

# STATUTORY MEETING

Minutes of the STATUTORY MEETING of the Joint Committee held on **Wednesday 29<sup>th</sup> April 2009**, 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 S Bakewell	Lincolnshire County Council		
Cllr S F Williams	Lincolnshire County Council		
Cllr R Bellham	Suffolk County Council		
Cllr R A Ward	Suffolk County Council		
J Abbott	)		
R Brewster	)		
R Garnett	)		
N Lake	) Defra		
I Large	)		
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	)	Present by
J Stoutt	Marine Environment Officer	)	Invitation
S Lee	Skipper / Fishery Officer	)	
A Woods	Fishery Officer	)	
J Stipetic	MFA Grimsby	)	

## APOLOGIES

Apologies for absence were received from Councillors Callaby (NCC), Turner (LCC) & Wood (SCC).

## CHAIRMAN'S ANNOUNCEMENTS

The Chairman regretted to inform members that a past member, Councillor Fisher, had died. Despite no longer being a member of the Committee Mr Fisher had continued to show an interest in the work of the Committee, and actively worked in the role of Internal Auditor for the Committee.

The Chairman also advised members that Councillor Turner was still not well enough to attend and was due to have a further operation. He wished to note that all the Committee sent on their best wishes to Councillor Turner.

Members were advised that Norfolk County Council had raised a strategic objection to the windfarms, with particular objection made to the proposed cable route.

## DECLARATION OF MEMBERS' PERSONAL INTERESTS

Messrs Brewster, Garnett, Lake, Southerland and Williamson declared an interest in items 8, 9 & 10 on the agenda.

**ST09/20 MINUTES OF THE STATUTORY MEETING OF THE JOINT COMMITTEE HELD ON 28<sup>th</sup> JANUARY 2009**

Referring to the Declaration of interests it was Cllr Wood who declared an interest, not Cllr Ward.

Members agreed the minutes were a true record of proceedings.

**ST09/21 MATTERS ARISING**

There were no matters arising

**ST09/22 FINANCE OFFICER'S REPORT ON PAYMENTS MADE AND MONIES RECEIVED DURING THE PERIOD 17<sup>TH</sup> JANUARY TO 31<sup>ST</sup> MARCH 2009**

It was **Resolved** to accept the Finance Officer's report on payments made and monies received during the period 17<sup>th</sup> January and 31<sup>st</sup> March 2009 and approve payments of £349,126.76 and receipts of £408,090.85.

**Proposed: Cllr Ward  
All Agreed**

**Seconded: Cllr Williams**

**ST09/23 FINANCE OFFICER'S REPORT ON THE AUDIT OF ACCOUNTS FOR THE YEAR 2007/2008**

Members were advised that the year end accounts for 2007/2008 had been assessed by the District Auditor and an unqualified opinion had been issued for both the financial statements and the value for money conclusion. These would be available once they had been signed.

The Finance Officer advised that Norfolk County Council had agreed to provide their services to set up year end accounts in accordance with SORP requirements and IFRS accounts policies for future years.

**It was Resolved to receive the report and note the advice regarding the service to be provided by Norfolk County Council**

**Proposed: Councillor Williams**

**Seconded: Councillor Ward**

**ST09/24 CLERK'S REPORT ON THE WASH MANAGEMENT SUB-COMMITTEE MEETING HELD ON 25<sup>th</sup> FEBRUARY 2009**

Members agreed to receive the report and note the content.

**ST09/25 CLERK'S REPORT ON THE MEETING OF THE RECREATIONAL SEA ANGLING SUB-COMMITTEE HELD ON 11<sup>TH</sup> MARCH 2009**

Mr Pinborough advised that the letter sent by the Clerk to Defra had received positive feedback from anglers.

Referring to the Economic Assessment Paper, Mr Pinborough enquired whether it would be possible to change the phrase 'Strategy' to 'Action Plan' as anglers were wary of anything referred to as a strategy. Councillor Williams felt that strategy was a broad term and would not necessarily lead to action, therefore, he believed strategy was the correct word to use.

Whilst the Clerk agreed with Councillor Williams' sentiment, he also appreciated the need to carefully phrase text to give a positive message. However, he stressed that the wording used had reflected what was said at the time, in the future alternative wording could be used.

**It was Resolved to accept the report, as written.**

**Proposed: Councillor Bellham**

**Seconded: Councillor Ward**

**ST09/26 CLERK'S REPORT ON THE ADMINISTRATION OF LAY GROUND UNDER THE WASH FISHERY ORDER 1992**

Members were advised that following the Committee's decision not to consider any further applications for lay ground in the Wash, until such time as it was known what impact mussel lay cultivation had on naturally occurring shellfish stocks, the effect had been that existing lay ground had become more important and desirable. The Clerk was concerned that there was no mechanism in place to deal with lay ground if it was handed back. The Committee were asked how they would like this to be administered. The officers' suggestion would be to implement an application process, rather than a waiting list. Whilst there was no ground for consideration at the present time the Clerk was concerned that guidelines should be in place prior to ground becoming available.

Councillor Williams was in favour of setting up an application process and hoped that ultimately discussion would lead to a policy being in place before the need arose.

**It was Resolved that the Wash Management Sub-Committee and the local fishermen, through consultation, should consider developing the criteria against which WFO 1992 lay applications were considered.**

**Proposed: Councillor Williams**

**Seconded: Councillor Ward**

**Carried unanimously**

**ST09/27 CLERK'S REPORT ON PROPOSALS TO CHANGE THE ADMINISTRATION AND QUALIFYING CRITERIA RELATING TO WASH FISHERY ORDER 1992 ENTITLEMENTS**

In view of the ongoing concern regarding licence entitlements being retained but not used the officers had proposed to make it slightly more difficult to retain an inactive entitlement. Following consultation letters being circulated a meeting was held between members of the fishing industry to which the Clerk had been invited and attended. The proposals were discussed and whilst there was very little response to encouraging inactive entitlements to become active, the discussions were dominated by whether or not the number of entitlements should be reduced from 68 to 55. The outcome suggested by the minutes of that meeting was that through natural wastage the number of entitlements should be reduced to 55, however the response to the consultation was different with no clear view emerging. The Clerk also advised that Defra had been asked for their view on whether or not it would be legal to reduce the number of dredging entitlements to 55 and retain the other 13 as handworking only entitlements. The Clerk felt more discussion was needed with the industry. Mr Brewster agreed a further meeting needed to take place with reasoned discussion which would allow fishermen to vote. Mr Lake questioned whether industry members would be able to put forward proposals for discussion prior to the meeting, which the Clerk advised would be most welcome, as it was necessary to reach a policy which the fishermen approved of.

**It was Resolved that the Clerk should further consult the industry on restricting the number of licences issued to participate in the cockle and mussel dredge fisheries to 55. This consultation would culminate in a meeting, chaired by the Clerk, between officers of the Committee and fishermen.**

**Proposed: Councillor Ward  
All Agreed**

**Seconded: Councillor Williams**

The Clerk informed members that there was also the need to review the manner in which licence entitlements were issued once they became available. He felt the waiting list procedure needed to be reviewed, with the possibility of it becoming a register of interest with all parties on the list being notified when an entitlement became available so that they could apply by identifying their ability to meet a list of specified criteria. Once applications were completed they would then be discussed by the WMSC and allocated. The list of criteria would include the length of time their name had appeared on the register of interest.

**It was Resolved that the Wash Management Sub-Committee and the local fishermen, through consultation, should develop the criteria against which WFO 1992 Entitlement applications were considered.**

**Proposed: Councillor Williams  
All Agreed**

**Seconded: Councillor Bellham**

**ST09/28 CLERK'S REPORT ON THE REQUEST TO RECONSIDER THE WITHDRAWAL OF A WASH FISHERY ORDER 1992 ENTITLEMENT**

Members were reminded that this agenda item had been postponed at the previous meeting, and they were now asked to reconsider the matter. Following the removal of an entitlement, as the holder had failed to renew his licence by the deadline, the Committee were asked to consider the proposals put forward by one of the local fishermen's associations. The proposals were, reinstating the entitlement (which would mean increasing the number of entitlements to 69) or to put the fisherman to the top of the waiting list so that he could have the next available entitlement. The Clerk also advised members that to avoid a similar situation in the future they may like to consider whether entitlement holders should be written to 3 months before the expiry of the entitlement.

Members had mixed views with some believing the matter had been discussed and a decision made previously, therefore that decision should be upheld. Others were concerned that this was a local fishermen whose family had fished for generations and without his entitlement he was unable to restock his lays.

Following considerable discussion a proposal was put forward by Councillor Ward not to support any change to the decision previously made. This was not seconded and therefore did not progress.

**It was Resolved that the fisherman in question should be put to the top of the waiting list and given the next available entitlement. Although a change in the way the administration of entitlements was carried out was being discussed, this individual would be given the next entitlement regardless of any changes made. It was also agreed that entitlement holders should be written to three months before the expiry of their entitlement.**

**Proposed: Councillor Bellham  
6 votes in favour  
1 abstention**

**Seconded: Councillor Baxter**

**ST09/29 DEPUTY CLERK'S REPORT ON THE DEFRA CONSULTATION REGARDING IFCA BOUNDARIES IN RELATION TO THE JOINT COMMITTEE**

Members were provided with a paper highlighting the possible changes which could take effect once ESFJC became EIFCA. Whilst it was still unknown whether there would be 6 or 12 IFCA's, in either situation the change to ESFJC would be the same. It was proposed that the Northern boundary would go up to the Humber but the management of the Humber would be split between two IFCA's which the officers did not feel was the best scenario. It was their suggestion that Defra be asked to reconsider this boundary and to extend the northern boundary by approximately seven miles. By doing so EIFCA would be responsible for the intertidal cockle fishery at Horseshoe Point. It would mean that Lincolnshire County Council only paid a levy to EIFCA. North and North East Lincolnshire authorities would continue to contribute to NEIFCA funding and would lead to most of the Humber remaining under the jurisdiction of one IFCA

Under Defra's proposals the Southern boundary would not change, however, officers believed that the current boundary which was based on Mean Low Water and resulted in dual management of the estuary of the River Stour was not clear and at the very least they would like the boundary to be identified using latitude and longitude co-ordinates which could be definitively shown on a British Admiralty Chart.

*At this point Ivan Large left the meeting*

Whilst members accepted the officers' view regarding boundaries they were less supportive of the proposed membership for the EIFCA. The officers believed that the membership level should be 21 members as proposed in the consultation, all members agreed with this. However, there was concern about the number of commercial fishermen being reduced to allow more environmentalists to be elected to the committee. The Clerk felt it would be necessary under the IFCA to capture a greater balance of representatives, and he was also aware that, under the IFCA, conservation would be higher up the agenda.

Members discussed the possible make up of the EIFCA, during which some members highlighted the belief that a representative from a Regional Development Agency should be included in the membership. Others expressed concern that the commercial fishermen could be out voted if the amount of Elected members was reduced. This resulted in Mr Abbot advising that the Councillors also had a responsibility to support all of the electorate and the environment. Mr Williamson felt this was the wrong approach and questioned whether the Committee would still be in existence if there were no commercial fisheries. Mr Abbot's view was supported by Mr Pinborough who stated the Committee was a public resource available to every stakeholder and the Committee should be here for every stakeholder not just commercial fishermen.

Following extensive discussion an amendment to the proposed membership of the Committee was put forward. This amendment called for the number of commercial fishermen to be increased by two whilst reducing the number of environmentalists by two. 8 votes in favour of the amendment, 5 votes against and 1 abstention, resulted in the amendment becoming a substantive proposal which was subsequently voted on.

**It was Resolved that the Clerk should respond to Defra's consultation in writing prior to 1<sup>st</sup> May detailing the recommendations made in the paper provided to members with the exception of the suggested membership composition of EIFCA which should be amended by increasing the number of commercial fishermen by two and removing two environmentalists.**

<b>Proposed: Mr Lake</b>	<b>Seconded</b>	<b>Councillor Ward</b>
<b>9 votes in favour</b>	<b>5 against</b>	

**ST09/31 MARINE ENVIRONMENT OFFICERS REPORT ON THE FIRST STAGE OF THE JOINT COMMITTEE'S STRATEGIC ENVIRONMENT POLICY**

Members were asked to consider the recommendation to undertake an environmental performance evaluation of the Committee's working practices which would take into account levels of energy consumption and waste production. A table was provided which listed aspects which it was suggested should be considered when carrying out the evaluation.

**It was unanimously agreed that the environmental performance evaluation should take place however, whilst the list was fairly comprehensive members requested that procurement should be included in the list.**

**ST09/32 DEPUTY CLERK'S QUARTERLY REPORT**

Mr Pinborough enquired how many anglers had expressed the view that they did not feel there was a need for management measures. He was advised no specific numbers were known but the opinion had been expressed during conversations with some anglers and he was aware that angling forums on the web had discussed this issue.

Members agreed to note the report.

**ST09/33 DEPUTY CLERK'S REPORT ON THE PROGRESS TOWARDS REMOTE TRACKING OF VESSELS OPERATING UNDER WASH FISHERY ORDER 1992 LICENCES**

Mr Lake commented that the majority of the fishermen had expressed a preference for the AIS system rather than the VMS and further concern had been expressed since funding from NE was not guaranteed. It was questioned whether the industry were going to have to pay for the units themselves. The Clerk advised the move from AIS to VMS had been made as a result of confidentiality concerns regarding AIS and legal advice that had been received. He also advised that without external funding the system would not go ahead.

*Councillor Bellham raised a point of order that the item was for information only, if a member felt it should be raised for discussion then a request should be made for it to be put on the next agenda.*

Members agreed to note the report.

**ST09/34 SENIOR RESEARCH OFFICER'S QUARTERLY REPORT**

Mr Lake requested that following the location of a new bed of cockles on the Wrangle / Main Sand, the bed should be looked at more closely and a report made to the next Wash Management Sub-Committee. The Clerk acknowledged the new bed of cockles was situated away from the main area of die off, he was hopeful this was an indication that the recorded mortality of cockles was a local event and that the new location could be related to an available food source. A report on the progress of the investigation into the carrying capacity of the Wash would be provided once the project was up and running.

Members agreed to note the report

**ST09/35 MARINE ENVIRONMENT OFFICER'S QUARTERLY REPORT**

Messrs Abbot and Pinborough requested to be included in consultation relating to Bait Diggers.

Members agreed to note the report

**ST09/36 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 Paragraphs 8 & 9 of Schedule 12A of the Act.**

**Proposed: Councillor Williams                      Seconded: Councillor Bakewell**

*The Finance Officer was request to remain present.*

**ST09/37 DEPUTY CLERK'S REPORT ON THE PROPOSED REPLACEMENT OF THE SUFFOLK RIB (FPV PISCES III)**

Members were advised that the naval architect's report on ESF Protector III had been very positive, which reflected well of the work carried out by the Committee's officers and also meant the replacement of the vessel could be postponed for a further 5 years.

In anticipation of the necessity to replace the vessel being more imminent the Deputy Clerk had applied for a grant from the EU Fisheries Control Fund for both ESF Protector III and Pisces III. With this in mind the Committee were asked to consider putting additional funding into the replacement of Pisces III in order that a more robust, versatile vessel could be purchased.

Replacement of Pisces III had already been discussed by the Vessel Sub-Committee and some members felt this may present an opportunity to purchase a large RIB which would give the Committee hands-on experience of the capabilities of such a craft and whether that would be the best route to go down in the future. Mr Lake questioned why it was necessary to replace Pisces III, he felt Three Counties could be steamed to Suffolk. The Clerk did not feel this was the solution, a vessel the size of Three Counties was too big to work in many of the rivers and the environmental footprint created by regularly steaming to Suffolk would not be acceptable.

Councillor Baxter was concerned about making a financial commitment, but acknowledged that the current financial climate with the Euro and Pound on equal terms was probably the best time to buy.

**It was Resolved to agree to the Officers proposals regarding the replacement of Pisces III.**

**Proposed: Councillor Williams                      Seconded: Councillor Bellham**  
**6 votes in favour**  
**0 against**  
**1 abstention**

With all matters on the agenda having been discussed the Clerk acknowledged that with County Council elections due to take place and some members not standing for re-election this was the last time the Committee in its current form would meet. He thanked the members for their support on both Committee and personal levels.

Councillors Baxter, Bellham, Ward and Williams all expressed their own sentiment towards the officers of the Committee, with regard to their level of knowledge, behaviour and friendliness.

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