



Potting Permit Byelaw

Development and Management of the Live Wrasse Pot Fishery



Development Report, Focussed Consultation Items and Permit Condition Proposals for the Formal Review

1st edition – 1st January 2018

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Version Control History

Author	Date	Comment	Edition
Neil Townsend, et al	1 st January 2018	Developed for consultation following discussions by the D&S IFCA Byelaw & Permitting Sub-Committee on November 13 th 2017	1

Executive Summary

“Live” Wrasse is used as cleaner fish in Scottish salmon farms to control sea lice populations. To meet demand, wild wrasse are being sourced from southwest England. In the Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA) District, a small number of commercial vessels (operating from Plymouth) have been engaged in this fishery since 2015. The fishers use pots to capture the “live” wrasse which are then transported to Scotland and therefore the Potting Permit Byelaw provides D&S IFCA with the legislative means to manage this fishing activity.

D&S IFCA has monitored the emergence and development of this fishery and introduced management (regulation) via the Potting Permit Byelaw permit conditions, guidance, and policy documentation as part of a fully documented fishery. This activity is not permitted for recreational potters.

This document (in its entirety) provides a complete account of the process taken to introduce management of the fishery, the provisions introduced and the original and extended evidence base used to formulate decision making by the D&S IFCA Byelaw and Permitting Sub-Committee.

In July 2017 amended potting permits were circulated to fishers with the caveat that a formal review of the fishery would take place in November 2017. This consultation forms part of the formal review.

Consultation

This report does contain consultation items (listed on pages 8 to 10 in part 3) and in summary the consultation items relate to the following:

- **Potential changes to all Category One potting permits**
- **Potential changes to the closed fishing period for all specified wrasse species - to be 1st May to 15th July inclusive instead of 1st April to 30th June inclusive**
- **Potential changes to the minimum and maximum size for corkwing wrasse - to be 140mm to 180mm instead of 120mm to 230mm**

All stakeholders, regardless of interest or fishing sector have the opportunity to respond to the consultation. The consultation begins on 31st January 2018 and end on 14th March 2018.

As this is a specialised fishery, D&S IFCA has taken the decision to conduct an individual consultation devoted to the management of the Live Wrasse Pot Fishery rather than combine this with other consultations relevant to more generalised potting permit conditions.

Part 1 – Introduction

Aim of this Report

The primary aim of this report is to provide all stakeholders with key information so they can effectively engage in the consultation process and assist decision making. Throughout the process this report will be expanded and further editions of this report will be created.

Different stakeholders will be more or less familiar with what D&S IFCA does, why it manages this specialised fishing activity and importantly how it achieves this. Stakeholders may not be familiar with the process or the developments to date and therefore additional information has been incorporated into this report

The report and subsequent editions has other aims as follows:

- **Demonstrate the measures that have already been taken to manage potting activity, in particular the Live Wrasse Pot Fishery**
- **Document the findings of the consultations and the evidence base used for decision making**
- **Demonstrate how, when and why decisions have been taken**
- **Provide background information to all stakeholders about D&S IFCA and how the organisation functions**

This report incorporates the information documented in previous D&S IFCA publications¹ and supersedes that information. In the event that permit conditions are amended as a result of this formal review process, this report will act as the overarching reference document.

All stakeholders, regardless of interest or fishing sector have the opportunity to respond to the consultation.

This is a relatively large document and therefore the following is strongly recommended:

- **That the contents page in this report is used to navigate to the sections of the report which they find most relevant.**

All relevant evidence and information² that has been used for deliberations by the D&S IFCA Byelaw & Permitting Sub-Committee is contained in this single document which will be further expanded following the response/s submitted during the “focussed” consultation period for this formal review. This report will document all actions, deliberations and decisions taken during the process and imbedded information (hyperlinks) have been added to provide all stakeholders with additional information (finer detail). A time table of actions taken and future expectations has been established (as a guide) which will be amended with more detail during the process.

¹ Potting Permit Byelaw – Management of the “Live” Wrasse Pot Fishery – Version 3 August 2017

² Within the scope of the D&S IFCA Data Protection Policy

Table 1 – Estimated Timetable of events

Date	Action/event	Comments
<i>December 2016 & January 2017</i>	<i>Meetings of the Byelaw and Permitting Sub-Committee.</i>	<i>Members of the Byelaw and Permitting Sub-Committee appraised of the emergence of a Live Wrasse Pot Fishery. Members requested that officers prepare information for further discussions and potential management of the fishery</i>
<i>February 2017</i>	<i>Meeting of the Byelaw and Permitting Sub-Committee.</i>	<i>Decision taken to consult on a range of management measures³. Consultation actioned with information collated by officers.</i>
<i>May 2017</i>	<i>Meeting of the Byelaw and Permitting Sub-Committee.</i>	<i>A range of management measures recommended to be included in the potting permits and the introduction of a Fully Documented Fishery. Formal review period established for November 2017.</i>
<i>July 2017</i>	<i>Potting permits amended</i>	<i>Information circulated to fishers and actions taken to be published on the D&S IFCA website</i>
<i>July 2017</i>	<i>Research</i>	<i>D&S IFCA environment officers conduct further research as part of the Fully Documented Fishery and monitor compliance of guidance and policy</i>
<i>October 2017</i>	<i>Further development of evidence base</i>	<i>Preparation of supplement reports and data analysis reports</i>
<i>November 2017</i>	<i>Meeting of the Byelaw & Permitting Sub-Committee</i>	<i>Focussed consultation actioned</i>
<i>January 2018</i>	<i>Focussed consultation on potential changes to specific potting permit conditions</i>	<i>6 weeks of consultation</i>
<i>March 2018</i>	<i>End of consultation</i>	<i>Response collated</i>
<i>March 2018</i>	<i>Meeting of the Byelaw and Permitting Sub-Committee.</i>	<i>Changes to permit conditions considered</i>

³ The recommendation to introduce an Emergency Byelaw was subsequently amended following discussions with the Chief Officer

Communication

D&S IFCA is developing a new communication strategy⁴. A wide-ranging consultation will be conducted using different communication methods, including the D&S IFCA website. D&S IFCA has created a consultee list for conducting consultation work. This consultee list is displayed on the D&S IFCA website and has scope to be expanded. All contacts (which includes all permit holders) will be contacted and notified about the consultation.

A designated consultation email address will be used in all consultation phases and other response formats are being developed for stakeholders engaging via social media.

All stakeholders, regardless of their interest or fishing activity conducted, have the opportunity to engage in the consultations. The email contact addresses provided by permit holders are of significant benefit for consultation work and will be utilised.

Publication Policy and Responding to the Consultation

D&S IFCA has a publications policy. Options for the circulation of consultation reports are as follows:

- Consultation reports can be sent upon request to stakeholders who supply a current and functioning email address
- Hard copies of the consultation reports can be circulated to stakeholders but a charge will be levied for the cost of postage. Stakeholders should contact the office of D&S IFCA so the charges can be clarified and then send a stamped addressed envelope of the correct size as specified
- Hard copies of the consultation reports are available for collection at the D&S IFCA main office in Brixham

This is not a questionnaire or a multi-choice consultation. Stakeholders have freedom to respond to all of the identified items as they wish. It is useful if stakeholders identify their interest or fishing sector and add detail and reasoning in their responses.

Although a designated email is available to be used, stakeholders have other options to respond. Written responses (letters) will be collated. In addition, stakeholders can contact the office of D&S IFCA and arrange an appointment⁵ to discuss the consultation items.

Devon & Severn IFCA

Brixham Laboratory, Freshwater Quarry, Brixham, TQ5 8BA

Tel: 01803 854648

You can choose to respond using the email below or on the on-line survey form on social media.

consultation@devonandsevernifca.gov.uk

⁴ Available upon request from D&S IFCA

⁵ Telephone session, or personal interview with an officer

Part 2 - Current Management of Potting Activity (wrasse pots)

The outcome of this consultation process may lead to changes in the current potting permit conditions. This section of the consultation report enables stakeholders to view and understand the current restrictions that D&S IFCA have introduced to manage the specialised Live Wrasse Pot Fishery and why these measures were introduced in 2017.

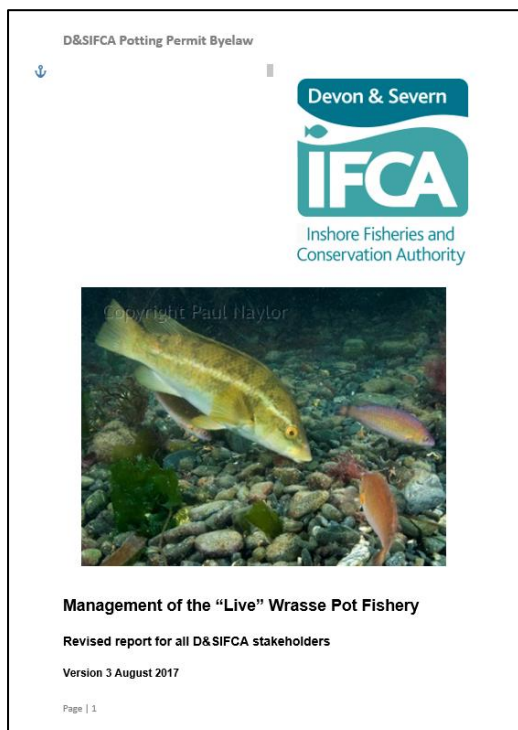
The information on this page is available by clicking on the imbedded information (hyperlinks) or visiting the D&S IFCA website. Permit conditions are also directly circulated to fishers who apply for and are subsequently issued with a permit.

- [The Potting Permit Byelaw](#)
- [The current permit conditions for potting](#)
- [Policy statement for the Live Wrasse Pot Fishery](#)
- [Voluntary closed areas and guidance \(2017\)](#)
- [Information required \(from the fisher\) for the Fully Documented Live Wrasse Pot Fishery](#)

Evidence base used earlier this year:

Potting Permit Byelaw – Management of the Live Wrasse Fishery – Version 3 August 2017

[\(Click to view the imbedded report which is also available on the D&S IFCA website\)](#)



Part 3 - Items for the “focussed” Consultation

On November 13th 2017 members of the D&S IFCA Byelaw and Permitting Sub-Committee identified the following items for a focussed six-week consultation that begins on 31st January 2018. This is your opportunity to consider the focussed items as set out and respond accordingly. This is not a detailed questionnaire or a multi-choice consultation. Stakeholders have freedom to respond to all of the identified items as they wish. It is useful if stakeholders identify their interest or fishing sector and add detail and reasoning in their responses.

A designated consultation email address will be used in all consultation phases and other response formats are being developed for stakeholders engaging via social media.

Written responses (letters) will be collated. In addition, stakeholders can contact the office of D&S IFCA and arrange an appointment⁶ to discuss the consultation items.

Stakeholders may wish to know why these consultation items have been selected? Part 4 of this report documents and demonstrates the measures introduced by D&S IFCA, the evidence base that has been assembled and the information that has been considered by the Byelaw and Permitting Sub-Committee.

The Consultation Items

In order to introduce changes in the proposed management of the Live Wrasse Pot Fishery, the current potting permits have been subjected to re-drafting. As a consequence of this re-drafting process and the legal advice taken during this exercise, the formatting of the permits has altered along with some of the wording and paragraph numbering. To aid stakeholders fully appreciate what the changes consist of and all the implications that they have, explanations (*in bold blue italics*) has been provided.

Change to the closed fishing season:

The potting permit conditions (time restrictions) currently detail when pots are not authorised to be used for the purposes of fishing for wrasse. The proposal is to change the dates when this restriction (closed season) applies. It is anticipated that the amended relevant proposed potting permit conditions would take the following form:

4. Time Restrictions

- 4.2 A Category One permit holder or named representative is not authorised under this permit to use a pot, for the purpose of fishing for wrasse within the District, between 1st May and 15th July (inclusive).***

Explanation

The interpretations (definitions) in potting permit conditions have been amended to clarify which species are subject to the time restriction and also to clarify that this restriction is for those commercial fishers that are targeting Live Wrasse. The species included are ballan, corkwing, cuckoo, goldsinny and rock cook. Although not a new

⁶ Telephone session, or personal interview with an officer

provision, section 1.5.3 of the potting permit prohibits Category Two permit holders (recreational fishers) from retaining live wrasse. This fishery is for Category One permit holders (commercial fishers) only.

Slot size (change to the slot size for corkwing wrasse)

The potting permit conditions currently contain a species list that are relevant to potting activity. The list includes five species of wrasse including corkwing wrasse. Paragraph 1.3 specified the size range (slot size) that a corkwing wrasse (and the other wrasse species) must be within in order to be removed from a fishery. The proposal is to narrow the size range for corkwing wrasse to 140mm to 180mm. The original slot size for corkwing wrasse was 120mm to 230mm. A change in the formatting of the permits has produced a change to section 1.3 and this is further explained below. To facilitate this proposed amendment in the slot size, it is anticipated that relevant proposed permit conditions would take the following form:

2.6 Additional Category One Gear Restrictions

2.6.1 *A Category One permit holder or named representative is not authorised under this permit, for the purpose of fishing for wrasse, within the District to use a pot unless;*

- (a) *in addition to paragraph 2.3 above (which is a general gear marking provision), each floating buoy or dahn is clearly marked with the letters 'WRA';***
- (b) *the maximum number of pots used does not exceed 120;***
- (c) *each pot is tagged with a tag issued by the Authority; and***
- (d) *the retained live wrasse complies with the sizes as set out in paragraph 2.6.2;***

2.6.2 *A permit holder or named representative is not authorised to remove live wrasse within the District other than within the size ranges as set out in (a-e) below;*

- a) *ballan wrasse less than 150mm or greater than 230mm, measured from the tip of the snout to the end of the tail fin;***
- b) *corkwing wrasse less than 140mm or greater than 180mm, measured from the tip of the snout to the end of the tail fin;***
- c) *cuckoo wrasse less than 150mm or greater than 230mm, measured from the tip of the snout to the end of the tail fin;***
- d) *goldsinney wrasse less than 120mm or greater than 230mm, measured from the tip of the snout to the end of the tail;***

- e) ***rock cook wrasse less than 120mm or greater than 230mm, measured from the tip of the snout to the end of the tail fin.***

Explanation

The re-drafting process has added the slot size restriction to specific gear restrictions rather a general catch restriction. Although this would appear to be at odds with the general formatting of the permit restriction categories, it does add clarity that this size restriction is linked to those fishers (Category One) that are authorised under the permit conditions to target the five species of Live Wrasse. Those fishers (Category One and Category Two) who use pots (not targeted towards Live Wrasse) are not subjected to either paragraph 2.6.1 or the slot sizes (2.6.2). The five species of wrasse can therefore be taken of any size and retained providing that the wrasse is not being kept alive for the purpose of supplying the Live Wrasse Pot Fishery. It is a fact that relatively small numbers of wrasse are caught and used as pot bait, and the permit does not prohibit this activity.

Part 4 – The Formal Review

How and why the “focused” consultation items been selected?

The information in this section represents the information that has been collated as part of the formal review of the management of the Live Wrasse Pot Fishery.

Information was prepared and documented in a supplementary report and presented to members of the D&S IFCA Byelaw and Permitting Sub-committee in advance of their meeting on 13th November 2017.

This section of this consultation document demonstrates:

- **A re-cap of the measures introduced in 2017 to manage the Live Wrasse Pot Fishery**
- **The findings of D&S IFCA research work conducted as part of a Fully Documented Fishery**
- **Data Analysis conducted by D&S IFCA Environmental Officers**
- **The officer comments relating to the formal review**
- **How the new information and extended evidence base was considered by members and specific items identified for this focussed consultation.**

Meeting of the Byelaw and Permitting Sub-Committee (Nov 13th 2017)

Minutes are taken of all D&S IFCA Byelaw and Permitting Sub-Committee meetings and posted⁷ on the D&S IFCA website.

The members examined existing measures as follows⁸:

Current⁹ Regulation (specific to the Live Wrasse Fishery)

Catch restrictions

- x. ballan wrasse less than 150mm or greater than 230mm, measured from the tip of the snout to the end of the tail fin
- xi. cuckoo wrasse less than 150mm or greater than 230mm, measured from the tip of the snout to the end of the tail fin
- xii. corkwing wrasse less than 120mm or greater than 230mm, measured from the tip of the snout to the end of the tail fin
- xiii. rock cook wrasse less than 120mm or greater than 230mm, measured from the tip of the snout to the end of the tail fin
- xiv. goldsinney wrasse less than 120mm or greater than 230mm, measured from the tip of the snout to the end of the tail

⁷ When approved at the following meeting

⁸ Paragraph numbers correct in potting permits before re-drafting

⁹ January 2018

- 1.4.3 A Category Two permit holder or named representative is not authorised under this permit to retain on board live wrasse that have been removed from a fishery within the District.

Gear restrictions

- 2.2 A permit holder or named representative is not authorised under this permit to use any pot unless all individual pots or each string or shank of pots is clearly marked by at least one floating marker (buoy or dahn). Each of these buoys or dahns shall be clearly marked with either the relevant fishing vessels registration (port, letters and numbers) of the vessel named on the permit or the permit number.

- 2.4.1 A Category One permit holder or named representative is not authorised under this permit, for the purpose of fishing for wrasse, to use a pot unless;

- (e) in addition to paragraph 2.2 above, each floating buoy or dahn is clearly marked with the letters 'WRA';
- (f) the maximum number of pots used does not exceed 120;
- (g) each pot is tagged with a tag issued by the Authority; and
- (h) the retained live wrasse comply with the sizes as set out in paragraph 1.2 above.

- 2.4.2 when tags are lost, the Category One permit holder must submit a written request for replacement tags. If the original tag is subsequently recovered or taken possession of it must be returned to the Authority and must not be used on any pot again within the District.

Time restrictions

- 4.3 A Category One permit holder or named representative is not authorised under this permit to use a pot, for the purpose of fishing for wrasse, between 1st April and 30th June (inclusive).

Policy Statement and Guidance Note

Under Paragraph 17 of the Potting Permit Byelaw, D&S IFCA can request relevant information to discharge its duties. In order to manage the Live Wrasse Pot Fishery and as part of the fully documented fishery, the following information is required:

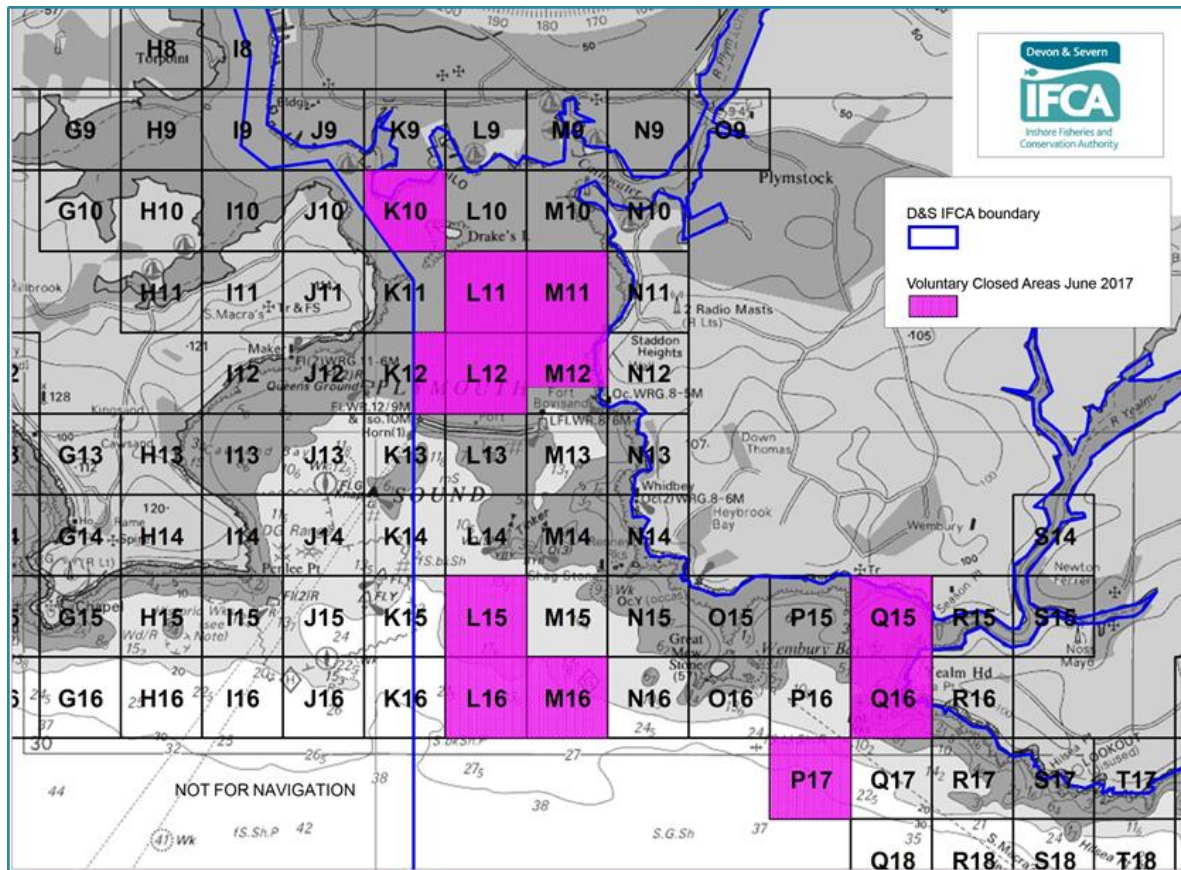
1. The name and contact details of the Salmon Farm company, agent or associated company who the fishermen are supplying live wrasse to.
2. Name and contact details of transport company.
3. Transport documents for all those consignments sent to the Salmon Farm company.
4. Number of pots actively being used in the Live Wrasse Fishery.
5. Completion of weekly returns including information on the dates and times of hauling, location of strings, number of strings hauled, number of pots hauled, and the number of wrasse retained on board per day.

Other requirements:

- Fishermen have also been required to allow D&S IFCA officers on board their vessels to collect catch data for the fishery.

Voluntary Closed Areas

A chart of voluntary closed areas was circulated to those engaged in the fishery as illustrated below:



Management Review Process

When implementing measures to manage the Live Wrasse Pot Fishery the Authority clearly defined criteria to monitor the development of this fishery and review the initial decisions taken. The criterion is as follows:

- The Authority decided that if there was an increase in the number of vessels entering the Live Wrasse Pot Fishery this would trigger a review of the permit conditions for the Live Wrasse Pot Fishery, and may lead to further changes to the permit conditions, which may include a reduction in the number of pots per vessel.
- The Authority decided that a review of the management of the Live Wrasse Pot Fishery will be undertaken in November 2017. Data collected from fishermen and on-board surveys will inform the review of the permit conditions for the Live Wrasse Pot Fishery, and may lead to changes to these conditions.

- Failure to meet all conditions set out in an accompanying policy statement may also trigger a review of the permit conditions.
- In addition to formal management under the Potting permit conditions, the Authority may introduce further voluntary measures to support the management of the Live Wrasse Pot Fishery. Failure to adhere to these voluntary measures may lead to a review of the permit conditions.

Summary of D&S IFCA Survey Work and Data Analysis

Members were able to study an extensive 34-page Data Analysis Report compiled by D&S IFCA Environmental Officers. The full report is imbedded (hyperlinked) below and can also be viewed by visiting the D&S IFCA website.

[Live Wrasse Fishery in Devon & Severn IFCA District – Data Analysis Research Report November 2017](#)



The executive summary is as follows:

Wrasse are being targeted in Plymouth Sound for use as a cleaner fish. A fully documented fishery was implemented into the permit conditions of Devon and Severn IFCA Potting Permit Byelaw to include an intensive data collection program. The report¹⁰ (Hyperlinked in this supplement) presents the results of the data collection from the first full season of the fishery. The two main types of data presented are from landings data recorded by fishers from April to October 2017 and 20 on-board observed surveys carried out by IFCA Officers. On-board survey effort equated to 7.5% observer coverage of boats surveyed, or 5.5% of the entire fleet.

There was no consistent decline in Catch per Unit Effort (CPUE) or Landings per Unit Effort (LPUE). There were observed seasonal fluctuations in

¹⁰ Live Wrasse Fishery in Devon & Severn IFCA District – Data Analysis - (3rd November 2017)

CPUE and LPUE and these could be attributed to spatial movements of fishers, fish behaviour or environmental changes. Continued data collection in the future is vital to determine changes in LPUE and CPUE over time and space.

Spatial fishing effort varied over time across Plymouth Sound. Goldsinny and rock cook represented the majority of catch for all vessels. The proportion of species varied considerably spatially and this can be attributed to species preference for exposure and depth, for example, corkwing were found in more sheltered, inshore areas. The majority of observed spawning took place between May to mid-July. The data indicated the current closed season from 1st April to 30th June covers the majority of the spawning season for goldsinny and rock cook.

The size frequency histograms illustrated the importance of Minimum and Maximum Conservation Reference Sizes (MCRS) for wrasse. The Min CRS (12cm) for goldsinny and rock cook allows a significant proportion of the catch to be returned and to spawn. The introduction of the Min and Max CRS (15-23cm) for ballan demonstrated an increased proportion of the catch returned to the sea from 4% to 28%, protecting both juveniles and mature adults. However, the current Min and Max CRS (12-23cm) for corkwing is allowing over 90% of the fish caught to be landed. Due to the complex life history of corkwing, there is a need to amend the slot size to allow a proportion of immature and mature fish to return to sea.

The results presented in the Data Analysis report highlight the importance of a fully documented fishery and the need to continue data collection to monitor the live-capture fishery for wrasse.

Conclusions from the Research and Officer Comments

The Live Wrasse Pot Fishery research undertaken has provided vital information and this together with data submitted by the fishers has led to a fully documented fishery. The data have been analysed fully and the following conclusions have been made from the research:

1. The on-board observer programme has been very successful and has allowed for the collection of an important dataset allowing analysis of the fishery. This should continue and should aim for coverage of 10% with a baseline of 5%.
2. The observer data and logbook data are crucial for understanding the causes of overall changes in CPUE and LPUE. Data collection must continue.
3. Further research and consideration into the ratios of R selected species (those that may be able to withstand exploitation and recover more quickly e.g. goldsinny) and K selected species (more likely to be impacted by exploitation. corkwing) may allow for the development for relatively simple measures for sustainability of the fishery in a spatially explicit area.

The analysis of data collected has allowed for testing of the measures implemented under the Potting Permit relating to the Live Wrasse Pot Fishery. The measures have been largely successful. However, there may be the need for amendments to be made to certain measures. The following observations have been made:

4. The current min CRS and max CRS for corkwing means that the majority of corkwing caught are retained and few are returned to sea. Changes to the corkwing MCRS are suggested. The fishery data analysis has included possible changes to the slot sizes and how these would influence the catches and protect more of the population. A slot size 14-18cm would protect the largest proportion of size ranges, including juveniles, females and large mature males.
5. The majority of observed spawning took place between May to mid-July, the current closed season from 1st April to 30th June protects the majority of the spawning period for goldsinny and rock cook. A possible suggestion could be to shift the closed season to further protect more of the spawning fish.
6. Whilst several of the fishermen are fully adhering to the voluntary closed areas further co-operation from fishers is required to have full compliance. Because the vessels are small open boats the fishermen often approximate their position. There is the opportunity to put small GPS units on the boats which could be used to monitor their spatial activity.

Consideration by the Byelaw and Permitting Sub-Committee

Members endorsed the D&S IFCA Data Analysis Research Report (November 2017) for use in their deliberations. Members recommended that compliance with the measures relevant to the fully documented fishery and the voluntary initiatives be monitored for an additional 12-month period.

Close Season

Members considered the developed evidence base, officer comments and concluded that the information presented to them does not support the continuation of the original closed season dates of April 1st to 30th June. As an alternative a change in dates was recommended. Officers were actioned to consult with all stakeholders with a view to amending the closed season for the Live Wrasse Pot Fishery to function between 1st May and 15th July.

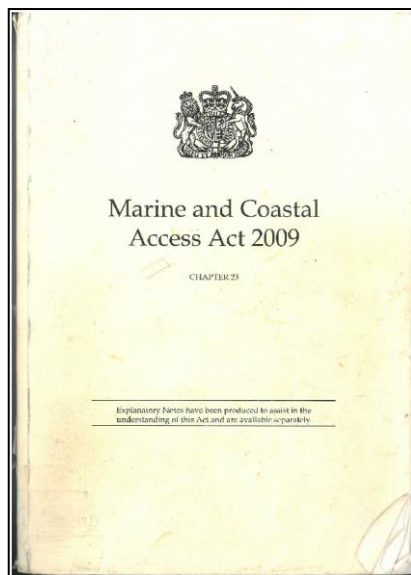
Slot Size

After analysing the developed evidence base members concluded that an alteration (narrowing) in the slot size for the corkwing wrasse species was appropriate and actioned officers to consult with all stakeholders with a view to amending the slot size for corkwing wrasse to a size range of 140mm to 180mm.

Part 5 – Background information about D&S IFCA

The information in this section of this consultation report helps all stakeholders improve their understanding of D&S IFCA.

What is the D&S IFCA and what does it do?



The Marine and Coastal Access Act 2009 (MaCAA) introduced a new framework for managing the marine environment and providing greater access to it. This Act of Parliament replaced Sea Fisheries Committees with Inshore Fisheries and Conservation Authorities (IFCA's) and is fundamental to the work of D&S IFCA.

The D&S IFCA is the largest of the ten separate IFCA districts and has two separate coastlines. The area of the district is 4522km² and is defined in the Statutory Instrument (2010 No. 2212)¹¹. The D&S IFCA District includes the areas of Devon, Somerset, Gloucestershire County Councils; Bristol City and Plymouth City Councils; North Somerset and South Gloucestershire Councils and all adjacent waters out to six nautical miles offshore or the median line with Wales.

“D&S IFCA 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”¹²

The Full Authority is comprised of 30 members drawn from relevant Local Authorities (Councillors), General Members (appointed to the Authority by the Marine Management Organisation (MMO) and Statutory Appointees representing the MMO, the Environment Agency (EA) and Natural England (NE). D&S IFCA is funded via several different funding Authorities (councils) with an additional contribution from central government. Officers are employed by D&S IFCA to conduct work on behalf of the Full Authority. D&S IFCA has ten full time officers and one part-time Office manager. The main office is situated in Brixham with one officer located in the Severn area of the district.

Core Work Undertaken

In meeting the main duties specified in MaCAA, the work of D&S IFCA is basically divided into different areas as follows:

Enforcement

These duties include enforcing the byelaws implemented by D&S IFCA and also the enforcement of EU and domestic legislation. D&S IFCA currently has one 6.4 metre rigid inflatable boat to conduct enforcement work at sea. D&S IFCA works closely with other

¹¹ The Devon and Severn Inshore Fisheries and Conservation Authority Order 2010

¹² Mission statement for D&S IFCA

organisations such as other IFCAs, the MMO, the EA and the Boarder Force (BF) with which it shares assets. D&S IFCA is committed to the use of new technologies for enforcement purposes, particularly remote technology.

Research

Research and survey work conducted by D&S IFCA informs evidence bases subsequently used to manage fishing activities via the introduction of local management measures that can include legislation in the form of Byelaws. D&S IFCA currently has an 8-metre survey vessel used for independent survey work at sea. D&S IFCA works in co-operation with other organisations to conduct research work and takes environmental advice from NE. D&S IFCA research and survey work (and external research and advice) also informs longer term management that can be achieved via the permitting byelaws that contain flexible permit conditions.

Byelaw Work

The Byelaw work is often a lengthy and complex process. It requires specialised skills and background knowledge. This Authority has created a Sub-Committee to conduct the byelaw work. The Byelaw and Permitting Sub-Committee is formed by a number of Full Authority members, each offering a different set of skills or background knowledge that is utilised to complete the required work. Officers prepare the material used by the Sub-Committee for their deliberations (meetings) and the Sub-Committee's recommendations are then presented to the Full Authority at key stages. It is the Full Authority members that make the final decisions¹³.

There are a number of legacy byelaws in place that were inherited from Devon Sea Fisheries. All legacy byelaws must be reviewed. In addition to reviewing legacy measures, members of the Sub-Committee are also tasked with reviewing flexible permit conditions and providing recommendations to the Full Authority for potential changes to the permits.

All of the separate elements of the byelaw work are a team effort. Although the officers prepare the majority of the material (reports) required for the process, the officers do not take decisions at any time.

Why does D&S IFCA manage potting activity?

D&S IFCA must manage this fishing activity. MaCAA sets out how the management of inshore fisheries must be conducted and by whom. D&S IFCA is the responsible body to manage inshore fisheries within this district and therefore must manage the exploitation of sea fisheries resources in the district.

MaCAA details the responsibilities of the D&S IFCA which includes important mandatory duties as follows:

Section 153 (2)

- a) Seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way,**

¹³ Delegated powers can be granted to the Sub-Committee for decision making

- 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.**

In addition, D&S IFCA has a duty for the protection of marine conservation zones (MCZ). This is specified within the Act as follows:

Section 154

- 1) **The authority for an IFC district must seek to ensure that the conservation objectives of any MCZ in the district are furthered.**
- 2) **Nothing in section 153 (2) is to affect the performance of the duty imposed by this section.**

D&S IFCA would be failing in its duties if it did not manage fishing activities conducted within the district. Potting is conducted in the district and therefore must be managed appropriately.

How does D&S IFCA manage potting activity?

The D&S IFCA inherited legacy byelaws from its predecessor organisation the Devon Sea Fisheries Committee. Byelaws are local legislation used to manage different activities which include potting. There were several legacy byelaws that related to potting and D&S IFCA has had to consider its statutory duties and examine and review these legacy measures to see if they are fit for purpose. There is a separate guide¹⁴ to explain how D&S IFCA is conducting the required review of these inherited byelaws.

Byelaws are not the only control measures used to manage fishing activities and in this case potting activity and the species taken. Other EU and domestic legislation also places restrictions on fishers. Byelaws are local measures which support this other legislation. Byelaws can impose greater restrictions to suit local circumstances but they cannot remove any restrictions imposed by UK or EU regulations.

In 2014 D&S IFCA introduced the Potting Permit Byelaw to manage potting activity. The introduction of the Potting Permit Byelaw (or any byelaw) is not necessarily to prevent fishing activity, but rather to manage the activity sustainably. Many of the current restrictions were based on the older legacy measures set out in individual byelaws. The introduction of the Potting Permit Byelaw enabled some of the legacy byelaws to be revoked.

Permits

The Potting Permit Byelaw differs from the older byelaw model. The Potting Permit Byelaw provides the D&S IFCA with the ability to issue permits which contain conditions of use for fishers and also enable different groups of fishers to be separated based on their specific needs. This is why permits are issued for commercial fishers (Category 1 permits) and

¹⁴ Displayed on the D&S IFCA website or available upon request.

recreational fishers (Category 2 permits). Different categories of permits can and do contain different conditions.

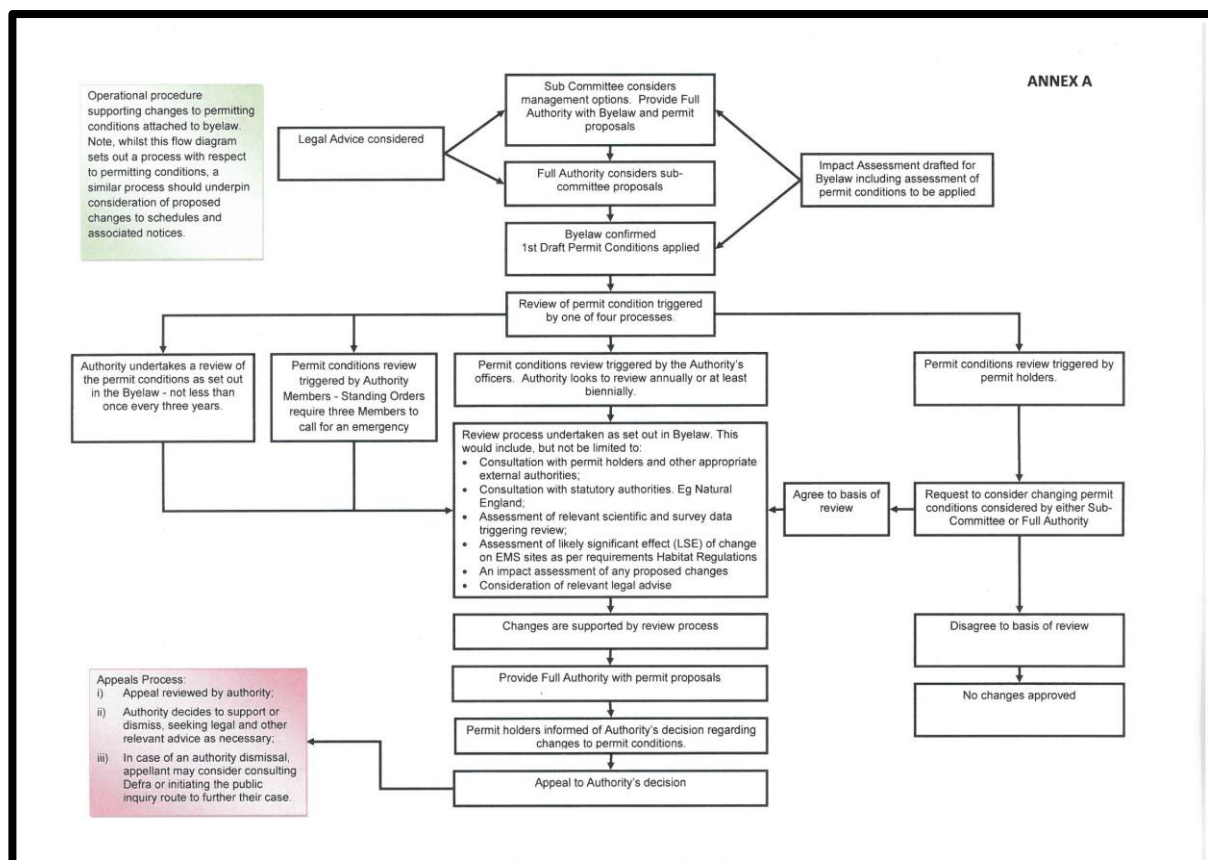
The permits that are issued include flexible conditions, which can be altered when there is a good reason for doing so. This flexibility enables D&S IFCA to react to changing circumstances far quicker than revoking a traditional style byelaw or having to introduce emergency measures via an emergency byelaw.

How are flexible permit conditions changed?

Changes are not considered or made just for the sake of change. There has to be good reason to change any of the flexible permit conditions and although there are occasions where D&S IFCA must take a pre-cautionary stance, it is quality evidence (rather than quantity) that strongly influences potential changes.

Section 27 to 29 of the Potting Permit Byelaw explains the review procedure to make any changes to the flexible permit conditions. There are several ways in which a review of permit conditions can be triggered, although a review of the flexible permit conditions must be conducted not less than once every three years.

Annex A table – Flowchart of review process



How is the review of flexible permit condition conducted?

Section 28 of the Potting Permit Byelaw details how the review of flexible permit conditions must be conducted. This is a thorough and robust process which includes consultation with permit holders. Information (evidence) is collected during consultation as detailed in Section

29 of the Potting Permit Byelaw. The evidence collected then informs the decision-making process.

The evidence that you provide is collated and will be presented to members of the Byelaw and Permitting Sub-Committee. There are four scheduled meetings of the Byelaw and Permitting Sub-Committee each year and additional meetings can be arranged when required. The information provided in the consultation will be collated and discussed by the Byelaw and Permitting Sub-Committee.

Part 6 - Further Information & Hyperlinks

Imbedded information (Hyperlinks) which can also be viewed by visiting the D&S IFCA website

Current restrictions and policy:

- [The Potting Permit Byelaw](#)
- [The current permit conditions for potting](#)
- [Policy statement for the Live Wrasse Pot Fishery](#)
- [Voluntary closed areas and guidance \(2017\)](#)
- [Information required \(from the fisher\) for the Fully Documented Live Wrasse Pot Fishery](#)

Evidence base:

- [Potting Permit Byelaw – Management of the Live Wrasse Fishery – Version 3 August 2017](#)
- [Live Wrasse Fishery in Devon & Severn IFCA District – Data Analysis Research Report – November 2017](#)

Other:

- D&S IFCA communication strategy (available upon request)

Data Protection - how we use your information?

D&S IFCA has a privacy policy.

The information you provide for this consultation will be used to assist the Authority in decision making. All personal data submitted will be held securely at all times, and, as part of this review of permit conditions, used only by the Authority. All personal data will be anonymised and summarised for insertion into this development report. Personal data will not be held for longer than necessary. We may disclose your information if required by law.

End of report.