

Byelaw and Permitting Sub-Committee (B&PSC) Report

Since the last Authority update in July 2021 there has been one meeting of the B&PSC which included the election of Dr Emma Bean as the new Chair of the B&PSC. Professor Mike Williams has now taken on the role of Vice Chair of the B&PSC. The draft minutes from the last B&PSC meeting, held on 22nd July, can be viewed on the Members' Area of the website.

The Review of the Live Wrasse Pot Fishery

A fishery for the live capture of wrasse for use as cleaner fish in Scottish salmon farms developed in the Devon and Severn Inshore Fisheries and Conservation Authority's (D&S IFCA's) District in 2015. Management was introduced in 2017 via D&S IFCA's Potting Permit Byelaw. Since the management measures were first introduced, they have been regularly reviewed by the B&PSC. In February 2021 the B&PSC actioned a formal consultation with a view to amendments to the Potting Permit Conditions – a change in the ballan wrasse Conservation Reference Size (CRS) from 15-23cm to 18-26cm. The findings of the formal consultation were documented and presented to the B&PSC. The B&PSC agreed with the Officers' recommendation to amend the Potting Permit Conditions which were subsequently amended and circulated in August 2021. The administration task of issuing over 700 Potting Permits was undertaken by the Permitting Officer and the Finance and Administration Manager, with the new conditions valid from 9th August 2021.

Review of the Size of Vessels Byelaw

The existing Size of Vessels Byelaw was inherited from Devon Sea Fisheries Committee (DSFC) and must be formally reviewed by D&S IFCA. The Review of the Size of Vessels Byelaw is highlighted as a specific Key Task (KT007) in [D&S IFCA's Annual Plan 2021-22](#). The Review will require the re-making of the Size of Vessels Byelaw. On 22nd July 2021 the B&PSC were presented with an Officers' paper and a supporting report that highlighted the weaknesses that exist with the current Size of Vessels Byelaw. The B&PSC agreed to begin the review and actioned pre-consultation (scoping exercise) to gather the initial views of stakeholders on some key points which will provide the foundations for drafting work. The key elements include the following:

- Establishing a new maximum size for commercial vessels of 15 metres in overall length.
- To gather views on the removal of "Grandfather Rights" that have allowed large vessels (over 15.24 metres) to continue fishing or have access rights for fishing within the District.
- To gather views on the potential use of a "Sunset Clause" that provides a period for large vessel owners to adapt to potential change.

Officers prepared information for the "Have Your Say" exercise that began on 27th August and will end on 24th September 2021. Communication initiatives included direct circulation (Mail Chimp), information posted on the [Consultation](#) website page and supporting news items created for social media.

Review of the Mobile Fishing Permit Byelaw

The Mobile Fishing Byelaw came into force in 2014 and must be reviewed. Work began in 2019; however, it is far from complete. [D&S IFCA's Annual Plan for 2021-22](#) lists two key tasks associated with this workstream (KT005 & KT006).

To drive the work forward, Officers produced a revised planning report which was presented as an information item to B&PSC Members on 22nd July 2021. The report highlighted multiple aspects of work (including decision making) that must be undertaken to progress the remaking of the Mobile Fishing Permit Byelaw. Although it was envisaged that the management of sand eel trawling could be achieved via permit conditions, this has proved overly complicated and is delaying progress. Although the expectation of the B&PSC was for Officers to conduct additional consultation relating to sand eel trawling to further inform the process, this has produced further complications regarding aspects of the drafting work and presentation of information in any such consultation. Officers will now recommend to the B&PSC that the management of sand eel trawling is restricted to fixed provisions in the re-made overarching Mobile Fishing Permit Byelaw, rather than adding flexible restrictions to existing Category One (At Sea) Permit Conditions and introducing a new category of Permit Conditions (Category Three) for recreational sand eel trawling.

Non-Payment of Fines and Issuing of Permits

The B&PSC considered an Officers' paper that set out plans to create a new Policy document. The drafting work for the Policy will be supported by the Byelaw Technical Working Group (BTWG) and will recognise the following:

- To make all stakeholders aware that D&S IFCA will not issue new permits where outstanding fines or costs set by a court have failed to be paid to the Authority.
- To make all stakeholders aware that D&S IFCA will not issue new permits if payment schedules ordered by a court have not been met.
- To make all stakeholders aware that D&S IFCA will not issue new permits if FAPs have not been paid in full.
- To be drafted in respect of fishing vessels rather than individuals. Owners and Masters of vessels will have equal responsibility to ensure payments schedules are maintained as agreed in court.

The Scallop Closed Season

In February 2021 the B&PSC decided not to undertake formal consultation on potential amendments to Category One (commercial) Diving Permits. The proposed amendments would have authorised commercial divers to remove scallops from defined areas within the District during July, August, and September. Following this decision there has been media interest and criticism of the B&PSC's decision making. The latest developments will be reported in more detail to the B&PSC in October 2021 and the B&PSC will have the opportunity to consider the subject matter.

Hand Working Permit Byelaw

Further development of the Hand Working Permit Byelaw was not included as a key task in D&S IFCA's Annual Plan for 2021-22. Although not a key task, Officers have still followed the work and plans of other IFCA's by attending FISHGIG (a joint IFCA hand working/hand gathering byelaw group). D&S IFCA Officers were able to share documented development work achieved in 2019 and 2020; however, unless D&S IFCA's funding issues are resolved,

it is unlikely that D&S IFCA will be able to continue with plans to further develop a Hand Working Permit Byelaw in 2022-23.

Background Papers:

- [B&PSC Wrasse & Potting Formal Consultation Report \(June 2021\)](#)
- [Review of Size of Vessels Byelaw Planning Report \(June 2021\)](#)
- [B&PSC Review of the Mobile Fishing Permit Byelaw Planning Report \(June 2021\)](#)
- [B&PSC Report – Scallop Closed Season \(10th Feb 2021\)](#)

Additional Information for Members:

A Guide to the Work of the B&PSC can be read [here](#).

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