

STATUTORY MEETING

Minutes of the STATUTORY MEETING of the Joint Committee held on **Wednesday 28th April 2010**, at the offices of the Joint Committee, 6 North Lynn Business Village, Bergen Way, King's Lynn, Norfolk, PE30 2JG at 1030 hours.

PRESENT

Cllr S F Williams	Lincolnshire County Council - Chairman		
Cllr K Sale	Suffolk County Council - Vice Chairman		
Cllr C Brewis	Lincolnshire County Council		
Cllr D Callaby	Norfolk County Council		
Cllr J Dobson	Norfolk County Council		
Cllr H Thompson	Norfolk County Council		
Cllr T Goldson	Suffolk County Council		
J Abbott)		
R Garnett)		
I Large) Defra		
T Pinborough) Appointees		
C A R Southerland)		
S Williamson)		
M Yates)		
Dr Tomlinson	Environment Agency		
M R Mander	Clerk and Chief Fishery Officer		
D Vaughan	Deputy Clerk)	
C M Hurley	Finance Officer)	
J Stoutt	Marine Environment Officer)	
D Skerrit	ESFJC)	Present by
C Donnelly	Natural England)	Invitation
C Bentley	Natural England)	
J Sooben	MMO)	

APOLOGIES

Apologies for absence were received from Councillor Turner (LCC)

DECLARATION OF MEMBERS' PERSONAL INTERESTS

The Chairman requested that members declare an interest as each relevant item arose.

ST10/13 MINUTES OF THE STATUTORY MEETING OF THE JOINT COMMITTEE HELD ON 27th JANUARY 2010

Members agreed the minutes were a true record of proceedings.

ST10/14 MATTERS ARISING

There were no matters arising.

ST10/15 ELECTION OF VICE CHAIRMAN

Regrettably Councillor Ward had resigned from the Committee due to ill health. The Chairman requested that Councillor Ward be written to and thanked for the invaluable work he had done whilst he was a member of the Committee.

Following Councillor Ward's resignation it was necessary to elect a member from Suffolk County Council to take on his role of Vice-Chairman.

It was Resolved that Councillor Sale should take on the role of Vice-Chairman.

Proposed: Councillor Dobson

Seconded: Councillor Brewis

All Agreed

ST10/16 FINANCE OFFICER'S REPORT ON PAYMENTS MADE AND MONIES RECEIVED DURING THE PERIOD 16TH JANUARY 2010 TO 31ST MARCH 2010

It was Resolved to accept the Finance Officer's report on payments made and monies received during the period 16th January 2010 to 31st March 2010 and approve payments of £245,136.13 and receipts of £430,353.23.

Proposed: Councillor Callaby

Seconded: Councillor Goldson

All Agreed

ST10/17 FINANCE OFFICER'S REPORT ON THE AUDIT OF ACCOUNTS FOR THE YEAR 2008/2009

It was Resolved to accept the report.

Proposed: Councillor Callaby

Seconded: Councillor Sale

All Agreed

ST10/18 PERSONNEL SUB-COMMITTEE METING HELD ON 27TH JANUARY 2010

The report was included as a matter of report on the business which took place at the Personnel Sub-committee. Members agreed to accept the report.

ST10/19 MARINE STEWARDSHIP COUNCIL (MSC) FISHERIES CERTIFICATION PRE-ASSESSMENT REPORT ON THE WASH COCKLE AND MUSSEL FISHERIES

Members were advised that a pre-assessment had been carried out on the cockle and mussel fisheries within the confines of the Wash Fishery Order. ESFJC officers had organised the pre-assessment, with Natural England funding it. The result of the pre-assessment was a positive report on the work done collectively by ESFJC, the industry and NE, with a recommendation that full MSC certification could go ahead. Whilst the Committee had instigated the pre-assessment it was the officers' belief that the next step would need to be carried out and funded by the industry themselves, as it would be them who would benefit from the certification. Achieving the certification would provide paperwork which proved the product came from a sustainable fishery and would therefore make the product more attractive to bulk markets –essentially the certification would be a marketing tool.

Whilst there was acceptance that the certification would be of benefit to processors working on a large scale, it was noted that the small fishermen who sell to local hotels and restaurants, who expect quality at a reasonable price, would not benefit from the scheme and would therefore not want to be expected to assist with funding it. The Clerk acknowledged that it would benefit the larger markets but felt in the future it may be necessary to have the certification to make sales as MSC markets are developing. He felt that as managers of the fisheries the Committee needed to follow the trends and in this

respect they had done so up to the point where it must now be pursued by the industry themselves.

Members acknowledged there was a need for the industry to consider the scheme and requested the Clerk to consult the industry on their interest or otherwise in pursuing the certification further. A further report would then be made to the Committee.

**Proposed: Councillor Williams
All Agreed**

Seconded: Councillor Sale

ST10/20 OUTCOME FROM THE WASH COCKLE COURT CASES

Declarations of Interest were declared by Councillor Callaby, as he is a serving Magistrate, and the Chairman as he had dealt with the complaints arising from the cases.

At the previous meeting members had been advised of the outcome of the cases and the subsequent letters of complaint which had been received. At this point the Chairman had agreed to review the situation.

The Chairman had been provided with all the relevant information, including a report from the Committee's solicitors which gave recommendations on how the Committee's officers could improve their delivery of evidence. It was also noted that in summing up the case the District Judge advised that he was not criticising the officers involved in the hearing. The complaints received had made accusations of serious misconduct by officers of the Committee, including the Clerk. No reference was made to any behaviour of this nature by the Judge, and members believed that incidents of leading the witness or lying would have been reflected in his summing up.

Having reviewed the available information the Chairman wrote to those who had made the accusations and advised them of his findings. The Chairman believed the situation had been answered satisfactorily. However, further correspondence had been sent to members of the Committee regarding the complaints against Officers. As the Clerk had not received this correspondence he was not in a position to pass comment on it.

Councillor Callaby advised that prior to reaching the stage of going to court all the evidence would have been through a robust process to ensure there was a sound case to put forward. He also stated that had the Judge felt there was evidence of misleading witnesses comment would have been passed at the time. He did however feel the long time-scale involved between the case occurring and being taken to court could have affected the officers' recollection of events, and an officer's ability to stand-up in court could affect the ruling. Significantly he felt it important that the Committee's officers should be more aware of their own vessel's position when an incident is taking place.

Mr Abbott acknowledged the case may have failed if officers were unable to deliver their evidence effectively. However, he questioned whether better procedures could be adopted by the Committee to prevent complaints of this nature in the future. Particularly, he felt it should be ensured that in future a person being complained about would not be involved in the investigation to protect neutrality. (The Clerk advised that when he provided information to the Chairman he had taken care not to provide opinions of his own, but gave a report based on evidence from independent witnesses).

Mr Donnelly advised that the NE legal team had thought the evidence was strong and thanked ESFJC for their assistance, without the Committee's evidence NE would not have been able to proceed. Despite the outcome, he believed ESFJC and NE worked well together.

There was a general consensus of agreement that recording procedures needed tightening up and that officers needed additional training, however it was felt that the suggested

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PSCO training was insufficient and that Police Constable training should be sort. The Clerk agreed there was a need to ensure officers were trained to a recognised standard. He also advised that with accurate radar evidence being vital, investigations were being made into the availability of other systems which would have the ability to play back all radar evidence, whilst this would require an investment it would prevent the Committee falling foul of radar related issues in the future.

Mr Leigh Lake (member of the public) requested permission to speak on this matter - members considered the request and agreed.

Mr Lake advised that he was one of the parties involved in the case and had sent the information regarding the complaints to members. From the very beginning he had said he was innocent. When the Fishery Officer boarded his vessel Mr Lake had advised that he had broken down but the Officer would not listen, if he had there would have been no need to go to court. He believed there were two issues, one being that a Fishery Officer had lied in court, and he had not just lied to the judge but also to other Fishery Officers, and secondly Mr Lake stated that he had watched the Clerk leading the witness. Mr Lake then referred to the radar evidence and stated that the track was clearly the Committee's own RIB, as the skipper had forgotten to turn off the track it was clear to see it went into the back of the Committee's patrol vessel, Mr Lake stated that this evidence did not lie. The Chairman and Mr Lake had a brief discussion regarding the potential for the track to have moved from one vessel to another, taking into account weather conditions etc. at which point Mr Abbot stated that as the court had made their ruling if Mr Lake wished to pursue the matter further he would need to make a formal application, to which Mr Lake responded that he already had.

It was Resolved to accept the Clerk's report.

Proposed: Brewis Seconded: Goldson

All Agreed

ST10/21 REPORT ON THE PROPOSED INTRODUCTION OF A VESSEL MONITORING SYSTEM (VMS) FOR THE WASH

Declarations of Interest were declared by Messrs Garnett, Southerland and Williamson

It was Resolved that in view of the fact the VMS would soon be imposed via European legislation on vessels greater than 12 metres in length, the Committee would, at this time, take no further action regarding VMS for the Wash.

Proposed: Councillor Williams

Seconded: Councillor Brewis

All Agreed

ST10/22 DEFRA CONSULTATION REGARDING THE ORDERS TO ESTABLISH INSHORE FISHERIES AND CONSERVATION AUTHORITIES

The document had initially been daunting but once the parts relevant to EIFCA had been established it had been possible to put together a list of questions which the Committee needed to consider. For each question the Clerk had prepared a response and asked for the Committee to comment on the response, prior to him responding to the consultation.

Q1: Members agreed with the officers' prepared response

Q2: Members agreed with the officers' prepared response

Q3: Members considered the proposed breakdown of financial support for EIFCA compared to the existing system. It was agreed that County Councils would be asked to

accept the current system with the inclusion of additional funding from LCC to cover the extended northern boundary.

Q4: It was questioned whether the Committee would be able to apply byelaws already in place in the additional area to the north of the boundary. The Clerk advised these would be in existence until the Committee had reviewed them.

Members agreed to the Clerk's prepared response.

Q5: Members agreed with the officers' prepared response

Q34: Members agreed with the officers' prepared response

Q35: Mr Pinborough queried the extent of the Southern boundary, whether or not it would take in the whole of the width of the river Stour or would stop in the middle. Having ascertained the boundary was in the middle of the river, Mr Pinborough felt this was fundamentally wrong and would result in the need for articles of agreement between IFCAs. The Clerk felt this was a method of ensuring standardised management and co-operation between adjoining IFCAs. Following discussion it was noted that some members had serious concerns regarding the southern boundary and it was felt the Clerk should add an additional comment to this affect in his response.

Q36: Referring to the proposal to reduce the number of elected members on the Committee, members felt there was a need to retain the current level of 10 elected members as this alleviated difficulties which arose when Defra appointed members were not in a position to vote, having declared an interest in an agenda item. The Clerk felt the consultation was not requesting comment on the number of elected members as the Committee had already made a response to this affect in previous correspondence. Members however remained concerned and requested that the clerk should robustly state that the Committee wanted to retain 10 elected members. Councillor Brewis also suggested once newly elected MPs had been announced they should be written to regarding this matter.

Q37: Members agreed with the officers' prepared response

Q47: Members agreed with the officers' prepared response

Q48: With the addition of stating the need for impartiality members agreed with the Clerk's prepared response.

Q49: Members felt this should be a straight vote with no need for an appeal system.

Q50: Members agreed the Chairman should be re-elected annually but the maximum length of tenure should not exceed two years.

Q51: Mr Pinborough questioned whether the Committee would remain autonomous and able to make its own decisions regarding the use of sub-committees if other responses indicated a wish to work in other ways. The Clerk advised Defra were trying to get uniformity across the board.

Q52: Members agreed with the officers' prepared response

Q53: Members agreed with the officers' prepared response

Q54: Members agreed with the officers' prepared response

Q55: Members felt it was necessary for industry members who had declared an interest to be able to take part in discussions but not vote in order for those with less knowledge of the industry to understand the item being discussed.

Q56: It was felt this was a matter which would need to be considered on a case by case basis.

Q57: Members agreed with the officers' prepared response

Q58: Members acknowledged that in the event that a member voted, who should have declared an interest, and the motion carried in their favour it may be necessary to call an emergency meeting.

Q59: Members felt the current status quo should be maintained.

Having considered all the questions pertinent to EIFCA from the consultation members Resolved to accept the officers' responses once the agreed changes had been made.

**Proposed: Councillor Brewis
All Agreed**

Seconded: Councillor Callaby

ST10/23 MOVEMENT OF SEED MUSSEL FROM THE WASH

The Clerk outlined to members the traditional practice of relaying mussels from public mussel beds to private lays within the WFO or along the North Norfolk Coast to be grown on prior to marketing. The Clerk advised that recently the practice had slightly altered and seed was being sold to supply areas outside the Committee's district. Currently this practice was legal providing an application was made for a letter of authority from the Clerk and information regarding the amount moved and destination was provided. Some industry members had recently expressed concern that removal of seed outside the district could affect the local fisheries. The Clerk requested the Committee's guidance on whether to set formal boundaries on removal of seed or whether the industry should get together and reach a Code of Conduct amongst themselves. Essentially the Clerk needed formal guidance from the Committee that should a request be made for an authority to remove seed mussel to a destination outside the Committee's district that members were happy for the Clerk to issue the authority on their behalf.

Members of the local industry felt that at the current time there was no need for concern, it may be necessary to think again if it became apparent that large amounts of seed were being moved outside the district.

Members Resolved that any person providing the necessary information required under Regulation No 3 of the WFO should be authorised by the Joint Committee to move seed mussel by road from the Regulated fishery.

**Proposed: Councillor Dobson
All Agreed**

Seconded: Councillor Sale

ST10/24 THE JOINT COMMITTEE'S 2009 ANNUAL REPORT AND RESEARCH REPORT

Draft reports were available to view on line.

Members expressed their thanks to the officers for the production of the comprehensive reports on the Joint Committee's activities during the year and agreed to approve the reports.

ST10/25 PROPOSED DUDGEON SHOAL OFFSHORE WIND FARM

Members were advised that whilst the wind farm was situated quite a distance offshore the cable routes were proposed to run through the Weybourne area. The Committee had previously agreed to object to the proposals, since that time officers had met the developers and whilst some of the Committee's concerns had been alleviated they had not all, therefore it was the officers' view that the Committee should maintain their objection to the wind farm.

Councillor Goldson recollected there had previously been a report on the effect of wind farms on fish and questioned whether any evidence had been produced that clearly stated whether or not they did affect these fish. Members were advised that following the COWRIE report being published the Committee had written and requested more detailed research be carried out, but to date this had not happened. Mr Large advised the authors of the COWRIE report were part of the wind farms. Members felt that in view of the conflict between wind farms and fisheries there was a need for an independent report on the affects of the wind farms.

It was Resolved that the Joint Committee should maintain its objection to the Dudgeon Offshore Wind Farm, consistent with its agreed approach, until such time that the Joint Committee's concerns over longer term uncertainties have been satisfied.

**Proposed: Mr Pinborough
All Agreed**

Seconded: Councillor Brewis

ST10/26 AREA FISHERY OFFICERS' QUARTERLY REPORTS

A declaration of interest was declared by Councillor Sale regarding Southwold harbour.

The Chairman felt this was an excellent report however Councillor Sale felt the information regarding Southwold Harbour was "totally inaccurate". He advised that dumping of rock as an option had been declined at a very early stage. The council had set aside £2m to renovate the whole of the sea wall, and were actively looking for match funding to achieve this goal. Mr Pinborough advised that data for RSA activities in areas 1 and 2 seemed a little low.

Members agreed to note the report and acknowledged the efforts of the officers involved.

ST10/27 VESSELS' QUARTERLY REPORTS

Members noted that days at sea had been lost due to the lack of some relatively cheap spares. The Clerk advised that spares would be carried on a cost / risk basis.

Members agreed to note the report and again acknowledged the efforts of the officers involved.

ST10/28 SENIOR RESEARCH OFFICER'S QUARTERLY REPORT

Members agreed to note the report

ST10/29 MARINE ENVIRONMENT OFFICER'S QUARTERLY REPORT

Members agreed to note the report.

Prior to the close of the meeting Councillor Brewis felt it should be noted that such comprehensive reports as those provided under information items was commendable and reduced the need to ask questions at the meeting.

There being no other business the meeting closed at 1245 hours.