

**DEVON & SEVERN
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

Minutes of the Byelaw and Permitting Sub Committee Meeting
Held on 17th August 2017 at Larkbeare House, Topsham Road, Exeter

Present:	David Rowe (Chair)	James Marsden	Simon Toms
	Mike Williams	David Morgan	Richard White
	John May	John Butterwith	Cllr Ellery
	David Cuthbert	Jim Portus	

Also Present: Sarah Clark and Neil Townsend

Apologies: Stephen Gledhill, Rachel Irish, Natasha Barker Bradshaw, Cllr Kelly, Andrew Knights

Introduction

The Chair began by reading out members' apologies and also welcoming Councillor Ellery who was attending his first Sub-Committee meeting. The Chair stated that although delegated powers had now been granted for decision making in the absence of elected members, the addition of new members including both Councillor Ellery and Kelly would strengthen the Sub-Committee membership and the link to the Full Authority. The Chair then focussed on the agenda for the meeting.

1. Election of a Chair and Vice-Chair of the Byelaw and Permitting Sub-Committee

DCO Clark introduced this agenda item. Members were vocal in their appreciation for the work that the current Chair (David Rowe) and current Vice-Chair (John Butterwith) had completed over recent years and could see no benefit whatsoever in a change in personnel. James Marsden requested that the requirement for an annual appointment be recorded in the minutes. Members encouraged both David and John to stand once again if they wished to. Mike Williams requested that the minutes reflect members' appreciation for their efforts and the formal vote used to also demonstrate members' appreciation for past working of both the Chair and Vice-Chair and to demonstrate the confidence members have in their re-appointment. A proposal was formulated as follows:

That David Rowe is elected as Chair and John Butterwith is elected as Vice-Chair.

Proposed: Mike Williams Seconded: Jim Portus

All agreed – (David Rowe and John Butterwith did not vote)

2. To consider and approve minutes of the Byelaw and Permitting Sub-Committee meeting held on 15th May 2017. (Circulated by email)

The Chair invited members to raise any issues resulting from the draft minutes and the "Actions". James Marsden and Mike Williams explained that they had experienced complications opening electronic versions (word and PDF) of the minutes and other papers.

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IFCO Townsend explained that officers are working to try and resolve these issues and confirmed that the members' area of the website will be populated more regularly to provide a shorter-term solution. John May explained that in his view the draft minutes did not reflect his view in regard to the discussions held on the "Live" Wrasse Fishery and added that he had submitted an e mail to clarify his expectations for amendments. IFCO Townsend confirmed receipt of this correspondence and read it aloud to all the members. The minutes were examined page by page with several minor errors highlighted and members requested some adjustments including those already submitted by John May. The Chair requested that in future the draft minutes (once circulated) should be read at the earliest possible opportunity and officers informed of minor errors as soon as possible. IFCO Townsend explained that he would try to complete the draft minutes (from this meeting) as soon as possible and circulate them well before the next meeting them at the earliest opportunity. A vote was then taken.

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

Proposed: John May Seconded: James Marsden

All agreed

3. Business Arising

(There were no issues raised by members to discuss).

4. To discuss the officer actions resulting from the last meeting (15th May 2017) and provide an update on the "Live" Wrasse Fishery

The Chair suggested that members examine the list of actions that had been circulated in preparation for the meeting and invited IFCO Townsend and DCO Clark to provide a verbal update on each item.

ACTIONS (From May 2017):

2i.	DCO Mander	to contact the MMO to identify a completion date for the Netting Permit Byelaw QA process and e-mail the sub-committee to provide an update so the Chair could update the full Authority.
2ii.	DCOs Mander and Clark	To produce a consultee list for the next sub-committee meeting for members consideration.

IFCO Townsend provided a verbal update to members on item (2i). IFCO Townsend explained that the Netting Permit Byelaw, permit conditions and Impact Assessment had been returned from the Marine Management Organisation (MMO) on the final day of the original deadline. The returned documents included multiple comments for officers to address, prior to submission to the Secretary of State. IFCO Townsend explained that although no major issues had been highlighted on either the Netting Permit Byelaw and permit conditions, many of the comments (if implemented) did represent inconsistency from previously completed permitting byelaws and expressed surprise that the suggested comments had not been raised

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earlier in the drafting process. IFCO Townsend made members aware of the challenges faced by the relatively small MMO team working on all IFCA byelaws and also reassured members that the suggested changes were not in regard to the management approach taken by D&S IFCA; instead they presented re-working of several paragraphs and potentially minor re-formatting. The suggested changes to the confirmation impact assessment (IA) had presented officers with more significant editing and alteration to the original version submitted. IFCO Townsend explained that the original template used was incorrect and that the MMO strongly recommended a significantly smaller version be re-submitted. IFCO Townsend explained that all documents had been partially addressed and as part of the on-going work, discussions (teleconference) had taken place with the MMO Quality Assurance (QA) team on more than one occasion. All partially addressed documents had now been re-submitted once again for further scrutiny by the MMO legal team that are working in conjunction with the QA team. In regard to the IA, IFCO Townsend explained to members that on completion of the confirmation phase, D&S IFCA still has the opportunity to produce a final D&S IFCA version of the IA to fully reflecting the large amount of work undertaken during the process and the multiple annexes that were also created. This D&S IFCA publication could be made available/displayed on the website in the future alongside the smaller version used for confirmation only.

Members acknowledged the challenges faced by the MMO QA team; however, James Marsden and Mike Williams wanted to express their disappointment with the delays, reported inconsistencies and lack of clarity concerning the responsibilities and remit of the MMO QA team. James Marsden and Mike Williams recommended that the Authority take actions in due course and contact the MMO to seek improvements for future work.

In regard to action (2ii) IFCO Townsend explained that a draft consultation list had been prepared to be used in any further consultation work. Members studied the pre-prepared and circulated list and considered potential amendments. IFCO Townsend explained that the draft list provided the minimum level of contacts that D&S IFCA expects to engage with. James Marsden inquired about a list of “registered stakeholders” to be facilitated via the D&S IFCA website. IFCO Townsend reported to members that a new website (although significantly delayed) was still in the process of construction, but would include the ability for interested stakeholders to register interest in D&S IFCA work and be added to contact list data bases. Members suggested some minor changes to the draft consultee list which were recorded.

Resulting Actions from 2i):

1.	The Authority	<p>A) To prepare written correspondence to the MMO QA team to clarify the MMO remit, process and expected standards.</p> <p>B) As a 2nd step, to review the service level agreement that D&S IFCA has with the MMO (for Byelaw working)</p>
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The Chair moved discussions onto the next action from May 2017.

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ACTION (From May 2017):

3i.	DCO Clark & Environment Team	To look into the possibility of introducing spatial management measures in areas close to the Live Wrasse pot Fishery and to trial the ‘I’ve got you’ tracking system on the boats currently involved in the Fishery
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DCO Clark conducted a verbal update on the above action and presented a slide show presentation for the members. Charts were displayed in regard to the voluntary closed refuge areas for Wrasse in the Plymouth area. David Cuthbert suggested that the other areas closed for navigation purposes are added to the charts to demonstrate the extent of the total voluntary closure areas. David Cuthbert informed members that navigation channels are enforced by the harbour authorities and pots placed in these areas will be removed which adds strength to the D&S IFCA voluntary measures implemented to date. James Marsden suggested that the closed areas should be highlighted in press release working. DCO Clark agreed that further communication work was possible and informed members that a significant amount of information was already a feature of the current D&S IFCA website. DCO Clark continued with her presentation. John May inquired if any of the voluntary closed areas had been fished prior to D&S IFCA’s recent management of the “Live” Wrasse Fishery. DCO Clark confirmed that fishing had taken place in both 2016 and 2017 prior to the closures and these areas do now provide a refuge area for Wrasse species. Members including James Marsden asked DCO Clark further questions on nesting and feeding. DCO Clark explained that nesting and feeding can occur in different sites and that the continuing research work being undertaken by D&S IFCA environmental staff will provide significantly more data that can be used to inform future management. Discussions continued with a (Wrasse related) Phd project being conducted in Dorset becoming the topic of conversation. James Marsden inquired if the information would be made available to D&S IFCA. Cllr Ellery highlighted the importance of cost effective working and the advantages that data sharing can bring to D&S IFCA. DCO Clark informed members that all efforts to obtain more information were underway.

The Chair moved discussions onto the next set of actions from May 2017.

ACTION (From May 2017):

3(e) i	DCO Clark	To contact the salmon farms and ask for information on the husbandry of the Wrasse including standards, protocols and conservation impacts of keeping Live Wrasse
3 (e) ii	DCO Clark / DCO Mander	To put a clear explanation of the precautionary principle on the D&S IFCA website
3 (e) iii	DCO Clark	To update the committee on the equipment used to aid survival of the returned fish

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In regard to action (3(e)i) DCO Clark reported that she had contacted the salmon farm company but had not received a response. DCO Clark assured the members that she would chase this item.

John Butterwith suggested that an update be provided on the suggestion made by the salmon farms that they would be self-sufficient in the next two years. DCO Clark informed members that in conjunction with additional research, she had been invited to visit the salmon farms in Scotland to visit the farms in Scotland to gain even more knowledge on the subject matter. Simon Toms informed members that he had attended a presentation on fish cleaning and noted that Ballan Wrasse have increased survivability and therefore perform better at the task. DCO Clark reminded members that Ballan Wrasse are only being removed by (X Farm) in Dorset at a premium price.

Resulting Actions from (3e(i) :

2.	DCO Clark	To write once again to the salmon farms stating that this action has been requested by the Byelaw and Permitting Sub-Committee who are required to report back to the full Authority.
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In addition, James Marsden suggested that the contents of the above letter should form the basis for a press release. James Marsden also requested that enquires should be made to the salmon farm on the progress of the rearing of Wrasse.

In regard to action (3(e)ii), DCO Clark asked the view of the members in relation to the circulated draft detailing and explaining the pre-cautionary principle. Mike Williams added that the intention was to clarify the aim of D&S IFCA to conduct evidence led working and elaborated on the Rio Convention and the UK's legal obligation in regard to the use of a pre-cautionary principle. Due to the complexity of this issue, James Marsden and Simon Toms suggested that a simplified explanation would be beneficial for on-going D&S IFCA working. DCO Clark agreed and emphasized that a pre-cautionary principle does not mean the implementation of whole scale prohibition for fishing activities. Members agreed that Mike Williams and James Marsden possessed the best skill sets to address this issue and formulated the following action:

Resulting Actions from (3e(ii):

3.	DCO Clark, Mike Williams and James Marsden	To draft a public statement for the D&S IFCA to use (including publication on the website) in regard to the explanation of the precautionary principle.
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In regard to action (3(e)iii), DCO Clark provided members with a verbal update on the equipment being used by fishers (capturing Live Wrasse in pots) to aid the survival of the

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returned fish. DCO Clark explained that pipes (tubes) are being used to allow fish to be returned to the water in a controlled manner. In the absence of these pipes, fishers are using their own bodies to shield the hand returned Wrasse while they settle in the water before swimming away. Mike Williams said that this information demonstrates the care being shown by fishers engaged in this Fishery and suggested that photographs are taken to aid public awareness as part of further D&S IFCA communication working. DCO Clark said that she would ask fishermen for assistance with obtaining photographic evidence but permissions may be required for publication.

The Chair moved the discussions onto the next set of actions from May 2017.

ACTION (From May 2017):

6i	DCO Mander	To prepare a report for the full authority regarding the election of a new chair and Vice chair, after the June quarterly meeting
6ii	CO Robbins	To prepare a report for the full authority on discussions between D&S IFCA and CIFCA on possible future boundary changes in Plymouth Sound
6 iii	Chair David Rowe	To write to Councillor Clarence to thank him for his work on the sub-committee

In regard to action (6), IFCO Townsend reported that this action was not yet complete but would discuss the matter with DCO Mander when he returns from holiday. In regard to action (6) ii, IFCO Townsend explained that a brief statement had been circulated to members. Members including Mike Williams commented that a further more comprehensive update would be desirable. The Chair explained that this request would be recorded in the minutes and the Chief Officer would have the opportunity to address this on-going action in due course. The Chair then explained that he had completed action 6 iii and was thanked by the other members.

Update on the “Live” Wrasse Fishery

The Chair asked if there were any further updates that were not explained during the session on the officer actions. DCO Clark informed members that she had prepared a brief presentation and then showed a selection of slides to members. The presentation included an overview of current fishing effort, recorded catch rates and a general update regarding the work of the D&S IFCA environmental team for this work stream. This was a brief update and data had not been fully analysed as it was still being collected by the Environment Team. Members asked questions relating to the presentation and James Marsden suggested that minimum and maximum conservation reference sizes were added to the size distribution charts. James Marsden acknowledged and praised the work completed by the Environment Team to date and the information collected as part of the “fully documented Fishery” aspect

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of management and suggested that this valuable additional evidence be published and well circulated in due course. DCO Clark informed members that D&S IFCA is planning filming initiatives (Go-Pro cameras) of Wrasse pots to investigate the catchability of the pots, pot saturation levels and identify whether there is any potential impact to features of the MPA. Data are also being shared between CIFCA and D&SIFCA which, in particular, will help inform spawning times. DCO Clark expressed the officers' concerns over recent Wrasse campaigns and the accuracy of statistics used within the associated press releases. John May explained that he refuted some of the data being circulated and appreciated the efforts to gain more accurate data. David Morgan commented that the potential economic gains from the Fishery (either accurately reported or not) is not the sole issue and highlighted the importance of sustainability of the stock. DCO Clark again assured members that the on-going data collection will provide members with more accurate information to aid future discussions related to the Wrasse Fishery. James Marsden encouraged D&S IFCA to publish completed work on the website and DCO Clark explained that the planned review of the Wrasse Fishery in November will provide a good opportunity for additional publications of reports and press release/communication initiatives.

5. To consider additional changes to the Mobile Fishing Byelaw permit conditions and action officers to conduct consultation via the permit review process.

The Chair invited IFCO Townsend to guide members through each individual topic and also suggested that approval to publish the report (Development Report for additional changes to permit conditions) be discussed and potentially approved last. Members agreed and IFCO Townsend then conducted a verbal presentation on each item. IFCO Townsend advised members to consult their pre-circulated reports and began clarifying minor points in turn, beginning with the potential implementation of IVMS as a permit condition. Members confirmed that they fully understood the written and verbal explanations provided and a proposal was formulated as follows:

That D&S IFCA should consult with stakeholders in regard to the implementation of IVMS as a permit condition (Mobile Fishing)

Proposed: James Marsden

Seconded: John Butterwith

All agreed

Discussions continued onto the use of deeming clauses. Richard White requested slightly more detail on the issue and Mike Williams was able to make use of his legal expertise to expand on the explanation provided in the report and referred to the advice provided by Defra. With members satisfied with the discussions a proposal was formulated as follows:

That D&S IFCA should consult with stakeholders in regard to the use of permit conditions as an alternative to a deeming clause.

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Proposed: Richard White Seconded: Cllr Ellery

All agreed

Discussions continued onto the inclusion of the size of a scallop as a permit condition. Members agreed that the written explanation provided in the report was clear; however, David Morgan suggested that the Latin name (*Pecten maximus*) be inserted into the report. IFCO Townsend confirmed that this would be actioned and members voted on this item as follows:

That D&S IFCA should consult with stakeholders in regard to the inclusion of a size of a scallop within the permit conditions.

Proposed: Mike Williams Seconded: James Marsden

All agreed

Discussions then moved onto the management of the Inshore Potting Agreement Areas (IPA) and members studied their pre-circulated reports. Jim Portus suggested that it is unlikely that Defra would be comfortable maintaining licence conditions in the longer term that were original implemented to reduce gear conflict and he could see the value in using the Mobile Fishing Permit Byelaw permit conditions as an alternative to a licence condition. David Morgan stated that the commercial potting sector would be expecting some clarity on the management approach that would be taken in regard to the areas of the IPA that fall outside of the D&S IFCA District. IFCO Townsend explained that D&S IFCA is still waiting for a more comprehensive response from the MMO on this matter, but a formal consultation period would provide a six-week opportunity for such a response. Members voted as follows:

That D&S IFCA should consult with stakeholders in regard to the management of the IPA (which falls within the D&S IFCA district) as a permit condition rather than a licence condition.

Proposed: Jim Portus Seconded: Mike Williams

All agreed

The Chair asked IFCO Townsend to continue and discussions then moved onto the management of access for ring netting activities. Several of the members commented that the written explanation provided in the report was difficult to follow. Cllr Ellery explained that as a new member to the Sub-Committee he was less familiar with the subject matter and would welcome a clearer explanation. IFCO Townsend provided a verbal explanation and also assured members that the report would be amended to better explain the issue. When members were satisfied the Chair asked for a proposal to be formulated.

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That D&S IFCA should consult with stakeholders in regard to the management of access for ring netting activity via permit conditions.

Proposed: James Marsden

Seconded: Mike Williams

All agreed

With all consultation items resolved, the Chair asked members to provide constructive criticism on the “Development report for additional changes to permit conditions” with a view to using the report as part of the consultation. James Marsden suggested that the version control be added to the footer of each page and the communications section be slimmed down and form the basis for a separate communications/strategy report. In addition, the separate communication report should include a glossary of terms. Other minor spelling and grammar errors were highlighted by members and noted. IFCO Townsend confirmed that the report would be modified in line with all the suggestions in preparation for the consultation work and noted the actions.

Resulting Actions from agenda item (5) August 2017:

4	IFCO Townsend/ Alison Heimann	A) IFCO Townsend to modify the mobile fishing report in preparation for consultation and attend meeting with Alison Heimen B) Alison Heimen to create a communications report/strategy report to include a glossary of terms.
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Members suggested that the modified report be made widely available via the D&S IFCA website and notification provided as per the recently created consultee list. The following proposal was formulated:

That the (amended) Development report for additional changes to permit conditions be used for a six week consultation on mobile fishing.

Proposed: Mike Williams

Seconded: Jim Portus

All agreed

- 6. To consider the Managing Hand Gathering Fishing Activity report and discuss the framework for the review of this fishing activity.**

The Chair introduced this item and explained that the full Authority had tasked the group to consider the management of hand gathering as the next fishing method to be managed (from the beginning) in due course. The Chair once again suggested that the report provided and its approval for publication should be the last item to discuss and then prompted DCO Clark and IFCO Townsend to guide members through the report and agenda items.

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Members studied the report and asked DCO Clark to expand on elements of the written material including the different methods that had been identified in the report. While examining the scope of activities and species to be included, David Morgan suggested that by-valves be added. DCO Clark was able to inform members in regard to the complexities of the Habitat Regulations Assessments (HRA's) that form a key element of this longer-term work. DCO Clark updated members with a summary of assessment work already completed and the work that must still be completed to inform any required management. Members acknowledged the scale of this management review and recognised that any decision making would not be achievable until the evidence bases are more complete. Cllr Ellery explained that as a relatively new member to the Sub-Committee, he found elements of the present report confusing and to aid all stakeholders he suggested that efforts should be made with this (and other reports) to fully explain the role of the D&S IFCA and why it must manage certain fishing activities. Cllr Ellery also requested that the report be written in plain English and acronyms explained. IFCO Townsend said that the report could be modified and re-circulated to members prior to publication. IFCO Townsend also explained that an amended Hand Gathering report would be beneficial for informing stakeholders of future work and constitute a very early form of pre-consultation. In addition, the report would also act as the main reference document and could link to press release and other communication initiatives. Members formulated the following proposal:

That the Managing Hand Gathering Report be developed further, re-circulated and discussed by members prior to publication with a view to publication in due course.

Proposed: Cllr Ellery

Seconded: Jim Portus

All agreed

- 7. To consider Policy Documents in regard to the Potting Permit Byelaw and approve their circulation.**

The Chair asked IFCO Townsend to provide some background information on the following three policy documents which members had received as part of their papers:

- Policy and Clarification on the use of multiple Category Two permits on a single vessel
- Policy and Clarification on the use of pots by a named representative
- Policy and Clarification for permit applicants to provide sufficient contact details

James Marsden stated that he was impressed with the presentation of each document with a standardised format and colour code boarder. In regard to the content members were generally satisfied; however, some minor changes to the text were requested and noted. David Morgan reminded members that some of the content of the policy documents may have to alter if the permit conditions for potting change in the future. IFCO Townsend

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acknowledged this observation and confirmed that the policy documents were only representative of the current situation and the policy documentation may have to be altered following any formal review of the potting permit conditions and potential changes to those permits. IFCO Townsend made the minor alterations that were requested at the time and also explained that the amended versions could be circulated to potting permit holders shortly if members approved. Members voted:

That the three policy documents (amended) be circulated to potting permit holders.

Proposed: James Marsden Seconded: David Morgan

All agreed

8. **To consider and highlight specific issues relating to the three-year mandatory review of permit conditions for the Potting Permit Byelaw and the required consultation.**

The Chair asked IFCO Townsend to elaborate on this item. IFCO Townsend explained that a formal mandatory review of the potting permit conditions must take place every three years. Although potting permits had recently altered due to the required management of the “Live” Wrasse Fishery, a consultation must take place on all of the permit conditions and as per D&S IFCA best practice standards, a six-week consultation is recommended. Following the initial “open” consultation, members would have the opportunity at the next meeting in November 2017 to discuss the summarised responses and formulate additional “focussed” consultation items. Officers had already listed several focussed items that could be discussed at the next meeting and IFCO Townsend inquired if members had any other items to add at this immediate stage to add to the list set out on agenda item 8. Simon Toms recognised that evidence would be needed to justify the focussed consultation items and confirmed that he would submit evidence in regard to concerns over otters being caught (in pots) in the Plymouth area. No other members had any specific items to add to the list at this time but agreed that the first phase consultation should be an open invitation for responses. Members clarified that stakeholders should not be influenced by a list of specific items at this stage. IFCO Townsend explained that for consultation purposes a report/guide could be created, placed on the website and stakeholders on the consultee list notified. Members formulated the following proposal:

That D&S IFCA conducts a six week “open” consultation for the three-year review of the potting permit conditions.

Proposed: Mike Williams Seconded: David Morgan

All agreed

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9. Any other business

David Morgan raised an issue on behalf of category two (recreational) potting permit holders. David explained that category two permit holders who apply on-line (D&S IFCA website) for permits are issued with a new permit number each time a permit is renewed. The result is that category two permit holders must then re-mark their fishing gear (buffs) to remain compliant with the permit conditions. IFCO Townsend explained that unfortunately the electronic application process generates new numbers each time and this inconvenience for fishers is currently beyond the control of officers. Jim Portus expressed disappointment that D&S IFCA would not be attending the annual FishStock event in Brixham. After asking other members if they had anything to add, the Chair posed the same question to the officers. DCO Clark informed members about recently acquired D&S IFCA funding for different purposes.

Firstly, an update was provided on the funding for the potential implementation of IVMS.

Secondly DCO Clark informed members that D&S IFCA had received £33,000 from Defra and £7,000 from Natural England to undertake a study of otter trawling on the mud habitat of the Torbay MCZ. The study will include working with SeaFish Authority, Cefas, Environment Agency, Natural England and the fishing industry. The study will investigate the footprint of the gear used for three months of the year to fish for cuttlefish and assess the impact of the fishing gear on the Torbay MCZ mud feature through a Before, After, Control, Impact (BACI) study. The survey will take place in October 2017. The results will inform a Monitoring and Control Plan for trawling in the MCZ.

Members thanked DCO Clark and felt it was important that this information was used for press release work.

Resulting Actions from agenda item (9) August 2017:

5	IFCO Clark/ Alison Heimann	To create a press release related to the impact survey in the Torbay MCZ
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9. Agree date of next meeting

The Chair confirmed that the next scheduled meeting would be on Wednesday 1st November 2017.

Subsequent to the meeting an alternative date was suggested by officers to be Monday 13th November 2017 and was agreed.

END.