

STATUTORY MEETING

Minutes of the STATUTORY MEETING of the Joint Committee held on **Wednesday 30th January 2008**, 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 D A Baxter	Norfolk County Council - Chairman		
Cllr A H Turner JP	Lincolnshire County Council		
Cllr S F Williams	Lincolnshire County Council		
Cllr G Nobbs	Norfolk County Council		
Cllr D Rye	Norfolk County Council		
Cllr R Bellham	Suffolk County Council		
Cllr R A Ward	Suffolk County Council		
R Garnett)		
N Lake)Defra Appointees		
T Pinborough)		
C A R Southerland)		
M R Mander	Clerk and Chief Fishery Officer		
C M Hurley	Finance Officer)	
D Vaughan	Deputy Clerk & Fishery Officer)	Present by
J Stoutt	Marine Environment Officer)	Invitation
B Smart	Defra DI - Lowestoft)	
C Donnelly	Natural England)	

APOLOGIES

Apologies for absence were received from Councillors Bakewell (LCC) and Wood (SCC) and Messrs Large, Yates, Williamson (Defra Appointees) and Tomlinson (Environment Agency).

CHAIRMAN'S ANNOUNCEMENTS

There were no announcements from the Chairman.

DECLARATION OF MEMBERS PERSONAL INTERESTS

Mr Lake declared an interest in agenda item 8.

ST08/01 MINUTES OF THE STATUTORY MEETING OF THE JOINT COMMITTEE HELD ON 24th OCTOBER 2007

Members agreed the minutes were a true record of proceedings.

ST08/02 MATTERS ARISING

ST07/64: Councillor Nobbs questioned whether the minutes had accurately recorded his comments. The Clerk agreed there was a double negative, the sentence would be reworded.

ST07/81: Councillor Rye wished the minutes to reflect his comment that Three Counties was not capable of doing anything more than a local fishing vessel could.

ST08/03 REPORT ON THE MEETING OF THE FINANCE AND GENERAL PURPOSES SUB-COMMITTEE MEETING HELD ON 16th JANUARY 2008

Members were advised copies of both the Business Plan 2008/2009 and the Fisheries Management Policies were available.

Members agreed to receive the report.

ST08/04 ESTIMATES OF EXPENDITURE FOR THE PERIOD 1ST APRIL 2008 TO 31ST MARCH 2009

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 1st April 2008 to 31st March 2009, amounting to a Levy on Constituent County Councils of £1,212,200.**

**Proposed: Councillor Rye
All in favour**

Seconded: Councillor Turner

ST08/05 PROVISIONAL THREE YEAR FORECAST OF ESTIMATES FOR THE THREE YEAR PERIOD 1ST APRIL 2009 TO 31ST MARCH 2012

Members agreed to note the Forecast of Estimates.

ST08/06 FINANCE OFFICER'S REPORT ON PAYMENTS MADE AND MONIES RECEIVED DURING THE PERIOD 13th OCTOBER 2007 TO 18TH JANUARY 2008

It was Resolved to accept the Finance Officer's report on payments made and monies received during the period 14th July to 12th October 2007 and approve payments of £355,421.80 and receipts of £44,915.74.

**Proposed: Cllr Nobbs
All Agreed**

Seconded: Cllr Turner

ST08/07 CLERK'S REPORT ON THE MEETING OF THE PERSONNEL SUB-COMMITTEE HELD ON 24th OCTOBER 2007

The Clerk updated members on events that had occurred since the date of the meeting.

SUFFOLK FISHERY OFFICER: Following a meeting between the Chairman of the Personnel Sub-Committee and the Clerk, the Suffolk Fishery Officer had been notified he had not been successful in passing his probationary period and had been given one months notice to terminate his employment from the 21st December 2007. Consequently the incumbent had left the Committee's employ and the outstanding equipment issued to him would be returned at the end of the week.

AREA 2 SHORE BASED FISHERY OFFICER: Following the members previous comment that they felt a suitable retirement gift should be bought for this long standing Officer the Clerk advised members that if they wished to contribute towards the purchase of this gift donations should be made within the following two weeks.

Members agreed to receive the report.

ST08/08 CLERK'S REPORT ON THE PROPOSED CHANGES TO THE ADMINISTRATION AND QUALIFYING CRITERIA RELATING TO THE WASH FISHERY ORDER ENTITLEMENTS

Changes to the Wash Fishery Order had previously been agreed by the members. The Clerk had put forward the proposed changes to Defra who had responded by advising that some of the changes could be implemented through amendments to the notes attached to the Order, whilst others would require a complete review of the Wash Fishery Order. The Clerk had summarised for the members which changes could be put into place relatively easily and which would require a review.

In addition to the previously agreed changes the Clerk had added an additional note referring to vessels being removed from an entitlement and then put back on. There was concern that vessels from outside the district were being used to exploit the cockle fishery, therefore removing opportunities from genuine local fishing vessels.

Mr Lake questioned why there would be a need for vessels to be put back on to entitlements he could not see the need for the note to be added.

Mr Garnett felt there were circumstances where vessels with licences for the Solway and the Thames were managing to fish the Wash cockle fishery as well, prior to returning to these other fisheries and he felt local fishermen were being deprived of a percentage of the quota.

Councillor Rye questioned what would happen if a fisherman had three entitlements, and four vessels, could the spare vessel be used on any of the three entitlements in the event of a vessel breaking down. The Clerk advised that currently this was the case. If the new note was agreed by Defra there was a proviso that in the event of such circumstances an owner could put his/her case forward to the Committee to have a previously licensed vessel re-licensed on an entitlement providing there had not been a change of ownership.

Having given thought to the new proposal members agreed the Clerk should put the proposed changes to Defra for approval.

Proposed : Councillor Williams

Seconded: Councillor Turner

No votes against

1 abstention

ST08/09 MARINE ENVIRONMENT OFFICERS REPORT ON THE POTENTIAL FISHERIES EFFECTS OF THE LINCS OFFSHORE WIND FARM

The Marine Environment Officer advised that the Lincs Windfarm was the only one which the Committee were currently being consulted on. Members were advised that an objection to this had been submitted and the MEO was advising that the members continue to object on the grounds that there was insufficient evidence of how the windfarm would affect the fisheries. Cowrie reports on how EMF affect the sites were due to be published and the MEO felt it prudent to maintain the objection until the findings of these two reports were known.

Mr Southerland expressed his concern and disillusionment with the developers of the windfarms. In his experience regular meetings had been held with the industry and throughout them the industry were assured they would be taken into account, until such time as the consent was given and then the sites were developed without any regard for the adjacent fisheries. He was concerned this would happen again with the Lincs wind farm and the fishermen would suffer. Councillor Ward echoed Mr Southerland's concerns, but

also added that the industry did not ask enough questions of the developers to ensure they were aware of the progress being made.

Whilst Councillor Bellham agreed with the concerns of the industry he felt it should be remembered that when windfarms were originally considered it was looked on as a source of energy and the effect on fisheries was given little thought. At that time the effect on the sensory systems of certain marine life was not known. The charts before the members highlighted what had not been realised during the initial stages of windfarm development. Taking into account the knowledge now available he felt it was important to protect the fisheries for the industry but not to become "anti-windfarms".

Referring to the report Mr Pinborough noted that issues with angling vessels had been 'resolved' and questioned what action had been taken. The MEO advised that angling vessels had continued to be permitted to fish in the area in question and data received from them indicated that there had been significant effect on their catches.

Mr Pinborough questioned whether it was possible that once the windfarm was in place angling may be curtailed as a matter of Health & Safety, particularly once a vessel had collided either with a mast or another vessel working between the masts. The Clerk advised that closure under Health and Safety would be instigated by the MCA not the windfarm developers.

Discussion took place on the amount of data available to the developers. The Clerk advised that it was the Officers' intention to carry out a consultation with all the industry representatives to identify, with evidence, areas which were considered to be important fishing sites within the Committee's District. This could then be given to developers as evidence during consultation phases.

Mr Lake felt that with regard to the objection towards the Lincs Offshore Windfarm the Committee should take a harder line. He felt that it should be stated that the objection will remain in place until such time as the baseline data was improved. Councillor Williams felt the Committee should be careful to make sure their objection was based on evidence.

Mr Lake put forward an amendment to the proposal which included the additional request for improving the baseline data. There were 5 votes in favour of the amendment and 3 against, the amendment was therefore put forward.

It was Resolved that the Joint Committee maintain its standing objection to the proposed Lincs Offshore Wind Farm until it can be ascertained by the Officers that there will be no significant adverse EMF or noise effects to the fisheries within the District (COWRIE EMF and noise reports expected January 2008), and until the baseline data is more comprehensive, at which time the objection will be removed.

**Proposed: Mr Lake
10 votes in favour.**

Seconded: Councillor Ward

ST08/10 CLERK'S REPORT ON THE PROPOSED CODE OF CONDUCT FOR INSPECTIONS

Despite the report being included as a matter for formal agreement Members still felt there were issues which needed clarity.

Councillor Rye questioned whether the Fishery Officers boarding uninsured vessels would be covered in the event of an accident. The Clerk advised that the Fishery Officers were covered by the Committee's insurance policies.

Referring to uninsured vessels fishing in the District, the Clerk advised that he would be consulting Defra on whether it was the Committee's remit to insist on seeing valid insurance documentation prior to issuing a licence under the Wash Fishery Order. He did however feel it would probably be the MCA who would be better placed to deal with insurance issues. If Defra deemed it to be the Committee's responsibility then the Clerk would commence a consultation process to assess how best to ensure vessels were covered by valid insurance. It was noted that the Members concern was not initially towards the vessels involved but towards the cost of cleaning up in the event of oil spillage etc.

It was Resolved to receive the report and accept the Standings Order and Code of Conduct as set out.

Proposed: Councillor Belham

Seconded: Councillor Nobbs

ST08/11 CLERK'S REPORT ON THE MEETING OF THE WASH MANAGEMENT SUB-COMMITTEE HELD ON 7TH DECEMBER 2007

The Clerk was pleased to be able to advise that the Management Policies for the Wash mussel and cockle fisheries had been agreed and were in place. He believed this was a milestone for the fisheries in the Wash and added that it was the culmination of several years work with the industry, NE and ESFJC, and was an example of what could be achieved by the parties working together. Members congratulated Officers on their achievement.

Mr Lake questioned what the timescale was for the scientific survey on riddling handworked cockles. The Clerk advised that his understanding of the the agreement had been that a survey would be carried out at such time as it was identified as becoming a problem.

ST08/12 DEPUTY CLERK'S QUARTERLY REPORT

Members accepted this as a matter for information

ST08/13 SENIOR RESEARCH OFFICERS QUARTERLY REPORT

Members accepted this as a matter for information

ST08/14 MARINE ENVIRONMENT OFFICERS QUARTERLY REPORT

It was requested that if maps were to be included in future, the printing could be a little clearer. Members accepted this as a matter for information

ST08/15 AMENDMENTS TO THE CONDITIONS OF THE WASH FISHERY ORDER LEASES ISSUED BY THE JOINT COMMITTEE TO LAY HOLDERS

The Clerk advised that the amendment, previously agreed by members, had been taken on board by the Crown Estates and lay holders had been advised of the amendment to their leases.

Members accepted this as a matter for information

ST08/16 ESFJC BUSINESS PLAN 2008/09

Members accepted this as a matter for information

ST08/17 ESFJC WASH FISHERIES MANAGEMENT PLAN

Members accepted this as a matter for information

ST08/18 ANY OTHER BUSINESS

CHEMICAL TESTING ON LOBSTERS: The Clerk advised that he had spoken to the Minister and enquired whether he would be reviewing the previous Ministerial decision not to prohibit the landing of berried lobsters nationally. The Minister had responded that it was his intention to do, so the Officers would be providing him with all the information they had regarding the chemical testing for berried lobsters which had been devised, tried and tested by Officers of the Joint Committee.

MARINE BILL: It was anticipated that the Draft Bill would be available during the first week in April. At which time it would be scrutinised by the House of Commons Select Committee. Hopefully being included in the Queen's Speech in November 2008. It was hoped the draft would be available to all parties concerned, therefore the Clerk was optimistic he would be able to post it on the ESFJC website once it was available.

Whilst the outcomes of the Bill were not yet know it was thought that one of the changes to the current regime would be the renaming of Sea Fisheries Committees to "Inshore Fisheries & Conservation Authorities", it was also expected that the number of Committees would be reduced.

Members requested that the Clerk ask for a presentation to be made to them on how the Marine Bill would affect the work of the Sea Fisheries Committees.

The Clerk also thought the Councillors concerns regarding funding would be partially alleviated by money being made available from Central Government to cover "New Burdens".

There being no other business the meeting closed at 1125 hours.