

STATUTORY MEETING

Minutes of the STATUTORY MEETING of the Joint Committee held on **Wednesday 25th July 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 - 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 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
A J Clarke	Fishery Officer)	
J Stoutt	Marine Environment Officer)	Invitation
P Bryan	M&FA)	

APOLOGIES

Apologies for absence were received from Councillors Bakewell (LCC), Hannah (NCC) and Wood (SCC) and Messrs Coppolo and Tomlinson (Defra Appointees).

CHAIRMAN'S ANNOUNCEMENTS

Members were advised that two new elected members had been appointed to the Joint Committee. Cllrs Hannah and Nobbs had been appointed by Norfolk County Council, replacing Cllr Joyce and Dr Connell.

Members were advised that the Meeting Room clock had been sent for repair, the quote had been returned at £250, whilst the clock was valued at approximately £800 members were asked whether they would like the clock to be repaired or replaced.

It was Resolved that a relatively cheap replacement clock should be purchased and the old clock should be stored in the archives.

Proposed: Cllr Williams

Seconded: Cllr Rye

All Agreed.

DECLARATION OF MEMBERS PERSONAL INTERESTS

Messrs Brewster, Garnett, Lake, Southerland and Williamson declared an interest in item Nos 10 and 11, Mr Williamson also declared an interest in item 13.

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

ST07/40 TRANSFER OF CHAIRMANSHIP TO COUNCILLOR DEREK BAXTER (NCC)

Having completed 2 years in the position of Chairman it was necessary for Cllr Bellham to step down and for the Vice-Chairman Cllr Baxter to take on the role of Chairman. Cllr Bellham briefly spoke to members and advised it had been an honour to work with people interested in the industry. Cllr Turner moved a vote of thanks for his work in the post of Chairman.

ST07/41 ELECTION OF VICE CHAIRMAN (LCC)

In line with the Committee's Standing Orders the next Vice-Chairman had to be elected from those members representing Lincolnshire County Council.

It was Resolved that Councillor Williams be elected as Vice Chairman of the Joint Committee.

**Proposed: Councillor Rye
Agreed**

Seconded: Mr Lake

ST07/42 MINUTES OF THE STATUTORY MEETING OF THE JOINT COMMITTEE HELD ON 25th APRIL 2007

RECREATIONAL SEA ANGLING SUB-COMMITTEE: Mr Southerland questioned whether the reported number of sea anglers was a misprint. He was advised that it was not, at which he questioned the extent of the area in question. Mr Pinborough advised that in a recent EEDA report it had stated there were in the region of 94,000 sea anglers within the East Anglian Region.

Members agreed the minutes were a true record of proceedings.

ST07/43 MATTERS ARISING

There were no matters arising.

ST07/44 REPORT ON THE FINANCE & GENERAL PURPOSES SUB-COMMITTEE MEETING HELD ON 27th JUNE 2007 AND TO RECEIVE THE STATEMENT OF ACCOUNTS FOR THE YEAR ENDED 31ST MARCH 2007 AND AUTHORISED TRANSFERS TO AND FROM THE JOINT COMMITTEE'S RESERVE FUNDS

The Finance Officer informed members that the accounts had been looked at in detail by the members of the Finance and General Purposes sub-committee. She also explained to members the changes that had been made to the Statement of Accounts at the request of the Auditors and advised members of the transfer of funds authorised by the sub-committee. It was also noted that Councillor Williams had queried whether the Committee should have a paragraph included regarding control of illegal transfer of funds, whilst the Finance Officer had attempt to clarify this with Norfolk County Council they were not able to advise on this matter so it would be investigated further.

It was Resolved to receive the Statement of Accounts for the year ended 31st March 2007 and authorised transfers to and from the Joint Committee's Reserve Funds, as formally approved by the Finance and General Purposes Sub-Committee.

Proposed: Cllr Bellham Seconded: Cllr Turner
All Agreed

ST07/45 FINANCE OFFICER'S REPORT ON PAYMENTS MADE AND MONIES RECEIVED DURING THE PERIOD 1st APRIL AND 13th JULY 2007

It was Resolved to accept the Finance Officers report on payments made and monies received during the period 1st April and 13th July 2007 and approve payments of £385,018.83 and receipts of £1,233,143.67.

Proposed: Councillor Williams Seconded: Councillor Ward
All Agreed

ST07/46 CLERK'S REPORT ON THE WASH MANAGEMENT SUB-COMMITTEE MEETINGS HELD ON 31ST MAY 2007 AND 4TH JULY 2007

Members were advised that the meetings had been held primarily to address the 2007 cockle fisheries. The meeting in May had been used to arrange the operating procedures for the handwork fishery. Members were advised that the cockle surveys had found the second highest level of cockle stocks ever recorded, which the Clerk felt meant would provide stability for future years.

The meeting held in July had been to discuss the arrangements for the dredge fishery, and incorporated the results of a consultation amongst entitlement holders regarding the opening of Daseleys sand to dredge fishing.

As a result of the meeting it had been agreed that the dredge fishery would open on 30th July, and dredging could take place on both Holbeach and Daseleys sands. There were some reservations amongst industry members as to whether or not this was the right decision however, it was acknowledged that if it were to become evident that the beds were being damaged the Clerk would consult with the fishermen's associations and failing agreement on their part, call a special meeting of the WMSC at which closure of the beds would be discussed.

ST07/47 CLERK'S REPORT ON A SMOKE FREE POLICY ONBOARD THE JOINT COMMITTEE'S VESSELS

The Clerk advised that he had followed Government Guidelines and the office was now a smoke free building. Regarding the vessels the MCA were still to reach a decision on smoking onboard vessels, however in the meantime, the Committee's Officers had reached an agreement to smoke only on the aft decks of both ESF Protector III and Three Counties, as well as on the RIBs. Once guidance was provided from the MCA then the Clerk would make any adjustments to this arrangement that were necessary.

ST07/48 CLERK'S REPORT ON RECENT SEA ANGLING ISSUES IN THE ESFJC DISTRICT

As a result of the Sea Angling Sub-Committee it had been agreed that a variety of meetings should be held with sea anglers throughout the Committee's district. Three of these had taken place, which the Clerk felt had been useful for the Officers to express what the Committee were and were not able to do on behalf of sea anglers within the District. At

each meeting specific issues had been discussed most of which had produced mixed views amongst the sea anglers. The Clerk was also able to advise that CEFAS had attended the last meeting and had indicated they would be interested in providing biological information on the fish being considered for MLSs.

The Clerk also advised that some elected members had expressed their concern regarding emails they had received from sea angling bodies, these had referred to the 'Golden Mile' and a questionnaire requesting members' views and understanding of sea angling within the district, those members who had raised the matter felt that an email was not the appropriate way to discuss such issues. It was felt that either a full committee meeting or a sub-committee meeting were the appropriate forum for such matters to be raised. Councillor Williams felt that this email communication was undermining the work of the Committee.

At this point members expressed concern about the level of sea anglers which reportedly operated within the District and also questioned what authority the Committee had with regard to sea anglers. Mr Pinborough advised that a report issued by EEDA stated that sea anglers represented revenue amounting to £54 -£109m when the hotels, shop owners, charter boat owners, bait diggers are taken into account. He also advised that the report stated there were 94,000 individuals who had taken part in sea angling in the district, which covers the Lincolnshire, Norfolk and Suffolk coast as well as part of Essex, in a year, however these may be individuals who had only ever been once and may never go again. Mr Pinborough felt that approximately half of the number stated would be hardcore sea anglers.

Referring to the email correspondence, Mr Pinborough advised that elected members had been sent the emails as they were considered to be elected representatives of the public. He went on to say that if these bodies cannot disseminate information in this manner how else were they to get the information across if it always has to go through the Clerk. For example the email regarding the 'Golden Mile' will become part of a National strategy but how will members be able to make an informed decision at local level if they have not received the information. Councillor Williams advised that he was not opposed to answering questions but the way in which they were directed. If these requests had been made via a full or sub-committee meeting he would be willing to answer them. He also advised that he did not dispute the figures in the report. Although he felt they should not be over prescriptive as the numbers may include those who have only ever been once. Members continued to express their views on the issues and the concern some of them felt for the loss of tolerance between sea anglers and commercial fishermen which was becoming more evident.

The Clerk highlighted to members a draft poster which would hopefully be circulated to all angling shops and popular angling areas once it had been ratified by the RSA sub-committee. This would hopefully go some way to alleviate problems relating to landings of undersize fish and provide information for who to contact with queries.

ST07/49 CLERK'S REPORT ON PROPOSALS TO CHANGE THE ADMINISTRATON AND QUALIFYING CRITERIA RELATING TO WASH FISHERY ORDER ENTITLEMENTS

The Clerk advised members that certain aspects of the WFO licence entitlements were becoming problematic. A background paper was provided which set out the three main areas of concern and proposals for ways in which the problems could be eased. The Clerk was aware the subject of making changes to the WFO was a contentious issue so any decisions made by the Committee would be with the caveat that they would be subject to legal scrutiny by both the Committee's solicitors and Defra legal department.

Councillor Rye was concerned that despite several proposed changes being put forward there was nothing in place to insist that vessels provide proof of having valid insurance before a licence was issued. He was concerned about the possible damage to the environment which could be caused if a vessel sank and the cost of clearing up such damage. The Clerk advised that the Committee were responsible for managing the fisheries and that safety at sea would be a matter to be dealt with by the MCA. As Councillor Rye and some of the industry members, remained concerned it was agreed that the Clerk would investigate the matter and produce a paper for a future meeting.

Referring to the proposals put forward Mr Lake was concerned that none of them suggested a reduction in the number of entitlements. This had been suggested in the report by Marinx. The Clerk accepted that the report had highlighted that there was potential for overfishing if all 68 entitlement holders were to take part in the mussel and cockle fisheries, however it was also acknowledged that the disturbance was restricted by the TAC and managed on a daily basis by enforcing a daily vessel quota.

Mr Lake also questioned whether the Committee should be in possession of a Gangmaster licence to manage the handwork cockle fishery. The Clerk could not state categorically that it was not necessary but he would investigate the matter.

Pre-qualified persons: Under the current working of the Order it was necessary for an entitlement holder to have 3 years experience of fishing the Wash, however the named representative (skipper) did not have to meet such a requirement. The Clerk felt that this should be altered so that each vessel being taken to sea by someone other than the entitlement holder should have a named representative, the skipper, on board who has met the 3 years fishing experience requirement, particularly as the intertidal beds being dredged were sensitive areas.

There was both agreement and disagreement amongst the industry members for this proposal, however the majority felt there should be no harm in asking the local fishermen's association to endorse a skipper as suitable to fish in the Wash. It was also agreed that to avoid any misunderstanding in the future all requests for named representatives to take a vessel to sea should be discussed by a panel made up of members of the Committee.

It was Resolved that any individual acting as skipper (named representative) on a WFO licensed vessel must appear on the pre-qualified register. Applications from any individual applying to join the pre-qualified persons register would need to be considered by members of the Joint Committee at a Committee meeting. Endorsements of the individuals qualifications by one or more of the local fishermen's associations would be advantageous but would not necessarily be viewed as sufficient evidence.

Proposed: Councillor Turner

Seconded: Mr Large

Maintaining a WFO entitlement to a licence: Following the change to annual licences the Clerk felt the 24 month period between the expiry of a licence and having to take out another should be reduced to 12 months, which still left a time scale of 2 years between taking out one licence and having to take out another. This he felt was sufficient time to commission a new vessel if necessary. However, he did accept there may be mitigating circumstances which could be put to the members of the Joint Committee for them to consider if an Entitlement holder found themselves unable to take out a licence at the end of the 12 months.

It was Resolved to reduce the period between expiry of a licence and taking out a further valid licence to 12 months.

An individual would have the right to appeal if he or she believed that there were special circumstances that needed to be considered. After consideration the Joint Committee could have absolute discretion to extend the period between an individual holding a valid licence.

Proposed: Councillor Williams

Seconded: Mr Large

Dedicated Vessels: Under the current criteria any vessel that meets the criteria for a WFO licence can be swapped between entitlements. The proposal was that one vessel should be applied to one entitlement and could not be used to maintain more than one entitlement. i.e. if an individual had two entitlements he would require two vessels to maintain them. The Clerk acknowledged there were benefits to having 'sleeping licences' however this needed to be addressed to allow genuine fishermen the opportunity to enter the fishery.

Mr Lake expressed concern at this, particularly as he had more vessels than he had entitlements and may want to swap vessels in the event of breakdown, or if a new vessel was bought specifically to pursue the shellfisheries but the old vessel had not been sold. Members acknowledged that any new system would have to allow for anomalies such as new vessels being built under the current regime. It was agreed that under particular circumstances exceptions could be made.

It was Resolved that once a vessel had been named on a licence using a particular entitlement, the vessel would be dedicated to that entitlement. The entitlement holder and owner of the vessel could not subsequently licence the vessel using a different entitlement. Only after presenting documentation proving a change of ownership could the entitlement holder licence a different vessel on that entitlement.

An individual would have the right to appeal if he or she believed that there were special circumstances that needed to be considered. After consideration the Joint Committee could have absolute discretion to uphold the appeal. (Members agreed to this amendment of the minutes at the Statutory meeting, held on 24th October 2007)

Proposed: Councillor Williams

Seconded: Councillor Bellham

6 votes in favour

2 votes against

Waiting Lists: The waiting list consisted of 28 names. The Clerk suggested that when an entitlement became available it should be issued to the next person on the waiting list who met all the criteria for an entitlement but who did not already hold a WFO Entitlement, rather than being issued on a "first come first served" basis. Whilst the Clerk's believed that the fishery should be opened to as many interested parties as possible there was strong opinion that current entitlement holders at the top of the list had been there and stuck with the fishery for several years, even through the lean times, so why should those who had more recently put their names forward because the fishery is no longer in decline be able to bypass them.

It was obvious there was a need for further consultation on this issue, it was agreed to defer it to another meeting once the Clerk had made further enquiries.

Proposed: Councillor Bellham

Seconded: Councillor Ward

Openness and Transparency:

It was Resolved that all disputes concerning the WFO would be heard by the Joint Committee. In addition many issues would require consideration by and agreement of the Joint Committee.

Proposed: Councillor Williams

Seconded: Councillor Ward

Having discussed the proposals the members accepted that any changes would be subject to receiving legal advice. The Clerk would make the amendments to the proposals and endeavour to consult the industry prior to the next meeting of the Joint Committee.

ST07/50 CLERK'S REPORT ON AN APPLICATION FOR LAY GROUND IN THE WASH

The Clerk advised members that he had received an application for a lay in excess of 10 hectares. Following agreed procedure consultation papers giving details of the lay ground had been circulated to relevant fishermen's associations and Natural England. In the event that no objections were received within 28 days the next step would be for the Clerk to seek the approval of the Secretary of State.

It was Resolved that the Clerk should write to Defra in the event of no objections being received within the 28 day period.

Proposed: Councillor Williams

Seconded: Councillor Turner

ST07/51 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 Rye

*Mr P Bryan from Defra remained in the meeting.
Mr Williamson left the meeting at this point.*

ST07/52 CLERK'S REPORT ON THE REVIEW OF THE VESSEL DEROGATIONS LIST FOR THE SOUTHERN AREA OF THE DISTRICT, RELATING BYELAW 12 'INSHORE TRAWLING RESTRICTIONS'

Summary: The Clerk reminded members of the reason why this item was on the agenda and went on to advise of further progress made since the previous meeting. Further legal advice had been received regarding ownership of the vessels concerned. From the information they had received the Committee's solicitors believed that 3 of the 5 vessels had in fact changed ownership. However in the case of ownership changing the Company had changed but the Directors of the companies involved had remained. The members considered whether to apply strict ownership as held by the Registry of Seaman and Shipping or consider 'beneficial ownership'. Members carefully considered the matter and what was at stake for the owners, they also sought the opinion of Mr Bryan. Mr Bryan explained that it was the policy of the M&FA to use the ownership details held by the Registry of Seaman and Shipping when determining whether a change of ownership had occurred.

It was Resolved to accept the legal advice and their consideration that 3 of the vessels had encountered a change of ownership.

Proposed: Councillor Williams

Seconded: Councillor Rye

**No votes against
1 abstention**

With 2 vessels still to be considered for a derogation members were required to decide what they considered to be fishing on a 'regular basis'. The Clerk advised members that this area was not the normal fishing ground for these vessels but at times when the Wash and its approaches were not producing sufficient stocks for their needs then the vessels would travel south to this part of the District, there was however no discernible pattern to this activity, it was erratic but nevertheless could be deemed as regular. Mr Bryan advised that fishing activity was not cyclic, vessels would go wherever the catch was going to be. He did not think there was anything regular about trawlers fishing activities.

Members debated the meaning of regular but took advice that in the case of fishing regular could be taken to mean, 'as required'.

It was Resolved to accept the Officers recommendations and permit these two vessels to retrospectively be given a derogation to fish in the southern part of the district. However, it was agreed that the wording on the byelaw should have been made clearer and in the event of a similar byelaw being made the wording should be amended.

**Proposed: Councillor Williams
7 votes in favour
2 votes against
3 abstentions**

Seconded : Councillor Turner

ST07/53 DEPUTY CLERK'S QUARTERLY REPORT

Members accepted this as a matter for information

ST07/54 SENIOR RESEARCH OFFICERS QUARTERLY REPORT

Members accepted this as a matter for information

ST07/55 MARINE ENVIRONMENT OFFICERS QUARTERLY REPORT

Members accepted this as a matter for information

ST07/56 ASFC RESPONSE TO DEFRA'S 'NEW BURDENS' FINANCIAL CALCULATIONS

Members accepted this as a matter for information.

There being no other business the meeting closed at 1300 hours.