



Members' Handbook

For Induction and Reference

August 2025

Version 1.2

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Version Control

Version 0.1 to 1.1 (December 2021 to October 2022): Introduced following a review of previous edition by D&S IFCA's Governance Working Group (now disbanded).

Version 1.2 (July/August 2025): Handbook updated by Officers - inclusion of terms and conditions and other relevant updates applied.

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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 (representatives from Natural England and the Environment Agency) that compose the Authority. A full list of Authority Members can be viewed [here](#).

1.1 Making Use of this Handbook

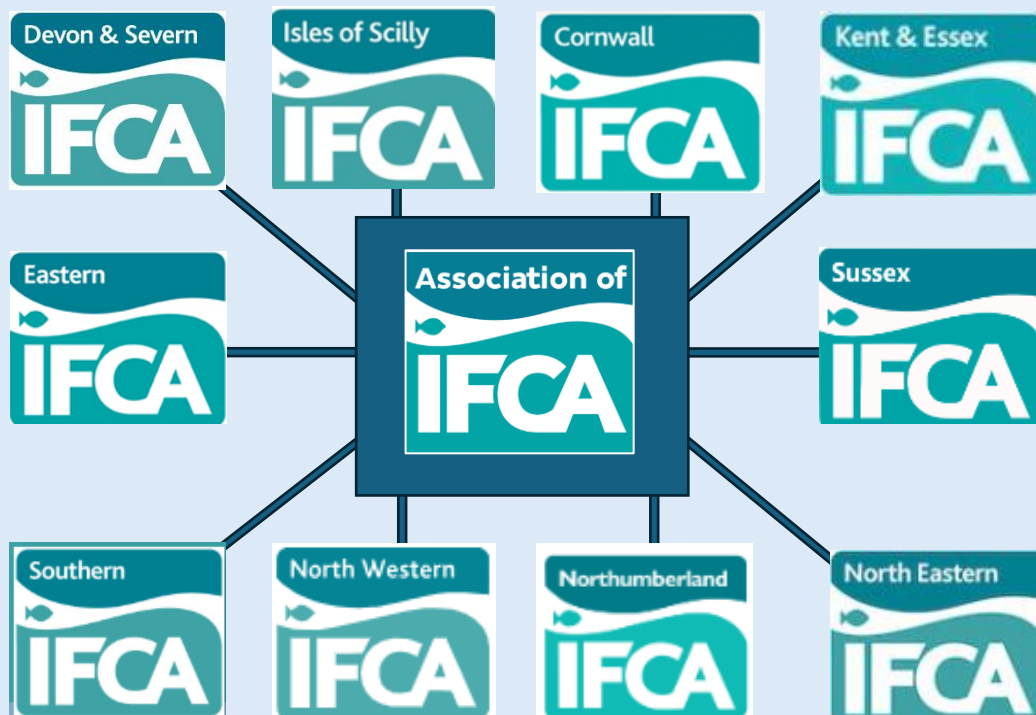
This handbook contains a broad range of information that is of use for both new Members of the Authority and longer standing Members. The handbook includes hyperlinks to additional information and specific D&S IFCA's website pages.

1.2 Keeping Yourself Informed

Whilst Officers are always contactable to provide you with information about the work of D&S IFCA and details of planned IFCA meetings, the D&S IFCA website can also help to keep you informed. The range of information available on the website, and how best to use the website, is highlighted throughout this Members' handbook.

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. There are ten IFCAs in the UK.



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](#).

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 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.

IFCA Mission Statement (All IFCAs)

“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”

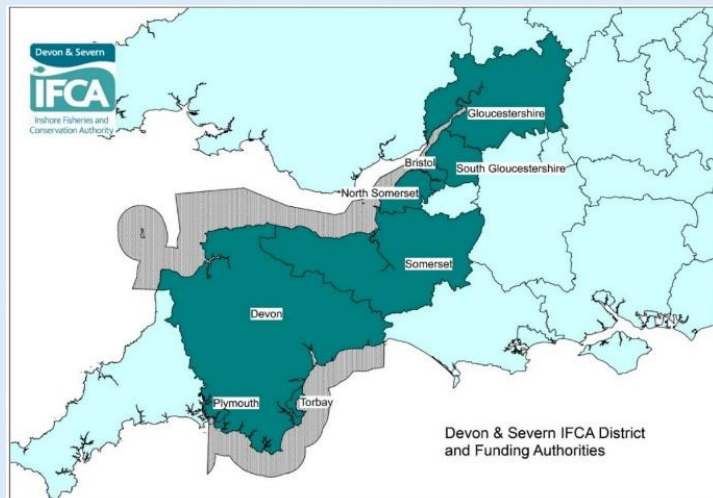
3. Focus on D&S IFCA and Our District

3.1 Who We Are:

Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA) was created by the UK Government. In terms of area, D&S IFCA is the largest of the ten IFCAs' districts and has two separate coastlines.

The area of the District is 4,522km² and is defined in the Statutory Instrument (2010 No. 2212).

D&S IFCA's District includes the areas of Devon, Somerset, and Gloucestershire County Councils; Bristol and Plymouth City Councils; North Somerset District Council, Torbay and South Gloucestershire Councils and all adjacent waters out to six nautical miles offshore or the median line in the Bristol Channel with Wales.

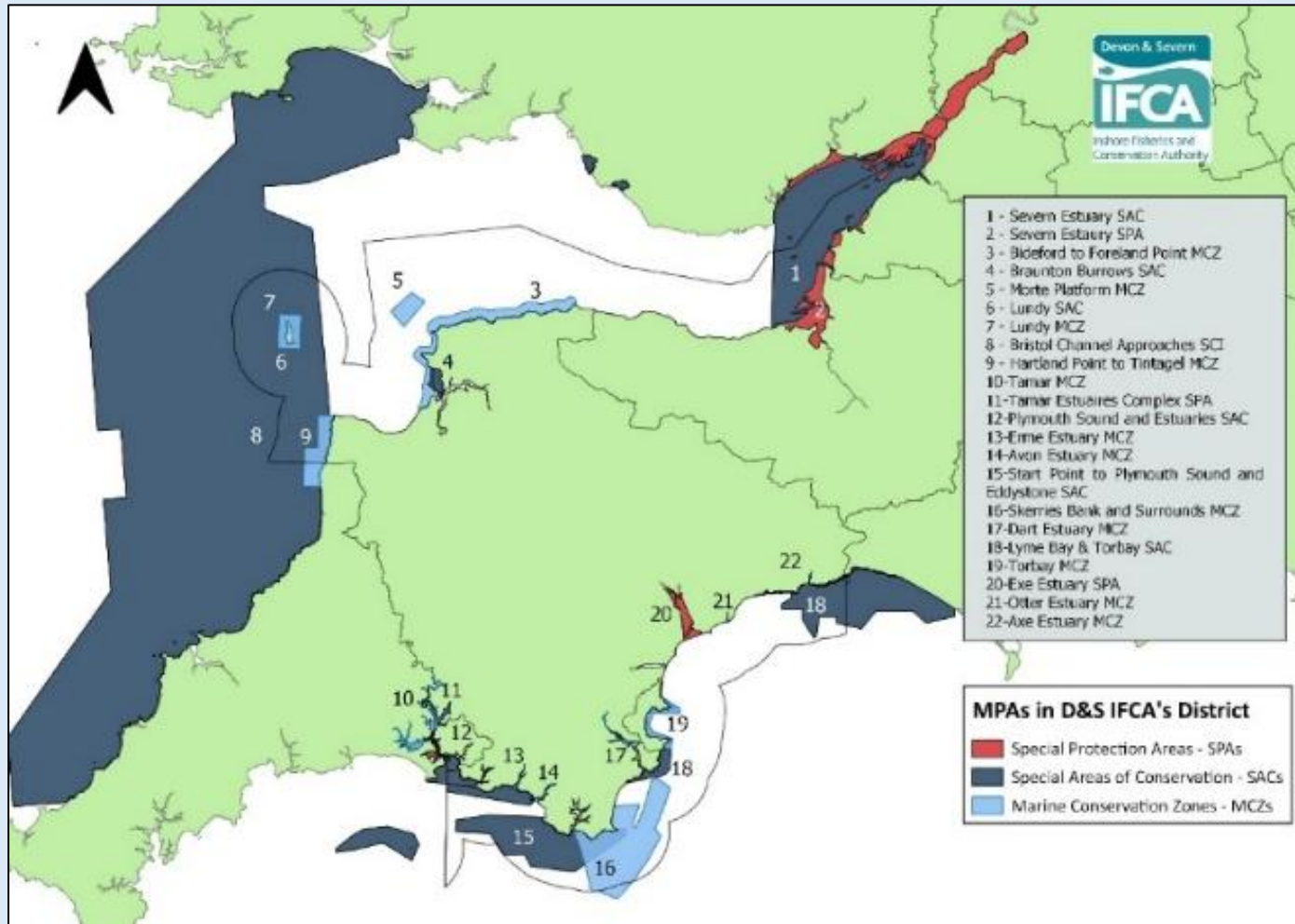


3.2 Two Coastlines:

The fisheries and marine environment are markedly different on the two coasts. The north coast of the District from Somerset to the east up the Severn estuary is characterised by significant tidal ranges, large amounts of suspended sediment, and extensive mudflat habitats that support a range of different types of net fisheries and significant recreational angling. The Devon coasts and estuaries in contrast are known for their diverse fisheries including significant pot fisheries, the largest mobile fishing fleet operating in any IFCA District and an extensive network of Marine Protected Areas.

3.3 Marine Protected Areas

Within the D&S IFCA's District there are currently twenty-two MPAs: ten European Marine Sites (SAC, SPA); four Tranche 1 MCZs; two Tranche 2 MCZs and six Tranche 3 MCZs. These MPAs cover 42.39% of the D&S IFCA's District.



The MPA site designation of and conservation advice for the features are aimed at reducing the potential destruction, damage, or reduction in distribution of marine species and/or habitats.

The designated MPA area with the D&S IFCA's District covers 1,914.35 km², of which 1,100 km² is currently closed to demersal fishing gear to protect the sensitive features, which equates 57.39%.

Of the remaining 814 km² within MPAs, a large proportion is designated for non-benthic species such as the harbour porpoise in the Bristol Channel Approaches SAC. Sixty-eight percent or 1,302.26 km² of the designated MPA area are subject to management measures for the protection of sensitive habitats and species (including spiny lobster).

3.4 Main Duties

The Marine and Coastal Access Act 2009 (MaCAA) sets out D&S IFCA's duties. D&S IFCA must manage the exploitation of sea fisheries resources in its District. Managing fishing activity includes the enforcement of fisheries legislation.

3.5 Metrics

District

- D&S IFCA has the largest District with 4,522 km² 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 km²) of its sea area.

Management

- 1100 km² of the designated MPA area (1914.35km²) is currently closed to demersal fishing gear to protect the sensitive features
- D&S IFCA has introduced 58 (or more) management measures to help protect these MPAs

Fishing Activity

- 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 other significant commercial fisheries and on 31st March 2025 there were a total of 1286 valid permits issued to fishers. 447 of these permits were for commercial fishers. This included 134 commercial Netting Permits, 178 commercial Potting Permits, 118 commercial Mobile Fishing Permits, and 18 commercial Diving Permits.
- D&S IFCA has England's largest mobile fishing fleet (demersal and pelagic trawlers, and scallop dredgers) operating in its waters.
- D&S IFCA has two of the three largest landing ports in England i.e. Brixham and Plymouth.

Resources

- D&S IFCA has the lowest level of funding of all mainland IFCAs.
- D&S IFCA has the second lowest number of staff members of all mainland IFCAs.

3.6 Funding

D&S IFCA has faced financial difficulties since its inception in 2011.

D&S IFCA is funded by Local Authorities and Defra. The funding from Defra includes a contribution to the Revenue Budget that is called “new burdens funding” (NBF), and this fixed amount has been provided each year to D&S IFCA since it was created.

Unique among IFCA's, the total levy from the five Somerset and Severn Local Authorities continues to be supported fully by New Burdens Funding provided by Defra. No local taxpayers' money from these Local Authorities has ever been used to support D&S IFCA's Revenue Budget.

D&S IFCA Funding Authorities

- Devon County Council
- Torbay Council
- Plymouth City Council
- Bristol City Council
- South Gloucestershire Council
- Gloucestershire County Council
- Somerset Council
- North Somerset Council

Financial and Operational Assessment of Devon and Severn Inshore Fisheries and Conservation Authority (March 2021)

This report includes the following and can be read in full by clicking [here](#).

- a) Origins of the financial difficulties
- b) D&S IFCA budget setting and New Burdens Funding (NBF)
- c) Inadequacies in the funding structure and administration (of NBF)
- d) Funding and D&S IFCA's Metrics
- e) Cost saving and efficiencies
- f) Use of D&S IFCA's reserves.

In addition to the new burdens funding additional funding from Defra was made available through the 2021 Spending Review to deliver three national workstreams. This additional funding had been used to offset the amount levied on the funding Local Authorities.

A three-year financial plan (2025/2026 – 2027/2028), that identified the scale of the crisis facing D&S IFCA, was produced for D&S IFCA Members in January 2024 and provided to the Minister and Defra in February 2024.

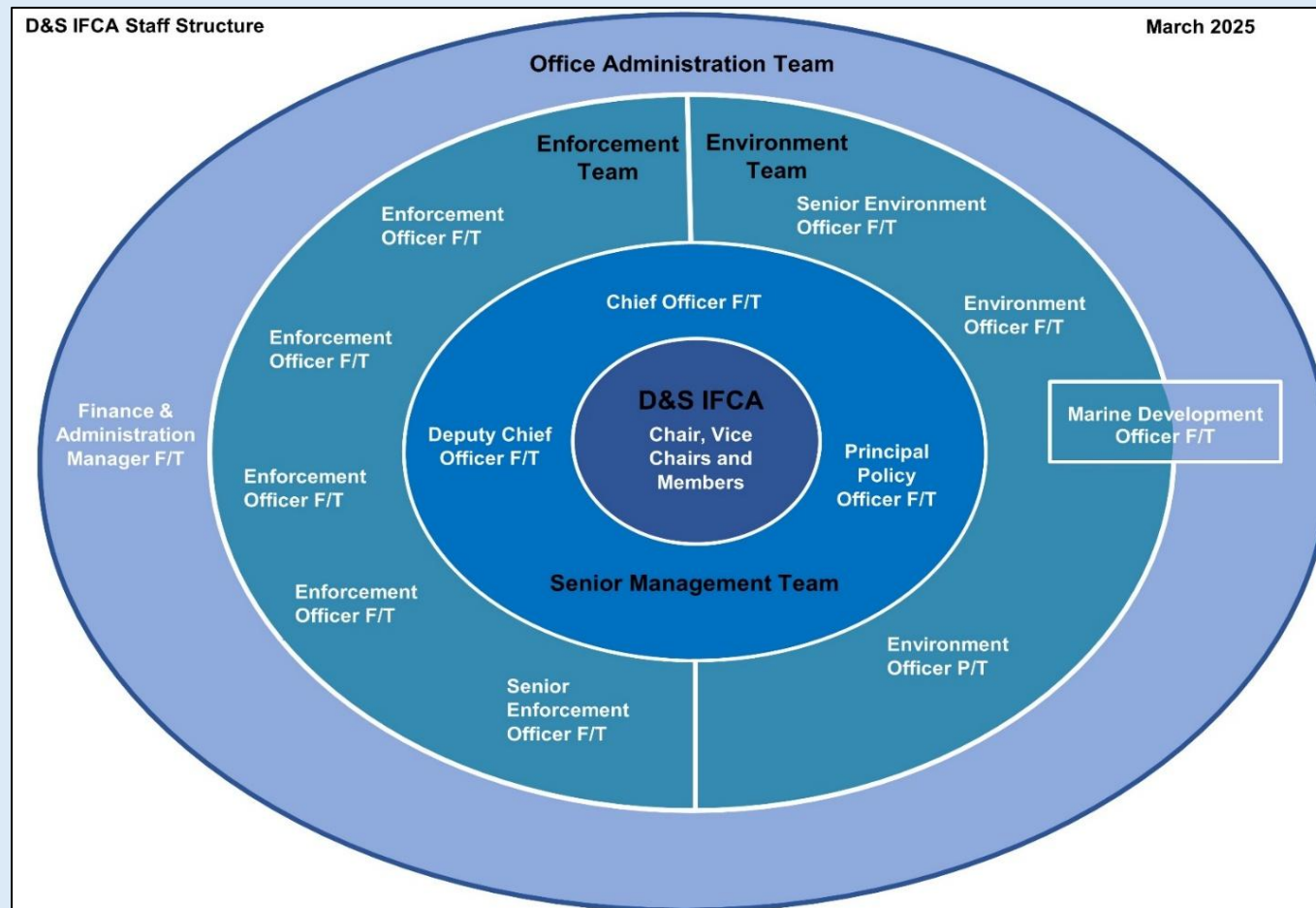
The medium-term financial plan from January 2024 identified that the deficit between the operational budget requirement and total levied on Local Authorities was forecast to be £184,177 in 2025/2026. Even if the reviewed levy contributions resulted in all NBF being received by D&S IFCA, it was acknowledged by Defra that this would not resolve D&S IFCA's financial crisis.

The Chair of the Authority continues to highlight the financial crisis to Defra and (in 2024/2025) Defra has confirmed that it has engaged with D&S IFCA's funding Local Authorities and that it intends to continue discussion with the Local Authorities in 2024/2025 (and beyond) to seek a revised funding structure for D&S IFCA.

Members receive updates on the funding crisis at regular intervals.

- **D&S IFCA's Revenue Budget for 2025/2026 was set at £956,100.**
- **At this time this is the lowest Revenue Budget of the nine mainland IFCA's.**

3.7 Resources/Staff Structure



Photograph above: D&S IFCA's Fisheries Patrol Vessel "David Rowe".

- One Office – based in Brixham
- One 7.8 metre Fisheries Patrol Vessel (above)
- 12.5 FTE Officers

In 2023 two Officers (1.5 FTE) resigned from D&S IFCA. These Officers have not been replaced as there has been a recruitment freeze since June 2023.

D&S IFCA does not have a dedicated research vessel. Instead, other vessels are chartered such as Cornwall IFCA's research vessel or on occasions fishing vessels. D&S IFCA makes best use of technology for its work. This includes vessel monitoring for mobile fishing vessels. The Authority supported the purchase of a drone to assist with enforcement work, and where possible environment work (for example mapping of shellfish beds).

3.8 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.

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.

3.9 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 IFCA 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.

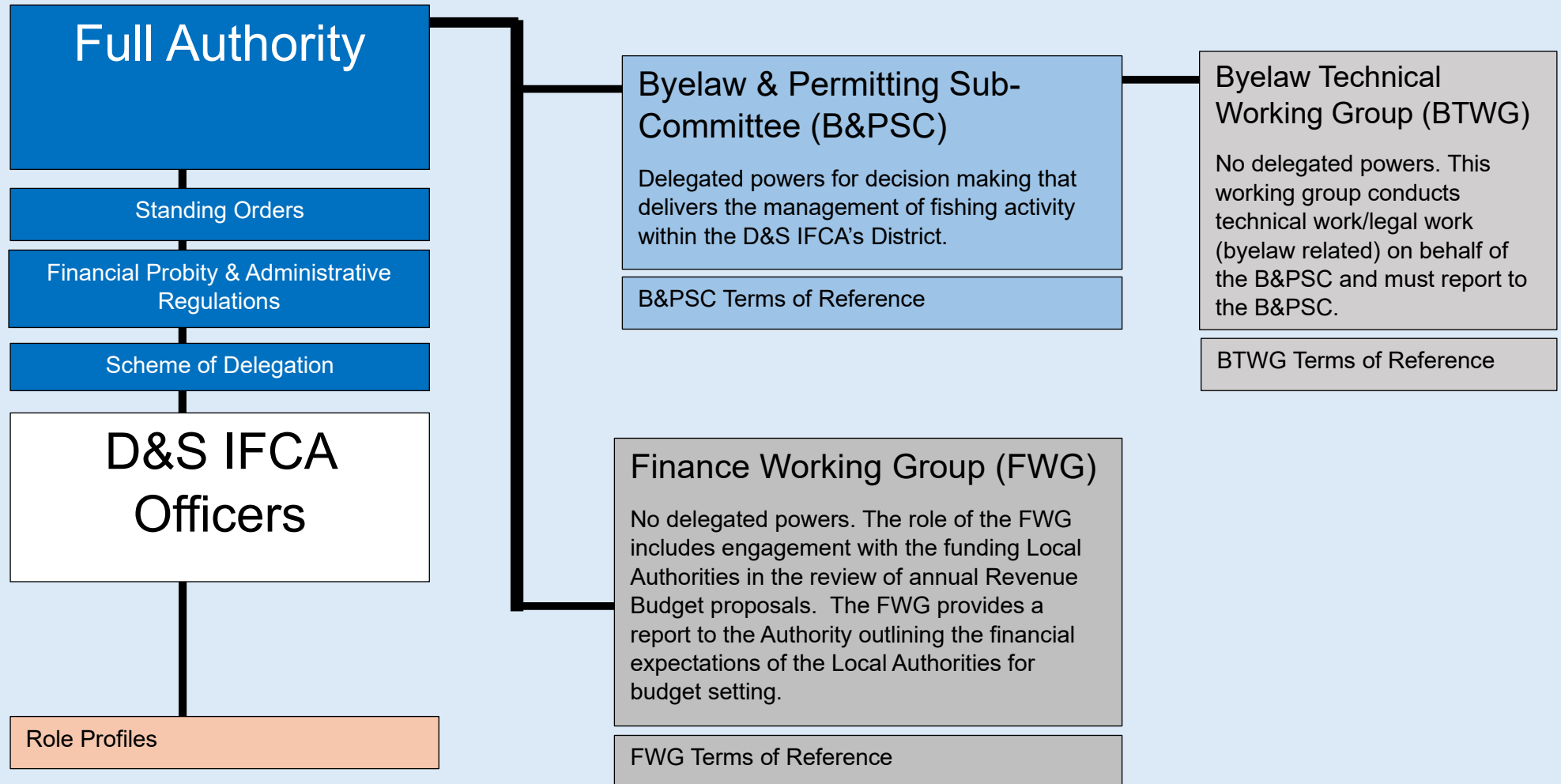
3.10 Precautionary Principle

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](#). The content of the explanation is being reviewed (2024/2025) and may be amended soon.

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.

The above text highlights the B&PSC; therefore, the next section of the handbook examines how the Authority is made up (its structure) with Sub-Committees and Working Groups and also the roles and responsibilities.

3.11 Authority Structure



3.11.1 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, when required, the working groups.

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. The Standing Orders detail the use of deputies.

3.11.2 Sub-Committees & Working Groups

The Authority has one Sub-Committee and two working groups to undertake different aspects of work. Sub-Committees and the 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 the working groups. The formal Sub-Committee is the Byelaw and Permitting Sub-Committee (B&PSC). Working Groups consist of the Finance Working Group (FWG) and the Byelaw Technical Working Group (BTWG).

3.11.3 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 includes representatives of the funding Authorities and representation from Natural England (NE) and the Environment Agency. 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 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 is due for updating). The Byelaw guide also includes the principles governing its work. The additional guide is available on request.

3.11.4 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.

3.11.5 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.

3.11.6 Standing Orders

The Standing Orders set out the rules on how Authority meetings are conducted. The Standing Orders are reviewed each year by the Authority and amended as required. A training presentation for the Standing Orders can be found on the Members' secure area of the website (Members Training Page), with details how to access this area of the website available by contacting Officers.

3.11.6 Schemes of Delegation

In October 2022 the Authority agreed to the Scheme of Delegation, which were updated in 2025. 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.

3.12 Meetings & Other Information – Keeping Yourself Informed

Officers send Members information about meetings and agendas and papers that Members need for the meetings. Papers are sent as word or pdf attachments in emails; however, Members can request hard copies if they wish. The website is a good place to access papers and agendas for all Authority and B&PSC meetings. **Section B of the website Resource Library** contains the Standing Orders, the Financial Probity & Administrative Regulations, the Scheme of Delegations, and all Terms of Reference for the Sub-Committees and working groups. Dates of forthcoming meetings are posted on the "Authority & B&PSC Meetings" page. Links to the website are set out below:

- **Website - [Authority Meetings Page](#)**
- **Website - [Resource Library – Section B](#)**

3.13 Annual Plans and Annual Reports

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.

3.14 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, with reviews of documentation assisted by Members (in particular the Chair, Vice Chair and Chair of the B&PSC). 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/P.C issues/file security (assistance from outsourced provider)
- Communications (support potentially available for specific communications beyond regular working)

4. 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
- Enforcement
- Byelaw and Permitting/Byelaw Review

4.1 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 one part-time Officer. The Deputy Chief Officer supports the work of the Environment Team, as does the Marine Development Officer.

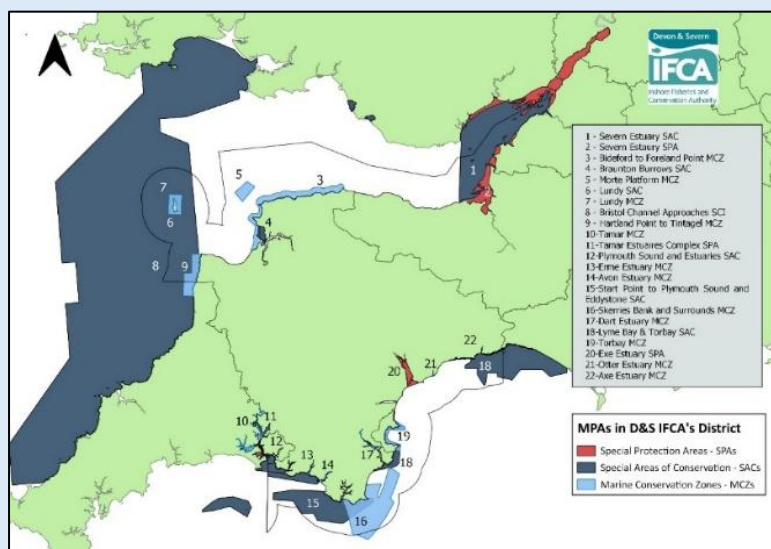
Environmental evidence supports the decision making of the B&PSC relating to the introduction and review of fisheries management measures, which can include legislation in the form of Byelaws and changes to flexible Permit Conditions. Since the sale of the Authority's research vessel "Blackjack" in 2021, 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 (Exemptions) 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.

4.1.1 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.



4.2 Enforcement Work

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. A website page (form) helps to collect intelligence.

Currently (August 2025), D&S IFCA has five full time Enforcement Officers. The enforcement team currently have use of one Fisheries Patrol Vessel (right) 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. 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.

4.3 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 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).

In April 2024 Officers produced a Members' Familiarisation Booklet (and presentation) to help all Members get a deeper understanding of Byelaws and Permit Conditions and the processes followed to make new Byelaws or amend Permit Conditions.

- **Members can request the Members Familiarisation Booklet any time by contacting Officers – it is recommended reading for B&PSC Members.**

4.4 Byelaw Strategy and Principles

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 permit conditions 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. Focus on the B&PSC & Byelaw Work

All Members, in particular 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. Appointments are typically made to the B&PSC in the Authority Annual General Meeting (AGM) each year, although there are opportunities for new Members to be appointed to the B&PSC in other Authority meetings.

The work undertaken by the B&PSC is reported to the full Authority. On rare occasions the work undertaken by the B&PSC can become decision making for the full Authority. For example, is a key decision is needed, and the first opportunity for that decision is an Authority meeting, rather than a B&PSC meeting. All Officers' papers and the minutes from B&PSC meetings are published on the website. Officers' papers can set out issues, choices, advice, and recommendations to be considered by the B&PSC.

Some of the B&PSC work involves decision making leading to legal drafting; however, the Members of the B&PSC do not need to be experts in law or need to have a broad knowledge of underlying considerations for legal drafting. Legal drafting is handled by another group acting on behalf of the B&PSC called the Byelaw Technical Working Group.

5.1 Understanding Fishing Methods

Understanding different fishing methods is advantageous for Members of the Authority, and in particular the B&PSC. 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](#).

5.2 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 of the handbook provides an insight into D&S IFCA's Byelaws:

5.2.1 Byelaws – Old and New

D&S IFCA inherited byelaws from both Devon Sea Fisheries and the Environment Agency. These are often called “legacy” byelaws. D&S IFCA has a Byelaw Booklet that sets out the inherited byelaws and the new byelaws that have been made by D&S IFCA. The D&S IFCA website (home page) has a display area – a drop down menu for ***Enforcement and Legislation***. One of the choices from this menu is to view the D&S IFCA Byelaw Booklet.

There are over 30 separate inherited Byelaws in place with some applicable to Devon County boundaries, and others relating to specific areas such as the Taw and Torridge or the River Yeo.

Although many of the legacy byelaws are dated, in terms of their construction and language, the legacy byelaws serve a purpose. There are reasons why we have not revoked some of them and the legacy byelaws can and do work in combination with newer byelaws for our management of fishing activity.

When the B&PSC considers the development and making of new byelaws, revocation of older byelaws can be considered. The legacy byelaws are different to permit-based byelaws in how they function, and for this brief insight, it is good to think of these as “***stand-alone***” byelaws. The stand-alone byelaws focus on one particular topic, for example maximum size of a fishing vessel, or one closed area for a particular fishing activity.

5.2.2 Exemptions to Byelaws

It is possible for the Chief Officer to provide exemptions for Byelaws, but only providing the legislation enables this to take place and only for stated purposes in any relevant exemptions clause. Exemptions are often issued to enable scientific work to be undertaken, that without the exemption would be illegal. D&S IFCA introduced an Exemptions Byelaw that covers most existing Byelaws with exemptions being able to be issued for scientific, stocking, or breeding purposes. The advice from Defra is that all new Byelaws should now have their own independent exemptions clause. The Size of Fishing Vessels Byelaw 2022 (introduced in 2024) has its own exemptions clause that was expanded to include maintenance activity.

5.2.3 Byelaw Review Strategy

The Authority agreed to follow an activity-based model for its byelaw review. This became one of the byelaw principles for the B&PSC. Following this approach is interlinked with the development of permit-based byelaws which have some advantages over traditional types of byelaws (stand-alone byelaws). Permit-based byelaws provide greater flexibility as the management measures are set out within permit conditions and are easier to review and change (subject to a formal process) compared to re-making a Byelaw with fixed provisions.

5.2.4 How Permit Byelaws Function

There are two separate parts:

1. The byelaw itself is the framework for the issuing of permits and what they can contain.
2. The permit conditions – these are the management measures for the fishing activity.

Because the byelaw is the framework, it is intentionally as broad as possible. Broad wording in the byelaw enables the permit conditions to have greater flexibility in what they can contain - what can be managed and how it can be managed. Permit conditions must remain within the scope of the byelaw as they extend from the byelaw.

The Byelaw (what it does or can contain)



- Sets out the activity being managed
- Interpretations/definitions
- Exemptions
- Differing types of permits available, & how to get one
- Criteria to gain a permit – who qualifies per type
- The byelaw sets out that a fee will be charged for a permit
- A provision to enable permit conditions to include monitoring technology (specified equipment)
- Provisions to enable us to collect relevant information/data
- A review process (steps to take) for any changes to permit conditions and the fees for a permit
- Offences, revocation, commencement and potentially schedules

The Permit Conditions



- There can be different categories of permit conditions
- Permit categories can separate types of activity or types of user (e.g commercial/recreational fishers)
- The permit conditions also include interpretations applicable to the content of the permits – more focussed interpretations
- The permit conditions set out management measures for the fishermen - for example catch requirements, gear restrictions, spatial conditions and times when certain restrictions apply
- The permit conditions are where requirements such as monitoring of vessels are set out, with the monitoring equipment defined
- The permits are accompanied with annexes – charts that show closed and open areas for different activity

5.2.5 D&S IFCA's Permit Based Byelaws

Introduced Permit Byelaws:

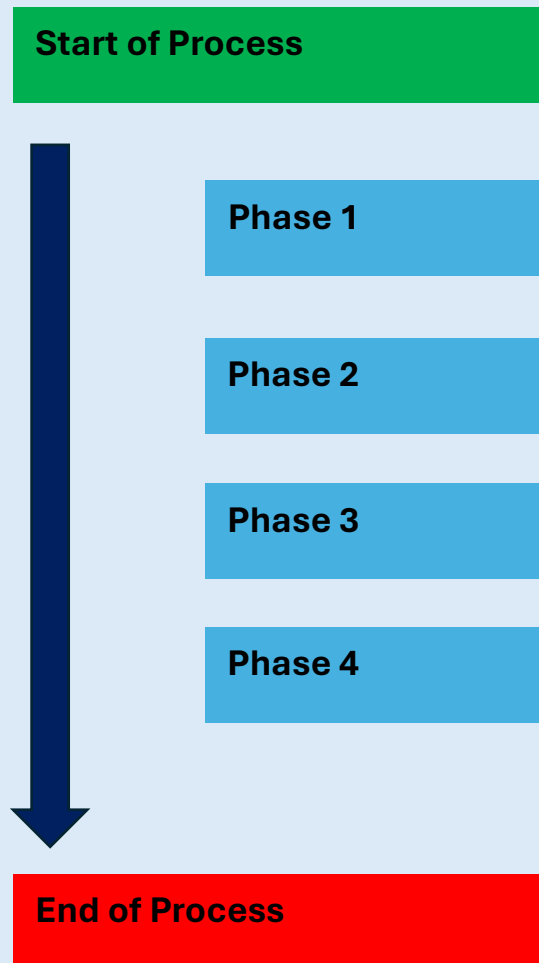
Mobile Fishing Permit Byelaw (2014)	These four permit-based byelaws have enabled D&S IFCA to introduce permits to regulate each of the activities. The Diving Permit Byelaw is slightly different as its scope limits it to diving for scallop, crab and lobster (not just diving for pleasure e.g underwater filming, and not spearfishing for finfish whilst diving).
Potting Permit Byelaw (2015)	The management measures relating to these four types of fishing activity have enabled revocation of 12 inherited byelaws – as the relevant management measures in the revoked legacy byelaws have been absorbed into the relevant permit conditions.
Diving Permit Byelaw (2015)	Permit conditions that sit under three of these permit-based byelaws have been amended more than once. Without the ability to amend the permit conditions we would potentially needed to introduce multiple stand-alone byelaws – that would have been expensive and time consuming. All the permit-based Byelaws, <u>other than Mobile Fishing</u> result in permit conditions being issued to manage <u>commercial and recreational</u> fishers.
Netting Permit Byelaw (2018)	Completing the Suite? The plan to date has been to introduce permit-based byelaws for another two fishing activities (Hand Working Permit Byelaw and Hook and Line Permit Byelaw); however, both are now longer term goals. A considerable amount of time is needed to review (and re-make) the original four permit-based Byelaws, and more time is needed to review the management measures (permit conditions). Each has different processes to follow.

- The Members' Familiarisation Booklet (for Byelaw Work), that is available on request, provides more information about the Permit Based Byelaws – how they are constructed, what they manage, and how the activities are managed. It also sets out the different processes that are followed, with Byelaw Making including the involvement of the Marine Management Organisation (MMO) and Defra (for confirmation) The Members' Familiarisation Booklet (for Byelaw Work) is recommended reading for Members of the B&PSC.

5.2.6 Re-Making Permit Based Byelaws and Reviews of Permit Conditions – Evolving Workstreams

As set out in recent Annual Plans, a considerable amount of work has been undertaken by Officers and the B&PSC in re-making the Mobile Fishing Permit Byelaw. This is on top of making a new Size of Fishing Vessels Byelaw. The Permit Conditions for all methods all must be reviewed at least once every three years as this is set out in the Byelaws. Recent reviews have enabled changes in management for Netting and the introduction of required spatial management (for example managing Marine Protected Areas) for the Mobile Fishing Permit Conditions.

Byelaw making, re-making, or reviewing permit conditions can be a very long process. It may have different phases which will be an unknown number. Sometimes multiple B&PSC meetings are required, potentially at the end of each phase. The decision making of B&PSC influences how work is progressed.



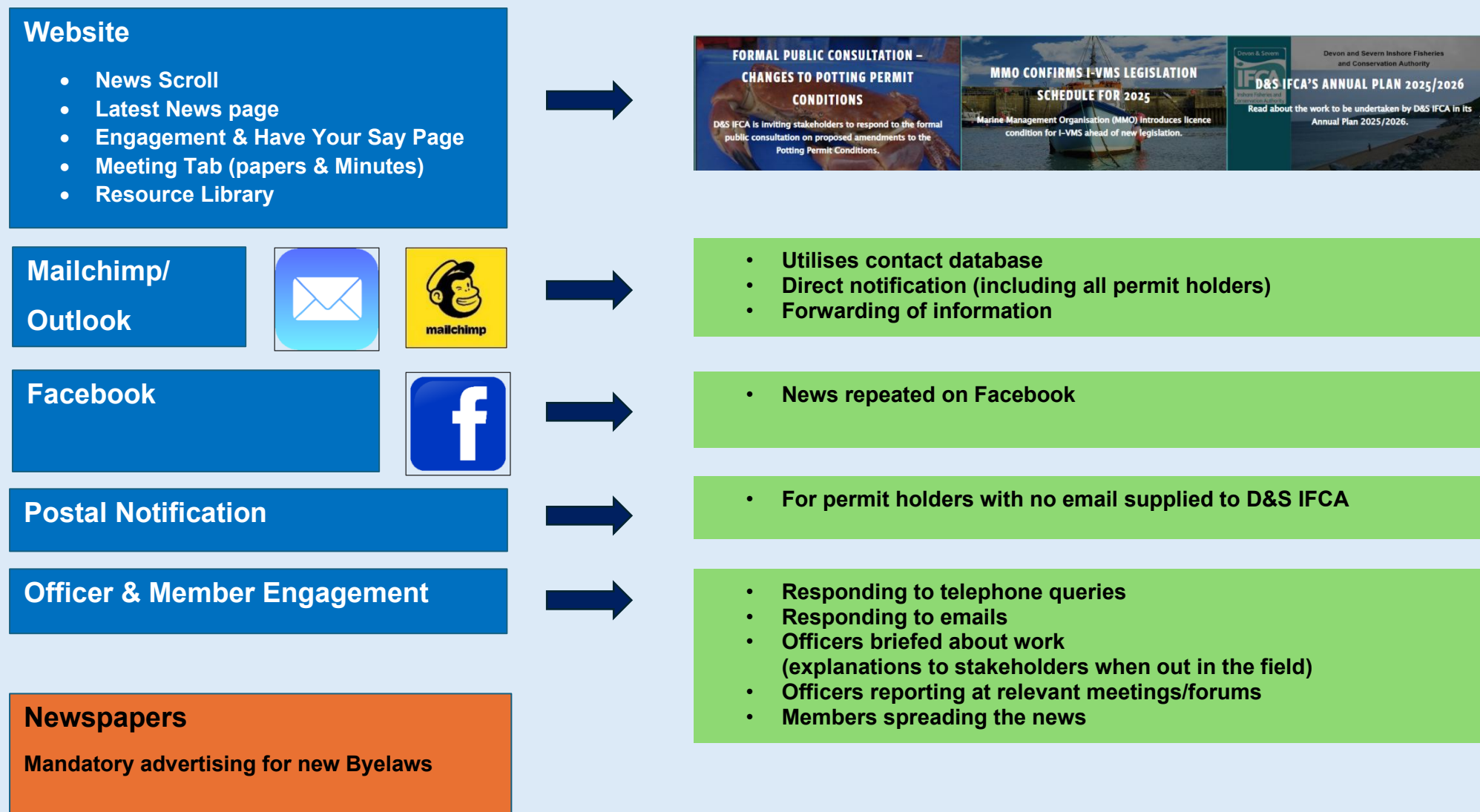
B&PSC Decision Making:

- Decision making relating to different phases drives work forward
- Revisiting discussions or reversing decisions without new information or evidence is to be avoided
- Returning to an earlier phase with no good reason can impact the process
- Consideration regarding “what has changed” is important as the B&PSC and Officers move forward from phase to phase
- What new information or evidence is available to justify a change?
- Consistency with decision making is important
- The minutes of B&PSC meetings demonstrate decision making and influence work as it progresses
- The B&PSC minutes can help Members to catch up on past decision making

Byelaw making and reviews of Permit Conditions follow different processes that are explained in more detail with the Members’ Familiarisation Booklet (for Byelaw Work), that is available on request.

5.2.7 Byelaw Related Communication & Consultation

All byelaw (and permit condition) related communication and consultation work is based on D&S IFCA's Communication Strategy (which at time of writing is under review). All the byelaw related communication work is based more on electronic communication – (Website, Email, Mailchimp) rather than face to face interaction. All our communications are handled internally – D&S IFCA does not outsource its communications work.



6. Transparency and Finding Information

The website provides a platform for Members and stakeholders to access a huge range of information. The website [Resource Library](#) is an interactive publication scheme. The website is divided into different sections – a combination of stored information in the Resource Library, that provides stable links for display pages. The home page includes main tabs, some with drop down menus to reveal sub-pages.

Regarding Authority and B&PSC meetings, information can be found either on the display page – “Authority & B&PSC Meetings” or by visiting Section B of the website Resource Library. Officers can provide guidance on how best to use the Resource Library and display pages.

AUTHORITY & B&PSC MEETINGS	
BYELAW & PERMITTING SUB-COMMITTEE MEETING - 16TH NOVEMBER 2023	+
BYELAW & PERMITTING SUB-COMMITTEE MEETING - 22ND FEBRUARY 2024	+
BYELAW & PERMITTING SUB-COMMITTEE MEETING - 31ST AUGUST 2023	+
FULL AUTHORITY MEETING 21ST MARCH 2024	+
FULL AUTHORITY MEETING 25TH JANUARY 2024	+

RESOURCE LIBRARY »	
BYELAW & PERMITTING SUB-COMMITTEE	
Byelaw & Permitting Sub-Committee / Sub Committee Papers	
SUB COMMITTEE PAPERS	
 Sub-Committee Papers 2018	 Sub-Committee Papers 2017
 Sub-Committee Papers 2019	 Sub-Committee Papers 2020
 Sub-Committee Papers 2021	
 Sub-Committee Papers 2022	 Sub-Committee Papers 2023
 Sub-Committee Papers 2024	

6.1 Exploring the D&S IFCA Website

The main tabs on the home page of the website include “About Us & Our Work” with sub-pages that include “Contact Us” and “Our Members”. The main “Enforcement and Legislation” tab includes sub-pages for “Byelaws”, “Investigations” and the “Enforcement & Compliance Strategy”. The main Environment & Research” tab includes multiple sub-pages to explore. Officers welcome feedback or suggestions how to improve the website (within its functional capability), including information set out in the Members secure area – with login details available on request.

7. The Role of Members and Support for Members

7.1 Representation by Authority Members

Members 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;
- potentially becoming a Member of the B&PSC to advise on specific management issues;
- Potentially becoming a Member of one of the Working Groups
- reading papers in advance of meetings, preparing for meetings, and consulting with others in the community;
- attending training briefings and reading training or familiarisation documentation 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.

7.2 Terms & Conditions (General Members)

General Members are appointed by the Marine Management Organisation (MMO). When appointed the MMO provide General Members with Terms and Conditions that they must sign and return to the MMO. The Terms and Conditions agreed by General Members are set out below:

Terms and Conditions

1. The term of your initial appointment has been confirmed to you separately. Appointees may serve for a maximum of 10 years. Any period of appointment beyond the initial period will be subject to the requirements to maintain a balance of interests and experience on the Authority and will be at the MMO's absolute discretion. Any re-appointment after the initial period will be in accordance with the Nolan principles¹, meaning that it will be based on evidence of satisfactory performance provided under the annual appraisal scheme for General Members. An appointee must continue to be legally eligible for re-appointment.
2. Guidance on the operation of the annual performance assessment scheme is at Annex 1. (please note that Annex 1 is not set out in this D&S IFCA Handbook). All appointees must agree to take a constructive part in their annual assessment. All appointees are expected to achieve satisfactory performance each year.
3. Officers employed by an IFCA will not be permitted to serve on that committee.
4. Appointees to IFCAs are legally required to take into account all the local fishing and marine conservation interests in the waters of the IFCA district, in a balanced way, taking full account of all the economic, social and environmental needs of that district. Appointees should recognise that they are part of a committee and should not regard themselves as representing solely one particular interest within the IFCA district.
5. Details of how the IFCA will operate, the election of chair and vice chair, together with the roles and responsibilities of the committee and its members will be set out in the IFCA standing orders and/or code of conduct for members. All appointees will be required to follow the procedures as set out under these orders. Appointees will be responsible and answerable to the chairman.

¹ Defra has issued formal guidance to the MMO on the exercise of the function of making appointments of IFCA general members. Your appointment has been made in accordance with this guidance which can be found here:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/347493/ifca_appointments_guidance.pdf

6. The committee ordinarily meet each quarter and, in addition it is envisaged that appointees will serve on sub-committees according to the requirements of the IFCA. The attendance of appointees at meetings of the committee, unless prevented by illness or other serious matter, is regarded as a condition of your appointment. Appointees with a poor attendance record, as identified by the IFCA chair or appropriate officer maybe required to stand down from the authority by the MMO in accordance with the guidance at Annex 2 (please note that Annex 2 is not included in this D&S IFCA handbook).
7. Appointees are required to declare any outside interests that may impact in any way on their duties as IFCA authority members. If an appointee is unable to decide whether or not he or she has an interest that should be declared, guidance should be sought from the chair of the committee or the IFCA Chief Officer.
8. Appointees must declare any such interests prior to participation in any discussion of a relevant matter by the committee in order to allow for open and transparent discussions to take place.
9. Where interests are such that a decision to be made by the committee would directly or indirectly affect an interest of you as an appointee (or that of a business or other body in which you have an interest or that you represent), you may only participate in that decision to the extent permitted by the relevant IFCA Code of Conduct. It is recommended that you refer to the IFCA Code of Conduct for further guidance.
10. Appointees must not undermine the credibility of the IFCA. Appointees must not, in their official capacity or in any other circumstances, behave in a manner which could reasonably be regarded as bringing their office, the MMO, the IFCA committee or IFCAs in general into disrepute. Examples might include but are not limited to; misuse of social media, abuse of position, failure to declare a conflict of interest, consistent poor behaviour as an appointee. Breach of this clause could lead to termination of the appointment by the MMO.
11. Where issues relating to the conduct of an appointee cannot be resolved by the committee itself, the matter should be referred to the MMO who will decide in liaison with the IFCA chair (or the MMO representative, if it relates to the chair), if the appointment should be terminated or other action taken. Guidance on how such allegations will be dealt with by the MMO is detailed at Annex 3 (please note that Annex 3 is not included in this D&S IFCA handbook).
12. Any appointee found to have been convicted for an offence or receiving a monetary penalty under fisheries, nature conservation or marine licensing legislation will have their appointment automatically terminated, and will not be eligible for re-appointment. Appointees who are convicted of other criminal offences may have their appointment terminated at the discretion of the IFCA. Any appointee who is arrested for any criminal offence or called to be formally interviewed about a fisheries, nature conservation or marine licensing offence (whether they attend such an interview or not) must inform the Chief Officer of the IFCA within 24 hours of arrest or request for interview. The Chief Officer will notify the MMO and the MMO reserves the right to suspend the appointment at its discretion until the conclusion of any investigation and/or prosecution.
13. Where an appointee is made aware of any conduct by another appointee or other IFCA committee member whom they reasonably believe is not compatible with the duties

and responsibilities of such a committee member, they are required to make a written statement to that effect to the IFCA.

14. Appointments to IFCA's are on a voluntary basis and it will be for IFCA's to decide whether allowances are payable to general members for any reason. As part of annual budget setting processes, IFCA has an opportunity to review the allowances as required.
15. Notification of a resignation - When an appointee wishes to resign from an IFCA committee, a resignation should be submitted in writing to the Chief Officer or other relevant head of service, who will then notify the MMO. The MMO will then be responsible for seeking an appropriate replacement, in co-ordination with the chair of the relevant IFCA committee.
16. All appointees are required to undertake training, as notified by the IFCA or MMO, including induction.

7.3 Supporting you as a Member

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 incurred can be claimed. The Chair of the Authority, the Chair of the B&PSC, and the Vice Chair of the Authority, receive additional payments to reflect their roles.

Payment of General Members' attendance and travel expenses:

Travel claims should be made by using the D&S IFCA form available in hard copy at all D&S IFCA meetings and are available to download on the Members' area of D&S IFCA's website. Members are able to state if they wish to claim any attendance allowance at the start of their appointment.

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

7.4 D&S IFCA Policy, Training for Members, and 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.

All of these documents are available to Members on request, and several can be viewed on the website by visiting **Section D** of the website Resource Library/Data Protection Policy.

Training for Members

All new and existing Members will receive the Members' handbook and will be invited to attend on-line training sessions. 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.

End of Handbook.