

STATUTORY MEETING

Minutes of the STATUTORY MEETING of the Joint Committee held on **Wednesday 24th January 2007**, at the offices of the Joint Committee, 6 North Lynn Business Village, Bergen Way, King's Lynn, Norfolk, PE30 2JG at 1030 hours.

PRESENT

Councillor R Bellham	Chairman – Suffolk County Council	
Cllr A H Turner JP	Lincolnshire County Council	
Councillor S F Williams	Lincolnshire County Council	
Dr B Connell	Norfolk County Council	
Councillor D Rye	Norfolk County Council	
Councillor R A Ward	Suffolk County Council	
R Garnett)	
N Lake)	
T Pinborough)	
C A R Southerland)Defra Appointees	
S Williamson)	
M Yates)	
N Tomlinson)	
M R Mander	Clerk and Chief Fishery Officer	
C M Hurley	Finance Officer)
D Vaughan	Deputy Clerk & Fishery Officer)
B Smart	District Inspector - MFA)
C Donnelly	Natural England)
		Present by
		Invitation

APOLOGIES

Apologies for absence were received from Councillors Bakewell (LCC), Baxter (NCC), Joyce (NCC) and Wood (SCC) and Messrs Coppolo and Large (Defra Appointees).

The Chairman (Councillor Bellham) was unavoidably detained in traffic, in the absence of the Vice Chairman it was necessary to appoint a temporary Chairman for the duration of the meeting. Having been nominated by Councillor Williams and with no objections, Councillor Turner was appointed the role of Chairman.

CHAIRMAN'S ANNOUNCEMENTS

Members were advised that agenda item 10 may contain elements of individuals personal business dealings and financial information, it would therefore be necessary to consider whether or not this item should be discussed without the presence of the public.

DECLARATION OF MEMBERS PERSONAL INTERESTS

Mr Southerland declared an interest in items relating to shellfish.
Mr Williamson declared an interest in items 10 / 11 and 14 on the agenda.
Councillor Rye declared an interest in the business of the King's Lynn Conservancy Board.

ST07/01 MINUTES OF THE STATUTORY MEETING OF THE JOINT COMMITTEE HELD ON 25th OCTOBER 2006

Members agreed the minutes were a true record of proceedings.

ST07/02 MATTERS ARISING

ST06/31 TOPE BYELAW: The Clerk was able to advise that the Tope Byelaw had been confirmed by Defra and was in place.

ST06/48 DECLARATIONS OF INTEREST: No further advice had been received, however, Defra were aware of the problems being faced by Sea Fisheries Committees and it was hoped these would be addressed through the Marine Bill. The White Paper relating to the Marine Bill was expected to be available by 12th March 2007.

ST07/03 CLERK'S REPORT ON THE MEETING OF THE FINANCE AND GENERAL PURPOSES SUB-COMMITTEE MEETING HELD ON 11TH JANUARY 2007

Members were advised that following a request from the Committee, the Officers had prepared a Draft Business Plan, the aim of this was to assist in the budget forecasting. The Draft had been considered by members of the F&GP meeting however, the Core Objectives had been revised and it was necessary that the Full Committee should agree to the changes. Councillor Williams commended the Officers on an excellent piece of work and felt it provided an eye opener particularly in terms of the level of risk associated with the work of the Committee. Mr Pinborough questioned whether it would be possible to change parts of the Business Plan once a meeting of the Recreational Angling Sub-Committee had taken place. The Clerk advised that the Business Plan needed to be finalised as soon as possible as it related to the expenditure for 2006/2007. He noted that if as the result of the Recreational Angling Sub-Committee it was necessary to make additional expenditure this would have to be taken from the budget as set out in the Business Plan.

The report also advised on the impact the Vessel Sub-Committee's decision to extend the life expectancy of ESF Protector III by at least a further 5 years, would have on the budget, as well as highlighting the expenditure made to have Pisces III certificated to meet the MCA Workboat Code and purchasing an additional pool vehicle.

Having considered the report and read the Business Plan members agreed to receive the report and approve the Business Plan.

ST07/04 ESTIMATES OF EXPENDITURE FOR THE PERIOD 1ST APRIL 2007 TO 31ST MARCH 2008

Taking into account the advice provided by the Finance and General Purposes Sub-Committee the Committee **Resolved, in accordance with Section 101(6) of the Local Government Act 1972, to approve estimates of expenditure for the period 1st April 2007 to 31st March 2008, amounting to a Levy on Constituent County Councils of £1,183,500.**

**Proposed: Councillor Ward
All in favour**

Seconded: Councillor Rye

ST07/05 PROVISIONAL THREE YEAR FORECAST OF ESTIMATES OF EXPENDITURE FOR THE PERIOD 1ST APRIL 2008 TO 31ST MARCH 2011

Having read through the Forecasts, Councillor Williams suggested that the Clerk contact South Holland District Council to enquire whether funding could be achieved from the Sutton Bridge Power Station Funds, towards the vessels moorings.

Members agreed to note the Forecasts of Expenditure.

ST07/06 FINANCE OFFICER'S REPORT ON PAYMENTS MADE AND MONIES RECEIVED DURING THE PERIOD 14th OCTOBER 2006 - 12th JANUARY 2007

It was Resolved to accept the Finance Officers report on payments made and monies received during the period 14th October 2006 and 12th January 2007 and approve payments of £320,935.76 and receipts of £46,856.11.

Proposed: Councillor Williams

Seconded: Councillor Ward

All Agreed

ST07/07 CLERK'S REPORT ON THE WASH MANAGEMENT SUB-COMMITTEE HELD ON 22ND NOVEMBER 2006

This meeting had been held to discuss the results of the Autumn Mussel surveys and to agree the management proposals for the fishery. The Clerk was encouraged by the constructive nature of discussions relating to this fishery, particularly as Natural England had been involved in the decisions that were made. As a result the fishery was due to open on January 29th 2007.

Members Agreed to receive the report.

ST07/08 CLERK'S REPORT ON THE MEETING OF THE VESSEL SUB-COMMITTEE HELD ON 6TH DECEMBER 2006

With the Committee's patrol vessel coming close to the end of its anticipated service it was necessary to convene a meeting to consider whether to extend the working life of the vessel or to commission the build of a replacement. The Naval Architect who designed the vessel and had carried out every annual inspection, prepared a report on the condition of ESF Protector III. The outcome of the report suggested that whilst it had not been possible to carry out complete internal inspections the naval architect felt the overall cost of keeping the vessel in service would be relatively low compared to commissioning a new build. Members considered the report as well as the paperwork relating to commissioning a new vessel. Councillor Williams advised that having carried out this exercise it highlighted that the Committee were remiss in not putting aside sufficient funds towards the build of a new vessel.

As a result of considering all the facts the Sub-Committee had agreed to extend the working life of the patrol vessel for at least a further 5 years. The cost of this would be spread across the five year period.

Members Agreed to receive the report.

ST07/09 CLERK'S REPORT ON THE APPRAISAL OF THE THIRD DRAFT OF THE WASH COCKLE AND MUSSEL POLICY UNDERTAKEN BY MARINX CONSULTANTS

MarinX Consultants had prepared an independent report on the proposed management approach to the mussel and cockle fisheries in the Wash. The author of the report had worked with the data provided and concluded that he supported the views of the Committee, he also felt a key way forward for the fisheries was to take the adaptive co-management approach. The Committee's Officers felt that this report would be a useful tool in the discussions with Natural England to agree to the Mussel & Cockle policy which would negate the need to go through the process of an Appropriate Assessment prior to opening a fishery. Mr Garnett admitted that prior to reading the final report he had been sceptical, however, he acknowledged it was a comprehensive report which had taken on board the views of the fishermen.

It was Resolved to receive the report and release the necessary funds to pay for the work carried out.

**Proposed: Councillor Williams
All Agreed**

Seconded: Councillor Ward

ST07/10 CLERK'S REPORT ON THE PROPOSAL TO ONLY ISSUE ANNUAL WASH FISHERY ORDER LICENCES

At this point Mr Lake declared an interest in this item

Members were advised that difficulties had arisen relating to the administration of monthly Wash Fishery Order licences. These had affected both the Committee's administration and the individual vessel owners. In order to overcome these problems it had been proposed to revert to annual fishing licences. The Committee's Officers had contacted each Entitlement Holder with the proposals, including a break down of the pricing structure and increases for each licence. Replies had been received from 18 individuals, of which 12 were in favour. One fishermen's association had also responded which agreed in principle to the annual licence but would have preferred to see the toll set each year when the level of stock available to the fishery was known. The Clerk acknowledged this point but advised that the toll level needed Ministerial consent and to do so on an annual basis could result in the opening of a fishery being delayed while the toll was agreed.

Members discussed the merit of increasing licence tolls and the level at which they were proposed to be set, whilst there was sympathy towards the industry having to pay a lump sum prior to commencing fishing ultimately the members felt that as the majority of responses had been in favour of the proposed increases and change to an annual licence it was advisable to go with the majority view.

It was Resolved to only issue annual Wash Fishery Order licences with the toll increases as set out in the papers.

Proposed: Councillor Williams

Seconded: Councillor Ward

All those able to vote, voted in favour.

ST07/11 CLERK'S UPDATE REGARDING SURVEY AND FISHING ACCESS TO THE RAF BOMBING RANGES IN THE WASH

Issues regarding access continued. The Commanding Officer believed that the amount of unexploded ordnance on the range was too high for the MOD to accept access to the range by fishermen. The difficulty for the Clerk was the MOD's continued belief that the Health & Safety of fishing vessels was the responsibility of the Committee, whilst the Committee's solicitors were of the opinion that the responsibility lay with the MOD. The Clerk believed there were two options available to the Committee, one being to survey and map the ordnance prior to opening a fishery, this however would be extremely costly. The other option would be for the MOD to draw up a disclaimer for those fishing within the range to sign to the effect that they are aware of the risk posed by unexploded ordnance and that in the event of injury or otherwise, they would not hold the MOD responsible.

In addition to the fishing industry the Clerk was also concerned about the work carried out by the Committee's Officers. The CO felt that the survey technique of grabbing over high water was too great a risk. The Clerk believed this could be overcome by walking the beds, and using quadrats for sampling. This would of course, be after the MOD safety teams had provided advice on working within the area.

Members debated at some length the way forward. It was questioned what action was taken in other areas and whether or not this was a local or national problem.

It was felt it would probably be best to try to resolve the issue at a local level rather than approaching Euro MPs at this stage.

Members agreed to receive the report but advised they would like to see the situation resolved as soon as possible.

ST07/12 DEPUTY CLERK'S QUARTERLY REPORT

Members accepted this as a matter for information

ST07/13 SENIOR RESEARCH OFFICERS QUARTERLY REPORT

Members accepted this as a matter for information

ST07/14 MARINE ENVIRONMENT OFFICERS QUARTERLY REPORT

Members accepted this as a matter for information

ST07/15 ANY OTHER BUSINESS

Mr Pinborough questioned when a meeting of the Recreational Sea Anglers sub-committee would be convened. The Clerk assured Mr Pinborough that a meeting would be arranged as soon as possible.

Councillor Bellham arrived at this point.

ST07/16 It was resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 7 of Schedule 12A of the Act

Proposed: Councillor Williams

Seconded: Councillor Bellham

ST07/17 CLERK'S REPORT ON THE REVIEW OF THE VESSEL DEROGATION LIST FOR THE SOUTHERN AREA OF THE DISTRICT, RELATING TO BYELAW 12 'INSHORE TRAWLING RESTRICTIONS'

Mr Lake declared an interest as he fishes within the area in question.

Mr Brewster declared an interest as he may fish there in the future.

Summary: The issue had arisen following the advertisement of Byelaw 12 in May 1996. Vessels over 15. 24m fishing in the vicinity prior to that time should have applied for a derogation at the time of the advertisement but had assumed they were automatically issued the derogation. The problem that had arisen was that the Committee did not hold any evidence of the vessels having fished in the area in question, nor were any of the vessels on the list of derogated vessels. Whilst supportive letters have been received from past and present skippers of these vessels and from a past ESFJC patrol boat skipper no categorical evidence had been produced. The MFA had been contacted and asked for any records from log books but these did not provided precise evidence of the area being fished, only the vicinity in which they were fishing.

Two members present were able to recall some of the vessels having been fishing in the area in question but again they could not provide categorical evidence. The problem with this being that if the Committee decided to issue derogations or otherwise the decision could be questioned in a court of law, at which time there would need to be sufficient evidence to support the Committee's decision.

The matter was further compounded by local vessels from the area believing that if derogations were issued, their livelihoods could be jeopardised. Members were concerned about this matter but felt before a decision could be reached more time should be taken to

try and find substantive evidence of the claims. In the event of the derogations being issued Dr Connell felt the Committee should provide mediation between the over 15m vessel owners and the local fishermen who could be affected.

Members agreed to receive the paper and requested that more evidence be sought.

ST07/18 CLERK'S REPORT ON THE APPLICATION TO RENEW THE HUNSTANTON (LE STRANGE) FISHERY ORDER 1947

Summary: This is available on request to the Clerk & Chief Fishery Officer.

Members agreed to receive the report.

There being no other business the meeting closed at 1230 hours.