

# STATUTORY MEETING

Minutes of the STATUTORY MEETING of the Joint Committee held on **Wednesday 29<sup>th</sup> July 2009**, at the offices of the Joint Committee, 6 North Lynn Business Village, Bergen Way, King's Lynn, Norfolk, PE30 2JG at 1040 hours.

## PRESENT

Cllr S F Williams	Lincolnshire County Council - Chairman		
Cllr R A Ward	Suffolk County Council – Vice Chairman		
Cllr A H Turner, JP	Lincolnshire County Council		
Cllr D Callaby	Norfolk County Council		
Cllr J Dobson	Norfolk County Council		
Cllr G Plant	Norfolk County Council		
Cllr H Thompson	Norfolk County Council		
Cllr T Goldson	Suffolk County Council		
Cllr K Sale	Suffolk County Council		
R Brewster	)		
R Garnett	)		
N Lake	) Defra		
I Large	) Appointees		
T Pinborough	)		
C A R Southerland	)		
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
B Smart	FOII MFA	)	

## APOLOGIES

Apologies for absence were received from Councillor Brewis (LCC) and Messrs Abbott and Williamson (Defra Appointees)

## CLERK'S ANNOUNCEMENTS

The Clerk reminded members that this was the start of a new quadrennial period for the Committee, and welcomed all appointed members who were new to the Committee. Members were requested to submit to the Clerk, in writing, any Declarations of Interest they may have, this to be done within three months of the date of the meeting. Those members who had previously sat on the Committee would be provided with a list of any declarations of interest they had previously registered in order they could confirm they were up to date, or amend them as necessary.

## DECLARATION OF MEMBERS' PERSONAL INTERESTS

Messrs Garnett, Lake, Southerland, Brewster declared an interest in item 13 on the agenda.

**ST09/38 ELECTION OF CHAIRMAN**

Members were advised that following the Committee's Standing Orders the Chairman of the Committee for the next two years should be a Lincolnshire County Council representative.

**It was Resolved that Councillor Williams would take the role of Chairman.**  
**Proposed: Councillor Turner                      Seconded: Mr Lake**

**ST09/39 ELECTION OF VICE CHAIRMAN**

Nominations for Vice-Chairman were requested from appointed members from Suffolk County Council.

**It was Resolved that Councillor Ward be appointed as Vice-Chairman.**  
**Proposed: Councillor Sale                      Seconded: Councillor Plant**

**ST09/40 CLERK'S PRESENTATION ON THE WORK OF THE JOINT COMMITTEE**

In order to give new members a brief understanding of the work of the Committee the Clerk provided an overview on the current activities as a Sea Fisheries Committee and the role that will need to be undertaken following the reform of SFCs to IFCAs. The Clerk advised members that generally the Committee was well placed to meet the challenges ahead of them, despite this there would still be a considerable amount of work to be done before April 1<sup>st</sup> 2011, the proposed vesting day for IFCAs.

*During the presentation Councillor Callaby and Mr Large arrived.*

Following the presentation Mr Pinborough requested that a copy of the presentation be made available on the ESFJC website. He also requested that members be provided with an 'idiots guide' on the meanings of MPAs, MCZ's etc., as well as a definition of the what 'sustainable' meant. Mr Pinborough also advised he was pleased that the Clerk had identified the need to develop the management of fin fish fisheries within the district. The Clerk advised that the term sustainable was a challenge for the Committee to define. It was something the Committee would need to take into account and recognise whilst in the process of developing fisheries.

Councillor Callaby queried whether the proposed significant increases in fines for illegal activity under the Marine and Coastal Access Bill would result in many more legal cases being heard in the Crown Court rather than the Magistrates Court, as this would attract larger legal fees. The Clerk acknowledged that the increase in potential fines would likely lead to greater scrutiny of the Fishery Officers' actions and legal challenge by defendants; this in turn would require a substantial increase to the Joint Committee's legal funds.

**ST09/41 ELECTION OF MEMBERS TO SUB-COMMITTEES**

Members had a short discussion on what level of membership was appropriate for a sub-committee to be quorate. Councillor Williams felt the rule of one third membership should apply. Therefore a sub-committee of 12 members would need 4 members to form a quorum and a meeting of 9 members would need a membership of 3.

**Members then considered the revised structure of membership of sub-committees and Resolved to adopt the following sub-committee structures:**

<b>Byelaw</b>	<b>6 County Council Members</b>	<b>6 Ministerial Appointees</b>
<b>Finance and General Purposes</b>	<b>6 County Council Members</b>	<b>3 Ministerial Appointees</b>

<b>Personnel</b>	<b>6 County Council Members</b>	<b>3 Ministerial Appointees</b>
<b>Recreational Sea Angling Vessel</b>	<b>6 County Council Members</b>	<b>6 Ministerial Appointees</b>
<b>Wash Management</b>	<b>6 County Council Members</b>	<b>3 Ministerial Appointees</b>
		<b>6 Ministerial Appointees</b>

**The six County Council Members would include the Chairman and Vice-Chairman of the main Committee.**

**Proposed : Councillor Turner**

**Seconded: Councillor Ward**

Membership to the Sub-Committees was agreed as follows:

BYELAW SUB-COMMITTEE

Councillor Brewis	Mr Abbott
Councillor Callaby	Mr Brewster
Councillor Sale	Mr Garnett
Councillor Turner	Mr Lake
Councillor Ward	Mr Pinborough
Councillor Williams	Dr Tomlinson

FINANCE & GENERAL PURPOSES SUB-COMMITTEE

Appointed Members

Defra Appointees

Councillor Brewis	Mr Large
Councillor Callaby	Mr Southerland
Councillor Dobson	Mr Williamson
Councillor Goldson	
Councillor Ward	
Councillor Williams	

PERSONNEL SUB-COMMITTEE

Councillor Goldson	Mr Large
Councillor Plant	Mr Southerland
Councillor Thompson	Mr Williamson
Councillor Turner	
Councillor Ward	
Councillor Williams	

RECREATIONAL SEA ANGLING SUB-COMMITTEE

Councillor Brewis	Mr Abbott
Councillor Goldson	Mr Brewster
Councillor Sale	Mr Garnett
Councillor Thompson	Mr Large
Councillor Ward	Mr Pinborough
Councillor Williams	Dr Tomlinson

VESSEL SUB-COMMITTEE

Councillor Callaby	Mr Lake
Councillor Sale	Mr Southerland
Councillor Thompson	Mr Williamson
Councillor Turner	



**ST09/45 FINANCE OFFICER'S REPORT ON THE FINANCE & GENERAL PURPOSES SUB-COMMITTEE MEETING HELD ON 24<sup>TH</sup> JUNE 2009**

Members were advised the paper contained a summary of discussions and decisions made at the meeting. It was noted that the sub-committee had agreed that surplus funds at the end of the financial year should be split between reserves. Partly the money would cover the transition from a SFC to an IFCA, with the rest being putting into the Vessel Replacement Fund Reserve.

Members were advised that the Statement of Accounts had been amended to conform with CIPFA requirements, the amendments having been made with the assistance of an Officer from Norfolk County Council with specialist training in this area.

**Members Resolved to accept the report on the meeting and the decisions made by the sub-committee.**

**Proposed: Councillor Turner  
All Agreed**

**Seconded: Councillor Ward**

**ST09/46 FINANCE OFFICER'S REPORT ON PAYMENTS MADE AND MONIES RECEIVED DURING THE PERIOD 1<sup>ST</sup> APRIL TO 17<sup>TH</sup> JULY 2009**

**It was Resolved to accept the Finance Officer's report on payments made and monies received during the period 1<sup>st</sup> April and 17<sup>th</sup> July 2009 and approve payments of £524,474.01 and receipts of £951,497.26.**

**Proposed: Cllr Turner  
All Agreed**

**Seconded: Cllr Ward**

**ST09/47 FINANCE OFFICER'S REPORT ON THE REVIEW OF THE JOINT COMMITTEE'S FINANCE REGULATIONS**

The Committee's Financial Regulations had been reviewed and compared with other CIPFA bodies and the Finance Officer believed they covered everything and were fit for purpose. They would, of course, need to be revised again before the transition to an IFCA.

**It was Resolved to receive the report and noted the need for a further review before 1<sup>st</sup> April 2011.**

**Proposed: Councillor Callaby  
All Agreed**

**Seconded: Councillor Ward**

**ST09/48 CLERK'S REPORT ON THE REVIEW OF THE JOINT COMMITTEE'S STANDING ORDERS**

The Clerk advised that the Standing Orders had been reviewed and members were provided with a copy of the revised Standing Orders, changes having been noted in *italics*. Members were asked to consider the amendments and decide whether or not they were appropriate.

**It was Resolved to accept the report and the amendments noted in the Standing Orders. It was also Resolved to amend point 28 to state that a sub-committee would be deemed to have a quorum if one third of the members were present.**

**Proposed: Councillor Goldson  
All Agreed**

**Seconded: Councillor Callaby**

**ST09/49 DEPUTY CLERK'S REPORT ON THE MEETING OF THE VESSEL SUB-COMMITTEE HELD ON THE 24<sup>TH</sup> JUNE 2009**

The requirement to improve the research and enforcement capabilities in Suffolk had been identified. The members of the Vessel Sub-Committee had recognised this need and agreed to recommend to the full Joint Committee the procurement of a vessel capable of meeting these requirements. Whilst there was a need to carry out boardings at sea, it was accepted that for the vessel to be capable of carrying out research and survey work a RIB would not be an appropriate vessel. The sub-committee had agreed a catamaran would provide a more stable platform for research, survey and surveillance duties as well as boarding vessels. Members were advised that initially the intention had been to sell *Pisces III* in order to assist with funding the new vessel, however, having had the engines replaced following their theft, it was considered to be better value for money to retain the vessel for use as an enforcement tool throughout the district and also to enable *ESF Protector III* to continue her duties when the daughter craft, *Seaspray* was away for maintenance or repairs. The Committee's Officers had looked into grant funding for the new vessel and had successfully negotiated 50% funding, providing the contracts for the new vessel were signed by the 31<sup>st</sup> December 2009 deadline. This did not leave a great deal of time for the procurement process but Suffolk County Council Officers had been approached to assist and ensure compliance with EU tendering regulations.

Mr Large queried whether the Clerk was anticipating using a proven hull design, to which the Clerk advised a proven hull design would be used, he believed there was sufficient choice to find one suitable for the Committee's requirements.

Members made further enquiries regarding insurance against a yard not making the deadline, and whether modern surveillance equipment would be used to obtain possible evidence of illegal activity, which the Clerk responded to by confirming insurance would be part of the tendering process and that modern equipment would be looked at but value for money would have to be taken in to account.

**It was Resolved to receive the report and the recommendations made by the Vessel Sub-Committee.**

**Proposed: Councillor Ward**

**Seconded : Councillor Callaby**

**ST09/50 CLERK'S REPORT ON THE WASH MANAGEMENT SUB-COMMITTEE MEETING HELD ON 24<sup>TH</sup> JUNE 2009**

The Clerk advised members that a formal, legal challenge had been made to the Appropriate Assessment submitted to NE by ESFJC. The challenge was to the handwork fishery and the accusation was that the method of fishing did damage to the site. Members were advised that both the Clerk and a representative from NE had visited the site of the fishery to look at what impact was occurring on the site. NE were in the process of formalising a response to the legal challenge.

Despite the legal challenge the Clerk believed that the industry were aware that they were operating in a sensitive site and took appropriate steps to minimise any disturbance. Members would be advised further when more information was available.

Members agreed to receive the report and note the content.

*At this point the Chairman advised the following items were for information but due to there being new members present he would permit questions on this occasion.*

**ST09/51 DEPUTY CLERK'S QUARTERLY REPORT**

Mr Pinborough queried the comment that cod fishing was very good throughout the district and advised that it was only good in localised areas, in fact it was almost non-existent along the North Norfolk coast and some of the Lincolnshire coast. Comments on mackerel catches were also disputed as they were not being landed in good quantities, there had been an early run of fish but since then catches had reduced significantly.

Mr Pinborough also questioned reference to tension between recreational and commercial fishermen. He advised that in some cases the charter vessel operators were operating licensed commercial fishing vessels and had the right to legally sell their catch. Mr Pinborough questioned whether there was any tangible evidence of the pressure being put on stocks by anglers. The Clerk advised that area Fishery Officers were recording inspections and landings by anglers, hopefully this would provide information to support or dispute the claims being made.

Mr Large questioned whether any progress had been made towards a commercial razor fishery. The Clerk advised that previously an experimental fishery had been opened but no one had taken up the opportunity as other fisheries had been more productive. This fishery was now closed but the Clerk recognised that it may now be a viable alternative. The Clerk gave assurances that he would continue his efforts to establish links with the relevant staff in Defra to discuss the potential of this fishery.

Councillor Turner then referred to the verbal warning given for landing over the cockle quota and questioned what happened to the cockle. The Clerk advised that as a verbal warning was given it would have been in relation to a minimal excess quantity. In the case that a large amount had been landed they would have been processed, in order not to waste the catch, however in the event of the case going to court it would be made known what financial remuneration had been received for the excess quota.

It was finally queried what the outcome had been of the experts examining the Committee's navigational equipment, after its accuracy was disputed. The Clerk was unable to comment due to it being part of an ongoing legal matter.

Members agreed to note the report.

#### **ST09/52 MARINE ENVIRONMENT OFFICERS QUARTERLY REPORT**

The Clerk advised that the Committee were now in receipt of a report by COWRIE regarding the affect windfarms had on fish stocks in their vicinity. The report concluded that some species were sensitive to the electro-magnetic fields however, the report did not establish whether this was having an adverse impact. It was also noted that the study had measured responses to electro magnetic fields believed to be at the lowest range of detection by elasmobranchs. The Clerk believed that Officers should write on the members' behalf to FLOWW advising that the Committee believed more work needed to be carried out to reach a clearer view on the affect that generated electro-magnetic fields would have on the fisheries. Members expressed an interest in reading the report and the Clerk agreed to copy the report to all members.

Members agreed to note the report.

#### **ST09/53 SENIOR RESEARCH OFFICER'S QUARTERLY REPORT**

Mr Pinborough thanked the Senior Research Officer for providing him with information of the fisheries so that he had a better understanding of them.

Members agreed to note the report

#### **ST09/54 ANY OTHER BUSINESS**

The Clerk advised that an important meeting relating to the transition from SFC to IFCA had been scheduled to coincide with the date of the next Statutory Meeting. He requested that the Statutory Meeting be rearranged. It was Agreed the next meeting of the Committee would take place on Tuesday 20<sup>th</sup> October.

There being no other business the meeting closed at 1255 hours.