

# STATUTORY MEETING

Minutes of the STATUTORY MEETING of the Joint Committee held on **Wednesday 26<sup>th</sup> July, 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  
Councillor D Wood  
R Brewster  
S Coppolo  
R Garnett  
N Lake  
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  
Suffolk County Council  
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)Defra Appointees  
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Environment Agency

M R Mander

Clerk and Chief Fishery Officer

C M Hurley  
J C Stutt  
J Sooben

Finance Officer )  
Marine Environment Officer ) Present by  
Marine Fisheries Agency (MFA) ) Invitation

## APOLOGIES

Apologies for absence were received from Councillor Bakewell (LCC) and Messrs Large, Pinborough (Defra Appointees) and Donnelly (English Nature).

## CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that he had been informed of a matter which would be discussed under Matters of Urgency.

## DECLARATION OF MEMBERS PERSONAL INTERESTS

Councillor Rye advised he was a board member of the King's Lynn Conservancy Board.

The Clerk requested that all members provide him with information of all personal interests which may conflict with matters to do with the work of the committee. A reminder would be sent to all members who had not already provided this information.

## ST06/25 MINUTES OF THE STATUTORY MEETING OF THE JOINT COMMITTEE HELD ON 26<sup>th</sup> APRIL 2006

Members agreed the minutes were a true record of proceedings.

## ST06/26 MATTERS ARISING

There were no matters arising.

**ST06/27 FINANCE OFFICER'S REPORT ON PAYMENTS MADE AND MONIES RECEIVED DURING THE PERIOD 1<sup>ST</sup> APRIL – 14<sup>TH</sup> JULY 2006**

It was Resolved to accept the Finance Officers report on payments made and monies received during the period 1<sup>st</sup> April and 14<sup>th</sup> July 2006 and approve payments of £406,081.67 and receipts of £841,462.72.

**Proposed: Councillor Baxter**  
**All Agreed**

**Seconded: Councillor Turner**

**ST06/28 FINANCE OFFICER'S REPORT ON THE FINANCE & GENERAL PURPOSES SUB COMMITTEE MEETING HELD ON 28<sup>TH</sup> JUNE 2006. TO RECEIVE THE STATEMENT OF ACCOUNTS FOR THE YEAR ENDED 31<sup>ST</sup> MARCH 2006 AND AUTHORISED TRANSFERS TO AND FROM THE JOINT COMMITTEE'S RESERVE FUNDS, AS FORMALLY APPROVED BY THE FINANCE AND GENERAL PURPOSES SUB-COMMITTEE**

An additional meeting of the Finance and General Purposes Sub-Committee had taken place in June, to comply with the Audit Regulations which stated that the Statement of Accounts for the year-ended 31<sup>st</sup> March 2006 have to be approved by 30<sup>th</sup> June 2006. Members of the full committee were asked to approve the actions of the sub-committee.

Councillor Williams questioned what was considered to be a prudent reserve in the General Fund. The Finance Officer advised that this was reduced to nil at the end of the year as the Committee were not permitted to retain surplus funds in the General Reserve. Consequently this would be moved to approved reserves. Prior to the Auditors agreeing to these reserves the surplus would have been used to offset the following years' levy. Councillor Williams questioned whether it would be more prudent to use the surplus to pay towards the shortfall on the pension fund deficit. However, the Finance Officer and other members who had some knowledge of local government pension funds did not think this was necessary. As a result all members were satisfied with the actions carried out by the Finance Officer.

**Members Agreed to receive the report.**

**Proposed: Councillor Baxter**

**Seconded: Councillor Turner**

**ST06/29 CLERK'S REPORT ON THE MEETING OF THE PERSONNEL SUB-COMMITTEE HELD ON 26<sup>TH</sup> APRIL 2006**

Members were advised that the outcome of the meeting had been to confirm the Deputy Clerk's post be made permanent. It was noted that the present incumbent was proving to be a useful assistant to the Clerk.

A Senior Boarding Officer had also been assigned to ensure minimum standard are maintained for all boardings, and the two Research Assistant post were renamed to Research Officers. The original Research Officer becoming Senior Research Officer.

The Staff Appraisal Scheme was also complete with the exception of the Clerk who would need to be appraised by the Clerk. Member considered this and agreed that the assessment should be carried out by both the Chairman and Vice Chairman.

**Proposed: Councillor Turner**  
**All Agreed**

**Seconded: Councillor Williams**

**ST06/30 CLERK'S REPORT ON THE MEETING OF THE WASH MANAGEMENT SUB-COMMITTEE HELD ON 24<sup>TH</sup> MAY AND A SPECIAL MEETING OF THE WASH MANAGEMENT SUB-COMMITTEE HELD ON 4<sup>TH</sup> JULY 2006**

Members were informed that the Wash Management Sub-Committee had been held to decide the Management measures for the 2006 cockle fishery. The Clerk was pleased to be able to advise that the fishery had gone well and continued to do so. At the request of the industry the quota allocation had been varied from previous years with 63% being given to the dredge fishery and 37% to the handwork fishery. Previously only 5% had been allocated to the handworked fishery.

All members of the industry had also agreed to reduce the bar spacing and riddles on the dredge head in an attempt to reduce the mortality rate. With the reducing spacing almost everything caught is retained.

A Special meeting of the Sub-Committee had been convened at the request of the industry following concerns that some Wash Fishery Order Entitlements were being illegally retained. The Clerk was able to assure members that no illegal activity had taken place however, it had highlighted the need to review the way entitlements were administered under the Wash Fishery Order. As a result comments had been requested from all entitlement holders by the end of July, following which meetings will take place with the industry.

Another matter of concern was correspondence with the MOD suggesting that they no longer felt fishing should be taking place on the Bombing Range. The Clerk had been in contact with the Commanding Officer who had advised that the RAF have concerns with both Health and Safety issues and the SSSI being in an unfavourable, declining, condition. A meeting has been arranged to discuss these matters on 2<sup>nd</sup> August at 0930hours. Councillor Turner was concerned that the Committee should be prepared to compromise with the RAF rather than lose the fishing ground completely. Dr Connell also expressed concern that the Ranges may be being used by non RAF personnel such as the US airforce. Members agreed to receive the report and accepted that the Vice Chairman and the Chairman of the Wash Management Sub-Committee as well as the Clerk would meet with the MOD.

**ST06/31 CLERK'S REPORT ON THE RESPONSE TO THE ADVERTING OF THE PROPOSED TOPE BYELAW AND TO CONSIDER WHETHER TO PROCEED WITH THE CONFIRMATION OF THE BYELAW**

Having advised Defra of the Committees intention to make the Byelaw, the Clerk had received Defra's legal advice on appropriate wording and where the byelaw should be advertised. Having advertised the byelaw only two letters of objection had been received, one from a local person and one from someone on the South Coast. Both had been spoken to and the Clerk did not feel their views raised any new issues or were strong enough to stop the byelaw proceeding.

In line with the byelaw making procedure the Clerk asked for the members thoughts so that they could be passed on to the Minister. Mr Southerland whilst not wanting to object to the byelaw advised that there was some concern that those few Tope which would normally have been retained as a bycatch and used for bait, will be found dumped and rotting on the beaches. The Clerk accepted this was a valid point, however the incidental taking of a few fish would be much less significant than the species being targeted.

**Members resolved to accept the report and agreed to submit the byelaw to Defra for confirmation.**

**Proposed: Councillor Williams**

**Seconded: Councillor Ward.**

**ST06/32 CLERK'S REPORT ON THE DECISION ANNOUNCED BY DEFRA NOT TO PROCEED WITH NATIONAL LEGISLATION TO PROHIBIT THE LANDING OF BERRIED LOBSTERS**

The Clerk advised members that despite many organisations, including the SAGB, being in favour of a national ban on the landing of berried lobsters, Defra's consultation had resulted in a decision not to proceed. Instead there was a possibility the MLS would be increased from 87mm to 90mm.

As a result of the Minister's decision there had been an increase in the number of berried lobsters landed in the District, despite the local byelaw being in place. Unfortunately the byelaw only applies to removal from the fishery within the district, not carriage through the district having been caught outside the 6 mile limit.

The Clerk felt that the Committee should write expressing their disappointment in the Minister's decision, particularly in view of the work which had been undertaken to reach the newly proved technique for identifying scrubbed lobsters. Members were in agreement with the views of the Clerk and felt that a suitable worded letter should be sent to the Minister.

**It was Resolved that the Clerk should write to the Minister and to local MPs expressing the Joint Committee's disappointment at the decision reached regarding the landing of berried lobsters. Details of the technique to identify scrubbed lobsters should also be included in the letter.**

**Proposed: Councillor Williams  
All Agreed**

**Seconded: Councillor Turner**

**ST06/33 CLERK'S REPORT ON THE DEFRA ANNOUNCEMENT TO MODERNISE SEA FISHERIES COMMITTEES**

Following the Review, Defra had announced that the way forward for management of the inshore fisheries was through Modernised Sea Fisheries Committees. Jurisdiction would remain out to 6 miles but very little else in the way of details were known. It was anticipated that more duties would be required of the SFCs but additional funding would not be made available. There was also some question as to whether the number of SFCs would be reduced in a cost cutting exercise, the catalyst for which may be the devolvement of Wales. The Clerk however, remained confident that ESFJC, being the largest SFC, would remain. A meeting of all Chief Fishery Officers was to be held in King's Lynn once further details were available in order for the ASFC to put forward a joint response.

Whilst some members were a little more pessimistic than the Clerk, there was agreement that the SFCs should ensure they respond showing a united front, and putting forward the case that rationalisation is not always best value.

**It was Resolved to accept the recommendation to inform the Minister, through the ASFC, how the modernisation should be achieved.**

**Proposed: Councillor Baxter**

**Seconded: Councillor Williams**

**ST06/34 **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 1 of Schedule 12A of the Act****

**Proposed: Councillor Baxter**

**Seconded: Councillor Williams**

**ST06/35 CLERK'S REPORT ON THE SIX MONTHS PROBATIONARY PERIOD OF THE RESEARCH OFFICER/FISHERY OFFICER AND TO CONSIDER WHETHER TO CONFIRM THE APPOINTMENT**

This would normally have been an issue for the Personnel Sub-Committee, however as there were no other matters for the sub-committee it had been decided to discuss this matter in full-committee. The Officer in question had proved to be an asset to the Committee and taken onboard her responsibilities including spending time on the lobster at sea research work. However, due to the timing of the appointment there had been little opportunity to experience enforcement duties and the Clerk felt that until the Officer had witnessed more enforcement activity the Officer should not be warranted. It was anticipated that by the end of the cockle season sufficient experience will have been gained for the warrant card to be issued. Mr Southerland added that having seen the Officer in question out at sea on the lobster vessels in poor weather conditions he felt she was very capable.

**It was Resolved to accept the report and approve the appointment of Research/Fishery Officer Woo.**

**Proposed: Councillor Turner  
All Agreed**

**Seconded: Councillor Williams**

*At this point members of the public were invited back into the meeting. A request was also made that the clock and the window which would not open, should both be repaired.*

**ST06/36 ASFC RESPONSE TO DEFRA'S MARINE BILL CONSULTATION**

A list of the questions which this referred to would be forwarded to all members.  
Members accepted this as a matter for information

**ST06/37 REPORT ON THE DEVELOPMENT OF THE RAZOR SHELL FISHERY IN THE WASH**

Members accepted this as a matter for information

**ST06/38 DEFRA's ANNOUNCEMENT ON THE RECENT BASS MANAGEMENT CONSULTATION**

Members accepted this as a matter for information

**ST06/39 DEPUTY CLERK'S QUARTERLY REPORT**

Members accepted the report as a matter for information.

**ST06/40 MARINE ENVIRONMENT OFFICER'S QUARTERLY REPORT**

The Clerk, Deputy Clerk and the Marine Environment Officer were commended on the work they had put into the Eider Duck Inquiry.

**ST06/41 RESEARCH OFFICER'S QUARTERLY REPORT**

Members accepted this as a matter for information.

## **ST06/42 MATTERS OF URGENCY**

**Wash Cockle Fishery:** Members were advised that the quota for the dredge cockle fishery was almost exhausted. It was anticipated it would run into one day of the following week. It was apparent to those taking part in the fishery as well as to the Committee's Officers that since the completion of the spring cockle surveys there had been considerable growth of the cockles and consequently there was still a large number of cockles on the ground being fished. Taking this into account the industry had requested that the fishery be extended. Whilst the Clerk was in favour of extending the fishery he was also conscious that it needed to be managed carefully. This would involve resurveying the ground to assess the current stock level as well as the amount of spatfall which had occurred during recent months to assess the relationship between adult and juvenile stock. Following a survey it would then be necessary to consult the industry and English Nature for their opinions on extending the fishery. If all parties provided written notification that they had no objections to an extension then the Clerk could use delegated powers to extend the fishery, however, if there was an objection from any party it would be necessary to convene a meeting of the Wash Management Sub-Committee.

Members were in agreement with the Clerk and it was decided that surveys would take place at the earliest available opportunity. Should it be decided to proceed with an additional TAC the quota would be divided between the Dredge and handworked fishery on the same ratio as had been applied to the previous TAC.

### **All Agreed**

There being no other business the meeting closed at 1208 hours.