

STATUTORY MEETING

Minutes of the STATUTORY MEETING of the Joint Committee held on **Wednesday 25th April 2007**, 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 - Vice Chairman		
Cllr A H Turner JP	Lincolnshire County Council		
Cllr S F Williams	Lincolnshire County Council		
Cllr D Rye	Norfolk County Council		
Cllr R A Ward	Suffolk County Council		
Cllr D Wood	Suffolk County Council		
R Brewster)		
R Garnett)		
N Lake)		
I Large)Defra Appointees		
T Pinborough)		
C A R Southerland)		
S Williamson)		
M Yates)		
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
Shaun Douglas	M&FA)	
C Donnelly	Natural England)	

APOLOGIES

Apologies for absence were received from Councillors Bellham (SCC), and Joyce (NCC) and Messrs Coppolo and Tomlinson (Defra Appointees).

CHAIRMAN'S ANNOUNCEMENTS

Members were advised that the Chairman, Councillor Bellham, was unable to attend as he was recovering from an operation. It was agreed that the members' best wishes be passed on to Councillor Bellham.

DECLARATION OF MEMBERS PERSONAL INTERESTS

Councillor Baxter declared an interest in the item relating to windfarms, as he was a member of Norfolk County Council who had put in an objection to such sites.

Councillor Williams declared an interest as a member of Deeping St Nicholas Group against wind turbines.

Councillor Rye declared an interest in that he was a member of the KLCB

Mr Williamson declared an interest in items 13 and 17 on the agenda

Messrs Brewster, Garnett and Lake declared an interest in item 13

ST07/19 MINUTES OF THE STATUTORY MEETING OF THE JOINT COMMITTEE HELD ON 24th JANUARY 2007

Members agreed the minutes were a true record of proceedings.

ST07/20 MATTERS ARISING

There were no matters arising.

ST07/21 FINANCE OFFICER'S REPORT ON PAYMENTS MADE AND MONIES RECEIVED DURING THE PERIOD 13th JANUARY - 31ST MARCH 2007

It was Resolved to accept the Finance Officers report on payments made and monies received during the period 13th January and 31st March 2007 and approve payments of £327,449.27 and receipts of £55,598.27.

**Proposed: Councillor Rye
All Agreed**

Seconded: Councillor Ward

ST07/22 FINANCE OFFICER'S REPORT ON THE AUDIT OF ACCOUNTS FOR THE YEAR 2005/2006

The Finance Officer briefly summarised the changes in Audit Regulations and how they affected the Joint Committee, which explained why an Annual Governance Report had been circulated to all members. It was also noted that the Auditors Opinion would include a Value for Money conclusion to cover economy, efficiency and effectiveness of the Joint Committee's resources. As a direct result of the change in Audit Regulations three specific points had been raised all of which had either been dealt with or were being addressed during the course of the agenda items at the meeting.

Councillor Turner questioned how much more the audit cost would be as a result of the changes in audit regulations. The Finance Officer advised it would be between £300 - £400 more expensive.

It was Resolved to accept the report.

**Proposed: Councillor Williams
All Agreed**

Seconded: Councillor Turner

ST07/23 CLERK'S REPORT ON THE REVIEW OF THE JOINT COMMITTEE'S STANDING ORDERS

The Clerk advised that it had been necessary to formally review the Standing Orders, points which required highlighting including the Code of Conduct for members, clarification of powers and responsibility of Sub-Committees. It was also thought good practice to review the Standing Orders on a bi-annual basis in line with the change of Chairmanship.

Members debated the amount of notice to be given prior to an extraordinary meeting, but it was agreed to remain at 3 working days with more notice being given if it was feasible.

Mr Lake questioned whether a quorum should consist of any members or whether they should be voting members. It was agreed the Standing Orders should be changed to clearly state a quorum must be made of members eligible to vote.

It was Resolved to accept the report.

Proposed: Councillor Ward

Seconded: Councillor Williams

At this point Councillor Wood arrived.

ST07/24 CLERK'S REPORT ON THE REVIEW OF THE COMMITTEE'S FINANCIAL REGULATIONS

As part of the Audit of Accounts for 2005/2006 the Financial Regulations had been reviewed and found to be significantly out of date. Several suggested amendments had been annotated for the members' consideration. The Clerk believed that all the amendments were backed with a reasoned argument and once they were put in place the Financial Regulations would be considered "fit for purpose", by the Auditors.

Members considered the amendments and requested further information on matters relating to the Internal Auditor and the maximum level of Petty Cash payable. All queries were clearly answered by the Finance Officer.

It was Resolved to approve the revised Financial Regulations (2007).

Proposed: Councillor Turner

Seconded: Councillor Williams

ST07/25 CLERK'S REPORT ON THE ANTI FRAUD AND CORRUPTION POLICY FOR THE JOINT COMMITTEE

Members were advised that the Committee's Officers had used the policy in place at NESFC and adjusted it to comply with the requirements of ESFJC. It was however necessary to point out the level of responsibility placed on the Chairman and Vice Chairman of the Committee and also the Chairman of the Personnel Sub-Committee.

Members Resolved to receive the report and accept the policy as set out in their papers.

Proposed: Councillor Williams

Seconded: Councillor Turner

ST07/26 CLERK'S REPORT ON THE MEETING TO THE RECREATIONAL SEA ANGLING SUB-COMMITTEE HELD ON 23RD FEBRUARY 2007

The Clerk gave a brief resume of the inaugural meeting of this sub-committee. It had unfortunately got off to a rather indifferent start with some members not being able to attend. As a result it had been necessary to defer the election of Chairman and Vice Chairman for the sub-committee. Although the recommendation of the sub-committee had been to appoint these posts at the Statutory Meeting members felt the appropriate forum for this would be at the next meeting of the sub-committee. During the course of the meeting three elements had been discussed one of which included members attendance at public meetings of sea anglers. It was agreed that members would be invited to attend such meetings if they wished to. Mr Pinborough advised the next meeting would be held on 16th May at a venue close to King's Lynn, members would be given more detail.

Some concern was expressed about putting too much emphasis into the sea anglers interests, and the officers were asked to bear in mind that this issue was only one aspect of the work of the Committee. This was particularly emphasised when it was noted only 18 anglers attended the last meeting when it was reported that there were approximately 100,000 sea anglers in the region. However, Mr Pinborough felt that over a course of 4 meetings in the region of 100 anglers would attend and it was therefore, worth holding the public meetings.

It was Resolved to accept the report but the election of Chairman and Vice Chairman should be deferred until the next meeting of the sub-committee.

Proposed: Councillor Williams

Seconded: Mr Large

ST07/27 CLERK'S REPORT ON THE INTRODUCTION OF A SCHEDULE OF CHARGES FOR REQUESTS MADE UNDER THE FREEDOM OF INFORMATION ACT 2000 AND ENVIRONMENTAL INFORMATION REGULATIONS 2004

Following a request for information under the Freedom of Information Act 2000 the Clerk had been made aware there was a need to implement a charging schedule for costs incurred when providing this information. As a result Norfolk County Council had been approached and the Schedule of Charges had been derived directly from that used by the County Council. The Clerk required the agreement of the Committee for this schedule to be put into place.

Members noted this was directly taken from Norfolk County Council and was a matter of Statutory obligation. It was Resolved to approve the Schedule of Charges for requests made under the Freedom of Information Act 2000 and Environmental Information Regulations 2004.

Proposed: Councillor Williams

Seconded: Councillor Turner

ST07/28 DEPUTY CLERK'S REPORT ON THE PUBLICATION OF THE MARINE BILL WHITE PAPER

The White Paper had been circulated in March. Being a large document the Deputy Clerk had provided a summary of the five main areas affecting the work of the Joint Committee.

Councillor Baxter noted there was an indication the number of SFCs would be reduced and asked the Officers for any further information on this matter. The Clerk was able to advise that initially if was suggested SFC numbers would be reduced from 12 to 6, there was also discussion of Wales moving away from SFCs and also Devon and Cornwall being amalgamated with the Isles of Scilly, all of which would have a knock on effect to the boundaries of the current SFCs. The Clerk was lead to believe that Defra were to consult directly with SFCs on this matter shortly. It was also noted that the suggestion was for membership of a committee to be set at 15 members. Which would be 5 less than ESFJC had at present. Members felt a reduction in numbers would be a retrospective step. The cost implication of members was very little and with contentious issues not able to be voted on by members who declared an interest there was a need to keep the membership level as it stood. There was also concern that County Councils may not be so happy to fund SFCs if they were not so well represented on the Committee. Councillor Wood felt any change in membership should strongly be opposed.

Members also expressed concern about the £1.7m which it was suggested would be made available each year, to be divided amongst all SFCs to cover the costs of new burdens being placed on them. It was felt in comparison to ESFJCs budget their share would be insignificant and would not be sufficient to finance the extra burdens that would be placed on the Committee.

Mr Pinborough admitted to being in favour of the SFCs being reviewed and was looking forward to a better balance of representation on SFCs, however, he was concerned about the 'User must pay' ethic which was being mentioned in connection with the White Paper. He felt it was wrong to consider charging anglers a licence fee if there was not a more sustainable fishery for them. Mr Pinborough felt there should be 'more and bigger fish' for the anglers to catch and tangible benefits. He also felt that if the ASFC were not prepared to put this point forward and to request a definition of 'sustainable' then ESFJC should do it as an individual Committee.

Questions were raised regarding the implications of more Marine Conservation Zones within the District. Mr Donnelly acknowledged that the Habitats Directive already played a part in identifying sites of this nature but also the Marine Bill could highlight further areas to become no take zones or SACs. Members requested more information on such areas already in place within the district. Mr Donnelly agreed to provide a presentation at the beginning of the next Statutory Meeting.

Having aired various concerns it was Resolved to accept the report with the proviso that the Clerk would put forward their concerns at the meeting of the ASFC particularly with regard to retaining membership at the current level. It was agreed to respond through the ASFC. The ASFC response would be circulated to all members.

Proposed: Councillor Williams

Seconded : Mr Lake

ST07/29 CLERK'S UPDATE REGARDING SURVEY AND FISHING ACCESS TO THE RAF BOMBING RANGES IN THE WASH

The Clerk advised the MOD had agreed to the Research staff carrying out foot surveys within the bombing range, subject to attending a Health & Safety meeting with MOD staff. This had been accomplished and surveys had begun, however it was proving problematic due to the nature of the terrain.

Further communication had taken place between the MOD and the Clerk which inferred that in the future it may be possible to resume fishing within the bombing ranges however, if this was granted it would be essential that vessels fishing in this area should adhere to the opening hours to prevent any further issues with the MOD.

Mr Williamson thanked the Clerk and Officers for pursuing the matter.

ST07/30 MARINE ENVIRONMENT OFFICERS REPORT ON THE PROPOSED LINC'S OFFSHORE WIND FARM(OWF)

Members were advised that there were a lot of proposals which could have an impact on the fisheries. The Committee had been invited to comment on the proposals by the DTI.

Mr Lake questioned why the windfarm was able to potentially be placed in an area which had previously been covered in sabellaria. Mr Donnelly acknowledged that this was an important feature and it was important to identify the extent of the reef and to ensure that the reef would not be damaged during the construction process of the windfarm. There was however a problem in that FEPA conditions were not as stringent at the time this site was identified as they are now. NE had applied to seek a variation to the FEPA licence.

The Clerk explained that Round 1 sites for windfarms were smaller and were considered to be used to assess the effects of windfarm and provide background data prior to larger sites being approved. Unfortunately the Round 2 sites were being consented to before sufficient background data had been gathered in addition to this there was also concern about the large bed of sub-littoral mussel very close to the Round 2 site as well as the large areas of sabellaria.

Messrs Garnett, Lake and Southerland all expressed concern about the Round 2 site and felt it should be strongly opposed, particularly as there had been no proper baseline studies to assess the impact of these sites. Mr Williamson also expressed concern about what route the cable would take, would it be straight through the middle of the Wash.

Members Resolved to accept the report and agreed that the Joint Committee should provide comment to the DTI's Offshore Renewable Consents Unit, expressing the Committee's concern particularly with regard to the routing of the cable, and requesting that more time be made available to understand with more confidence the affects of the site.

Proposed: Councillor Ward

Seconded: Councillor Turner

ST07/31 CLERK'S UPDATE REGARDING THE PROPOSED CHANGES TO REGULATION No2 OF THE WASH FISHERY ORDER

The Clerk gave a brief resume on the manner in which the 2006 cockle quota had been set and the legal situation which had resulted in this becoming a gentlemen's agreement amongst the industry. In order to alleviate this problem in 2007 the Clerk had contacted Defra legal department seeking rewording of Regulation No2 of the WFO. Unfortunately the Clerk had sent redrafts twice to Defra and on both occasions he had been advised that the legislation which the WFO had been derived from would not allow the Committee to have that level of delegation provided to them.

Subsequently Defra had suggested the Clerk should apply for a different set daily quota to be applied to Regulation No2 and criteria be set in place by which the level of quota could be changed or a variation request could be made to Defra.

All this information had been passed to the Entitlement Holders and their views had been sought on what quota they felt should be applied for the 2007 season. As a result of this communication a good response had been received which represented almost 2/3rds of the entitlements. The majority of responses had been in favour of reducing the quota level to that set for the 2006 fishery. It was noted that comment had been made by two entitlement holders that they would like to see this variable in line with the level of stock available in any year.

Members Resolved to receive the report and that the Clerk should continue to develop the current Regulation and to set the daily quotas at the level agreed by the majority of the Wash Fishery Order entitlement holders that responded to the consultation.

Proposed: Councillor Williams

Seconded: Councillor Ward

5 votes in favour

0 against

1 abstention

ST07/32 ESFJC ANNUAL AND RESEARCH REPORTS

The reports relating to 2006 had been circulated to all members and comment or amendments were requested. There were no amendments noted and it was agreed the reports could be circulated to interested parties.

ST07/33 CLERK'S REPORT ON THE PRELIMINARY ASSESSMENT OF THE RISK OF CONTAMINATION TO COCKLE SANDS WITHIN THE BOMBING RANGE

Following a request by one Committee member the Clerk had looked into the cost implications of taking samples to test for heavy metal contamination of the fisheries within the bombing ranges. CEFAS were already taking samples for radiological sampling within the Wash and would be happy to test samples taken from within the bombing ranges. As the funding for the sampling was met by the FSA the Clerk was hopeful that the FSA would also be prepared to take onboard the cost implications of the additional samples.

Whilst members were concerned it may be opening up a can of worms it was evident it was necessary to take this step because of the potential health implications.

Members agreed to receive the report and the Clerk should continue to pursue the possibility of CEFAS testing additional samples.

Proposed: Councillor Williams

Seconded: Mr Large

ST07/34 DEPUTY CLERK'S QUARTERLY REPORT

Members accepted this as a matter for information

ST07/35 SENIOR RESEARCH OFFICERS QUARTERLY REPORT

Members accepted this as a matter for information

ST07/36 MARINE ENVIRONMENT OFFICERS QUARTERLY REPORT

Members accepted this as a matter for information

ST07/37 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 7 of Schedule 12A of the Act

Proposed: Councillor Williams

Seconded: Councillor Turner

Mr Williamson left the meeting at this point.

ST07/38 CLERK'S REPORT ON THE REVIEW OF THE VESSEL DEROGATION LIST FOR THE SOUTHERN AREA OF THE DISTRICT, RELATING TO BYELAW 12 'INSHORE TRAWLING RESTRICTIONS'

Summary: The Clerk summarised the progress that had been made since the previous meeting. This included a meeting with Suffolk fishermen to understand their concerns. The meeting had been well attended and well conducted, the outcome of which seemed to be a question mark over the legal interpretation of the Committee's byelaw particularly with regard to the definition of "on a regular basis". An informed decision would need to be reached on this question.

However, the Clerk was also concerned that the Committee's records had not produced the derogation list in question. He felt a more extensive search of the archives should be undertaken. It was also hoped that the MFA would be able to provide records of these vessels having fished in this part of the district.

On a more positive note the Committee's solicitors had been able to research the ownership of the vessels. Formal confirmation from the solicitors was still awaited but searches to date seemed to indicate that no changes of ownership had occurred since 1996.

The Clerk was aware that this process had already taken 9 months which was potentially lost fishing opportunity but he also accepted that the evidence of fishing in this area needed to be proven before the dispensation could be issued, however to speed up the process he proposed that the matter be discussed by the byelaw sub-committee which could be convened at short notice rather than waiting until the next Statutory Meeting.

Councillor Williams felt there was a need to get all the evidence and a definition of 'regular' from Defra as well as considering the aspects of ecology and sustainability before a decision could be reached.

It was Resolved to continue to accumulate evidence and to refer the matter to the Byelaw sub-Committee.

Proposed: Councillor Williams

Seconded Councillor Turner

Mr Williamson returned to the meeting.

ST07/39 ANY OTHER BUSINESS

WASH FISHERY ORDER LICENCE ENTITLEMENT TRANSFER: The Clerk had received a request for 2 licence entitlements to be transferred from father to son. Note 12

of the WFO Guidance Notes states this is entirely appropriate but as a matter of record it was necessary for this to be acknowledged by the Members.

All Agreed

WASH FISHERY ORDER LICENCE ENTITLEMENT MAINTENANCE: Members were reminded that under the WFO a licence entitlement can be maintained for a period of two years from the date it was issued or from the expiry of the last licence taken out against the entitlement. To maintain the entitlement after this time it would be necessary to take out a licence to fish. In order to take out such a licence it is a requirement that the office should be provided with the Certificate of Registration showing majority ownership of the vessels and a Defra licence to fish issued to that vessel, if these are not available then a licence will not be issued and subsequently the licence entitlement will revert back to the Committee to be issued to the next qualified person on the waiting list.

The Clerk then informed members that he had received information that an entitlement holder's two years was about to elapse but he had recently sold a vessel and was not in a position to take out a licence, and the question had been asked whether an extension to the two years could be granted?

Members took into account the information provided but felt that particularly as there was a substantial waiting list for entitlements all criteria should be met to maintain a licence entitlement otherwise it would be reissued to the next qualified person on the waiting list.

Proposed: Councillor Turner

Seconded: Chairman

All Agreed

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