clearing Services (BACS).

## 4.3 D&S IFCA's Policy, Training for Members & Other Information

D&S IFCA has introduced a range of policy documents that are of relevance to both staff and members of the Authority.

Key policy documents are as follows:

- **D&S IFCA Data Protection Policy**
- **D&S IFCA Data Protection Principles (Privacy Policy)**
- **D&S IFCA Anti-Fraud Policy**
- **D&S IFCA Travel & Subsistence Policy**
- **D&S IFCA Standards on Information Security Policy**
- **D&S IFCA Technology Policy.**

### *Training for Members*

All new and existing Members will receive the Members' handbook and will be invited to attend an on-line training session. Follow on training for Members is provided from time to time. Please speak with the Chair or Officers if you identify a training need to help you fulfil your role.

### **Suggested Website Pages to Visit:**

- [D&S IFCA Policy Documents Page \(secure area\)](#)
- [Training for Members Page \(secure area\)](#)

## 5. Core Work

To endeavour to meet its Statutory Duties as specified in MaCAA, there are different elements to the Authority's core work as follows:

- Environmental Research
- Byelaw and Permitting
- Enforcement

### 5.1 Environment Work

The purpose of D&S IFCA's environment work is to gather evidence about fish stocks and habitats to support our statutory duties. It includes data collection, survey work, habitat ground truthing and research. This evidence gathering answers specific questions and fills knowledge and data gaps relating to fishing and its potential impacts (especially in relation to activities in MPAs); fishing activity levels within the District; fishery stock assessments; and species biology and ecology. D&S IFCA's Environment Team currently consists of two full time Officers, including the Senior Environment Officer, and two part-time Officers.

Environmental evidence supports the decision making of the B&PSC relating to the introduction of fisheries management measures, which can include legislation in the form of Byelaws and changes to flexible Permit Conditions. Since the sale of the Authority's research vessel "Blackjack" in 2021, due to funding constraints, D&S IFCA has had no seagoing research vessel. D&S IFCA works in co-operation with, Universities, marine consultants, members of the fishing industry, and other organisations to conduct research work. Natural

England (NE) gives environmental advice, particularly in relation to MPA assessment work, which also helps inform management decisions.

The Environment Team together with the Marine Development Officer responds to consultations including MMO Marine Licence Applications and EA Permitting applications as well as processing Authorisations under the D&S IFCA Byelaws and Permit Conditions. Additionally, the Environment Team supports the development of Mariculture in the D&S IFCA's District.

#### **Suggested Website Pages to Visit:**

### **Environment & Research Drop Down Menu:**

- [Marine Protected Areas Page](#)
- [Research Page](#)
- [Mariculture Page](#)
- [Fisheries Research & Management Plans Page](#)
- [Partnership Projects Page](#)
- [Marine Environmental Matters Page](#)

## **5.2 Byelaw and Permit Condition Work**

The Authority fulfils its Statutory Duties of managing the exploitation of sea fisheries resources in a number of ways. Management can include the development of voluntary agreements or of new local restrictions (byelaws). D&S IFCA inherited many byelaws from Devon Sea Fisheries Committee and the Environment Agency, and these must be reviewed. As new byelaws are created, by D&S IFCA, the opportunity exists for legacy measures to be revoked

Byelaw work is often a lengthy and complex process which has been delegated, by the Authority, to the Byelaw and Permitting Sub-Committee (B&PSC). General Members are encouraged to join the B&PSC as this Sub-Committee benefits from a mixture of Members who can each offer a different set of skills or knowledge that is then utilised to develop and complete the required work. The work of the B&PSC is often interesting and very satisfying, as its Members are making a real contribution to sustainable fishing and the marine environment.

### **5.2.1 Byelaw Strategy and Principles**

Officers have created a separate [guide](#) that explains more about the work of the B&PSC. The guide also sets out the agreed principles for the byelaw work, which can be reviewed at B&PSC meetings as required. The B&PSC guide explains how Permit Byelaws function. To date D&S IFCA has introduced four Permit Byelaws.

The Authority has a strategy for introducing activity based Permit Byelaws, as the management measures within the Permits can be flexible and adaptive. The B&PSC has established clear principles for byelaw work and recognises advances in technology within byelaw development. In addition to reviewing legacy measures, Members of the B&PSC are also tasked with reviewing flexible permit conditions that can result in potential changes to the permits that are issued to fishers.

Permit Byelaws introduce fees that are payable for each Permit. The fees can only be set to cover administrative costs and not to raise income for the Authority



## 5.2.2 Overview of D&S IFCA Permit Byelaws

All byelaws enforced by D&S IFCA are set out in D&S IFCA's [Byelaw Book](#). This section provides an overview of the following Byelaws

- Mobile Fishing Permit Byelaw
- Potting Permit Byelaw
- Diving Permit Byelaw (for specified species)
- Netting Permit Byelaw

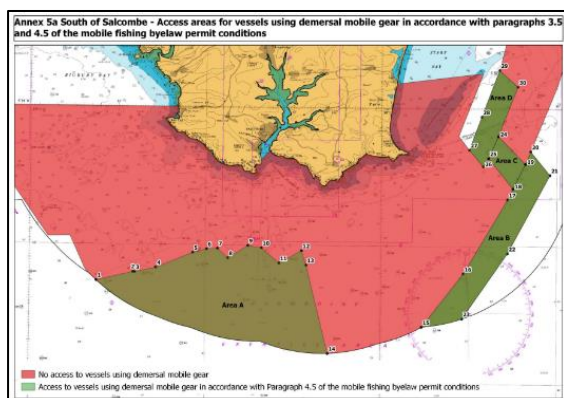
### *The Mobile Fishing Permit Byelaw (and Permit Conditions)*



Mobile fishing gear includes different types of trawling, scallop dredging, and ring netting.

The Byelaw and associated Permit Conditions are limited to the management of these activities. Mobile fishing is not a recreational activity<sup>4</sup> and there is no option for a recreational fisher to acquire a Mobile Fishing Gear Permit to conduct this fishing activity.

There are two types of permits that are issued to fishers, these manage the activity “at sea” (Category One) and “within some estuaries” (Category Two). Estuary activity is small scale and most mobile fishing activity occurs at sea.



The Mobile Fishing Permit Byelaw came into force in 2014 and introduced permit condition categories such as catch, gear, spatial and time restrictions. Charts (Annexes) are used to demonstrate where spatial restrictions apply. Large areas at sea are closed to mobile fishing gear vessels as they are within Marine Protected Areas (MPAs).

Having a fully functioning Remotely Accessed Electronic Monitoring Device (a tracking device - iVMS/VMS) fitted to a vessel is a requirement of a Category One Mobile Fishing Gear Permit.



### *The Potting Permit Byelaw (and Permit Conditions)*

This Byelaw (and associated Permit Conditions) manages the activity of potting which can come in different forms. Potting for crab and lobster is most common; however, “potting” (as defined in the Byelaw) also includes potting for whelk and using traps for cuttlefish.

Two types of Potting Permits are issued, and these are separated by the type of user (fisher), rather than where the activity takes place.

<sup>4</sup> Exception applies for sand eel trawling undertaken by vessels less than seven metres in overall length (in combination with other restrictions).

Permits are therefore issued to commercial fishers (Category One Permit) and recreational fishers (Category Two Permits).

Permit conditions are based around restriction categories such as catch, gear, spatial and time restrictions. Some of the Potting Permit Conditions apply to all fishers and some are tailored towards commercial or recreational fishers. For example, recreational fishers are limited to the use of five pots and have a daily bag limit of shellfish that they can remove from a fishery.

#### *The Diving Permit Byelaw (and Permit Conditions)*



It should be noted that this Byelaw only applies to diving (as defined), when the activity is being undertaken to remove scallop, crab or lobster - the Byelaw can only manage fishing activity. Similar to potting, the two different categories of permit that are issued relate to the user (fisher) – Category One Permit for commercial fishers and Category Two Permit for recreational fishers.

The Permit Conditions set out different types of restrictions – catch, gear, spatial and time. Some conditions apply to all fishers, and some are tailored towards either commercial or recreational fishers. Common restrictions include the size of a crab or lobster that can be removed from a fishery.

#### *The Netting Permit Byelaw (and Permit Conditions)*

The Netting Permit Byelaw defines the types of nets managed under the Byelaw and associated Permit Conditions. A Category One Netting Permit is issued to commercial fishers and a Category Two Netting Permit is issued to recreational fishers. Although some restrictions apply to each user group, there are several permit conditions that are applicable to all. A significant management measure is that fixed nets and drift nets are prohibited in all estuaries within the District. Estuary netting activity is limited, as a permit restriction, to the use of small nets (20 metres in length with a mesh size of a maximum of 20mm) for the capture of sand eel only.

Permits introduce requirements for catch restrictions (Minimum Conservation Reference Sizes) that set out what size a species must be for it to be removed from a fishery. Recreational netters also have a bag limit that relates to specified species set out within a Category Two Permit. Gear restrictions set out a range of mesh sizes that cannot be used and specifying gear marking requirements. Recreational netters are limited to the use of one net at sea which must be tagged and no longer than 25 metres in length.

Annexes (charts) help to explain the different spatial management measures that apply. There are currently five Annexes issued with the Permit Conditions.

In areas at sea where netting is permitted, other restrictions can apply. This includes a series of coastal zones where fixed nets may only be used if the headline is set at least three metres below the surface at any state of the tide. Spatial restrictions can be interlinked with time restrictions.

### 5.2.3 Reviews Byelaws and Permit Conditions:

As with all inherited byelaws, the Permit Byelaws introduced by D&S IFCA are reviewed (typically on a five year cycle). The management measures that are set out within the Permits that are issued under each permit based byelaw are reviewed more frequently.

### 5.2.4 Byelaw Consultations

Each byelaw sets out a process that must be followed if changes to any of the permit conditions are required. The principles developed by the B&PSC include conducting wide ranging consultations and are included within the [Communication Strategy](#). D&S IFCA has built up a large contact database (including permit holders conducting fishing activity) and direct communication is often undertaken using Mail Chimp email circulations. Communication is supported by the website and social media.

The flexibility offered by a permit-based byelaw model has resulted in many reviews and changes to management measures (Permit Conditions).

The participation of relevant stakeholders in this exercise is essential and should be seen as a collaborative exercise between stakeholders, interested members of the public and the IFCA in order to improve decision making. Byelaw work is therefore heavily interlinked with communication and engagement work.

### 5.2.5 Transparency & Reporting

D&S IFCA is fully transparent with information used for decision making and the website is used to publish all B&PSC meeting papers, reports, and minutes from meetings. Byelaw Development Reports document the complete decision-making processes.

### 5.2.6 Flexible Management & Marine Protected Areas

D&S IFCA has introduced [multiple management measures](#), including many relating to the protection of Marine Protected Areas (MPAs). D&S IFCA has 22 Marine Protected Areas, and it is possible that in the future one or more Highly Protected Marine Area (HPMA) will be designated within the District. However, without effective enforcement, designation offers limited protection to MPAs.

### **Suggested Website Pages and links to Documents Relevant to the B&PSC:**

- [Website Resource Library \(B\) - B&PSC Meetings/Papers and Minutes](#)
- [Website Resource Library \(F\) - Impact Assessments and Byelaw Development reports \(Byelaw creation\)](#)
- [Engagement & Have Your Say Page](#)
- [Latest News Page](#)
- [Guide to the B&PSC](#)
- [Guide \(Status & Timelines for Byelaw Work\)](#)

## 5.3 Enforcement

Fisheries regulations must be enforced efficiently and effectively. The Enforcement Team undertakes work as set out in D&S IFCA's Enforcement and Compliance Strategy. These workstreams include enforcing the Byelaws (or permit conditions) implemented by D&S IFCA, which also include restrictions introduced to protect Marine Protected Areas. In addition, D&S IFCA's Enforcement Officers also enforce domestic legislation.

Cases of suspected illegal activity undergo a public interest and evidential test, undertaken by an independent legal adviser adhering to the Code of Crown Prosecutions. This test ensures

that enforcement action is proportionate to the identified risk and in the public interest. Enforcement and Compliance modelling is undertaken using an Intelligence led model achieving a targeted approach. All intelligence reports of suspected illegal activity require investigation and preparation of case files.

Currently (April 2022), D&S IFCA has six full time Enforcement Officers. The enforcement team currently have use of two Fisheries Patrol Vessels. They are Rigid Inflatable Boats (RIBs) that are owned by D&S IFCA, one of which is a 7.8 metre vessel named the *David Rowe* to honour the memory of a former Authority Member, who was the first Chair of D&S IFCA's Byelaw & Permitting Sub-Committee, and the other is a 6.4 metre Tornado vessel, *Enforcer*. D&S IFCA works closely with other organisations including other IFCAs, the MMO, the Environment Agency (EA), Devon and Cornwall Police, Ports and Harbours, and the Border Force (BF). D&S IFCA is committed to the use of new technologies for enforcement purposes, particularly remote technology and endeavours to share assets across other agencies.

#### **Suggested Website Pages to Visit:**

### **Enforcement & Legislation Drop Down Menu:**

- [D&S IFCA Enforcement & Compliance Strategy Page](#)
- [Bass Compliance Direction Page](#)
- [Current Permit Byelaws & Permit Condition Page](#)
- [Temporary Closure of Shellfish Beds Page](#)
- [Investigations Tables Page](#)
- [Enforcement Related Guidance Documents Page](#)
- [South Devon IPA – Trawling & Crabbing Chart Page](#)
- [Exemptions to Byelaws Page](#)
- [D&S IFCA Byelaw Book & Minimum Conservation Reference Size Page](#)

#### **Version Control/Document Development:**

<b>Date</b>	<b>Version</b>	<b>Comments</b>
6 <sup>th</sup> December 2021	0.1	Created using new and previous information from a range of sources. Version 0.1 created for presentation and potential refinement by D&S IFCA's Governance Working Group (GWG), prior to circulation to Authority Members.
March/April 2022	0.2/0.3	Comments and feedback provided by GWG Members - editing to recognise comments of GWG.
5 <sup>th</sup> May 2022	1.0	Induction book finalised by M. Mander, S. Clark & N. Townsend for use by D&S IFCA Members.
27 <sup>th</sup> October 2022	1.1	Amendments by N. Townsend to reflect outcome of Authority meeting in October 2022.

End.