

STATUTORY MEETING

Minutes of the STATUTORY MEETING of the Joint Committee held on **Wednesday 30th April 2008**, at the offices of the Joint Committee, 6 North Lynn Business Village, Bergen Way, King's Lynn, Norfolk, PE30 2JG at 1030 hours.

PRESENT

Cllr D A Baxter	Norfolk County Council - Chairman	
Cllr A H Turner JP	Lincolnshire County Council	
Cllr S F Williams	Lincolnshire County Council	
Cllr G Nobbs	Norfolk County Council	
Cllr R A Ward	Suffolk County Council	
Cllr D Wood	Suffolk County Council	
R Brewster)	
N Lake)	
I Large)	
T Pinborough)Defra Appointees	
C A R Southerland)	
S Williamson)	
M Yates)	
M R Mander	Clerk and Chief Fishery Officer	
C M Hurley	Finance Officer)
D Vaughan	Deputy Clerk & Fishery Officer) Present by
J Stoutt	Marine Environment Officer) Invitation
B Smart	Defra DI - Lowestoft)

APOLOGIES

Apologies for absence were received from Councillors Bellham (SCC), Hannah (NCC) and Rye (NCC) and Messrs Garnett (Defra Appointees) and Tomlinson (Environment Agency).

CHAIRMAN'S ANNOUNCEMENTS

There were no announcements from the Chairman.

DECLARATION OF MEMBERS PERSONAL INTERESTS

Messrs Brestwer and Lake declared an interest in agenda item 5. Mr Williamson declared an interest in agenda items, 5,7 and 8.

ST08/19 MINUTES OF THE STATUTORY MEETING OF THE JOINT COMMITTEE HELD ON 30th JANUARY 2008

Members agreed the minutes were a true record of proceedings.

ST08/20 MATTERS ARISING

ST08/07: Councillor Turner questioned whether all the Committee's equipment had been returned. The Clerk advised that it had.

ST08/06: Mr Large questioned whether there was any information on the route of the cable through the Wash. The Clerk advised that surveys were being carried out to provide background information for the proposed cable route which was being submitted to Natural England for consideration. The Clerk also confirmed that the Committee's objection was still in place.

Councillor Williams questioned the delay in the COWRIE report. The Clerk had no indication of why the report was delayed.

ST08/21 FINANCE OFFICER'S REPORT ON PAYMENTS MADE AND MONIES RECEIVED DURING THE PERIOD 19TH JANUARY 2008 to 31ST MARCH 2008

It was Resolved to accept the Finance Officer's report on payments made and monies received during the period 19th January 2008 to 31st March 2008 and approve payments of £201,242.32 and receipts of £18,313.67.

**Proposed: Cllr Williams
All Agreed**

Seconded: Cllr Ward

ST08/22 FINANCE OFFICER'S REPORT ON THE AUDIT OF ACCOUNTS FOR THE YEAR 2006/2007

The Chairman felt there were two points for members to note. The first being that an unqualified opinion and audit certificate on the accounts were issued on 9th April 2008, which indicated the Finance Officer was doing her job well. The second point to note was the Auditors' Opinion indicated that there had been a failure to put in place arrangements to maintain a sound system of internal control and arrangements that are designed to promote and ensure probity and propriety in the conduct of the Joint Committee's business. The Chairman added that this action had been carried out inline with the Auditors' request.

It was Resolved to accept the report

**Proposed: Councillor Turner
All Agreed**

Seconded: Councillor Ward

ST08/23 CLERK'S REPORT ON PROPOSALS TO CHANGE THE ADMINISTRATION AND QUALIFYING CRITERIA RELATING TO THE WASH FISHERY ORDER ENTITLEMENTS

Following the previous Statutory Meeting the Clerk had written to Defra for their opinion on the proposed changes to administration and qualifying criteria relating to Wash Fishery Order Entitlements. The outcome of the correspondence had been that in Defra's opinion the Wash Fishery Order granted the Committee enough powers to make their own decisions in this instance. Having received this response the Clerk had written to all Entitlement Holders and advised them of the decisions taken by the Committee at the previous meeting.

Referring to the matter of Officers checking that vessels had valid insurance prior to being issued with a WFO licence Defra indicated that they did not feel it was the Committee's responsibility, but it was up to the Committee to decide whether they felt it was appropriate to make it a licence requirement that vessels must provide evidence of a valid insurance certificate.

Councillor Williams felt the industry should be consulted on this matter and it should be pointed out to the industry that the requirement would be for ecological reasons, not for Health & Safety purposes. Councillor Williams also advised that in his view with the

Committee's changing role, under the Marine Bill, pollution and the cost of cleaning it up, may be a factor which the Committee would have to take into account, he felt the Committee should take responsibility for ensuring vessels had adequate insurance cover in the event of fuel spillage etc.

The Clerk advised that currently all vessels fishing commercially in the Wash were registered under an MFA licence, perhaps they would be better placed to check on insurance rather than making it a requirement of a WFO licence which only applied to those vessels fishing for cockles and mussels.

There was a diversity of feeling amongst the members. Some felt that more damage could be caused by waiting for insurance companies to get involved, whilst others felt vessels fishing throughout the whole of the District, not just the Wash, should be required to have insurance to cover the cost of cleaning up pollution. It was also emphasised that nowhere else in Britain were vessels forced to have insurance coverage.

It was Resolved that the Clerk should contact the MCA and the industry regarding suggestions for ways in which to safeguard the Ramsar site, SSSI and fisheries within the whole of the Committee's District, with regard to pollution.

**Proposed: Councillor Williams
10 votes in favour.**

Seconded: Councillor Ward

ST08/24 CLERK'S REPORT ON THE MEETING OF THE RECREATIONAL SEA ANGLERS SUB-COMMITTEE HELD ON 20TH FEBRUARY 2008

Mr Pinborough declared an interest in the item referring to the CEFAS project regarding bass.

Mr Pinborough advised he was glad that ESFJC had provided an individual response to the RSA Strategy, as he did not feel the response provided by the ASFC was adequate. Referring to the CEFAS Project Mr Pinborough advised the project was still in Phase 1.

ST08/25 CLERK'S REPORT ON PROPOSED APPLICATIONS FOR MSC CERTIFICATION FOR THE WASH COCKLE, MUSSEL AND SHRIMP FISHERIES

The Clerk advised members that he felt the importance of getting fisheries accredited would increase as more of the big companies wanted to promote their products as being harvested from sustainable fisheries. With this in mind it was hoped that at least one of the fisheries in the District could be accredited in the medium term with the rest following in the long term.

Members were advised that Natural England felt they could pursue MSC accreditation following on from the Cockle and Mussel Policies which had been agreed. The Clerk therefore felt that the Industry should be consulted to see if they were in support of accreditation.

Mr Large agreed with the Clerk as he felt that in the future without accreditation it may be difficult for the industry to sell their product.

Mr Lake felt the water classification would present a problem, he also felt that accreditation would only lead to more restrictions for the industry.

The Clerk felt that by approaching the accreditation via the cockle and mussel policies and the restrictions which already apply there would be less additional burden on the industry. He also felt that the water classification would not present a difficulty as it is where and how the stock is fished which makes it a sustainable product, not whether or not it has to be processed prior to it reaching the end producer.

Mr Southerland felt there were two factors to take into account, 1) some factories wanted stocks from accredited fisheries, 2) it would create a lot of legislation and paperwork for individual fishermen who receive a better price selling their catch locally.

Members felt the decision would need to be made by the industry, the Committee could only point out the advantages and disadvantages of fisheries receiving the MSC Certification. It was Resolved to consult the industry and gauge their opinion on whether or not to proceed.

Proposed: Councillor Williams

Seconded: Councillor Ward

ST08/26 CLERK'S REPORT ON APPROVED DREDGE DESIGN

The Clerk advised that he had received a request to use a small dredge. The design of the dredge differed in that although it would be used to pursue the dredge fisheries the catch would not actually be sucked on board, instead the catch would be lifted on board in a cage and sorted once on deck. The reasoning behind the dredge was that the vessel had insufficient deck space to accommodate a standard hydraulic dredge.

Whilst the Clerk felt there was nothing wrong with the design of the dredge he was conscious of the management measure that the catch must be riddled and the smaller cockles discarded. The individual concerned had been made aware of this measure and had intended to riddle the catch once it was on board. However there was still the necessity to meet the 10% smash rate criteria. The Clerk felt that if the design was assessed and met this criteria the individual should be permitted to use the dredge.

MrLake expressed concern that without the catch going into a bag it would be difficult to assess how much the individual was catching and also without a pipe to take the cockles on board there could be spillage from the cage which would result in smashed cockles on the ground that other vessels would pick up, which would effect their smash rate.

Members were concerned about potential damage but felt the design would need to be assessed whilst fishing to decide whether or not it met the criteria laid down in the WFO.

It was Resolved to grant approval to the pattern of equipment in line with Regulation No1 of the WFO 1992, subject to the gear meeting smash rate requirements as set out within ESFJC Byelaw 3.

Proposed: Councillor Williams

Seconded: Councillor Ward

ST08/27 DEPUTY CLERK'S REPORT ON THE MINISTERS VIEW REGARDING THE LOBSTER SCRUBBING TEST

The Deputy Clerk gave a brief overview and resume of the outcome of advising the Minister on the successful use of the scrubbing test for berried lobsters including details of the case that was taken to court. The Minister's response had been that at the current time he did not feel there was a need to pursue national legislation to prevent carriage or landing of berried lobsters. Members felt the Minister had misunderstood the concerns of the Officers particularly with regard to protecting the stock rather than preventing landing of lobsters below the MLS.

Mr Lake felt there was little point in pursuing the matter as it was difficult to enforce as it was necessary to prove whether or not the lobsters were caught inside the 6nm limit, he suggested that paying fishermen for any berried lobsters they caught and then v-notching them would be a better way forward. However, it was felt that public money should not be

used to purchase lobsters to be returned to the sea, particularly when other fishermen already v-notch on a voluntary basis.

Members felt it was important to consult the Minister again, however, they did not believe writing a letter would achieve anything more. It was agreed that the Clerk should take a representative(s) of the Officers and the Committee along with the lobster scrubbing test and some berried lobsters and speak to the Minister in person. In addition to consulting the local industry for views on how to provide greater protection for the stocks with the ESFJC District.

It was Resolved that:

- 1. The Clerk should write to a Norfolk MP and request that a meeting be arranged for himself and other representatives with the Minister. A copy of this letter should be copied to other MPs within the ESFJC District.**
- 2. The Clerk should consult with the local fishermen's associations regarding additional measures that the Joint Committee can take to confer greater protection on the lobster stocks within the Joint Committee's district in an effort to ensure continued sustainable fishing opportunities, with V-notching being put forward as an option.**

Proposed : Councillor Williams

Seconded: Councillor Turner

ST08/28 CLERK'S REPORT ON THE TRANSFER OF A WASH FISHERY ORDER 1992 LICENCE

Members were advised that a request had been made to transfer a licence from father to son, in line with Note 12 of the Management Policy Statement and Guidance Note which accompanies the WFO 1992. However, Members' approval was still required.

It was Resolved that the requested transfer of a licence entitlement from father to son be granted.

Proposed: Councillor Williams

Seconded: Mr Large

ST08/29 CLERK'S REPORT ON THE DRAFT MARINE BILL PUBLISHED BY DEFRA 6TH APRIL 2008

The Clerk advised that he had summarised and drawn out the significant and potential changes to the way the Committee would operate under the Marine Bill.

Mr Pinborough expressed his view that he would like to see ESFJC make an individual response to the Draft. He was particularly concerned with the suggested structure particularly as the Committee were being asked to agree to something without knowing what the final Bill will involve from the Committee's point of view.

The Clerk advised that it had been agreed that at this stage the SFCs would make a single, united response through the ASFC. The degree of uncertainty regarding the future role of SFCs was a cause for concern to the members as was the lack of clarity on key issues. Members were also advised the Draft Bill would be put before a Select Committee at which probing questions would be asked, including why it was necessary for IFCA's to stand alone from MMOs.

Mr Pinborough was also concerned that the draft bill mentioned applying bag limits to anglers, which he did not feel should be applied as an enforcement measure, although he may be able to accept it as a management tool if it was applied to all sectors.

Members expressed concern over the Bill, particularly whether or not each IFCA would be tailor made to suit its area or whether they would be a standard operation which everyone must adhere to.

Members agreed to receive the report but instructed the Clerk to ensure that included in the response was the Committee's view that local management and accountability must be of paramount importance.

ST08/30 CLERKS REPORT ON THE REPLACEMENT OF FPV ESF PROTECTOR III AND FPV PISCES III WITH TWO LARGE RIBS

The report had been compiled following changes in personnel and increasing views at Committee level that there was concern about how the vessel resources were used. The report had been prepared to put forward potential changes that could be made to the Joint Committee's use of vessels. The Clerk advised that throughout the writing of the report the staff had been kept informed of what was being put forward. The staff had raised issues of their own, which included the physical ability to operate on RIBs over a number of years and whether they would be required to take early retirement. They also felt it may be difficult to conduct boardings using a large RIB when moving alongside a small (6-7m) vessel. There would also be an additional cost in reconfiguring Three Counties and her RIB to allow refuelling to take place at sea.

Despite acknowledging there was an element of forethought in preparing the report, the members were concerned the report had been put forward without prior consultation. However, it was acknowledged that consideration would have to be given to replacing ESF Protector III and the presented paper may provide the way forward. Members did feel that in order to make an informed decision they would like to see one of the larger RIBs for themselves to be able to envisage the ability of the crew to carry out their duties from such a craft. Councillor Williams felt that using RIBs would create difficulties in terms of working times as he felt 6 hrs was the maximum time the crew could be asked to be at sea on a RIB. He then went on to advise that it would be necessary to put in place a method to decide whether a vessel should put to sea in poor conditions. He felt the employer should be making the decisions, however, the Clerk felt the skipper was the professional with the appropriate knowledge of whether or not the sea conditions were suitable to put to sea in. Mr Lake felt that ESF Protector III was a stable platform from which to carry out enforcement in the District, he would like to see ESF Protector III kept and Three Counties replaced. Members were advised that ESF Protector III had already had its anticipated working life extended and that Three Counties was an expensive vessel which was still working well and could be used to carry out enforcement as well as for research work.

It was Resolved that the Clerk should:

- 1. Investigate the sale of ESF Protector III, FPV Pisces III and RV Runner, and the refitting of Sea Spray.**
- 2. Investigate purchasing two large replacement RIBs, one should be based in the wash with second being based in Suffolk.**
- 3. Investigate altering the personnel structure to reflect these changes**
- 4. Investigate a satellite officer being opened in Suffolk to be manned by an Assistant MEO and the Mate / Suffolk FO.**

Proposed: Councillor Williams

Seconded: Councillor Turner

ST08/31 DEPUTY CLERK'S REPORT ON STAFF ACTIVITIES – JANUARY TO MARCH 2008

Councillor Williams expressed concern that Three Counties had never achieved the expected speed, and felt that once a contract for a vessel was drawn up then it should be met. The Clerk advised that this matter had been resolved and that the Committee had received financial remuneration from the manufacturers for the reduced speed

ST08/32 SENIOR RESEARCH OFFICERS QUARTERLY REPORT

Members accepted this as a matter for information

ST08/33 MARINE ENVIRONMENT OFFICERS QUARTERLY REPORT

Members accepted this as a matter for information

ST08/34 ESFJC ANNUAL REPORT 2007

Members accepted this as a matter for information

ST08/35 ESFJC ANNUAL RESEARCH REPORT 2007

Members accepted this as a matter for information

There being no other business the meeting closed at 1245 hours.