

STATUTORY MEETING

Minutes of the STATUTORY MEETING of the Joint Committee held on **Wednesday 26th April, 2006**, 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	
Councillor D A Baxter	Vice Chairman - Norfolk County Council	
Cllr A H Turner JP	Lincolnshire County Council	
Councillor S F Williams	Lincolnshire County Council	
Councillor S Bakewell	Lincolnshire County Council	
Councillor D Rye	Norfolk County Council	
Councillor R A Ward	Suffolk County Council	
R Brewster)	
S Coppolo)	
R Garnett)	
I Large)	
T Pinborough)Defra Appointees	
C A R Southerland)	
S Williamson)	
M Yates)	
N Tomlinson	Environment Agency	
M R Mander	Clerk and Chief Fishery Officer	
C M Hurley	Finance Officer)
C Donnelly	English Nature)
I Butterfield	English Nature)
J Sooben	Marine Fisheries Agency (MFA))

Present by
Invitation

APOLOGIES

Apologies for absence were received from Councillor Wood (SCC) and Mr Lake (Defra Appointee).

DECLARATION OF MEMBERS PERSONAL INTERESTS

No declarations of interest were made

ST06/13 MINUTES OF THE STATUTORY MEETING OF THE JOINT COMMITTEE HELD ON 25th JANUARY 2006

Members agreed the minutes were a true record of proceedings.

ST06/14 MATTERS ARISING

DECLARATION OF INTEREST: The Clerk acknowledged that most members had received a copy of correspondence relating to a complaint against two members having voted on the matters concerning MLS and Minimum Mesh Size for Bass. The Clerk had contacted Defra regarding this matter, as he felt it was a result of Defra's ambiguity that the confusion had arisen. Defra were aware of the complaint and were also looking into other related issues received from other Committees. Once they had satisfactorily reviewed the situation they would contact the Clerk. Once the response from Defra had been received then it would be possible to consider further the complaint made against the two members.

Mr Large questioned what should be done in the meantime, to which members were advised to adhere to the advice given at the previous meeting ie. If a member felt in any doubt it would be safest to declare an interest. If a prejudicial interest was declared, that member would be able to speak about the relevant item but not vote on it. Councillor Williams clarified a prejudicial interest to be one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.

The Clerk also advised members that they should provide in writing any Declarations of Interest they have to the work of the Committee in order for them to be formally recorded in a register.

ST06/07 BASS FISHERY: Mr Southerland requested the minutes be amended to reflect the fact that he declared an interest and did NOT vote on any issues which arose on this subject.

ST06/15 FINANCE OFFICER'S REPORT ON PAYMENTS MADE AND MONIES RECEIVED DURING THE PERIOD 14th JANUARY – 31ST MARCH 2006

Councillor Ward questioned what action had been taken to secure cheaper moorings. The Finance Officer advised that currently the Committee were tied to a lease but once the lease was due to expire investigations would be made. The Clerk advised that it was possible that Wisbech Harbour may have developed the mooring facilities at Sutton Bridge within the next year and have already approached the Clerk to see whether the Committee would be interested in participating in the scheme, the Committee would be given further information when it became available.

It was Resolved to accept the Finance Officers report on payments made and monies received during the period 14th January and 31st March 2006 and approve payments of £533,951.93 and receipts of £400,205.06.

**Proposed: Councillor Ward
All Agreed**

Seconded: Councillor Turner

ST06/16 FINANCE OFFICER'S REPORT ON THE AUDIT OF ACCOUNTS FOR THE YEAR 2004/2005

The Finance Officer advised that the audit of the Committees accounts had been completed and no issues had been raised.

Members Agreed to receive the report.

Proposed: Councillor Williams

Seconded: Councillor Ward

ST06/17 FINANCE OFFICER'S REPORT ON THE EMPLOYER COMPLIANCE REVIEW CARRIED OUT BY HM REVENUE AND CUSTOMS ON 28TH FEBRUARY 2006

As a result of the HM Revenue & Customs investigation into the Committee's payroll and expenses, nothing untoward had been revealed, however, they had requested that the Committee should minute the fact that the Committee's vehicles should under no circumstances be used for any means other than Committee business. This should also be recorded in a memo to members of staff and included in Contracts of Employment.

It was Resolved to agree to this request and approve the report. Members also thanked the Finance Officer for her presentation of the accounts.

Proposed: Councillor Williams

Seconded: Councillor Turner

ST06/18 CLERK'S REPORT ON THE MEETING OF THE PERSONNEL SUB-COMMITTEE MEETING HELD ON 25TH JANUARY 2006

The Clerk highlighted the matters which had been considered by the Personnel Sub-Committee. The recruitment of the new Research Assistant/Fishery Officer was acknowledged and Councillor Turner requested that she be introduced to the Committee, which the Clerk agreed to arrange.

Members agreed to receive the report

ST06/19 CLERK'S REPORT ON THE BYELAW SUB-COMMITTEE MEETING HELD ON 8TH MARCH 2006

The Clerk reported that this was the first meeting since the start of the quadrennial period so the process of electing Chairman and Vice-chairman of this sub-committee had been necessary. Discussion had taken place on the development of a Tope byelaw, prior to which 25 organisations had been consulted. 7 responses had been received to the consultation and several complaints from other organisations which had not been consulted. The Clerk advised there was no formal requirement to consult at this stage with any organisation. The Clerk advised that once Defra had agreed to the wording and indicated where the proposed byelaw should be advertised then all organisations and any member of the public had the opportunity to object to the making of the byelaw once advertised.

Members had also discussed the possibility of making a *Sabellaria spinulosa* byelaw, however it had not been possible to progress this any further as there was not an agreed definition of 'a reef'. A meeting was due to take place in May between ESFJC and EN which would hopefully result in a definition being reached, at which time the Byelaw Sub-Committee would be in a position to make progress with this byelaw.

The Clerk advised members that EN staff and the MEO had been fortunate enough to view first hand the intertidal bed of *S. spinulosa* close to Scotsmans Sled during the previous spring tides when the whole of the bed had been exposed. This had been a good opportunity to look at the structure of the reef created by the worm.

Members agreed to receive the report

ST06/20 CLERK'S REPORT ON THE CONSULTATION ON A SYSTEM OF ADMINISTRATIVE PENALTIES FOR FISHERIES OFFENCES

A consultation paper from Defra had been received to look at the possibility of applying fixed penalties to fishing infringements. The committee was asked to consider the paper and form an opinion on whether the system was applicable to some fishing offences.

The Clerk felt it was a system which could be applied to offences, which would allow minor offences to be dealt with, without individuals being given a criminal record. The Clerk felt it would fit in well with the procedure for issuing a Home Office Caution. Members were concerned that the paper implied that the decision on a fixed penalty being issued would be made by Defra, rather than the Clerk & Chairman. There was also concern about how the level of fixed penalty would be arrived at, obviously some offences were quite minor whilst others had far greater consequences for the fishery. The Clerk advised that levels of fine would be agreed in advance so that throughout the country all similar offences were treated consistently. Members were also in favour of applying penalty points (similar to those given for speeding offences) which could ultimately result in the suspension of a fishing licence, this could prove an effective tool in reducing the number of fishing

offences taking place. It was also possible that a national data base would be held so that persistent offenders would only be given one caution for a serious offence, after which a re-offence would result in a court action.

Members were in favour of the suggested system but Councillor Williams was adamant that he would only wish to see the scheme in operation if there were no 'grey areas'.

It was Resolved to support the development of a system of administrative penalties for fisheries offences with the proviso that no potential loopholes existed in the system. The Clerk was instructed to write to Defra with the Committee's views.

Proposed: Councillor Rye

Seconded: Councillor Turner

ST06/21 CLERK'S REPORT ON THE DEFRA CONSULTATION ON THE MARINE BILL

Members were advised that the review of the Marine Bill was well underway. This was an ideal opportunity to improve the structure of the management of all aspects of the marine environment. Unfortunately no decision had yet been reached on the management of marine fisheries. Inevitably the delay in finding out the fate of the Committee was having a detrimental affect on some members of staff and was also hindering the Committee's ability to plan for the future, particularly with regard to consideration of replacing the patrol vessel.

However, Defra had compiled a consultation document, 'A Marine Bill', which had been circulated in March. The Clerk was extremely disappointed that the Bill included a reference to the management of the Wash fisheries which implied that ESFJC were not managing the fisheries appropriately, the information being based on an earlier consultation by Defra with English Nature. The Clerk found this particularly disappointing as the Committee were making every effort to meet their environmental obligations. He also felt that considering the manor in which the Committee work closely with English Nature this Committee should really have been portrayed in a more positive light, particularly at this crucial time whilst the review was underway.

Mr Donnelly spoke on behalf of English Nature, he advised members that they had been asked to provide Defra with a range of instances where more improvements could be made but obviously Defra had chosen the Wash as an example as the Site is considered by English Nature to be in an 'unfavourable' condition. It was not English Nature's intention that the Wash would be highlighted in the review. As the Clerk was suggesting a letter be sent to Defra in ESFJC's defence Mr Butterfield recommended that it be worded in such a way that it highlighted the positive work of the Committee rather than attempting to portray conservation bodies in a negative light. Mr Butterfield added that if ESFJC wanted to send a letter highlighting the positive work of ESJFC the EN would be happy to support this.

Following further discussion on the issue it was noted that in addition to this response the ASFC would be making a response on behalf of all SFCs. Mr Pinborough questioned whether Committee members would be given the opportunity to read a draft of ESFJC's input to the ASFC response prior to the Clerk sending it to the ASFC.

Having considered the advice given by English Nature members still felt the letter should be sent, it was Resolved to receive the report and send to letter to Defra in response to the manor in which ESFJC had been portrayed in the Marine Bill. If changes were made the Chairman & Vice-Chairman should be shown the final draft prior to posting.

**Proposed: Councillor Williams
10 votes in favour – none against.**

Seconded: Mr Large

ST06/22 DEPUTY CLERK'S QUARTERLY REPORT

Mr Pinborough questioned why there was no mention of Angling activity around the district. The Clerk advised that any noted activity would have been mentioned. Members accepted the report as a matter for information.

ST06/23 RESEARCH OFFICER'S QUARTERLY REPORT

Members accepted this as a matter for information.

ST06/24 MARINE ENVIRONMENT OFFICER'S QUARTERLY REPORT

EIDER DUCK PREDATION ON MUSSEL LAYS: Members were advised that the Public Inquiry had been postponed until the last week of June but the Committee had provided members with the draft report for consent to use bird scarers. Messrs Garnett and Brewster congratulated the Clerk on an excellent report.

OFFSHORE WINDFARM CABLE ROUTE TO SHORE: Mr Large questioned whether the Committee would be submitting an objection to this proposal. The Clerk acknowledged that this proposal would affect fisheries both inside and outside the Committee's district and he was particularly concerned about the Race Bank. The Clerk confirmed that he would make sure the Committee had an opportunity to comment and respond to the proposal.

Mr Ward questioned whether any further information was available on the Gabbards. The Clerk advised that this would be included in more detail in the next MEO report.

Members accepted this as a matter for information.

There being no other business the meeting closed at 1220 hours.