

# STATUTORY MEETING

Minutes of the STATUTORY MEETING of the Joint Committee held on **Wednesday 25<sup>th</sup> January, 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  
Councillor D A Baxter  
Cllr A H Turner JP  
Councillor S F Williams  
Dr B Connell  
Councillor D Rye  
Councillor R A Ward  
S Coppolo  
R Garnett  
N A Lake  
T Pinborough  
C A R Southerland  
S Williamson  
M Yates  
N Tomlinson

Chairman – Suffolk County Council  
Vice Chairman - Norfolk County Council  
Lincolnshire County Council  
Lincolnshire County Council  
Norfolk County Council  
Norfolk County Council  
Suffolk County Council  
)  
)  
)  
)Defra Appointees  
)  
)  
)  
Environment Agency

M R Mander

Clerk and Chief Fishery Officer

C M Hurley  
D Vaughan  
C Donnelly  
J Sooben  
S Douglas

Finance Officer )  
Deputy Clerk & Fishery Officer )Present by  
English Nature )Invitation  
Marine Fisheries Agency (MFA) )  
Marine Fisheries Agency (MFA) )

## APOLOGIES

Apologies for absence were received from Councillors Bakewell (LCC), Morrey (NCC) and Wood (SCC) and Mr Large (Defra Appointee).

## DECLARATION OF MEMBERS PERSONAL INTERESTS

Messrs Lake, Garnet, Southerland and Williamson, declared an interest in items as they were shellfish licence holders or processors or both.

Councillor Rye declared an interest as a board member of the King's Lynn Conservancy Board.

The Chairman advised that he was still concerned about the Code of Conduct for members but felt that it must be down to individuals to decide whether or not they had a conflict of interest and if so to declare it. Should questions be raised about members not declaring an interest it would be necessary for that member to defend their decision.

Councillor Ward felt that if anyone was in doubt it would be safest to declare an interest. Councillor Williams advised that if a personal interest was declared, providing it was not prejudicial, that member would be able to speak about the relevant item but not vote on it.

## ST06/01 MINUTES OF THE STATUTORY MEETING OF THE JOINT COMMITTEE HELD ON 26<sup>th</sup> OCTOBER 2005

Members agreed the minutes were a true record of proceedings.

**ST06/02 MATTERS ARISING**

ST05/60: CODE OF CONDUCT: The Clerk advised that at the previous ASFC meeting it was acknowledged that Sea Fisheries Committee should have a standard Code of Conduct. The ASFC had decided to use ESFJC's plus one other as models to decide which would provide best practice for SFCs.

The Clerk also advised that to keep in line with the Code of Conduct a register would be set up to record members interests. Once this was in place members would only need to declare and interest when other relevant items arose.

ST05/64: PROPOSED BYELAW TO PROTECT TOPE: Mr Southerland questioned whether any progress had been made towards making a byelaw to protect Tope and if so were there any provisions being made to allow Tope to still be landed as a bycatch. The Clerk informed members it was hoped that a byelaw sub-committee could be convened in February to discuss this matter.

A typing error was also noted in the resolution '...of parts...' should read '...or parts...'

**ST06/03 REPORT ON THE MEETING OF THE FINANCE & GENERAL PURPOSES SUB-COMMITTEE HELD ON 11<sup>TH</sup> JANUARY 2006**

Members were advised that at the initial F&GP meeting in October it had been made clear that Norfolk County Council would not wish to see an increase in excess of 2.2%. As the original proposed estimates had reflected an increase of 6% it had been necessary to identify further savings. The proposed estimates had been reduced to a 2.2% increase but only by going against previous recommendations, and using savings held in reserves. Additional savings had also been identified but it meant all areas of the accounts would be very tight. The Clerk informed members that it would not be possible to make such drastic savings in the next financial year. After consideration the Sub-Committee had agreed to recommend the proposed budget and forecasts to the full committee.

Members agreed to accept the report.

**ST06/04 ESTIMATES OF EXPENDITURE FOR THE PERIOD 1<sup>ST</sup> APRIL 2006 TO 31<sup>ST</sup> MARCH 2007**

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 1<sup>st</sup> April 2006 to 31<sup>st</sup> March 2007, amounting to a Levy on Constituent County Councils of £1,142,500.**

**Proposed: Councillor Turner**  
**All in favour**

**Seconded: Councillor Ward**

**ST06/05 PROVISIONAL FORECAST OF ESTIMATES OF EXPENDITURE FOR THE PERIOD 1<sup>ST</sup> APRIL 2006 – 31<sup>ST</sup> MARCH 2009**

The Clerk advised that it was difficult to forecast for the following three year period until the conclusion of the Defra review of Marine Fisheries Management was known. As there was no clear timeframe of the future of inshore fisheries management the decision had been taken to prepare the forecast of estimates based on the Committee continuing to operate as it is at the current time.

Members accepted the Forecast of Estimates of Expenditure.

**ST06/06 FINANCE OFFICER'S REPORT ON PAYMENTS MADE AND MONIES RECEIVED DURING THE PERIOD 16<sup>TH</sup> JULY AND 14<sup>TH</sup> OCTOBER 2005**

Mr Pinborough noted that operating costs for ESF Protector III were particularly high in October. It was explained that this was due to the vessel having been in refit.

It was Resolved to accept the Finance Officers report on payments made and monies received during the period 15<sup>th</sup> October 2005 and 13<sup>th</sup> January 2006 and approve payments of £301,396.80 and receipts of £17,582.63.

**Proposed: Councillor Rye                      Seconded: Councillor Williams**  
**All Agreed**

**ST06/07 REPORT ON THE DEFRA CONSULTATION TO IMPLEMENT MANAGEMENT MEASURES TO BOOST THE NUMBER AND SIZE OF BASS AVAILABLE TO THE COMMERCIAL AND ANGLING SECTORS**

The Clerk advised that the Defra consultation fitted in with ESFJC's approach to fisheries management within the District. It needed to be recalled that the interest of the fisheries was the Committee's main concern, and that theoretical management is not always the best practical response to fisheries, and that one of the biggest stumbling blocks to making change is fear and scepticism.

The Clerk felt that moving to a larger MLS should be the sensible option as it would allow all the females to spawn at least once. This, in the Clerk's view, should be a key goal for every fishery. However, the Clerk also advised that when looking at the impact on fisheries it was also necessary to consider the socio economic backdrop.

The Clerk had been present at a series of meetings with recreational and commercial sectors of the industry in Suffolk and had produced the report which he felt reflected both points of view but could also allow advancement towards some common ground.

The Defra consultation addressed five possible options that ranged from doing nothing to increasing the MLS to 55cm. The Clerk advised that it was necessary to ensure the Committee's response could be applied to one of the five options.

Members spent a little time listening in more detail to the biology of the species and the effect of increasing the MLS. The Clerk felt that such an increase would benefit both sectors of the industry as better premiums were being paid for the larger fish being landed and anglers prefer to be able to land a large fish, even though they are often returned to the sea.. However, the Clerk highlighted other issues arising from the introduction of an increased MLS. The fishery would be restrictive for a short period, at least 12 to 18 months, whilst the stocks grew to meet the MLS of 45cm. A staged increase in the MLS would allow for the changes to be properly evaluated and would mean that the difficulties arising in other mixed fisheries would not be so great. A smaller increase in the MLS would only necessitate an increase in the minimum mesh size to 100mm. Generally fishermen targeting the mixed fisheries, particularly sole, currently use this size of mesh.

Some members felt that increasing the MLS was a contentious issue as it would only apply to British vessels. There was concern that it may change the way the fishery was exploited which might not be desirable. Mr Pinborough advised that only 10% of the stock moved outside the Committee's District, which would mean the inshore fishermen would benefit more from changes to the bass MLS. He was also concerned that if measures were not put in place to protect the strong 2002 year class, the level of mortality caused by cold weather during the winters, such as the one currently being experienced, could greatly affect the stock levels.

Members gave considerable consideration to the five options put before them. It was generally accepted that an increase in incremental stages would allow the commercial fishermen to ease into a larger MLS and also permit the size to be set lower if that proved in the best interest of the fishery. However it was quite apparent that there was not a complete consensus of opinion which was reflected in there being more than one recommendation put forward.

*Proposal : Defra Consultation Option 1 - Do nothing*  
*Proposed: Councillor Rye                      Seconded: Councillor Baxter*  
*5 votes in favour      8 against - motion not carried.*

*Proposal: Defra Consultation Option 2 - increased the MLS from 36cm to 45 cm and the mesh size for enmeshing nets from 90mm to 105mm.*  
*Proposed: Mr Pinborough                      Seconded: Mr Coppolo*  
*4 votes in favour      7 against - motion not carried.*

*Proposal: Defra Consultation Option 4 -increasing the MLS to 38cm and the minimum mesh size of enmeshing nets to 100mm in the first instance.*  
*Proposed: Dr Connell                      Seconded: Councillor Turner*  
*7 votes in favour      5 against      one abstention.*

**It was therefore Resolved that the Committee would respond to the Defra Consultation by recommending that Option 4 would be the best option for this Committee's District with the proviso that in the first instance the MLS would be increased to 38cm and the minimum mesh size for enmeshing nets would be increased to 100mm.**

*At this point Dr Connell left the meeting*

**ST06/08 REPORT ON THE WASH MUSSEL SURVEYS ON THE GAT BEDS AND CONSIDERATION OF MANAGEMENT MEASURES FOR THE GAT MUSSEL BEDS**

The Clerk advised that the surveys that had been carried out on the Gat mussel beds had indicated that the mussel had grown to reach an average length of 40mm. The majority of the current sizeable mussels, greater or equal to 45mm in length, were also covered with barnacles and the Clerk did not feel they provided an opportunity for a dredged fishery, but there were potentially sufficient quality mussel for a hand worked fishery. A questionnaire had been circulated to entitlement holders that had indicated the majority of them would like to see the handwork fishery opened immediately. However, the Clerk felt the latest survey results should be explained in detail to a meeting of the industry before a decision was reached.

**Members Resolved that a meeting of the industry be convened at the earliest opportunity to discuss the survey results. If there was unanimous agreement amongst the industry, whatever they decided could be implemented immediately. However, in the event that the decision was not unanimous the matter would be put to the Wash Management Sub-committee.**

**Proposed: Councillor Turner                      Seconded: Councillor Williams**  
**All Agreed**

*On this matter Mr Southerland had not voted as he had declared an interest. Councillor Rye requested it be minuted that he did not agree with anglers having been able to vote on the agenda item relating to Bass. He felt the vote had been illegal. Councillor Baxter agreed with Councillor Rye. The Chairman reiterated that the rules for Councillors and Defra Appointees were different and the onus was on the individual member to decide on their eligibility to vote. Councillor Turner stated that it was up to the individual to reach a decision on voting they must be able to defend themselves if they are later challenged on the decision.*

**ST06/09 REPORT ON THE REQUEST MADE TO RE-OPEN THE WASH HANDWORK COCKLE FISHERY**

The Clerk reminded members that the handwork cockle fishery had been successfully targeted during the previous autumn. Following the last agreement by the Committee to permit an additional 100 tonnes to be taken, the Clerk had been delegated powers to permit additional TAC to be taken providing no written objections were received after consultation with the industry. This process had been carried out prior to Christmas and had resulted in the handwork fishery being extended for 3 days and an additional 64 tonnes being fished. The total landings of 479 tonnes represented 35% of the total theoretical suction dredge quota for 2005. Members were advised that a request had been made for an additional 100 tonnes to be added to the TAC, however, the Clerk had reservations about allowing the additional tonnage until further surveys had been completed in the spring. Some members felt the industry needed the fishing opportunity whilst others were of the opinion that the integrity of the fishery was more important than individual's fishing opportunities.

**Following discussion it was Resolved that no additional tonnage should be added to the handwork cockle fishery TAC. The fishery would therefore remain closed.**

**Proposed: Councillor Rye  
All Agreed**

**Seconded: Councillor Ward**

The Clerk informed the Committee that whilst the Consultation process with the Entitlement Holders and the Fishermen's Associations in the Wash had been successful he was concerned that the previous two agenda items had been triggered by individual fishermen's requests. In order that the consultation process was used most effectively the Clerk felt that it should be a requirement for an individual to have at least one Fishermen's Association backing the proposal. The Chair questioned whether all the individual fishermen were affiliated to an Association. The Clerk said most were, but those who were not should at least approach an Association for support before submitting the request.

**Following discussion it was Resolved that an individual should seek the support of a Fishermen's Association before submitting a request concerning the Wash fisheries.**

**Proposed: Councillor Turner  
All Agreed**

**Seconded: Councillor Williams**

**ST06/10 DEPUTY CLERK'S REPORT ON STAFF ACTIVITIES - OCTOBER TO DECEMBER 2005**

Members accepted this as a matter for information.

**ST06/11 RESEARCH OFFICER'S QUARTERLY REPORT**

Members accepted this as a matter for information.

**ST06/12 MARINE ENVIRONMENT OFFICER'S QUARTERLY REPORT**

EIDER DUCK PREDATION ON MUSSEL LAYS: The final stages of the monitoring work had been agreed. An extension to the use of non-lethal method of scaring the birds was being implemented, unfortunately neither Defra or EN could fund the purchase of the equipment so ESFJC had purchased the three additional bird scarers. Councillor Turner felt that the cost of hiring the Committee's vessels for this work should have been covered by EN and Defra, the Clerk commented that if the cost had been put to either of these bodies then the trial would not have been able to go ahead. To protect the viability of the mussel fishery, it is crucial the Committee supports any research in to factors affecting it.

Members accepted this as a matter for information.

There being no other business the meeting closed at 1240 hours.