

STATUTORY MEETING

Minutes of the STATUTORY MEETING of the Joint Committee held on **Wednesday 21st October 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 S F Williams	Lincolnshire County Council - Chairman		
Cllr R A Ward	Suffolk County Council – Vice Chairman		
Cllr C Brewis	Lincolnshire County Council		
Cllr A H Turner, JP	Lincolnshire County Council		
Cllr D Callaby	Norfolk County Council		
Cllr J Dobson	Norfolk County Council		
Cllr T Goldson	Suffolk County Council		
Cllr K Sale	Suffolk County Council		
J Abbott)		
R Brewster)		
R Garnett)		
N Lake) Defra		
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)	
J Stoutt	Marine Environment Officer)	Present by
R Mason	MFA)	Invitation
E Derriman	Cornwall SFC)	
G Owen	MFA)	

APOLOGIES

Apologies for absence were received from Councillor Thompson (NCC) and Mr Large (Defra Appointee)

DECLARATION OF MEMBERS' PERSONAL INTERESTS

Messrs Brewster, Garnett, Lake, and Williamson, declared an interest in items 7, 8 & 9 on the agenda.

ST09/55 MINUTES OF THE STATUTORY MEETING OF THE JOINT COMMITTEE HELD ON 29th JULY 2009

Members agreed the minutes were a true record of proceedings.

ST09/56 MATTERS ARISING

There were no matter arising.

ST09/57 PRESENTATION BY MESSRS DERRIMAN & OWEN ON FUTURE TRAINING REQUIRED TO MEET THE NEEDS OF IFCA OFFICERS

Members were advised that the Marine and Coastal Access Bill was due to receive Royal Assent on 11th November 2009 and the Act would come in to force from 1st April 2010. Under the Act, Fishery Officers would be renamed as Marine Enforcement Officers (MEOs). It was anticipated that a national training approach would be applied for all officers working for the MMO, IFCA and the EA and there would be a consistency of training among the three bodies, i.e. they would all attend the same training courses. Initially it would be necessary for all officers to attend a two day training course which would cover the new powers afforded to all MEOs and allow them to become Limited MEOs. The new Limited MEO warrant would replace the current Limited British Sea Fishery Officer warrant issued by the Marine and Fisheries Agency to SFC staff.

Members were advised that the basic training was considered essential as it was necessary to get new powers embedded into the Officers to make sure they could differentiate between the old and new powers.

A standardised national module training system would be put in place across agencies, to follow on from basic training. The intention being that should one organisation be arranging a training course which was under subscribed they would invite representatives from other agencies to fill the gaps. There would be no cost implication to the invitees, other than travel and subsistence, as it was anticipated that this method of invitation and attendance would apply between the agencies.

Whilst considering the long term training of officers it was highlighted that currently any training undertaken was not accredited, it was hoped that in the future the modular training could be geared to working towards an NVQ or City and Guilds qualification. Possibly in the future this could be applied to a Diploma. By achieving a recognisable qualification it was felt this would encourage officers by providing them with a proven record of their achievements as well as assisting in progression up the career ladder or movement of officers between agencies. The need for training to be more than just enforcement matters was also raised.

Benefits of a national training scheme were highlighted as being:

- Common training and standards
- Consistency among all bodies
- Transparency for all stakeholders (they will know what powers can be enforced)
- Providing officers with a portfolio of enforcement training which may assist in career progression.

Following the presentation members were invited to ask questions. The speakers jointly made the following responses.

Would local Fishermen's Organisations be provided with a briefing on what the new legislation is and how it would affect them? Ongoing work was being carried out between the MFA and SFCs which would hopefully provide a guide to the Marine Bill and the affect it would have on local fishermen.

Will fishermen challenge officers on the new powers? The new powers will have little effect on the industry. Largely the powers are the same as those already in force such as right of access on to a fishing vessel and the requirement for fishermen to assist. Generally

the changes were to improve and assist Officers carrying out their current duties. There would be very few new powers, such as the ability to pick up unmarked, unattended gear.

Have there been discussions with the Magistrates or Clerks to the court to get commonality across the board and justice for both the agencies and the fishermen? Defra lawyers had approached the justice service and been told categorically not to interfere.

The Chairman requested that Mr Owen take back to Defra the Committee's belief that there needed to be standard understanding across the nation.

How is the legislation going to change for stakeholders? Is there going to be an explanation on the effect made to others such as spear fishermen and bait diggers? The Marine Act is for the fisheries and the environment, not for the industry, anglers or other individuals.

What changes will be made to the byelaw making procedure? The exact changes are not yet known but it is hoped the process will be streamlined. There will be an additional power to make an emergency byelaw (where such a byelaw was not foreseeable).

Is any slippage time allowed, in case Royal Assent is not given on 11th November? In the event there was a delay nothing would be affected as it was not anticipated to be effective until 1st April 2010.

How much will training cost? Costs of basic training will be covered nationally, SFCs will only have to pay travel and subsistence costs.

Is there going to be commonality across other member states? This is already starting to happen. Internationally there is already regular cross warranting. The platform (vessel) an investigation is carried out on is irrelevant; it is the officer carrying out the enforcement that is important.

Magistrates have been given new guidelines for criminal offences but for non CPS cases they were only advised of the maximum sentence and are expected to work out the average. Could offences be broken down in to smaller chunks? Defra approaches to the Justice Department were not welcomed. Maybe the magistrates could talk to the Justice Department?

What is the timescale for sending out invitations to partner organisations to attend the training events? Venues are being finalised and letters will be sent out very soon requesting names.

Members thanked Messrs Derriman and Owen and advised that in principle they were in agreement with the national training scheme.

ST09/58 FINANCE OFFICER'S REPORT ON THE FINANCE & GENERAL PURPOSES SUB-COMMITTEE MEETING HELD ON 7th OCTOBER 2009

The Finance Officer gave a brief resume of how the Preliminary Provisional Estimates of Expenditure had been calculated. This included advice received from the constituent county councils. It was also noted that the increase in expenditure was largely due to the purchase of the Suffolk catamaran and the introduction of a new post.

Councillor Dobson questioned whether councils got back the money they paid to the Committee or whether it was funded by the rate payer. He noted that the paper suggested an increase of 3-4% would be acceptable, however, he felt as the increase came from the rate payer it would be more appropriate if the increase was no more than 2½%. He also

advised that the following year it would be even more difficult to meet requests for increased expenditure. The Finance Officer advised that the Estimates would be reviewed and revised in January and the best possible figure reached which would allow the Committee to keep operating.

Members Agreed to accept the report on the understanding that a further review would take place in January.

ST09/59 FINANCE OFFICER'S REPORT ON PAYMENTS MADE AND MONIES RECEIVED DURING THE PERIOD 18th JULY TO 9TH OCTOBER 2009

It was **Resolved** to accept the Finance Officer's report on payments made and monies received during the period 18th July and 9th October 2009 and approve payments of £389,352.22 and receipts of £21,595.09.

**Proposed: Cllr Goldson
All Agreed**

Seconded: Cllr Callaby

ST09/60 CLERK'S REPORT ON THE REFORM OF THE COMMON FISHERIES POLICY GREEN PAPER

The Clerk advised that the paper was very in depth and a summary had been provided which identified the areas believed to be most relevant to the Committee and the role of an IFCA. Members were asked to consider the letter and revise and amend it as necessary. Mr Pinborough agreed with some of the principles laid out however he questioned what was the definition of Maximum Sustainable Yield. The Clerk advised it was "What can be taken out of the stock without seeing a reduction in the stock size".

Mr Pinborough also queried why the proposed scheme had not been put before the Committee prior to the Clerk bringing it to the Minister's attention. The Clerk advised the scheme was a suggestion put forward by a group of Suffolk fishermen who wanted the fishery managed differently, primarily to reduce the discard levels. The scheme was not endorsed by the Committee, the Clerk was acting as a facilitator. Mr Pinborough felt the scheme should not be considered until the results of a similar scheme, already in operation, were known. The Clerk acknowledged this was also the view of the Minister but he felt it should be acknowledged that these fishermen were trying to do something positive.

The Chairman questioned whether any movement had been made on reducing bycatch. Mr Owen advised that the UK was very unique in its mixed fisheries of demersal species. He advised that the Norwegians had a discard ban in place but it was very difficult to enforce and whilst the official advice was that there were no discards in reality there were. He advised that for the mixed demersal species around the UK a 150mm mesh would be required but this would result in 80% of fishermen going out of business. He believed the wealth of the fish in the UK was currently held in thousands of owners, in New Zealand the project had resulted in only 10 owners with very large vessels. It would be necessary to be very careful with the whole system of change. The right mesh size needed to be found to allow the fish to escape and ultimately increase the maximum sustainable yield. It was also necessary to listen to the industry's proposals and work with them, but it must be realised by all that there must be "some pain for the gain".

The Clerk advised the principle behind the proposal being put forward was to look to managing fisheries in a way that minimised discards. A better use of days at sea needed to be investigated as fishermen would rather have restrictions on when they can go fishing if they knew that when they did go they wouldn't be wasting fish by discarding.

Mr Southerland expressed concern that the commercial communities were given a bad name by part-time opportunist fishermen who would put out any size mesh to catch fish.

Mr Garnett advised there were also fishermen who would catch fish and keep them but if they subsequently caught larger fish they would then discard the smaller fish. Mr Owen advised this was known as high grading, and whilst this was an illegal practice it was very hard to prove.

Members agreed to receive the report and agreed to the response the Clerk had prepared to the European Commission.

ST09/61 CLERK'S REPORT UPDATING DEVELOPMENTS IN THE VESSEL MONITORING SYSTEM FOR WASH FISHERY ORDER LICENSED VESSELS

There was nothing more to add to the report, member were reminded of progress to date. It was also noted that having had to decline the previous offer of matched funding from an EU grant it now seemed possible that a 95% grant would be available from the EU. The Clerk was waiting to hear the outcome of this application.

Mr Lake advised that the industry were perplexed as to why the Committee were continuing to pursue this system when there was a cheaper system available which did not incur high running costs. The industry believed that ultimately the Committee would transfer the responsibility for operating costs to the individual fishermen. The Clerk did not acknowledge that this was the view of all fishermen. Originally the request had come from the industry to move to the VMS system and this was the option which had been pursued. From the outset the Committee had agreed the installation and maintenance costs would be met by the Committee and this was reflected in the budget. The system would also allow more targeted enforcement to take place therefore reducing costs in that area.

Members felt this subject had been discussed at length previously and agreed to support the Clerk's paper.

ST09/62 CLERK'S REPORT ON THE PROPOSAL TO TEMPORARILY CLOSE SHELLFISH BEDS IN THE STOUR AND ORWELL ESTUARIES IN SUFFOLK

Following surveys, carried out by the research staff in 2009, of the rivers Stour and Orwell the presence of a carpet clam had been identified. These were considered to be a valuable species, meaning there did not need to be available in high densities to be commercially viable. However with the representative sample being so low it made it very difficult to estimate the stock levels. The Clerk believed there was potentially a significant stock of clams in the rivers and as the area is an SPA it was felt before a new species could be exploited there needed to be an impact assessment undertaken to determine whether the fishery would have an adverse impact on the environment. Currently the area did not have water classification so it was not possible to commercially exploit the species, however this would not prevent unlicensed vessels. NE had been contacted and they also supported the view that the fishery needed to be closed until there was a better understanding of the stock, this view was also echoed by KESFC who would be approaching their members for a closure of the fishery.

The Clerk requested that member agree to the temporary close of the carpet clam (*Tapes sp.*) beds in the rivers Stour and Orwell.

It was Resolved that the carpet shell beds in the Stour and Orwell estuary (*Tapes sp*) be closed under ESFJC byelaw 8 following consultation with local fisheries interests.

**Proposed: Councillor Callaby
Agreed**

Seconded : Councillor Sale

ST09/63 CLERK'S REPORT ON REVIEWING TWO LAY REQUESTS IN THE WASH

Previously the WMSC had discussed a number of lay applications. Two of these requests had applied to the Wrangle Sand and it had been felt due to the close proximity to the cockle beds these applications should be denied. As a result of this decision the applicants had written to the Clerk and subsequently met with the Chairman of the sub-committee requesting the Committee's reasoning behind refusing the lay request. Having been advised that the major consideration had been the potential difficulty of having a mussel lay so close to a public cockle bed, the applicants wrote again and appealed against the Committee's decision on the grounds that they accepted the potential problem of vessels travelling over their lay to get to the public beds. As six months had passed since the original decision had been made the Clerk had therefore brought this back to the members' attention. It was suggested that if the Committee made it clear that the lay fishery could not affect the public fishery in any way; it may be possible for the lays to be reconsidered with all other applications once the outcome of the Food Availability Study was known, and subject to Appropriate Assessment by NE.

Members discussed the lays in question. There was some belief that the industry would be disgruntled by the location of the lays, however there was also a belief that vessels fishing for cockles would not fish on a private mussel lay.

Mr Lake questioned why it was possible for the Committee to create a buffer zone around the Gat but individual lay holders were not allowed a buffer zone around their lays. He felt there should be a policy on boundaries. **The Clerk was requested to prepare a paper for discussion at the next WMSC.**

It was Resolved that the lays in question should be re-considered once the out come of the Food Availability Study was known and subject to NE response to an Appropriate Assessment.

Proposed: Councillor Callaby Seconded : Councillor Sale

ST09/64 MARINE ENVIRONMENT OFFICER'S REPORT ON THE PROPOSED DOCKING SHOAL WINDFARM

The Clerk advised that the standard approach of putting in a holding objection had been taken. As a result a response had been received which he did not believe satisfied all the outlined concerns. There was particular concern regarding proposed placement of wind turbines on crab spawning grounds.

It was Resolved that the Committee should maintain its objection until the issues raised had been resolved satisfactorily.

Proposed: Chairman Seconded: Councillor Goldson

ST09/65 MARINE ENVIRONMENT OFFICER'S REPORT ON THE PROPOSED RACE BANK OFFSHORE WIND FARM

Members requested it be minuted that they appreciated the detailed work carried out by Marine Environment Officer on the Joint Committee's behalf.

It was Resolved that the Committee should maintain its objection until the issues raised had been resolved satisfactorily.

Proposed: Councillor Sale Seconded: Councillor Goldson

ST09/66 CLERK'S REPORT ON PROPOSED MEETING DATES DURING 2010

Members agreed to note the proposed dates for 2010

ST09/67 DEPUTY CLERK'S QUARTERLY REPORT

Mr Pinborough queried whether the issues with landing undersized bass were likely to be a huge problem. The Clerk advised that following reports that undersize bass were being caught in set nets and inspections being carried out, an investigation was ongoing into an alleged offence of landing undersized sea bass.

Members agreed to note the report.

ST09/68 MARINE ENVIRONMENT OFFICER'S QUARTERLY REPORT

Members agreed to note the report.

ST09/69 SENIOR RESEARCH OFFICER'S QUARTERLY REPORT

Members agreed to note the report

ST09/70 UPDATE REPORT ON THE WASH RAZOR FISHERY

Members agreed to note the report

ST09/71 DEPUTY CLERK'S REPORT ON THE PROCUREMENT OF A NEW SUFFOLK PATROL/RESEARCH VESSEL

Members agreed to note the report

There being no other business the meeting closed at 1225 hours.