

EXPLANATORY MEMORANDUM TO

THE SOUTHERN INSHORE FISHERIES AND CONSERVATION (AMENDMENT) ORDER 2019

2019 No. 1223

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs (“Defra”) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This instrument makes necessary amendments to the Southern Inshore Fisheries and Conservation Order 2010 (“the 2010 Order”) arising from local authority structural changes in Dorset effective from April 2019.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As this instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

- 5.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 The 2010 Order made provision for the establishment of the Southern Inshore Fisheries and Conservation District and for the Southern Inshore Fisheries and Conservation Authority (“the SIFCA”), including provision in relation to the membership of the SIFCA and its expenses.
6.2 Under The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 the Borough of Poole Council, Bournemouth Borough Council and Dorset County Council were abolished and two new councils, the Bournemouth, Christchurch and Poole Council and Dorset Council, were created, with effect from 1 April 2019.

As a result of this local authority restructuring, amendments to the 2010 Order are required to remove references to the abolished councils and to replace them with references to the new councils which form part of the SIFCA District. This instrument replaces references in the 2010 Order to the abolished councils with references to the new councils in the list of relevant councils whose members form part of the membership of the SIFCA. It also sets out the number of council members to be appointed to the SIFCA by the new councils and the percentage of the SIFCA's expenses which will be defrayed by the new councils.

7. Policy background

What is being done and why?

- 7.1 This instrument makes essential amendments to the 2010 Order arising from the restructure of local government in Dorset.
- 7.2 References to the “relevant councils” in Article 3(3) of the 2010 Order and the number of council members to be appointed by each relevant council in Article 5(3) of that Order are updated to reflect the new council structure. Finally, Article 16(2) of that Order is updated to reflect the new percentage of expenses incurred by the SIFCA which are to be defrayed by each relevant council.
- 7.3 As part of the transition and disaggregation process to accommodate the change brought about by the Bournemouth, Dorset and Poole (Structural Changes) Order 2018, Dorset Council agreed with the Bournemouth, Christchurch and Poole Council that 11% of the SIFCA's expenses previously defrayed by what was Dorset County Council should be reduced from the new Dorset Council's costs and added to the contribution from the new Bournemouth, Christchurch and Poole Council.
- 7.4 No policy changes are made by this instrument, these are technical changes that would regularise provisions relating to membership of the SIFCA and its expenses.

8. European Union (Withdrawal) Act 2018/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

- 9.1 There are no plans to consolidate this legislation.

10. Consultation outcome

- 10.1 The Order which made the changes to local government, The Bournemouth, Dorset and Poole (Structural Changes) Order 2018, was consulted on between 30 August 2016 and 25 October 2016. The consultation received over 17,000 responses, resulting in emphatic support for moving to two councils. 210 further representations were received between 7 November 2017 and 8 January 2018.
- 10.2 Section 152 of the Marine and Coastal Access Act 2009 requires the Secretary of State to consult the following when amending any order establishing an Inshore Fisheries and Conservation (“IFC”) district made under section 149 of the Marine and Coastal Access Act 2009:
 - a) the authority for the IFC district established by the order,

- b) the council for every local authority area that falls within the IFC district established by the order,
- c) the Environment Agency,
- d) Natural England,
- e) the Marine Management Organisation,
- f) the authority for any IFC district that adjoins the IFC district established by the order,
- g) the Welsh Ministers, in a case where the IFC district established by the order adjoins the Welsh inshore region,
- h) the Natural Resources Body for Wales, in a case where the IFC district established by the order adjoins the Welsh inshore region, and
- i) any other person likely to be affected by the amendment or revocation of the order.

10.3 A consultation letter was therefore sent to the following bodies for their comment for a period of three weeks between 2 July 2019 and 23 July 2019:

- a) the SIFCA,
- b) Dorset Council; Bournemouth, Christchurch and Poole Council; Hampshire County Council; Isle of Wight Council; Portsmouth City Council; Southampton City Council,
- c) the Environment Agency,
- d) Natural England,
- e) the Marine Management Organisation, and
- f) Devon and Severn, and Sussex IFCAs.

10.4 There was only one objection to this amendment, by Bournemouth, Christchurch and Poole Council, who noted a minor error in the Current list of Councils in Section 3 of the Regulatory Triage Assessment (“RTA”) (Hampshire County Council was repeated twice and Dorset County Council was omitted) and asked for clarification regarding the method used to determine the amount of expenses defrayed for Bournemouth, Christchurch and Poole Council following local government restructuring. The error has been corrected in the RTA by replacing one entry with Dorset County Council and clarification on the methodology was provided. There were no further requests from Bournemouth Christchurch and Poole Council about this.

11. Guidance

11.1 Defra has not issued any guidance in relation to this instrument.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 The public sector will be impacted by the restructuring of the costs defrayed to SIFCA by the new Dorset Council and Bournemouth, Christchurch and Poole Council. As part of the transition and disaggregation process to accommodate this change, Dorset Council agreed with Bournemouth, Christchurch and Poole Council that 11% of the

cost previously defrayed by Dorset Council should be reduced from Dorset Council costs and added to the contribution from the new Bournemouth, Christchurch and Poole Council.

- 12.3 An Impact Assessment has not been prepared for this instrument because the amendment made by this instrument does not constitute any change to policy and no significant impact on business is foreseen as a result of this amendment (less than +/- £5 million net annualised).

13. Regulating small business

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 Under Section 183 of the Marine and Coastal Access Act 2009, the Secretary of State for Environment, Food and Rural Affairs is required to lay before Parliament a report about the conduct and operation of the authorities for any IFC districts at the end of every relevant four year period.

- 14.2 The regulation does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015 George Eustice has made the following statement: "I consider that inserting a review provision is not appropriate because this instrument makes consequential amendments to the Southern Inshore Fisheries Conservation Order 2010 as a result of local government restructuring in Dorset and there is not expected to be a significant impact on business (greater than +/- £5 million net annualised). It would not be proportionate to do so."

15. Contact

- 15.1 Martina Di Fonzo at the Department for Environment, Food and Rural Affairs, Telephone: 020 8415 2307 or email: Martina.DiFonzo@defra.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Simon Brockington, Deputy Director for Evidence, Fisheries Funding and Domestic Marine Policy at the Department for Environment, Food and Rural Affairs can confirm that this explanatory memorandum meets the required standard.
- 15.3 George Eustice MP, Minister of State at the Department for Environment, Food and Rural Affairs can confirm that this explanatory memorandum meets the required standard.