

SPECIAL MEETING OF THE WASH MANAGEMENT SUB-COMMITTEE

Minutes of the Wash Management Sub-Committee meeting held on **Wednesday 6th September 2006**, at 1030 hours.

PRESENT

Councillor A Turner	Chairman - Lincolnshire County Council	
Councillor R Ward	Suffolk County Council	
Councillor S Bakewell	Lincolnshire County Council	
R Garnett)	
C Southerland)	DEFRA Appointees
S Williamson)	
M Yates)	
M R Mander	Clerk & Chief Fishery Officer	
D Vaughan	Deputy Clerk & Fishery Officer)	Present by Invitation

APOLOGIES

Apologies for absence were received from Councillors Baxter (NCC), Bellham (SCC), Williams (LCC) and Rye (NCC) and Messrs Brewster and Lake (Defra Appointees).

DECLARATIONS OF MEMBERS' INTERESTS

Messrs Garnett, Southerland and Williamson declared an interest in the matter to be discussed

WM06/10 COCKLE FISHERY 2006 - REOPENING OF THE HANDWORKED FISHERY

Following the meeting held on August 23rd, an industry meeting was convened, the outcome of which was that all sections of the industry were in agreement with sticking to a two tonne daily quota, despite the fact that the Committee could only enforce an 8 tonne daily quota.

The Clerk advised members that at the previous meeting four recommendations had been made, all of which had been carried out. As a result of legal advice regarding the daily quota one of these recommendations had been to apply to English Nature with a revised Appropriate Assessment for the remaining 631 tonnes of the handworked quota based on an 8 tonne per vessel daily quota. Whilst it had been anticipated that it could take up to 28 days for a response to be received, English Nature had replied quickly and had agreed to an 8 tonne daily quota being applied to the remaining 631 tonnes. Having received this information the Clerk wrote to the four major associations and advised them on ENs response and also the written undertaking that all parties would be happy to abide by a 'gentlemen's agreement' to land only 2 tonnes a day despite it not being enforceable by the Committee. Responses were received from these associations with a 50/50 divide between being in favour and against the reopening of the fishery at this time.

Those not in favour expressed concern that some members would be unscrupulous and would land in excess of the 2 tonnes. In their opinion it would be best to wait for Defra to reword the regulation which would make the reduced daily tonnage enforceable.

The Clerk could understand these concerns but felt that anyone blatantly ignoring the agreement would be identified by the tonnage they were landing on the quayside which the Committee's officers would be aware of, and once evidence of this nature was available then there would be a stronger case for those who would like to see the fishery remain closed. The Clerk was concerned that whilst there was a fishing opportunity available to the industry they should have the option to pursue it.

Mr Southerland was concerned about the continuing legal threat against the Committee and did not feel he could agree to a fishery which involved deviating from the legal advice whilst there was still a threat of legal proceedings being taken against the Committee. He also advised that the industry members he had spoken to would prefer to wait for Defra to revise Regulation No2.

These reservations were echoed by Mr Garnett, who also questioned whether Defra's decision could be speeded up by advising them that 100% of the industry were in favour of a reduced daily quota. The Clerk advised that the previous day advice had been received from Defra that it would be between 7 and 10 days before a decision would be reached on the licence variation to permit removal of dredging equipment when taking part in the handworked fishery, the decision on variation to the regulation would take at least a further two weeks, possibly longer if there was an objection.

Mr Garnett questioned what action would be taken if illegal fishing took place. The Clerk advised that should the two tonne agreement be abused then the associations could write to the Chairman requesting a meeting to close the fishery, or in the event of illegal use of a dredge in the handworked fishery providing the industry were prepared to make statements as witnesses to the activity then the matter could be taken further, unfortunately if the Committee's Officers don't witness it without the evidence of other witnesses there is very little that can be done.

The Chairman made the undertaking to the industry representatives that if the Clerk was to inform him that the quota situation was being abused then he would convene a meeting as soon as possible, within 3 days for the fishery to be discussed.

Councilor Bakewell was concerned about what safeguards would be in place to trigger the calling of a future meeting should the agreement be abused. The Clerk advised that the industry could have made available to them details of landed catches and the number of vessels involved etc, provided no personal details were given out. This information could be provided to them on an almost daily basis, therefore should there be evidence of widespread over fishing the associations would be in a position to contact the Chairman with the evidence to support their request for the fishery to be reviewed.

The Clerk also suggested that to alleviate the problems of potential illegal use of dredges ESFJC evidence tags could be attached to uncoupled dredges, then anyone accused of using their dredges would be in a position to prove the dredge was out on action, providing the tag was still in place, this would however, be a voluntary option open to the vessel owners.

Members discussed the issue before them in great detail, giving attention to the possibilities of illegal fishing, abusing the agreed quota and also to the possibility of letting a fishing opportunity pass the industry by. Whilst all were concerned that the reduced quota could not be legally enforced there was also a need to apply some trust to the industry and to allow them to have a hand in the daily management of their fishery.

It was Resolved to reopen the handworked fishery for the taking of the remaining 631 tonnes of the handworked TAC at 8 tonnes per vessel per day with the provision that this agreement be based on a signed undertaking that the industry will abide by an agreement to land only two tonnes per vessel per day.

Addition conditions to this resolution are:

- 1) It is the Committees view that all vessels should abide by a two tonne/ vessel/day quota**
- 2) Information would be provided to all four associations by the Committees Officers, on what landings have been made.**
- 3) The Sub-Committee will convene again if an Association has concerns about landings exceeding two tonnes, based on the landing figures provided by the Officers. A meeting will be convened within a maximum of three days and may be called either at the request of three committee members or by the Chairman.**
- 4) Future communication from Defra will be taken in to account and any decision made by them put into action immediately.**

Proposed: Councillor Ward

Seconded: Councillor Bakewell

Two votes in favour, one against - motion carried.

The opening date of the fishery was then considered. Taking into account time required for vessels to prepare to go to sea it was agreed **the fishery would reopen at 0001 hours on Friday 8th September.**

There being no other business the meeting closed at 1155 hours.