

**PAPERS FOR THE
STATUTORY MEETING
To be held on
WEDNESDAY 29TH JULY 2009
At 10:30 HOURS
at the
OFFICE OF THE JOINT COMMITTEE**

STATUTORY MEETING

Minutes of the STATUTORY MEETING of the Joint Committee held on **Wednesday 29th 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 28th 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 17TH JANUARY TO 31ST MARCH 2009

It was **Resolved** to accept the Finance Officer's report on payments made and monies received during the period 17th January and 31st 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 25th 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 11TH 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 1st 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.

Proposed: Mr Lake	Seconded	Councillor Ward
9 votes in favour	5 against	

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 requested 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.

29th July 2009

**AGENDA ITEM
No. 4**

Membership of Sub-Committees

The Joint Committee currently conducts much of its more detailed business through the operation of six Sub-Committees, these being:

Byelaw
Finance and General Purposes
Personnel
Recreational Sea Angling
Vessel
Wash Management

Previously the membership of the Sub-Committees had been as follows:

Byelaw	3 County Council Members	6 Ministerial Appointees
Finance and General Purposes	6 County Council Members	2 Ministerial Appointees
Personnel	3 County Council Members	2 Ministerial Appointees
Recreational Sea Angling	7 County Council Members	6 Ministerial Appointees
Vessel	4 County Council Members	3 Ministerial Appointees
Wash Management	6 County Council Members	6 Ministerial Appointees

The Chairman and Vice Chairman of the Joint Committee are ex-officio members of all of the Sub-Committees.

It is proposed that the membership for each of the Sub-Committees should consist of at least nine members. Increasing commitments on behalf of members makes it difficult to ensure that meetings are quorate. In order to further ensure that meetings remain quorate when members have declared prejudicial interests **it is proposed that membership of each Sub-Committee should consist of a minimum of six elected members.**

It is the Officers' proposal that the Sub-Committee structure should be as follows;

Byelaw	6 County Council Members	6 Ministerial Appointees
Finance and General Purposes	6 County Council Members	3 Ministerial Appointees
Personnel	6 County Council Members	3 Ministerial Appointees
Recreational Sea Angling	6 County Council Members	6 Ministerial Appointees
Vessel	6 County Council Members	3 Ministerial Appointees
Wash Management	6 County Council Members	6 Ministerial Appointees

The six County Council Members will include the Chairman and Vice-Chairman as ex-officio members.

The Joint Committee is asked to consider the current structure of the Sub-Committees and once agreed appoint members as appropriate.

Matthew Mander
Clerk & Chief Fishery Officer

21st July 2009

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

- 1 Joint Committee's Standing Orders, revised July 2007
- 2 Joint Committee's 2009/2010 Business Plan

STATUTORY MEETING

29th July 2009

**AGENDA ITEM
No. 5**

Nominations for Signatories for the Joint Committee's cheques and bank transfers by Bank Mandate

The current bank mandate which states the arrangements for the appropriate signatories for the Joint Committee's cheques, bank transfers, direct debits and standing orders is given below.

The Clerk & Chief Fishery Officer, Deputy Clerk/Fishery Officer, and Finance Officer be nominated for the signing of cheques and for transfer of payment for goods and services from the Treasurer's Account.

Instructions and cheques up to £5,000 should be signed by any two of the following: - Clerk & Chief Fishery Officer, Deputy Clerk/Fishery and Finance Officer.

Instructions and cheques over £5,000 should be signed by either the Chairman, Vice-Chairman or designated Member* of the Joint Committee plus any one of the above signatories.

* A designated member is one who resides locally and is willing to act as a signatory for cheques over £5,000 which require a signature between committee meetings.

Members are asked to consider and approve this mandate and resolve to nominate appropriate signatories.

Please be advised that the Joint Committee's bank manager will be in attendance after the Statutory Meeting to view original identification for nominated signatories in order to complete the new Bank Mandate. The forms of identification required are any two items from the list below:

- 1 Passport*
- 2 Driving Licence*
- 3 Utility Bill (not mobile phone bill), received within the last three months.*

NB Members who bank with Barclays Bank Plc are excluded from this requirement.

C M Hurley
Finance Officer

20 July 2009

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

There are no background papers to this report.

Finance Officer's Report on the Finance and General Purposes Sub-Committee Meeting held on 24th June 2009

The Finance & General Purposes Sub-Committee met on 24th June 2009 to receive, consider and approve the Statement of Accounts for the year ended 31st March 2009 and to authorise transfers to and from the Joint Committee's Reserve Funds, prior to submission to the full Joint Committee at this Statutory Meeting.

Members were advised that the Statement of Accounts is as yet un-audited. The audit will take place later in the financial year and the outcome will be reported to the Joint Committee at a later meeting.

The Statement of Accounts is enclosed as a separate document.

The Finance Officer advised members that there were again changes to the Statement of Accounts. Most of the changes were to the scope, format, disclosures and contents of the notes particularly relating to Pensions and retirement benefits (FRS17) and the section on Financial Instruments. These have resulted in a considerably larger document. The changes were necessary in order to comply with the latest Chartered Institute of Public Finance and Accountancy (CIPFA) statement of recommended practice (SORP) (2008). Assistance with the revised format had been provided by officers of Norfolk County Council to ensure CIPFA compliance.

Members' attention was drawn to the 2008/2009 out-turn included in the Foreword on page 2. The Actual Income and Expenditure in 2008/2009 was compared to the 2008/2009 Budget and 2008/2009 Projection made in January 2009.

Compared with the 2008/2009 Budget the total surplus due to underspend and higher than budgeted income amounted to £47,768 after allowing for provisions amounting to £31,590. It was proposed to split the £47,768 underspend and to utilise £10,000 to create a further 'ear-marked' reserve, the IFCA Contingency Fund, which will provide funds for possible expenditure during the Joint Committee's transition from Sea Fisheries Committee to that of an Inshore Fisheries and Conservation Authority (IFCA) before the change-over date (1st April 2011). It was proposed to transfer the remaining amount (£37,768) to the Vessel Replacement Fund.

The Finance Officer explained that the core statements comprising the Income and Expenditure Account, Statement of Movement of the General Fund Balance, Statement of Total Recognised Gains and Losses, Balance Sheet and Cash Flow Statement found on pages 14-18 were all statutory requirements of the Audit Regulations. The core statements included adjustments for Capital Accounting and FRS17 Retirement Benefits. The estimates for FRS17 Retirement Benefits were carried out by Norfolk Pension Fund Actuaries, Hymans Robertson.

The Cash Flow Statement for 2008-2009 on page 18 had been modified after discussion with the Audit Commission in that movements on the Suffolk County Council Deposit (which is used to hold the Vessel Replacement and Vessel Contingency Funds) were excluded from movements in cash. The net Increase or Decrease in cash reflects movements in Bank Balances, Treasury Deposit and Petty Cash.

The Finance & General Purposes Sub-Committee having examined the statements, resolved to approve the Statement of Accounts for the year ended 31st March 2009.

The Finance & General Purposes Sub-Committee further resolved to authorise

- a) in accordance with the Joint Committee's Financial Regulation 3.5 the creation of a further ear-marked reserve, the IFCA Contingency Fund Reserve, and
- b) in accordance with the Joint Committee's Financial Regulation 3.4 the transfer of funds to and from 'ear-marked' reserves as set out in the Statement of Accounts.

C M Hurley
Finance Officer

21st July 2009

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

1. Statement of Accounts for the year ended 31st March 2009 (un-audited)
2. Norfolk Pension Fund Actuarial Valuation as at 31st March 2009 for the purposes of FRS17 by Hymans Robertson
3. Unconfirmed minutes of the Finance & General Purposes Sub-Committee Meeting held on 24th June 2009.

Finance Officers Report on Payments Made and Monies Received during the Period
1st April 2009 to 17th July 2009

Payments Made during the Period 1st April 2009 to 17th July 2009

	MONTH 1 £	MONTH 2 £	MONTH 3 £	TOTAL £
Sundry Creditors	14,928.52	4,485.29	81.54	19,495.35
Transfers to ESFJC Salaries & Wages Acct.	127,500.00	130,000.00	0.00	257,500.00
Rent, Rates & Service Charges	17,061.85	7,315.17	1,131.03	25,508.05
General Establishment	7,740.79	1,748.37	1,381.33	10,870.49
Legal Fees	0.00	0.00	374.00	374.00
Staff Travelling & Subsistence	2,000.49	1,809.05	2,062.14	5,871.68
Members Expenses	52.38	52.38	0.00	104.76
Training & Fisheries Management	90.00	4,474.36	390.00	4,954.36
Moorings/Harbour Dues	3,467.75	3,467.75	0.00	6,935.50
Pisces III Operating Costs	169.78	169.78	0.00	339.56
Three Counties Operating Costs	7,005.60	3,165.11	4,734.50	14,905.21
Three Counties Loan Costs	0.00	0.00	11,659.00	11,659.00
ESF Protector III Operating Costs	11,284.27	7,244.02	6,782.74	25,311.03
Suffolk County Council Deposit	105,000.00	0.00	0.00	105,000.00
Vehicle Operating Costs	3,838.26	1,386.61	1,071.22	6,296.09
Wash & North Norfolk Coast EMS Project Manager Fund	527.02	7,851.02	3,535.12	11,913.16
Research Fund	3,452.91	101.63	125.04	3,679.58
Wash Fishery Order Fund	365.01	49.39	419.59	833.99
VAT (Recoverable)	4,334.91	4,925.87	2,652.01	11,912.79
Petty Cash	50.00	50.00	0.00	100.00
Total Payments By Cheque and Direct Debit	308,869.54	178,295.80	36,399.26	523,564.60
Audit Letter & Bank Charges	25.00	0.00	0.91	25.91
Research Fund (Chlorophyll Sensor Calibration Solns).	0.00	0.00	765.00	765.00
VAT (Recoverable)	3.75	0.00	114.75	118.50
TOTAL PAYMENTS MADE	308,898.29	178,295.80	37,279.92	524,474.01

Monies Received during the Period 1st April 2009 to 17th July 2009

	MONTH 1 £	MONTH 2 £	MONTH 3 £	TOTAL £
Norfolk County Council Levy 2009/2010	499,380.00	0.00	0.00	499,380.00
Suffolk County Council Levy 2009/2010	374,535.00	0.00	0.00	374,535.00
Treasury Deposit Interest	401.50	383.44	210.24	995.18
Bank Interest	0.00	0.00	16.32	16.32
HM Customs & Excise (VAT recovered)	0.00	0.00	15,018.84	15,018.84
HM Customs & Excise (Mineral Oil Rebate)	0.00	0.00	9,470.30	9,470.30
Legal Fees - Recovery of Costs	125.00	110.00	110.00	345.00
Wash Fishery Order - Licences	720.00	1,200.00	1,200.00	3,120.00
Wash Fishery Order - Lay Rents	852.50	0.00	0.00	852.50
Research Fund	16,000.00	0.00	0.00	16,000.00
Wash & North Norfolk Coast EMS Project Manager Fund	8,217.71	0.00	21,818.00	30,035.71
Miscellaneous Recharges & Credits	1,526.82	179.23	22.36	1,728.41
TOTAL MONIES RECEIVED	901,758.53	1,872.67	47,866.06	951,497.26

STATUTORY MEETING

29th July 2009

**AGENDA ITEM
No. 10**

The Finance Officer's report on the review of the Joint Committee's Financial Regulations

A thorough review of the Joint Committee's Financial Regulations, as approved at the Statutory Meeting in April 2007, has been carried out.

The Financial Regulations are considered to be suitable for the conduct of the Joint Committee's business and, as such, are deemed to be fit for purpose with no proposal for further revisions at present.

The Financial Regulations will next be reviewed and revised either on or before the Joint Committee's transition to the Eastern Inshore Fisheries and Conservation Authority on 1st April 2011.

C M Hurley
Finance Officer

21st July 2009

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

- 1 Accounts and Audit Regulations 1996
- 2 The Accounts and Audit (Amendment) (England) Regulations 2006
- 3 Eastern Sea Fisheries Joint Committee Financial Regulations 2007

EASTERN SEA FISHERIES JOINT COMMITTEE



FINANCIAL REGULATIONS 2009

Adopted April 1999.
Revised April 2007 and 29th July 2009

1 General

- 1.1 These financial regulations shall govern the conduct of the financial transactions of the Joint Committee and may only be amended or varied by resolution of the Joint Committee.
- 1.2 The responsible financial officer (RFO) shall be the Clerk and Chief Fishery Officer who shall be responsible for the proper administration of the Joint Committee's financial affairs.
- 1.3 The RFO shall be responsible for the production of financial management information.

2 Annual Estimates

- 2.1 Detailed estimates of income and expenditure on revenue services, and receipts and payments on capital account, shall be prepared each year by the RFO. Proposals in respect of revenue services and capital projects in a rolling 3 year forecast shall also be prepared each year by the RFO.
- 2.2 The Finance & General Purposes Sub-Committee shall review the estimates and make a recommendation to the Joint Committee not later than the end of January in each year on the precept to be levied for the ensuing financial year.
- 2.3 The annual capital and revenue budgets shall form the basis of financial control for the ensuing year.

3 Budgetary Control

- 3.1 Expenditure on the revenue account may be incurred up to the amounts included in the budget.
- 3.2 The RFO shall when requested provide the Joint Committee with a statement of income and expenditure to date under each head of the approved annual revenue and capital budgets.
- 3.3 The RFO may incur expenditure on behalf of the Joint Committee which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure. The RFO shall report the action to the Joint Committee as soon as practicable thereafter.
- 3.4 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year other than as balances to reduce subsequent levy calls unless authorised by the Joint Committee.
- 3.5 Notwithstanding 3.4 above, the RFO shall be responsible for identifying and establishing specific earmarked reserves where appropriate.

- 3.6 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving expenditure on capital account unless the Joint Committee or Sub-Committee concerned are satisfied that it is contained in the rolling capital programme and that the necessary capital funds are available, or the requisite borrowing approval can be obtained.
- 3.7 All capital works shall be administered in accordance with Joint Committee's procedures and financial regulations relating to contracts.

4 Accounts and Audit Commission

- 4.1 All accounting procedures and financial records of the Joint Committee shall be determined by the RFO as required by the Accounts and Audit Regulations 1996 and the Accounts and Audit (Amendment)(England) Regulations 2006.
- 4.2 The RFO shall be responsible for completing the annual accounts of the Joint Committee as soon as practicable after the end of the financial year and shall submit them to and report thereon to the Finance & General Purposes Sub-Committee by no later than 30th June in any one year. The Finance & General Purposes Sub-Committee is responsible for the approval of the annual Statement of Accounts prior to submission to the Joint Committee at the July Statutory Meeting.
- 4.3 The RFO shall be responsible for maintaining an adequate and effective system of internal audit of the Joint Committee's accounting, financial and other operations in accordance with Regulation No.5 of the Accounts and Audit Regulations 1996.
- 4.3.1 As part of the effective system of internal audit the Joint Committee shall appoint a suitable person who is removed from the decision making process of the Joint Committee who shall be responsible for undertaking an internal audit from time to time but at least annually.
- 4.3.2 Any officer or member of the Joint Committee shall, if the RFO requires, make available such documents of the Joint Committee which relate to their accounting and other records as appear to the RFO to be necessary for the purpose of the audit and shall supply the RFO with such information and explanation as the RFO considers necessary for that purpose.

5 Banking Arrangements and Cheques

- 5.1 The Joint Committee's banking arrangements shall be made by the RFO and approved by the Joint Committee. A Current Account shall be maintained at the bank, to cover general expenses and a Salary & Wages Account to cover payroll. In addition to these the RFO is authorised to operate such bank accounts he may consider necessary in order to optimise income from interest bearing accounts.
- 5.2 A schedule of payments made and monies received shall be prepared by the RFO and presented to the Joint Committee at their Statutory Meetings. If the schedule is in order it shall be authorised by a resolution of the Joint Committee and signed by the Chairman or Vice Chairman.
- 5.3 Cheques, Direct Debits and Standing Orders drawn on the Current bank Account in accordance with the schedule referred to in the previous paragraph shall be signed by two duly authorised signatories in accordance with current bank mandates resolved by the Joint Committee.
- 5.4 Monthly lists of payments made by cheque or direct debit/standing order will be prepared by the RFO and approved by the Chairman or Vice-Chairman.

6 Payment of Accounts

- 6.1 All payments other than petty cash transactions shall be effected by cheque or other order drawn on the Joint Committee's bankers.

- 6.2 All invoices for payment shall be examined, verified and certified by the officer issuing the order. Before certifying an invoice the officer shall satisfy himself that the work, goods or services to which the invoice relates have been received, carried out, examined and approved.
- 6.3 Duly certified invoices shall be passed to the RFO who shall examine them in relation to arithmetical accuracy and authorisation, and shall code them to the appropriate expenditure head. He shall take all possible steps to settle all invoices submitted, and which are in order, within 30 days of their receipt.
- 6.4 All duly certified invoices will be summarised in the schedule referred to in 5.2 above.

7 Payment of Salaries and Wages

- 7.1 The payment of salaries and wages shall be made by the RFO from the payroll account in accordance with the payroll records.
- 7.2 All time sheets shall be certified as to accuracy by or on behalf of the RFO.

8 Loans and Investments

- 8.1 All loans and investments under the control of the Joint Committee shall be negotiated by the RFO in the name of the Joint Committee.
- 8.2 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

9 Income

- 9.1 The collection of all sums due to the Joint Committee for work done, services rendered or goods supplied shall be the responsibility of, and under the supervision, of the RFO.
- 9.2 The RFO will review all fees and charges as necessary.
- 9.3 Any bad debts shall be reported to the Joint Committee.
- 9.4 All sums received on behalf of the Joint Committee shall either be paid to the RFO for banking or be banked by the officer collecting the money as directed by the RFO. In all cases all receipts shall be deposited with the Joint Committee's bankers as soon as possible.
- 9.5 A reference to the related debt, or otherwise, indicating the origin of each cheque, shall be entered on the paying in slip.
- 9.6 Personal cheques shall not be cashed out of money held on behalf of the Joint Committee.

10 Orders for Work, Goods and Services

- 10.1 An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate e.g. petty cash purposes. Copies of orders issued shall be maintained.
- 10.2 Order books shall be controlled by the RFO.
- 10.3 All officers are responsible for obtaining value for money at all times. An officer issuing an official order is to ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction.
- 10.4 All officers are required to comply with the requisite authorisation to undertake a transaction as specified in internal memoranda issued by the RFO.

11 Contracts

11.1 Procedures as to contracts are as follows:

(a) Every contract whether made by the Joint Committee or by a Sub-Committee to which the power of making contracts has been delegated shall comply with these procedures, and no exception from any of the following provisions of these procedures shall be made otherwise than by direction of the Joint Committee or in an emergency by such a Sub-Committee as aforesaid provided that these procedures shall not apply to contracts which relate to items (i) to (v) below:

(i) for the supply, of gas, electricity, water, sewerage and telephone services

(ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants.

(iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant.

(iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Joint Committee.

(v) for goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at fixed price, or for which there is only one source of supply.

(b) Where it is intended to enter into a contract, other than specified in (c) below :

(i) exceeding £5000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out on paragraph (a) the RFO shall invite quotations from at least three appropriate firms.

(ii) if less than three quotations are received or if all three quotations are identical the RFO may make such arrangements as he thinks fit for procuring the goods or materials or executing the works.

(c) Where it is intended to enter into a contract for major capital expenditure relating to e.g. new vessels and or their replacement, buildings etc. the RFO shall invite tenders from at least three appropriate firms.

(d) When applications are made to waive procedures relating to contracts to enable a tender to be negotiated without competition the reason shall be embodied in a recommendation to the Joint Committee.

(e) Every exception made by a Sub-Committee to which the power of making contracts has been delegated shall be reported to the Joint Committee and the report shall specify the emergency by which the exception shall have been justified.

(f) Such invitation to tender shall state the general nature of the intended contract and the RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the RFO and the last date by which such tenders should reach the RFO in the ordinary course of post. Each tendering firm shall be supplied with a specially marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

(g) All sealed tenders shall be opened at the same time on the prescribed date by the RFO or the properly authorised deputy in the presence of at least one member of the Joint Committee.

(h) If less than three tenders are received or if all three tenders are identical the Joint Committee may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.

(i) The Joint Committee shall not be obliged to accept the lowest of any tender. Justification of the chosen tender must be given in writing to the Joint Committee.

(j) Any invitation to tender issued under these procedures shall contain a statement to the effect that procedures 11.1(c) to 11.1(i) will be adhered to.

12 Payments Under Contracts for Building or Other Construction Works

12.1 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract.

12.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case when it is estimated that the total cost of work carried out under a contract, excluding fluctuation clauses, will exceed the contract sum by 1% or more a report shall be submitted to the appropriate committee.

12.3 Any variation to a contract or addition to or omission from a contract must be approved by the RFO in writing, the appropriate Committee being informed where the final cost is likely to exceed the financial provision.

13 Assets

13.1 The RFO shall make appropriate arrangement for the custody of all title deeds or assets owned by the Joint Committee. The RFO shall ensure a record is maintained of all assets owned by the Joint Committee, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Regulation No.4(3)(b) of the Account and Audit Regulations 1996.

13.2 No asset exceeding the £10,000 de-minimis level recommended by District Audit shall be sold, leased or otherwise disposed of without the authority of the Joint Committee.

14 Insurance

14.1 The RFO shall effect all insurances and negotiate all claims on the Joint Committee's insurers.

14.2 The RFO shall be responsible for insuring all new risks, properties, vessels or vehicles and any alterations affecting existing insurances.

14.3 The RFO shall keep a record of all insurances effected by the Joint Committee and the property and risks covered thereby and annually review it.

14.4 The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim.

14.5 All members and employees of the Joint Committee shall be included in suitable fidelity guarantee, professional indemnity, and Directors and Officers insurances.

15 Revisions of Financial Regulations

15.1 It shall be the duty of the RFO to review the financial regulations at a maximum interval of two years and to report to the Joint Committee accordingly.

21st July 2009

STATUTORY MEETING

29th July 2009

**AGENDA ITEM
No. 11**

The Clerk's report on the review of the Joint Committee's Standing Orders

Currently there is a requirement for the Joint Committee to review its Standing Orders on a biennial basis at the July Statutory Meeting. The Standing Orders have been reviewed by the Clerk & Chief Fishery Officer, Deputy Clerk & Fishery Officer and the Finance Officer. Proposed changes are shown in italics for ease of identification.

The Committee is asked to receive the report and to agree to the Standing Orders as proposed.

Matthew Mander
Clerk & Chief Fishery Officer

21st July 2009

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

- 1) ESFJC Standing Orders (revised 2007)
- 2) Outcome of the 2005-2006 audit conducted by the Audit Commission

EASTERN SEA FISHERIES JOINT COMMITTEE



STANDING ORDERS 2009

Adopted 18th May 1894, variously amended and revised.

Re-adopted on 24th April 1978. Incorporating amendments as Resolved on 5th February 1986, 23rd April 1997, 17th April 2007 and 29th July 2009.

Meetings of the Joint Committee

1. The Joint Committee shall hold quarterly meetings for the transaction of general business, the meetings to be held at King's Lynn or such other places as members think fit in each of the months of January, April, July and October on a day and date convenient to the Members. The time of the meetings shall be fixed by the Chairman and notice of the same and all subjects to be dealt with shall be given by the Clerk three clear working days before any such meetings.
2. No business shall be done at any meetings of the Joint Committee unless five Members are present thereat.
3. The Chairman or any three Members may at any time summon a special or extraordinary meeting for any cause he/she or they may consider urgent upon giving notice to the Clerk, who shall in compliance therewith summon such meetings to be held within three clear working days of his receiving such notice; the members to be informed of the special purpose for which the meeting is summoned.
4. The Minutes of the proceedings of each meeting shall be duly entered by the Clerk in a book kept for that purpose.
5. At every meeting of the Joint Committee providing copies have been circulated to members prior to the meeting, the Minutes shall be taken as read, subject to correction as to any mistake, omission or inaccuracy and the signature of the Chairman affixed as confirming the same.
6. All Members attending any meeting shall sign an attendance register.

Order of Business

7. At the first meeting following each quadrennial reconstitution the Joint Committee shall elect one of their number to be Chairman for the next two years and another as Vice-Chairman who shall succeed as Chairman after the said two years and for the remainder of the quadrennial period.
8. The Chairman and Vice-Chairman shall be County Council appointees of the Joint Committee, and one shall be a nominee of one County Council and one a nominee of either of the other County Councils.
9. Should the Chairman and Vice-Chairman be both absent from the meeting the Joint Committee shall elect one of their number to be Chairman of such meeting.
10. The Chairman of any meeting shall have in case of equality of votes a second or casting vote.

11. No substitutes will be allowed for members of the Joint Committee. Substitutes for members of Sub-Committees will only be permitted to be drawn from members of the Joint Committee.
12. After confirmation of the Minutes of the previous meeting the business to be conducted at any meeting will be dealt with in the order set out on the Agenda, but the Chairman shall regulate all matters of procedure or vary the order of business so as to give precedence to any question of urgency.
13. All Motions and Amendments shall, if required by the Chairman be reduced into writing and signed by the mover and delivered to the Clerk as soon as seconded.
14. Every Amendment which has been moved must be disposed of before any further Amendment is moved.
15. If any Amendment be carried it shall displace the original Motion and become the question upon which any further Amendment may be moved.
16. If an Amendment is negated a further Amendment may be moved to the original motion under consideration.
17. The mover of every original Motion shall be entitled to reply at the close of the debate thereon, and immediately after his reply the question shall be put from the Chair. The mover of an Amendment shall not be entitled to reply, excepting when the Amendment has been carried, and become the question under consideration. No other Member shall speak more than once on either the original Motion or any Amendment unless the Chairman gives his permission to explain, or the attention of the Chair be called to a point of order.

Voting

18. Voting on general questions shall be ascertained by a show of hands unless the Chairman otherwise directs or a division shall be taken by the Clerk calling the names of the Members present and recording their answers which shall be duly entered in the Minutes of the Meeting.
19. The Mover and Seconder of any motion of which notice has been given, may with the consent of two thirds of the Members present at the meetings at which it has to be considered, withdraw the same.
20. No resolution previously agreed to by the Joint Committee shall be altered or rescinded within six months and due notice of the same stating the precise nature of the proposed alterations or cause for its rescission has been given in the notice calling the meeting excepting under very special circumstances when for urgent and unforeseen reasons the meeting may unanimously deem it desirable to vary or rescind the same.
21. Standing Orders may be suspended at any time by a vote of the majority of the Joint Committee present at any meeting.
22. Proceedings of the Joint Committee or any Sub-Committee held in private session shall be treated as confidential or exempt in accordance with the requirements of the Local Government (Access to Information) Act 1985. Members will be provided with the minutes of the meetings (which will include a summary of exempt or confidential matters in accordance with the above Act) as soon as the minutes are available.
23. The use of tape recorders by any person at a meeting of the Joint Committee is not allowed unless the Joint Committee specifically requests the use of such a recorder.
24. Members are required to operate within the Joint Committee's Code of Conduct. Elected Members must also abide by their County Councils Code of Conduct and Standing Orders.

Sub-Committees

25. The Chairman and Vice-Chairman shall be ex-officio members of every sub-committee.
26. Each sub-committee shall appoint its own Chairman and appoint its place of meeting, bearing in mind all requirements of the Local Government (Access to Information) Act 1985.
27. The Chairman of each Sub-Committee or the Member acting as Chairman for the occasion shall have in the case of equality of votes a second or casting vote.
28. The quorum of a Sub-Committee shall be one third of the membership.
29. Every Sub-Committee shall report to the Joint Committee all its proceedings from time to time.
30. Wash Management and Personnel Sub-Committees can make resolutions
31. The Finance & General Purposes Sub-Committee can make resolutions except for the setting of the levy which is the responsibility of the Full Committee
32. The Finance and General Purposes Sub-Committee have the responsibility to approve the Statement of Accounts before 30th June for submission to the Full Committee at the July meeting.
33. All other Sub-Committees make recommendations to the Full Committee

Discharge of Functions

34. All precepts or Orders for the payment of money which the Joint Committee from time to time may issue to the respective County Councils shall be signed by the Chairman, or Vice-Chairman in the event of the Chairman's absence, and the Clerk who shall attest the official seal of the Joint Committee attached thereto.
35. In accordance with Section 101(1) & (10) of the Local Government Act 1972 the Clerk and Chief Fishery Officer, (after consultation with the Chairman or Vice-Chairman), be authorised to instigate and take legal proceedings for offences against any fisheries or other legislation which the Joint Committee are empowered to take legal proceedings against.
36. Standing Orders should be reviewed biennially at the July Statutory Meeting when chairmanship is transferred

To receive the Deputy Clerk's report on the meeting of the Vessel Sub-Committee held on 24th June 2009.

On the 24th June 2009 the Vessel Sub-Committee met to discuss a paper presented by the Deputy Clerk regarding the procurement of an additional patrol/research vessel. At that meeting it was explained that it was the intention of Officers to retain *FPV Pisces III* following the fitting of new engines and controls, after the previous engines had been stolen. Officers considered that this vessel would then provide coverage in Suffolk until a new vessel could be commissioned and that once a new vessel was commissioned if such a decision was taken, then *FPV Pisces III* would be retained to provide coverage for *FPV Sea Spray* (the Joint Committee's primary boarding vessel) in the event of this vessel being out of commission.

The Deputy Clerk outlined the intention of Officers to progress the procurement of a 10m multi hulled vessel constructed of either aluminium or glass reinforced plastic propelled by twin jet drives powered by twin inboard diesel engines. The intention of this vessel is to provide much improved surveillance and research capabilities to the Joint Committee primarily within Suffolk but also throughout the rest of the district.

Subsequent to the meeting the Clerk and Deputy Clerk met with Officers from Suffolk County Council on the 26th of June. Procurement assistance from Suffolk County Council had been sought by Officers of the Joint Committee to ensure compliance with EU tendering regulations. It is thought that the use of Suffolk County Council Procurement and Tenders personnel will also help to ensure that the project is completed within the timeframe available. Officers were informed that Suffolk County Council would assist throughout the procurement process and would charge a day rate of £263 with an estimated commitment of 25 days resulting in a cost of approximately £6,575. Officers believe that this is a reasonable amount for the level of assistance that will be provided. It should be noted that costs incurred throughout the procurement process can also be reimbursed to 50% through the EU Control Fund grant secured by Officers.

Officers had previously obtained clarification from the Marine and Fisheries Agency and the European Commission regarding the date that this project must be completed by to meet European Fisheries Control Fund grant requirements. Officers were subsequently informed that the EU funding must be committed by the 31st of December 2009. Although it appeared on the face of it that this would mean the signing of a contract with a boat builder Officers deemed it prudent to gain confirmation of this and to gain clarification regarding the final date by which receipts associated with this project must be submitted to the European Commission. Officers subsequently received this clarification and a ruling on this from the European Commission. Officers now have until the 30th of June 2010 to take delivery of a vessel procured with the European Fisheries Control Fund grant. Officers have also requested and received the tender documentation issued by North Eastern Sea Fisheries Joint Committee when they procured a new fisheries research and patrol vessel as this vessel was also purchased with match funding from the European Fisheries Control Fund. Officers also requested and received quotes for hourly rates from several marine surveyors. Officers envisage that a marine surveyor will provide specific expert advice to Officers at critical points throughout the procurement project.

It is the recommendation of the Vessel Sub-Committee that Officers continue to progress the procurement of an additional patrol/research vessel.

The Joint Committee is asked to receive the report and to agree to the Vessel Sub-Committee's recommendations as set out above.

Duncan Vaughan
Deputy Clerk & Fishery Officer

22nd July 2009

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

- 1) Unconfirmed minutes of the Vessel Sub-Committee meeting held on 24th June 2009.
- 2) Paper presented to the Vessel Sub-Committee on the 24th June 2009.
- 3) Email from the MFA to the Clerk & Chief Fishery Officer regarding a European Union Control Fund clarification and query dated 9th July 2009.
- 4) Draft Pre-Qualification Questionnaire document.

Clerk’s report on the meeting of the Wash Management Sub-Committee held on 24th June 2009.

The purpose of the Wash Management Sub-Committee meeting held on 24th June 2009 was to consider the results from the 2009 spring cockle surveys and to agree to the Management Measures applicable to The Wash cockle fisheries.

Survey Summary

The Senior Research Officer presented the results from the cockle surveys which had been carried out to assess the stock for the 2009 cockle fishery. Members were advised that the surveys had been started one month later than usual in order to reduce the potential difference in stock levels between the time of survey and the commencement of the fishery. There were concerns that growth during this interim period could significantly affect the results, but analysis of the data indicated that there had not been a significant increase to the stock biomass that could be attributed to this delay.

During the course of the 2009 spring cockle surveys, 1,314 sample stations were visited over a total of 21 beds. In summary, the total stock of adult and juvenile cockles within the surveyed areas was calculated as:

Total Adult Stock (≥14mm width)	8,395 tonnes
Total Juvenile Stock (<14mm width)	14,024 tonnes
Total Stock (all sizes)	22,419 tonnes

These figures are lower than those found in 2008, when the total stock was 29,283 tonnes, but are higher than had been anticipated following a large die-off of cockles during the summer of 2008. This was partially due to a good settlement of 2008 year-class spat on some of the higher sands and the inclusion of a dense patch of cockles located on the Dills sand in an area falling outside of previous surveys.

The only area identified during the surveys that could potentially support a dredge fishery, without causing heavy disturbance to juvenile stocks, was the northern part of Black Buoy sand, including the area known locally as the Dills. This bed was found to support 2,280 tonnes of marketable sized adult cockles (≥14mm width) and 1,142 tonnes of smaller cockles (<14mm width). Of these, 1,775 tonnes of the marketable cockles and 919 tonnes of the smaller cockles were on the Dills sand. Foot surveys on this bed found the smaller cockles were present in high densities in the middle of the bed, whilst the larger cockles were present around the edges in lower densities. This area had already supported a handwork fishery over the previous few months, with as many as 29 vessels exploiting the stock at any one time. Members congratulated the Senior Research Officer for the quality of the survey work that had been conducted.

The Clerk informed the members that consultation with the Wash Fishery Order (WFO) Entitlement holders had resulted in representatives of fifty WFO Entitlements providing their views. 29 individuals, representing forty WFO Entitlements had responded in favour of handworking only, compared to two individuals representing ten WFO Entitlements who wished to see a dredge fishery. In comparison, the industry meeting discussed the possibility of opening the dredge fishery on 1st August, the outcome was a vote of five in favour of a dredge fishery, three against and one abstention. Members questioned what effect a dredge fishery would have on the quota. The Clerk advised that one of the reasons for the strong representation in favour of the handwork fishery was that the dredge fishery would quickly deplete the Total Allowable Catch (TAC) whilst the handwork fishery would enable the industry to fish over a longer period. Other members agreed with this sentiment and added that a handwork fishery would also allow the smaller cockles a chance to grow, rather than dredging small cockles which there was no market for.

One member raised concerns regarding the technique being used by the vessels that resulted in the top layer of sand being removed off the cockles prior to the boats drying out and the fishermen handraking

the cockles. It was suggested that Natural England had demonstrated their willingness to prosecute vessels damaging The Wash which is a Site of Special Scientific Interest (SSSI) and the disturbance created by vessels engaged in the handwork fishery was leaving fishermen open to such action being brought against them.

Natural England's representative advised that 'blowing out' was damaging to the site and was not allowed under the Joint Committee's agreed Management Measures. He did not believe the Handwork fishery proposals involved 'blowing out'. He advised that it was his understanding that ESFJC Officers kept a close eye on the fishery and the fishermen themselves knew that 'blowing out' was both damaging and wasteful. It was his belief that the fishery was closely monitored and he felt that it was distracting to raise this issue at this stage.

The Clerk added that the fishermen all knew the original method of 'blowing out' was both wasteful and damaging. In his opinion, 'modern' handworking did not cause excessive disturbance to the fishery, if this were the case the fishery would be closed. He also added that the agreed decrease in the daily quota dramatically reduced the incentive to 'blow out' a lot of cockle as only two tonnes could be taken. The Clerk believed the industry had adapted the practice to ensure they maintain a fishery with minimum damage.

Other members agreed with the Clerk's interpretation and advised that the layer of sand was soon back on the bed. If there was any concern about this method of fishing then it would also be necessary to review the damage caused by vessels engaged in the cockle dredging fishery as that also removed the sand but covered a far greater area than a handworking vessel.

After further consideration of the issues and minded of the results from the consultation, members agreed to the following Management Measures for the 2009 cockle fishery:

- handworking only;
- all Sands open to fishing;
- a TAC of 2,666 tonnes;
- operating 7 days a week;
- an opening date of 1st July.

With no other matters arising the meeting was brought to a close.

The Joint Committee is asked to receive the report.

Matthew Mander
Clerk & Chief Fishery Officer
22nd July 2009

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

1) Unconfirmed minutes of the Wash Management Sub-Committee meeting held on 24th June 2009.

The Deputy Clerk's Report on Staff Activities - April to June 2009

RV THREE COUNTIES

RV Three Counties spent 24 days at sea over the quarter. The vessel spent the last month in Burnham on Crouch in Essex for its annual refit and survey. Prior to the refit the vessel was engaged in cockle (14) and razor fish (7) surveys.

The opportunity was also taken to try out two new water quality monitoring devices which measure water temperature, salinity, turbidity, depth and chlorophyll α . It is intended to deploy one of the devices on a permanent basis within the Wash to provide annual baseline data on water quality which will ultimately inform the proposed water quality and shellfish productivity research that the Joint Committee is committed to. Of the seven days spent surveying the population of razor fish, scientists from CEFAS accompanied the crew of the vessel on three occasions. The remotely operated vehicle was serviced for the first time since it was purchased. This piece of equipment has proved very useful in identifying the sea bed habitat type at particular locations since being purchased.

Prior to the refit, various repairs had to be carried out to the vessel, these mainly concerned leaking hoses, pipes and cutlasses, however, the starboard generator developed an electrical fault necessitating the starting of this piece of equipment to be conducted manually. During the refit all of the portable electrical appliances were tested. The port bow thruster was found to have two defective fittings which were replaced – the sender cable for this thruster was also re-secured. The twin anchor winches were removed and serviced. The main job conducted was the removal and replacement of both propeller shafts which were found to be worn. Whilst the propellers and shafts were removed from the vessel the grease lines to the rudder stocks were checked and re-greased. All water tank fittings were checked as were the hydraulic steering rams.

FPV ESF PROTECTOR III

FPV ESF Protector III spent nineteen days at sea during the quarter, during that time ten vessels throughout the committee's district were boarded. One boarding resulted in a verbal warning being issued to the Skipper of the vessel for exceeding the daily cockle quota of 2,000kg.

It is envisaged that once the Joint Committee is vested as an Inshore Fisheries and Conservation Authority (IFCA) that a modified approach to enforcement activities at sea will have to be implemented as it is likely that a much greater emphasis on conducting remote surveillance of commercial and non commercial vessels will be required as a result of spatial restrictions imposed by Marine Conservation Zones (MCZs). In order to gain a greater understanding of the capabilities of *FPV ESF Protector III* in this role, much of the enforcement work conducted by this vessel during the quarter was based around this task.

FPV ESF Protector III was used for six days to collect shellfish samples required for the Environmental Health Organisation.

One of the Joint Committee's marine electronic suppliers (Charity & Taylor of Lowestoft) visited *FPV ESF Protector III* to inspect the navigation equipment aboard the vessel that it had initially fitted and maintains on a regular basis. This followed a visit from another electronic supplier that the Joint Committee uses (Commercial and Marine Communications Ltd.) but in this instance was acting for Mr Leigh Lake and Mr Gregory Campbell who dispute the accuracy of the equipment fitted aboard the vessel.

Two visitors spent a day aboard *FPV ESF Protector III* to gain a greater insight into the work that is conducted by the committee and the vessel. The visitors were the Education Officer for Green Quay in King's Lynn and a Defra employee tasked as the Joint Committee's IFCA Implementation Officer.

With regards to maintenance and repairs to the vessel, it was a relatively quiet quarter with only the starboard magnetic clutch requiring any major work (the clutch was removed, stripped down, rebuilt, rewired, tested and reinstalled after which it functioned normally). All other work carried out aboard the vessel was planned/preventative maintenance.

FPV Sea Spray was used independently of *FPV ESF Protector III* on five occasions during the quarter. A decision to send this vessel off for a refit by the original manufacture (MST Ltd.) was made, recognising the excellent initial build quality of the vessel. It is envisaged that the refit will extend the working life of this vessel by five years to 2014. It is hoped that the vessel is returned to the Joint Committee in early August. The lack of a dredge cockle fishery this year enabled the vessel to be sent away for a refit during what would normally be the busiest time of year for usage of this vessel. *FPV Pisces III* is intended to provide cover for *FPV Sea Spray* whilst away on refit. The refit of *FPV Sea Spray* includes a complete strip down, inspection, shot blasting and powder-coating/painting of the vessel. The jet drive is to be removed and returned to Hamilton Jet for a full strip down and service (something that this unit has not received before) as the unit does not seem to be providing as much power as it used to. The refit will be funded in part by a grant obtained from the European Commission's Fishery Control Fund.

A helmet mounted radio earpiece has also been ordered which will enable the helmsman of the vessel to more readily hear the vessel's radio when underway. With the vessel stripped down it is the intention for Fishery Officers to visit MST Ltd and remove and clean the heat exchangers on the engine as this is a process which is difficult to achieve when the consol is *in situ* as the engine has recently displayed a tendency to run a little hotter than usual. Prior to the vessel being sent away for refit, several small repairs were carried out to the vessel, these included the replacement of: a bracket that secures the hydraulic steering ram to the rear bilge compartment; the bilge pump operation switch; both the engine fuel filter and the water separator and the water pump. The analogue engine hours meter was repaired once a loose wire was identified which prevented power reaching this unit.

FPV PISCES III

In June *FPV Pisces III* was towed to Suffolk to be fitted with new steering, engines and controls to replace those stolen from this vessel. *FPV Pisces III* is expected to be re-commissioned in late July.

ENFORCEMENT

The prosecution brought by the Joint Committee and Natural England (NE) against Mr Leigh Lake and Mr Gregory Campbell continues. These offences involve vessels owned by Mr John Lake allegedly fishing within an area closed to the cockle suction dredge fishery in contravention of ESFJC Bylaw 8 and causing damage to a Site of Special Scientific Interest (SSSI) under the Wildlife and Countryside Act 1981. These cases were scheduled to be heard in the Magistrate's Court in King's Lynn commencing the 16th of June 2009 with the cases being heard 'back to back' in an effort to minimise prosecution costs. In both cases the defendants have already entered 'not guilty' pleas to all charges. At a pre-trial review held by a District Judge on the 28th of May the defence lodged an appeal for a Judicial Review regarding a decision by the District Judge to allow a Joint Prosecution involving two prosecutors (one representing NE and one representing the Joint Committee). NE and the Joint Committee have both issued a Judicial Review Acknowledgement of Service indicating that they wish to be deemed Interested Parties. NE has prepared the Summary of Grounds for Opposing the Claim. Regardless of whether or not the Judicial Review stands or falls, it is unlikely that a court date to hear the cases will be set before the end of 2009. It should be noted that the side the Judicial Review rules against is liable for the costs incurred both by itself and of the other parties involved. Initial indications are that a legal representation purely for the Judicial Review will cost in the order of £40k. By appearing merely as an Interested Party it is unlikely that the Joint Committee would be held liable for any costs in the event of a decision against NE and the Joint Committee.

The Environment Agency (EA) informed the Deputy Clerk in June that that the EA has changed its approach to the enforcement of the Salmon and Fresh Water Fisheries Act 1975. As a result the EA will conduct its own enforcement of this legislation and byelaws created under it. This means that ESFJC Fishery Officers (FOs) will no longer be warranted to enforce this legislation for the EA. It is disappointing that this action has been taken as this has removed the potential for fishermen throughout the district to be inspected by Fishery Officers from the Joint Committee, Marine & Fishery Agency (MFA) and EA FOs. This is particularly disappointing as the proposed Marine & Coastal Access Act and the Hampton Report encourage close working relationships between enforcement organisations and minimal intervention.

TRAINING

29 days of training were conducted over the period. The Suffolk Fishery Officer attended a five day Royal Yachting Association (RYA) Day Skipper Theory shore based course. The Engineer/Fishery Officer also attended a five day MCA/STCW95 Proficiency in Survival Craft and Rescue Boat course. The Marine Environment Officer (Judith Stoutt) received confirmation from the University of Hull that she had attained a Masters in Science qualification from this institution following submission of her dissertation entitled: A Review of the Commercial Suction Dredge Cockle (*Cerastoderma edule*, L.) Fishery in The Wash and North Norfolk Coast European Marine Site, and the Relationship between Shell Damage, Discard Mortality, and Gear Type. Nathaniel Jessop (the son of FO/SRO Jessop) spent a week aboard *FPV ESF Protector III* as part of a two week work experience program. Mr Jessop spent the time participating in safety drills and observing the work that Fishery Officers conduct at sea. The Deputy Clerk & Fishery Officer also facilitated an inspection by the RYA of the Joint Committee's vessels and compound at Sutton Bridge which resulted in the Joint Committee being approved to teach RYA powerboat course for a further year to both Sea Fisheries Committee and MFA personnel.

The remainder of the training (nineteen days equivalent) involved Fishery Officers participating in a conflict resolution course. Six Fishery Officers from North Eastern Sea Fisheries Committee also attended this course.

AREA OFFICERS' REPORTS ON FISHING ACTIVITY

COCKLE

The 2008-2009 hand worked cockle fishery remained open until midnight on the 30th of June. The 2009-2010 hand worked cockle fishery opened on the 1st of July, this enabled the fishery to continue uninterrupted. A dredge fishery for cockles was not deemed appropriate this year following extensive consultation with the industry following publication of the Joint Committee's cockle survey data. An Appropriate Assessment of the hand worked fishery was submitted to NE by Officers. Agreement was reached that this fishery would not have an adverse effect upon the conservation status of the site. The hand worked cockle fishery was opened on a seven day a week basis for all beds within the Regulated Fishery under the Wash Fishery Order 1992. The quota for this fishery was set at 2,666 tonnes. The majority of vessels participating in this fishery from Boston (26 vessels) and King's Lynn (6 vessels) have fished an area known as the Dills in the South West corner of the Wash. In total, approximately 915,800kg of cockle was landed throughout the quarter. Cockle has been worth approximately £250/tonne resulting in an approximate first sale value of £230,800 being achieved.

MUSSEL

The relaying of sublittoral mussels off the Lincolnshire coast continued throughout the quarter with fishermen from King's Lynn fishing the mussels and relaying them within the Several Fishery (241,000kg).

864,000kg of mussel worth approximately £284,500 was landed from the Several Fishery mainly by vessels operating out of King's Lynn (253,000kg) and Boston (611,000kg) to supply the Dutch market. One vessel from King's Lynn also made five trips to hand rake mussel for relaying from the Welland Wall (9,750kg).

SHRIMP

Vessels continue to fish for brown shrimp using single and twin beams from Boston (six vessels/2,087kg) and King's Lynn (eighteen vessels/77,214kg). Up to twenty four vessels participated in this fishery during the quarter making three hundred landings weighing 79,301kg worth £111,021 with an average landing of 264kg being worth £370 with an average price of £1.40/kg. Prices ranged from £0.25 for 'D' class brown shrimp to £2.55 for 'A' class brown shrimp. One vessel operating out of King's Lynn made eight landings of pink shrimp during the quarter weighing 5,733kg (£1.30/kg).

CRAB/LOBSTER

This quarter saw the increase in lobster and brown crab catches throughout the district. Fishermen have been landing on average 330kg/trip of brown crab and 50kg/trip of lobster for the offshore fleet. Catches of brown crab consisted of about 30-90kg and 5kg of lobsters from 120 pots which have had a one or two day soak for the inshore fleet. Lobsters were being purchased from fishermen by the processing plants at approximately £9-11/kg whereas brown crabs were achieving about £1.00-1.50/kg. This meant that the first sale value of brown crab and lobster for the offshore fleet was £410/trip and £520/trip respectively where as the first sale value of brown crab and lobster for the inshore fleet was £65/trip and £50/trip respectively. Very few velvet crabs (15/kg) were reported to have been landed throughout the quarter. Lobster and crab pot numbers rose to 22,144 being deployed by vessels operating from within the Joint Committee's district with up to 14,180 pots deployed within six nautical miles and up to 7,964 pots deployed outside of six nautical miles.

Area Fishery Officers measured and sexed 1,341 brown crab and 1,220 lobsters during the quarter. This data contributes to Joint Committee's lobster and brown crab bio-sampling project which continues to provide information on the health of the two shellfish stocks.

OTHER FISHERIES

As previously reported, the *MFV Bussard* (PLN: LN 139) sank on her moorings whilst alongside Boal Quay in King's Lynn during March. In late June the vessel broke free of its moorings and came to rest on a sand bank in the middle of the River Great Ouse where it remains to this day, creating a hazard to navigation.

The Brancaster and Thornham Oyster fisheries sold approximately 2,500kg of Pacific oysters during the past three months worth approximately £26,910 (£9.78/kg). Vessels out of Wells, Blakeney and Brancaster targeted whelks fishing up to 3,500 pots and landing over double the previous quarter's weight (64,530kg compared to 32,000kg). These whelks were worth approximately £37,000 (£0.56/kg). The majority of these whelks were processed locally. This represents the largest quantity of whelks fished within the Joint Committee's district for many years.

The herring fishery in Caister and Gorleston saw decent landings of about 9,000kg with a first sale value of approximately £2,700 (£0.30/kg). Cod continued to be landed throughout the district along with bass. Cod was achieving approximately £2/kg and bass approximately £7/kg. Of concern to the fishermen operating out of Suffolk was the presence of large beam trawlers operating out of Brixham in Devon fishing off the Suffolk coastline. Fishermen have reported losing crab and lobster pots which they attribute to the activities of these vessels.

Vessels fishing under the auspices of the Environmentally Responsible Fishing scheme continued to land large quantities of cod and now bass. The feelings of injustice by fishermen that are not included within the scheme but operating from within the same ports as vessels included within the scheme continues to fester. No information has been provided to the Joint Committee regarding whether or not the scheme is to cease in the near future.

RECREATIONAL FISHERIES

Recreational sea angling for cod has continued to be very good throughout the district. Fishermen have also started to land good quantities of large mackerel and large bass – the average size of which have

increased steadily as the quarter progressed. Bass were mainly caught on either strips of mackerel, squid or peeler crabs. Cromer pier normally sees good catches of bass and this year has proved no exception with decent fish being landed when the water has been clear – the largest fish caught so far has been 12lbs 6oz. Wreck fishing for cod and bass off the Suffolk coast has proved very successful although there appears to be some tension between the commercial and the recreational sector. Commercial fishermen are concerned at the amount of fish that the recreational fishers appear to be retaining (in excess of amounts which would be considered for personal consumption).

Duncan Vaughan
Deputy Clerk & Fishery Officer

22nd July 2009

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

ESFJC Officers' Monthly Reports April to June 2009.

Marine Environment Officer's quarterly report

Concise notes have been included in this paper (in italics) to provide background information for the benefit of the new Members unfamiliar with the environmental work of the Joint Committee. The Joint Committee's Annual Report 2008 (available at <http://www.esfjc.co.uk>) provides more detail about current environmental casework. Further information is always available upon request.

1. Nature Conservation – ongoing casework

1.1 Development of Sabellaria byelaw

Sabellaria spinulosa reef, created by the conglomeration of tubes built by marine worms on the seabed, is a protected habitat under the EU Habitats Directive 1992. The Joint Committee has a duty to ensure that the fishing activities it authorises do not have adverse effects on such protected habitats. The presence of Sabellaria reefs also increases biodiversity, so protecting them helps the Joint Committee meet its biodiversity duties. In March 2006, the Joint Committee agreed to develop a byelaw for the protection of Sabellaria spinulosa reef from damage caused by fishing activities, specifically those using towed demersal nets or dredges. This is likely to result in spatial restrictions on the pink shrimp and brown shrimp fisheries in parts of the Wash and its approaches. Development of the byelaw has taken time to progress because of the lack of information on the distribution and quality of reef, and the paucity of evidence on the level of damage caused by fishing activities.

During the quarter, the Joint Committee has continued its programme of seabed habitat monitoring within parts of the Wash & North Norfolk Coast European Marine Site known to support *Sabellaria spinulosa* reef. The information gathered during 2009 will be analysed alongside existing data, to identify areas for protection under the Joint Committee's proposed byelaw. It is intended to establish closed areas by continuing the process of dialogue involving members of the local fishing communities and Natural England.

1.2 The Wash Regulated Cockle Fishery

The cockle and mussel fisheries managed by the Joint Committee under The Wash Fishery Order 1992 are subjected to close scrutiny by Natural England, via the "appropriate assessment" process, before being opened. This is because these fisheries occur within a highly designated marine conservation site, The Wash and North Norfolk Coast European Marine Site (see <http://www.esfjc.co.uk/ems/pages/ems.htm>), and have the potential to damage its protected habitats and species. The cockle and mussel fisheries have been deemed "plans or projects" under the meaning of the Habitats Regulations 1994 and their potential impacts are evaluated, and Natural England's advice obtained, before they can take place.

Broad fishery management principles, established via agreement with members of the fishing industry and Natural England, are set out in the Joint Committee's Management Policies (<http://www.esfjc.co.uk/management/policies/2008.pdf>). The detail of each fishery's management measures, including the quota, the areas opened to the fishery, and the method of fishing to be permitted; is agreed annually following the Joint Committee's extensive stock surveys.

Natural England agreed to the extension of the 2008/09 hand-worked cockle fishing season by one month from 31st May to 30th June 2009, to enable the fishery to remain open whilst management measures for the 2009/10 season were consulted upon, agreed and assessed under the Habitats Regulations 1994. Measures for the 2009/10 cockle season were agreed at the Wash Management Sub-Committee meeting on 24th June 2009 (Agenda Item 13). Joint Committee Officers conducted an appropriate assessment of the proposed 2009/10 cockle fishery, and submitted this to Natural England.

The Joint Committee's appropriate assessment included an evaluation of a technique used in the hand-worked fishery to displace the upper layer of sediment using the vessel's propeller wash, prior to the tide receding and the cockle bed being exposed, in order to improve the hand gathering process. Concerns had been raised that this technique could cause similar damage to that caused by "blowing out" as practised in the 1970s – i.e. the localised "ploughing" of the seabed into concentric rings, forcing piles of cockles onto the surface, large quantities of which were left unharvested and subsequently died. Blowing out was widely criticised for the quantities of cockles it caused to be wasted.

Natural England considered the information provided in the appropriate assessment and advised that the fishery could proceed as described without having an adverse effect on the protected species and habitats of the European Marine Site (i.e. on site integrity). Subsequent to this, Natural England informed the Joint Committee that they had received a legal challenge in relation to the appropriate assessment, wherein it was argued that the extent of disturbance associated with the hand worked cockle fishery had not been fully evaluated. This challenge had also been sent to the European Environment Department.

In response, Joint Committee Officers and a Natural England Officer conducted a site visit from the Joint Committee's patrol vessel *ESF Protector III*, on 10th July 2009 to assess the condition of the seabed and the cockle stocks in the area where the hand worked cockle fishing effort was concentrated (the cockle bed known locally as The Dills). Some evidence of substratum disturbance was identified but it was apparent that the damage was not excessive and did not equate to the disturbance caused by blowing out in the 1970s. There was no evidence of piles of cockles being forced out of the sediment and left to die on the surface.

At time of writing, Natural England is preparing its report in response to the legal challenge. Natural England has arranged a further site visit on one of the vessels partaking in the hand worked cockle fishery, to observe the technique being used. Joint Committee officers remain in close contact with the Natural England officers involved in this case. It is important that the Joint Committee, members of the fishing industry, and Natural England continue to work together to ensure the Wash cockle and mussel fisheries can continue to operate sustainably within the protected site.

2. Nature Conservation – Marine Protected Areas

The UK has committed to developing a strong, well-managed, ecologically coherent network of Marine Protected Areas (MPAs) by 2012 (ref). The Government set out a draft strategy on the delivery of this network in April 2009. This highlighted the proposals that the MPA network would comprise:

- 1. Existing European Marine Sites (EMSs) (designated under the Habitats Regulations 1994);*
- 2. New inshore and offshore EMSs (designated under the Habitats Regulations 1994 and the Offshore Habitats Regulations 2007); and*
- 3. New Marine Conservation Zones (MCZs) in English inshore waters, and offshore waters adjacent to England and Wales.*

2.1 Existing European Marine Sites

2.1.1 Wash & North Norfolk Coast European Marine Site

The Joint Committee has been the lead authority for the Wash and North Norfolk Coast European Marine Site since it was established in 1996. This is in recognition of the Joint Committee's duty to manage the fisheries it authorises within the EMS in accordance with the conservation objectives for the site. The Clerk & Chief Fishery Officer chairs the Management Group, which meets four times a year and consists of Relevant Authorities and local Advisory Group representatives. The Joint Committee does not provide direct financial support to the EMS project, but contributes in kind via office accommodation and employment services for the Project Officer.

At the end of 2008, the EMS project launched a Coastal Disturbance Study, which aimed to investigate the relationship between human activities on the coast and population impacts on two bird species that have been identified as being in decline, i.e. ringed plover and little tern.

The Coastal Disturbance Study continued during the quarter, with pilot projects operating at Blakeney and Titchwell, in conjunction with the National Trust and the RSPB respectively. These projects aimed to engage local people and gain their support for the campaign to highlight awareness of the effects of human disturbance on vulnerable ground-nesting birds, and the steps that can be taken to avoid disturbing breeding bird habitats. A new online incident recording system was launched as part of the project, through which any incidents of disturbance to birds throughout the EMS can be reported.

In July 2009, the Management Board agreed proposals to recruit a part-time support officer to assist the EMS Project Officer. This post is to be funded via contributions from the Relevant Authorities, as is the existing Project Officer post, and would also be accommodated at the Joint Committee's office in King's Lynn.

2.1.2 Stour & Orwell Estuaries European Marine Site

The Joint Committee is a relevant authority and a member of the Management Group for the Stour and Orwell Estuaries European Marine Site. Commercial fishing within the estuaries is predominantly limited to trawling for sole, shrimps and bass in the mouth of the rivers, with more activity taking place in winter months when the small vessels operating from Harwich and Felixstowe Ferry are restricted from working offshore by the weather. Recreational angling is popular within the estuaries from the shore and from vessels. Bass and mullet are typical target species in the rivers. The Project Officer for the Suffolk Estuaries is based at the Suffolk Coast and Heaths Unit in Woodbridge; this position is funded by various relevant authorities. The Joint Committee does not contribute financially to the project but provides support via the Management Group and the proposed Bait Digging Working Group.

A draft Management Strategy for the Stour and Orwell Estuaries was launched at the annual Stour & Orwell Forum on 26th June 2009, which was attended by the Clerk and Chief Fishery Officer and the Deputy Clerk. The Strategy focuses on sustainable development in and around the estuaries, considering issues as diverse as planning and housing, port and infrastructure development, recreation and tourism, fisheries and bait digging. It "seeks to explore opportunities to improve protection by promoting sensitive use" of the estuaries. The document is undergoing public consultation until 14th August 2009, and is accessible via <http://www.suffolkcoastandheaths.org/downloads.asp?PageId=73>.

A meeting is being arranged for September 2009 to discuss bait digging management issues, in conjunction with bait diggers and anglers, Suffolk Wildlife Trust, Natural England, and Ipswich Borough Council. This working group is being established to promote dialogue between those who have raised concerns, and practitioners and regulators. Joint Committee Officers intend to attend the working group meetings in anticipation of the expansion of duties that will result from the modernisation of SFCs into IFCA's.

2.2 New European Marine Sites

Natural England is co-ordinating the designation of new European Marine Sites (Special Areas of Conservation or SACs and Special Protection Areas or SPAs) for the 0-12nm zone around English coasts. The Joint Nature Conservation Committee (JNCC) is carrying out a parallel process for the 12-200nm zone. Implications for fisheries management will depend upon the type and extent of interactions between fishing activities and designated habitats and species.

On 16th July 2009, Natural England announced the start of an informal consultation period on proposals for seven draft (d) SACs and two potential (p) SPAs. Of these, a part of one pSPA referred to as the "Outer Thames Estuary pSPA" affects the Joint Committee's district, in coastal waters from Caister-on-Sea, Norfolk to Woodbridge, Suffolk. Four further draft SACs are also under consideration, of which two overlap the Joint Committee's district, namely "Inner Dowsing, Race Bank and North Ridge dSAC" and "Haisborough, Hammond and Winterton dSAC". The Joint Committee has been requested to advise on potential socio-economic issues and on possible management measures. The process for creating European Marine Sites does not allow socio-economics to be taken into account at the site-selection stage, although an impact assessment will be prepared for each nominated site as required by government. Socio-economics are considered when management measures are developed. [This differs from the

proposed creation of Marine Conservation Zones (MCZs), as socio-economic considerations will be incorporated into site selection decisions.]

The formal consultation process for the new EMSs will take place between November 2009 and February 2010; final recommendations to the European Commission are to be made in August 2010.

2.3 Marine Conservation Zones

On 20th April 2009, Defra published its “Consultation on Delivering Marine Conservation Zones and European Marine Sites: A draft strategy for marine protected areas”. This set out Defra’s intentions for the development of a network of marine protected areas in English inshore and offshore waters, which would be made possible by legislation under the Marine & Coastal Access Bill. It clarified that Marine Conservation Zones (MCZs) will be national sites, which together with European Marine Sites will make up the network of Marine Protected Areas. MCZs are to be developed via four regional projects, one of which is the North Sea (the project for this region has been entitled “Net Gain”). The MCZ projects would be run with an emphasis on spatial planning, including the use of fisheries mapping information. Existing sea users, including fishermen, are being strongly urged to engage in the process.

Joint Committee Officers reviewed the draft MPA strategy document and provided comments to Defra’s Marine Biodiversity Team, in relation to the following points:

- timescale (considered to be too ambitious to expect the site selection process to be completed by 2012, given the requirement for data collection and stakeholder engagement);
- spatial scale of MCZ process (the proposed four MCZ regions were considered to be too large to achieve local representation; it was suggested that sub-regions are created, e.g. following IFCA boundaries);
- requirement for robust stakeholder involvement (with particular focus on fisheries stakeholders, which takes time and effort);
- requirement for resources for the collection of baseline information and for subsequent monitoring; and
- comments on the network design principles.

The Marine Environment Officer will attend a workshop organised by Defra on 31st July that will focus on the proposed strategy for the creation of Marine Conservation Zones.

3. Fisheries Mapping Project

Increasingly, marine regulators are seeking details of the location of fishing grounds and fish spawning/nursery areas, as marine spatial planning develops. The requirement for electronic monitoring of fishing vessels’ activities applies to vessels over 15m length, and enables spatial fisheries data to be collated automatically. The majority of inshore fishing vessels are not required to use electronic monitoring since they are smaller than 15m. Sea Fisheries Committees are therefore seen as the main source of inshore fishery information.

The Joint Committee frequently receives requests from offshore developers and environmental consultants for spatial fisheries information relating to target species, types of fishing activity and levels of effort. The provision of these data is relatively straightforward for the molluscan cockle and mussel fisheries that occur at known locations and are closely monitored by the Joint Committee’s Research staff. However, the locations of the mobile fisheries within the District, including crustacean species (shrimp, crab and lobster), whelks, and white fish (e.g. cod, herring, skate, sprat, bass, sole, flounder, dab), are more difficult to determine. Joint Committee Officers established a Fisheries Mapping Project in 2007 to collate spatial information relating to fisheries within the District, through contributions from fishermen throughout the District via one-to-one visits, phone calls and written questionnaires. It is intended that the information obtained will be used to further the Joint Committee’s aim to protect fisheries from inappropriate development – and it could also support fishermen wishing to defend their grounds.

Research Officer/Fishery Officer Jess Woo has produced draft charts showing fishing grounds within and beyond the Joint Committee District, using the information volunteered by fishermen who had expressed an interest in the project. The information was digitised using MapInfo Professional software.

Fisheries mapping continues to be a topical issue nationally. The Finding Sanctuary project in the south-west was the pilot Marine Protected Area project for the UK, and included a dedicated project “FisherMap” to inform on locations and types of fishery within the study area. It is intended that the same process be used in conjunction with the proposed regional MCZ projects (section 2.3). Under a separate initiative, the Environment Agency has commissioned CEFAS (Centre for Environment, Fisheries & Aquaculture Science) to co-ordinate Sea Fisheries Committees’ spatial fisheries information, using vessel observations data. The Shellfish Association of Great Britain (SAGB) has recently published an Inshore Shellfish Mapping Report, which includes historic as well as current spatial activity data, quantitative effort estimate

data and seasonal activity information. Accurate mapping of marine resources and the spatial requirements of marine users will also be required to provide baseline data for Marine Plans, to be developed under the EU Marine Framework Strategy Directive.

4. Strategic Environmental Policy

In July 2008, the Joint Committee agreed the Officers’ proposal to develop a Strategic Environmental Policy for the Joint Committee. The aim was to review the Joint Committee’s environmental duties and functions and to formulate Policy Statements that clearly expressed the Joint Committee’s position on environmental matters. The SEP would complement the Joint Committee’s existing Strategic Aim and Objectives, and would be developed with regard to the forthcoming Marine Bill. Officers established a three-tiered approach to developing the Policy, focussing on the Joint Committee’s: (a) legal environmental duties; (b) wider environmental role, e.g. in consultation responses; and (c) organisational environmental performance. Officers have progressed work at each of these levels.

During the quarter, Officers met with members of Defra’s IFCA implementation team to consider how to account for the forthcoming changes in the Joint Committee’s environmental work under the Marine & Coastal Access Bill, in an environmental Policy. Defra announced its intention to hold a technical workshop for existing Sea Fisheries Committee scientific officers, to consider in more detail the SFCs’ data gathering activities, future capabilities and environmental requirements. Officers have not progressed the environmental Policy further in anticipation of this workshop.

5. Offshore Wind Farm developments

The development of offshore wind energy production has been significant within the Joint Committee’s district. Four sites within the District were proposed as part of the 18 national demonstration projects in the first round of offshore wind farm (OWF) development in the early 2000s. Three of these came to fruition and are now operational: Scroby Sands, off Great Yarmouth; Lynn, and Inner Dowsing (both off Skegness).

Interactions with fisheries can include the loss of fishing grounds and fish spawning habitats; increased navigation hazard, displaced fishing effort, effects on fish from construction and operational noise, effects of electro-magnetic fields (EMF) emitted from transmission cables on fish. It had been intended that monitoring of biological and environmental parameters at the Round One sites would inform policy makers of the impacts of OWF developments, but the ambitious timescale for developing this clean energy technology has resulted in the rapid expansion in OWF proposals over the past five years. The part of the North Sea adjacent to the Lincolnshire and Norfolk Coast (referred to as the “Greater Wash”) was recognised for its potential for OWF development and therefore has been a focal area for developers. The Sheringham Shoal OWF (off Sheringham) and Lincs (off Skegness) both received consent in 2008, and applications for the Docking Shoal and Race Bank OWFs are currently under consideration by the Department of Energy and Climate Change (DECC) and Defra’s Marine Environment Team. The Joint Committee has objected to the Docking Shoal and Race Bank applications on grounds of potential impacts on crab breeding grounds, and uncertainty over the effects of EMF on fish species.

During the quarter, the Marine Environment Officer received the environmental statement for the Dudgeon Shoal OWF. This site lies some 32km north of Cromer, well outside the Joint Committee's district, although the shore connector cable would run through the district to come ashore at Weybourne. Officers will consider the potential impacts of cable-laying and operation in a response to DECC and Defra.

6. Marine Aggregate Extraction

The Joint Committee is consulted on applications for marine aggregate extraction licences. Parts of the Humber, East Coast and Thames Estuary licensing block lie within the Joint Committee's district. The Joint Committee contributed fisheries information into the Thames Estuary and East Coast "Marine Aggregate Regional Environmental Assessments" (MAREAs).

The Humber MAREA was launched on 20th July 2009. Joint Committee Officers will input fisheries information as necessary, and encourage fishermen to engage in the consultation process as appropriate.

During the quarter, the Joint Committee was consulted on an application for an extraction licence at Area 430, off Suffolk. The Marine Environment Officer has liaised with the Suffolk Fishery Officer to gauge the industry's views on this application, and has requested that Defra consult directly with local fishermen to obtain their comments on this application.

Miscellaneous work

The Joint Committee's Objective Eight is to "promote the aim and objectives of the Committee to improve the understanding of the marine environment and to encourage others to take them fully into account when developing / implementing their own plans, strategies or codes of practice." In order to meet this objective, Joint Committee officers provide information and advice on external consultations potentially impacting fisheries within the District – including offshore wind farm projects and aggregate extraction proposals, as outlined above. Each quarter, the Marine Environment Officer provides a list of consultations that have been responded to.

During the quarter, the Marine Environment Officer has responded to consultations on/ attended meetings to discuss:

- The Wash National Nature Reserve Consultation Board: presentation on the Wash Fisheries
- King's Lynn Marina: proposals for a new channel for the River Nar
- Lincshire 2010-2015 beach Renourishment Scoping Consultation
- Draft Stour and Orwell Strategy
- Wells Harbour channel deepening and jetty construction proposals
- Greater Gabbard Offshore Wind Farm safety zone consultation
- Native oyster cultivation proposal
- Samphire harvesting: environmental considerations query
- Defra consultation: Developing Marine Conservation Zones – a draft strategy for Marine Protected Areas
- Fisheries Secretariat workshop, Stockholm: the Marine Environment Officer gave a presentation to fisheries representatives, regulators and NGOs representing various Baltic states, outlining the Joint Committee's experience of managing fisheries within European Marine Sites.

J C Stoutt
Marine Environment Officer
22nd July 2009

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

1. ESFJC ANNUAL REPORT 2008
2. Report to ESFJC Byelaw Sub-Committee on the proposal to develop a Byelaw to safeguard identified *Sabellaria spinulosa* reefs, 8th March 2006.
3. Minutes of ESFJC Byelaw Sub-Committee meeting on 8th March 2006.
4. EU Habitats Directive 1992
5. UK Habitats Regulations 1994
6. ESFJC appropriate assessment of 2009/10 hand worked cockle fishery
7. Defra consultation paper: Draft MPA strategy
8. <http://www.defra.gov.uk/corporate/consult/marine-conservation-zones/index.htm>
9. Letter from Clerk & Chief Fishery Officer to Defra's Marine Biodiversity Team in response to the draft MPA strategy consultation paper, 9th July 2009
10. Stour and Orwell Estuaries: Draft Management Strategy. June 2009. Suffolk Coast and Heaths Unit, Woodbridge, Suffolk.
11. Marine Environment Officer's report on the proposed Strategic Environmental Policy, ESFJC Statutory Meeting paper, Agenda Item 10, 29th October 2008.

STATUTORY MEETING

29th July 2009

**AGENDA ITEM
No. 16**

Senior Research Officer's Quarterly Report

During the last week of April the research team began The Wash annual cockle surveys. These were commenced one month later than usual in order to minimise the delay between the completion of the surveys and the opening of the fishery, which in recent years has opened later in the season. Minimising this delay should reduce apparent inaccuracies that occur due to the cockles growing rapidly during May and June. During the course of the surveys, 1,314 sample stations were visited over a total of 21 beds. This represents the largest survey conducted to date, with additional sites being sampled on the Black Buoy sand to include the area known locally as the Dills. From the surveys the total cockle stock was calculated to be 22,419 tonnes, of which 8,395 tonnes were of marketable size (≥ 14 mm width). These figures are lower than those found in 2008, when the total stock was 29,283 tonnes, but are higher than had been anticipated following a large die-off of cockles during the summer of 2008. This is partially due to a good settlement of 2008 year-class spat on some of the higher sands, and the inclusion of a dense patch of cockles located on the Dills in an area falling outside of previous surveys. There were concerns that delaying the surveys by a month could significantly effect the results, but analysis of the data indicated these impacts were not large. Comparing the data with that from five previous surveys found the delay had no discernible effect on the mean weight of adult cockles, from which the TAC is calculated, but a slight increase was found in the mean weight of year-one cockles.

Following a request from the Wash Management Sub-Committee, the data was further analysed this year to identify what levels of adult stock were actually available in commercially fishable densities. Unfortunately, due to the high numbers of adult cockles that had died during 2008, most sands were found to only support low densities of marketable sized cockles in 2009. In most areas these were found to be mixed among high densities of juvenile stocks. Applying a minimum threshold of 1.5 tonnes/hectare, which is the level that Daseley's was fished down to in 2007 and Friskney in 2008, the level of adult stock that was found to be commercially available was 4,181 tonnes. Of this, only 1,395 tonnes were found to be available in pockets that were not dominated by juvenile stocks. The majority of these were situated on the Dills sand. As this bed has been heavily targeted by the handwork fishery during this quarter, research staff have visited the bed regularly to monitor the stocks and to ensure fishery disturbance is minimal. Work is also being conducted to monitor the recovery rate of an area following fishing.

Following the high, unexplained cockle mortality seen in 2008, the research team have began a long-term study monitoring algae levels in the Wash to ascertain whether food limitations could be a causal factor in the die-off. Natural England has financed the purchase of two fluorometer sondes that will measure Chlorophyll-*a* levels. One, used for spot sampling at various locations, has been successfully used during May and June, while the other will be shortly deployed from a buoy and will provide continuous readings. Although the short-term aim of this study is to determine whether food levels may be a limiting factor for shellfish growth in the Wash, the long-term goal will be to determine the shellfish carrying capacity within the Wash. Achieving this will be difficult, and will require several scientific disciplines working together. To achieve this, the research team have held meetings with scientists from CEFAS and the Environment Agency, and have been offered their support with the project. We also plan to host a scientific workshop in September to discuss the project and the best way of achieving the goals.

In April the research team assisted CEFAS in conducting their annual razor clam surveys in the Wash. Previous surveys have found large numbers of the invasive American razor, *Ensis directus* to be present. As these will compete for food resources with native shellfish species, there are some concerns from the industry that this species might be responsible for the 2008 cockle die-off. These surveys are important, therefore, to determine the distribution of the razor clams. Particular emphasis was taken this year to

survey the Boston Deep and Lower Roads channel, where razors were found to be present in large numbers offside the Toft mussel lays.

During this quarter we have continued with the programme of RoxAnn™ surveys that we began in February, mapping the distribution of *Sabellaria spinulosa* reef in the Wash. Past surveys had already identified widespread areas of *Sabellaria* in and around the Wash, but these had been broadscale projects with low resolution. The 2009 programme involves us focusing on smaller areas, where previous surveys have already predicted the presence of *Sabellaria* reef, enabling higher resolution tracking, and more concentrated ground truthing. This will allow us to better distinguish the rarer elevated reef type features from the more common low-elevation “carpet” form, and enable us to map with greater confidence the boundaries of these features. At the start of this programme we planned to map five areas of reef during 2009. To date, four of the five sites have now been tracked using the RoxAnn™ equipment and three of these have been intensively ground truthed using a Day grab. It is planned to conduct further ground truthing at each of the sites in the coming months using a combination of Day grabs and video footage from the ROV. Unfortunately, the RoxAnn™ units on both Three Counties and ESF Protector III developed serious faults during this quarter. As both units were over ten years old, the decision was made to replace them rather than have them repaired. One replacement unit has been used successfully on ESF Protector III, while it is hoped that the unit for Three Counties will be delivered shortly.

In May the Senior Research Officer gave a presentation at the annual Shellfish Managers meeting, detailing the research that the Joint Committee has conducted over the past ten years concerning breakage rates and discard mortality associated with the dredge cockle fishery. The Joint Committee is at the forefront of this type of research, which for a number of years has helped inform our management policies and reduce the level of discard mortality.

A member of the team has continued monitoring the crab and lobster stocks this quarter, going to sea with members of the industry to measure their catches. These surveys at sea are important as they provide information about the juvenile stocks that landing data cannot provide.

As usual, time has been spent during this quarter collecting shellfish and water samples for the EHO and CEFAS, to monitor the water quality in the Wash and test for potential toxins such as DSP, ASP and PSP.

R W Jessop
Senior Research Officer

22nd July 2009

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

List of Background Papers

There are no background papers to this report.