

Byelaw and Permitting Sub-Committee (B&PSC) Report Officers' Recommendation

That Members note the content of the Officers' Report.

The last two B&PSC meetings were held on 31st August 2023 and 16th November 2023. The finalised minutes from the August B&PSC meeting and the draft minutes from the November B&PSC meetings are published on D&S IFCA's website.

Review of the Netting Permit Conditions

At the August B&PSC meeting, Members agreed to a series of proposals to be set out in a formal public consultation. One of the six topics (topic 1) related to the opening of a net fishery in Salcombe Estuary. The November B&PSC meeting was used to discuss and establish the Members' rationale relating to topic 1, and to agree on some specific management measures to be set out in the formal public consultation.

The formal public consultation began on 1st December 2023 and has generated huge interest. A combination of communications and differing places to find information has informed people about the formal public consultation. This has included D&S IFCA's direct circulation of information, use of D&S IFCA website and Facebook, but also BBC TV, newspapers, social media forums, word of mouth and by following news produced by the Angling Trust.

Officers will produce a report for the Members of the B&PSC. The purpose of the report will be to summarise the large volume of responses received. The report will focus on all six topics set out in the formal consultation. The report will aim to blend responses together to best demonstrate the key themes raised in responses from both individuals and organisations.

The next B&PSC Meeting – 22nd February 2024

The next B&PSC meeting will take place on Thursday 22nd February 2024 at Exeter Racecourse and begin at 12.00 hours. Members of the B&PSC will receive a package of information to inform discussion and decision making relating to the proposals set out in the formal public consultation. The summary of response report and other information, which will include Officers' recommendations, will as is normal practice be available for the public to view on D&S IFCA's website.

Public Attendance and Questions from the Public:

Officers are aware that there is considerable interest from members of the public to attend and observe the next B&PSC meeting; however, this could result in a logistical difficulty. The meeting room has a capacity of 35 people, but this capacity includes D&S IFCA's Officers and Members of the B&PSC. Officers have worked with the Angling Trust on some communications regarding this matter. Officers anticipate that a mixture of organisations will send representatives to observe proceedings, including representation from the Angling Trust.

At the February B&PSC meeting, there will be questions from the public for the Members of the B&PSC. There is a formal process for the public to submit questions and the Angling Trust have kindly assisted D&S IFCA to explain this part of the process within their own news posted on their website. The Angling Trust has its own list of questions that may cover a range of questions that many in the recreational angling sector would like to be submitted.

Mobile Fishing Permit Conditions

On 16th November 2023, Officers informed Members of the B&PSC about the decision making of the Inshore Potting Agreement Committee (IPA Committee). The decision making of the IPA Committee has a bearing on D&S IFCA's management of mobile fishing and has resulted in a need to amend the existing Category One (at sea) Mobile Fishing Permit Conditions.

The IPA Committee determined that there will be a change to the Licence Condition relating to the IPA, and therefore management measures within the Licence Condition. Without an amendment, the D&S IFCA Mobile Fishing Permit Conditions would no longer be aligned with the Licence Condition. The Permit Conditions and the Licence Condition must harmonise, or an ultra vires situation would exist. The Permit Conditions cannot be less restrictive than national legislation.

The Mobile Fishing Permit Byelaw sets out a process (Review Procedure) that must be followed to make changes to the Permit Conditions. Therefore, there must be a consultation on the changes to the Category One Permit Conditions. This formal consultation began on 12th December 2023 and ends on 19th January 2024.

In this scenario, the formal consultation is effectively a notification that a change will be made, however any responses will be collated and reported to the B&PSC. In discussions relating to development of a new Mobile Fishing Permit Byelaw, the B&PSC has recognised a need to address this issue of consultation versus notification. An amended review process is set out in the proposed new Mobile Fishing Permit byelaw 2022, still in a quality assurance phase with the Marine Management Organisation.

Byelaws – Quality Assurance by the MMO

In late May 2023, packages of information (proposed Byelaws, Impact Assessments, proof of advertising, minutes of meetings, proposed Permit Conditions) were provided to the MMO (byelaw review/legal team).

On 3rd August 2023, the MMO provided feedback on the proposed Size of Fishing Vessels Byelaw 2022 and the accompanying Impact Assessment. Before the submission package for Defra is finalised, the MMO recommended changes to both the Byelaw and the Impact Assessment. D&S IFCA Officers analysed the comments and discussed the feedback with the MMO's byelaw review team. The Byelaw and the Impact Assessment were amended; however, these changes have not impacted on the objectives of the Byelaw, including the scope of the exemptions clause. An MMO endorsed submission package has been sent to Defra with a view to the Byelaw being signed by the Secretary of State.

In December 2023, the MMO provided comments relating to the Mobile Fishing Permit Byelaw 2022. D&S IFCA Officers analysed the comments and discussed the feedback with the MMO's byelaw review team in early January 2024. Re-drafting work is required to ensure consistency with the Size of Fishing Vessels Byelaw, and on-going work will involve further discussion with D&S IFCA's Byelaw Technical Working Group. The B&PSC will be kept informed about developments.

Background Papers

- B&PSC papers
- B&PSC reports
- Minutes from B&PSC meetings

(All are available within Section B of the [D&S IFCA Website Resource Library](#))

End.