

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

### Officers' Recommendation

That Members note the content of the B&PSC Report

The B&PSC had their last meeting on 23<sup>rd</sup> February 2023. The draft minutes from the B&PSC meeting are being prepared and will be published on D&S IFCA's website shortly.

### Byelaw Development – Formal Consultation

On 23<sup>rd</sup> February 2023 the B&PSC were presented with two formal consultation reports and accompanying Officers' papers relating to the development of two proposed Byelaws:

- Size of Fishing Vessels Byelaw 2022
- Mobile Fishing Permit Byelaw 2022

Each consultation report documented how the formal consultations (25<sup>th</sup> November 2022 to 20<sup>th</sup> January 2023) were undertaken, including mandatory advertising of each Byelaw in newspapers at a combined cost of **£8770**. Direct communication (Mailchimp) reached over 1500 contacts per consultation, however only five responses were received, with four of these raising objection points associated with the Mobile Fishing Permit Conditions.

B&PSC considered the responses received during the formal consultation and the two separate recommendations provided by Officers.

### Officers' Recommendations Considered by the B&PSC

- That the Size of Fishing Vessels Byelaw 2022, as proposed in the formal consultation, is submitted to the Marine Management Organisation (byelaw quality assurance team) with a view to confirmation by the Secretary of State.
- That the Mobile Fishing Permit Byelaw 2022 (and Permit Conditions), as proposed in the formal consultation, are amended before they are submitted to the Marine Management Organisation (byelaw quality assurance team) with a view to confirmation by the Secretary of State.

Officers explained how amendments could be made to both the proposed Category One and Category Two Mobile Fishing Permit Conditions to recognise the points of concern raised in the formal consultation. The B&PSC agreed with both the above recommendations and work will now progress.

### Next Steps

Officers will now work with D&S IFCA's Byelaw Technical Working Group (BTWG) to quality assure the Size of Fishing Vessels Byelaw 2022 and to amend the Mobile Fishing Permit Byelaw 2022 and the associated Permit Conditions. Packages of information relating to both Byelaws (such as updated Impact Assessments and proof of advertising) will shortly be submitted to the Marine Management Organisation (MMO) for quality assurance. The stakeholders who responded during the formal consultation will be contacted by D&S IFCA Officers to explain how their response was considered.

Changes may be advised by the MMO before the Byelaw and Permit Conditions are sent to the Secretary of State for potential confirmation. There is potential that further decision making by the B&PSC will be required.

## **Other Agenda Items considered by the B&PSC**

### **Crab Management**

The B&PSC was updated with information on the discussions currently taking place on possible future crab management both regionally and nationally. The Officers' paper also provided an insight into the work Officers propose to undertake within FY 2023/2024 to gain further knowledge of the issues that are facing D&S IFCA's static gear fishers in particular relating to crustacean fisheries and planned research for 2023/2024. The B&PSC supported the recommendation by Officers.

### **Scallop Spawning Season Research**

The B&PSC was updated on the research work conducted by D&S IFCA's Environment Officers and a student, between April to October 2022, to provide evidence on the scallop spawning season in Devon and an executive summary of the outputs from this research was present to the Members. The final report for this research will be published by the end of March 2023.

There are many factors that may affect the scallop spawning cycle and there is likely to be interannual variation. To develop a robust evidence base, D&S IFCA Officers proposed to continue the research from April to September 2023. It was explained that all research proposed, including the sampling undertaken by the commercial diving sector and analysis of samples by Officers, is within the D&S IFCA's research budget. The additional evidence gathering work will inform D&S IFCA's management consideration and will feed into the national King Scallop Fisheries Management Plan.

The B&PSC supported the continued scallop spawning research in 2023, which is reflected in D&S IFCA's 2023/2024 Annual Plan.

### **Monitoring of the Commercial Scallop Dive Fishery**

On 9th June 2022 D&S IFCA's Byelaw and Permitting Sub-Committee (B&PSC) agreed a series of changes to the commercial (Category One) Diving Permit Conditions to reflect the differences in the sector compared to demersal towed gear and allow greater access to removal of scallops during July, August, and September. From 1st July 2022 Commercial Diving Permit Holders had access in the months of July, August, and September for the removal of scallops from specified sites (which are based on Marine Protected Areas), subject to additional restrictions.

The B&PSC tasked Officers to monitor the fishery and report back. On 23<sup>rd</sup> February 2023, the B&PSC received a monitoring report with an Officers' paper recommending that the Category One Diving Permit Conditions remain unchanged. The B&PSC agreed with the Officers' recommendation.

### **Background Papers**

- B&PSC papers
- B&PSC reports
- Minutes from B&PSC meetings

(All are available within Section B of the [D&S IFCA Website Resource Library](#))