

Terms of Reference – D&S IFCA’s Byelaw and Permitting Sub-Committee

Officers’ Recommendation

That the Terms of Reference for the B&PSC, as set out in this Officers’ paper, are agreed by the Authority.

1. Background:

The Terms of Reference (TOR) for the Byelaw and Permitting Sub-Committee (B&PSC) were last examined by the Authority on 19th June 2025. No changes to the TOR were required.

As part of an Agenda Item referring to agreed principles, on 16th October 2025, the B&PSC agreed that Byelaw Making and Byelaw Review Principles be added to the B&PSC TOR as an Annex. On 13th November 2025 Officers applied this change.

2. Officers’ Recommendation

Officers are recommending no changes to the B&PSC TOR. The current TOR are set out below:-

The B&PSC’s Terms of Reference - Transcript

Name

The Committee shall be known as the Byelaw and Permitting Sub-Committee (B&PSC) of Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA).

Membership

The B&PSC may invite all General Members to attend, and membership may include representatives of the funding Authorities and Statutory Appointees.

- The Chair and Vice-Chairs will be ex-officio members of the B&PSC.
- Other members may be co-opted as and when this is considered to be appropriate.
- Any member of D&S IFCA may attend a meeting as an observer.

Quorum

Six members from the total membership are required at any meeting of the B&PSC for it to be quorate and allow voting to take place.

Chairing the Sub-Committee

The B&PSC will appoint a Chair and Vice Chair at its inaugural meeting and at the first meeting following the Annual meeting of D&S IFCA each year thereafter. The Chair of the B&PSC shall not be the Chair of the Full Authority.

Functions

The role of the B&PSC is fundamental to the work of D&S IFCA. D&S IFCA reviews different fishing activities with a view to introducing appropriate management, which can also include the development of new byelaws. The primary function of the B&PSC is to support the delivery of this task, so D&S IFCA is able to complete its functions as set out in Sections 153 and 154 Marine and Coastal Access Act 2009. Core work and functions include:

- a. Reviewing the management of fishing activities
- b. Reviewing the effectiveness of existing legacy byelaws
- c. Reviewing current byelaws, no less than every five years
- d. Reviewing byelaw permit conditions, no less than every three years
- e. Where appropriate make amendments to existing byelaws
- f. Where appropriate make amendments to existing permit conditions
- g. Creating new byelaws
- h. Creating permit conditions to accompany new permitting byelaws
- i. Considering requests for a review of permit conditions
- j. Creating and reviewing policies for the administration of permits
- k. Creating and reviewing non-regulatory policies to support fisheries management
- l. Creating and reviewing guidance to support byelaws and permit conditions

This B&PSC must review information and evidence relevant to the review of management in line with the process set out in any relevant legislation, including any relevant byelaws. The B&PSC must discharge procedural obligations imposed by policy documentation. The B&PSC may consider any other matters referred to it by the Chief Officer or Chair of the Authority.

Delegated Powers

The Authority shall delegate powers to the B&PSC to complete the required functions. Although officers can and will provide technical advice, they will not take decisions at any time.

The B&PSC may delegate, to the Byelaw Technical Working Group, the drafting of legislation and legal documentation to introduce the agreed management measures.

The Chair of the B&PSC, or the Chief Officer in consultation with the Chair, may refer any of the matters set out above to the Authority for determination, where this is in the Authority’s interests.

Role of Members

Members will:

- provide a channel of communication between the B&PSC and their host organisations.
- provide technical expertise and knowledge to the B&PSC to inform and support decision making.
- keep the B&PSC informed of their host organisations’ policy initiatives and position.
- provide support to D&S IFCA’s senior officers in their work for the Authority.
- notify officers if they are unable to attend scheduled meetings.

Members will be expected to play an active and participative role in all business associated with the B&PSC which may include, from time to time, written input.

Frequency of Meetings

It is expected that at least four meetings will be scheduled in advance per calendar year, or as and when required. Additional meetings or emergency meetings can be arranged at a frequency determined by officers in order to undertake the level of work required in order that the D&S IFCA fulfils its legal responsibilities.

Sub-Committee Support

Support will be provided by D&S IFCA’s officers and its administrative support team who will be responsible for collating and circulating agendas, minutes, and all required officer papers to members in advance of meetings. The D&S IFCA website will also be used to display information that is suitable for publication and relevant to the B&PSC meetings.

Annex 1: Byelaw Making and Byelaw Review Principles

The Byelaw Making and Byelaw Review Principles were discussed and agreed at the B&PSC meetings held on 13th June 2024.

1. To fully document the process (Byelaw making and Permit Condition Review);
2. To gather information and evidence regarding potential impacts on stakeholders by the implementation of management, for the purposes of the Impact Assessment;
3. To conduct a well communicated review with wide ranging consultation;

4. To be as open and transparent as possible with information;
5. To consider alternative management approaches to legislation;
6. To remove byelaw provisions which have become irrelevant (Hampton Review);
7. A precautionary stance must be taken where required;
8. To use emergency byelaws only as appropriate;
9. Management of a fishing activity seeks to maximise the social, economic and environmental benefits in the medium and long term on a sustainable basis;
10. To balance the needs of various users and meet conservation duties;
11. To remove illegal fishing activity;
12. To seek the regulation and licencing of all commercial fishing activity;
13. To drive behavioural change to achieve higher compliance;
14. To seek to achieve consistency in management across IFCA boundaries where appropriate;
15. To continue to adopt an activity-based byelaw model;
16. To continue to use permit-based byelaws where appropriate;
17. To not limit the number of permits issued;
18. To adopt full cost recovery for administration for the fees charged for permits;
19. To make legislation easier to understand when possible;
20. To draft legislation to facilitate effective enforcement;
21. To standardise the terminology used where appropriate;
22. To differentiate, where appropriate, between commercial and recreational activities by applying appropriate management measures;
23. To make the best use of technology;

Document History

The B&PSC TOR are reviewed each year at Authority AGM as a repeating agenda item.

Review Date/s	Comments
16 th July 2021	B&PSC TOR adopted by the Authority.
May 2022	B&PSC TOR reviewed by Officers. B&PSC TOR (with no changes) prepared for presentation to Authority Members at the Authority meeting (AGM) – 16 th June 2022.
16 th June 2022	B&PSC TOR adopted by the Authority
15 th June 2023	B&PSC TOR examined by Authority Members at AGM held on 15 th June 2023. Minor amendment to the wording for the membership of the B&PSC.
13 th November 2025	Additions of Annex 1 (principles) to TOR following agreement of the B&PSC at meeting held on 16 th October 2025.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers

Authority and B&PSC Papers and meeting minutes ([Section B of D&S IFCA Website Resource Library](#))

[Authority meeting minutes 19th June 2025](#)

[B&PSC meeting minutes 16th October 2025](#)