

**NWIFCA Quarterly Meeting:
19th March 2020: 10.30 a.m.**

**AGENDA
ITEM NO.
7**

NWIFCA POTTING PERMIT BYELAW 2020

FOR APPROVAL

Purpose: i) To provide members with amended versions of the NWIFCA Potting Permit Byelaw and Flexible Permit Conditions and reasons for making the amendments.

Recommendation: i) That members approve:

- a. incorporation of three classes for Category One permits for edible crab and lobster and the associated fees and pot limitations;
- b. the revised fee structure;
- c. the necessary amendments to the Flexible Permit Conditions;
- d. the removal of the penalty points sanction;
- e. the re-making of the Byelaw.

BACKGROUND:

1. The formal consultation on the NWIFCA Potting Permit Byelaw was launched on 1st October and ran until 8th November 2019. All stakeholders on the NWIFCA database were notified either by email or post, and the information was posted on the website, as well as local newspaper advertisements and posters displayed in relevant locations around the District.
2. Consultation responses raised two issues relating directly to the byelaw which Officers considered needed further attention by TSB:
 - a) Category One Permits for Crab and Lobster for Licensed Fishers with Shellfish Entitlement:
 - i. Issue Raised - the disparity in charging the same fee to licensed crab and lobster fishers however many pots they use. Under the current byelaw someone fishing with 25 pots would be charged the same fee as a fisher fishing with 500 -1000 pots or more.
 - ii. Proposed Amendment - Revised Fee Structure with a tiered system for Category One permits for crab and lobster with a 25 pot cap on the lower fee tier, and a charge of £50 per annum. The higher tier would retain the £200 fee and with no pot cap. Requires the creation of different classes of Category One Crab and Lobster permits.
 - b) Category One Permits for Crab and Lobster for Licensed Fishers without Shellfish Entitlement:

- i. Issue Raised - under the byelaw as made at the September meeting, licenced fishermen without shellfish entitlement are not eligible for a permit. However they have a daily allowance for crab and lobster attached to their fishing licences issued by the MMO. The byelaw unintentionally contradicts this and needs correcting.
 - ii. Proposed Amendments - amendments to the byelaw wording and incorporating this into the revised fee structure. This creates another class of Category One Crab and Lobster permit so in total in the revised byelaw there are now three classes of permits for licensed crab and lobster potters.
3. An email with accompanying tracked change and clean versions of the byelaw and Flexible Permit Conditions showing the proposed amendments was sent to TSB asking for approval to:
 - i. make the changes;
 - ii. send out to industry for further comment;
 - iii. to then submit the revised Byelaw to March Authority meeting for re-making.
4. A majority approving this action was received.
5. On 17th January Officers sent out to all stakeholders on the database a letter and the revised documents asking for comments and views to the amendments. A small number responded mainly in support.
6. TSB considered and approved all the amendments and justifications at the meeting in February and approved bringing the byelaw back to the full Authority for re-making.
7. On 26th February advice was received from the MMO on the proposed revised Cockle and Mussel Byelaw, which was clear that without evidence to support the need for such sanctions that IFCA's do not have the ability to implement this type of system and that it would not be recommended for confirmation by the Secretary of State.
8. Unlike in the case of Cockles and Mussels where the Head of Enforcement is able to provide substantive evidence of the need, Officers consider that little evidence and therefore ability to justify this need in the case of potting is available.
9. In light of this the two paragraphs referring to the penalty points system has been removed from the byelaw. This can be reconsidered during the first review of the byelaw should repeat offences be detected and a clear need identified.
10. The amended Byelaw (Annex A) and Flexible Permit Conditions (Annex B) are presented for Members approval.

Mandy Knott
Senior Scientist
27th February 2020