

STATUTORY MEETING

Minutes of the STATUTORY MEETING of the Joint Committee held on **Wednesday 24th October 2007**, at the offices of the Joint Committee, 6 North Lynn Business Village, Bergen Way, King's Lynn, Norfolk, PE30 2JG at 1030 hours.

PRESENT

Cllr D A Baxter	Norfolk County Council - Chairman	
Cllr A H Turner JP	Lincolnshire County Council	
Cllr S F Williams	Lincolnshire County Council	
Cllr G Nobbs	Norfolk County Council	
Cllr B Hannah	Norfolk County Council	
Cllr D Rye	Norfolk County Council	
Cllr R Bellham	Suffolk County Council	
Cllr R A Ward	Suffolk County Council	
Cllr D Wood	Suffolk County Council	
R Brewster)	
N Lake)	
I Large)Defra Appointees	
T Pinborough)	
C A R Southerland)	
M Yates)	
N Tomlinson	Environment Agency	
M R Mander	Clerk and Chief Fishery Officer	
C M Hurley	Finance Officer)
D Vaughan	Deputy Clerk & Fishery Officer) Present by
J Stoutt	Marine Environment Officer) Invitation

APOLOGIES

Apologies for absence were received from Councillor Bakewell (LCC), and Messrs Garnett and Williamson (Defra Appointees).

CHAIRMAN'S ANNOUNCEMENTS

The Chairman began by advising members that items 3 - 7 on the agenda were explained in detail by the report enclosed with the papers therefore each of these items would not be discussed further, although questions may be asked relating to them.

A resignation letter from Mr Coppolo (Defra appointee) was read to members. It explained that due to a combination of personal circumstances and his belief that he was not convinced the Committee supported the RSA organisations he could no longer take a positive role on the Committee. The letter went on further to explain that he also felt that at times when he had spoken on matters relating to sea anglers the response had been a veiled threat towards himself. Members felt this had not been the case and Councillor Bellham felt the Code of Conduct for members had been put in place to alleviate any such accusations. It was agreed that Mr Coppolo would be thanked for his participation on the Committee since 2005, but the letter would also refute the accusations which he had put forward.

DECLARATION OF MEMBERS PERSONAL INTERESTS

Councillor Ward declared an interest as his son ran an angling shop in Saxmundham
Messrs Brewster, and Lake declared an interest as they were lay and entitlement holders.
Mr Southerland declared an interest in item 13 on the agenda.

Councillor Rye declared an interest in that he was a member of the KLCB
Councillor Williams declared an interest as a members of Deeping St Nicholas group against wind turbines.

ST07/57 MINUTES OF THE STATUTORY MEETING OF THE JOINT COMMITTEE HELD ON 25th JULY 2007

ST07/49 PROPOSALS TO CHANGE THE ADMINISTRATION AND QUALIFYING CRITERIA RELATING TO WFO ENTITLEMENTS: *Dedicated vessels*: Mr Lake advised that the resolution should include a phrase allowing for a variation in exceptional circumstances. It was agreed this could be added.

Members agreed the minutes were a true record of proceedings.

ST07/58 MATTERS ARISING

There were no matters arising.

ST07/59 REPORT ON THE MEETING OF THE FINANCE AND GENERAL PURPOSES SUB-COMMITTEE MEETING HELD ON 10th OCTOBER 2007

Members agreed to receive the report.

ST07/60 FINANCE OFFICER'S REPORT ON PAYMENTS MADE AND MONIES RECEIVED DURING THE PERIOD 14th JULY to 12th OCTOBER 2007

Councillor Ward questioned why the operating costs for Three Counties had gone up. This was due to the annual refit costs having been paid during the quarter. The Clerk advised members that although it was not definite he was hoping to work with the Environment Agency to arrange some of their work to be carried out in conjunction with the Committees work, using Three Counties, for which payment could be made to offset some of the cost of the vessel.

It was Resolved to accept the Finance Officers report on payments made and monies received during the period 14th July to 12th October 2007 and approve payments of £305,831.25 and receipts of £62,283.86.

**Proposed: Cllr Ward
All Agreed**

Seconded: Cllr Williams

ST07/61 CLERK'S REPORT ON THE WASH MANAGEMENT SUB-COMMITTEE MEETING HELD ON 15th AUGUST 2007

Members agreed to receive the report.

ST07/62 CLERK'S REPORT ON A MEETING OF THE BYELAW SUB-COMMITTEE HELD ON 15th AUGUST 2007

Councillor Williams questioned when the byelaw relating to Sabellaria was likely to be put before the Committee. The Clerk advised that he was unable to provide a timetable for this particular byelaw but the one relating to dredging was with Defra and he hoped to hear from them in the near future.

ST07/63 CLERK'S REPORT ON THE MEETING OF THE PERSONNEL SUB-COMMITTEE HELD ON 25TH JULY 2007

Having read the report, Councillor Turner congratulated the sub-committee on the way they had handled the situation.

ST07/64 CLERK'S REPORT ON THE APPLICATION FOR THE USE OF A VESSEL EXCEEDING 14m OVERALL LENGTH IN THE WASH

The Clerk gave a brief outline on how a vessel owner had been advised to stop using a vessel over 14m in length to relay mussels on to private lays. Subsequently the owner had responded that the regulation applicable to the lays stated vessels over 14m "shall not dredge, fish for or take" he did not believe relaying fell into any of these categories. As a result of this the Clerk had contacted the solicitors who had advised that they felt there were sufficient grounds for the vessel owner to challenge the actions of the Clerk. They did not believe relaying was covered by the fishing element of the regulations. Despite this advice the Clerk remained concerned that if this activity were allowed to continue it could leave the Committee open to other anomalies in the future. The suggestion was that the lease between the Crown Estate Commissioners and ESFJC could be altered to prevent vessels over 14m carrying out any form of activity on lay ground. However there was still the potential of legal action being taken by the vessel owner who had been asked to cease fishing when legally he could continue and by having already carried out the action of fishing had a track record of carrying out the action prior to changes to the lease being made. The Clerk therefore felt it was appropriate to change the lease with the proviso that a vessel over 14m with a track record of relaying onto private lays prior to the 10th October could continue to do until such time as the vessel ownership changed or it ceased fishing.

Councillor Williams expressed the view that the 14m rule should remain in place and that the lease should be changed, however, he felt that this was only a short term measure, he felt to prevent any ambiguity in the future it would be necessary to amend the regulation. Councillor Rye felt the 14m rule should be stuck to without exception, as he felt loopholes were being left open. In his opinion he felt that sometimes it was necessary to face up to the legal challenge. This feeling was shared by Mr Lake who felt the Clerk was retracting the advice he had given to Defra in correspondence entered into regarding potential new byelaws. Mr Lake also felt the vessel owner only had a track records because he had broken the rules and the Clerk was trying to bend over backwards to placate the owner.

The Clerk reiterated that the legal advice that had been received. He did however feel that by adding a maximum holding capacity to the lease it would cap the effort of these larger vessels. The Chairman felt it was not appropriate to take action which would leave the Committee open to potential legal action. Councillor Turner also felt it was necessary to take notice of the legal advice.

The Clerk felt there were two options available to the Committee, either to have no vessel over 14m working on the lays at all, which he thought could be challenged in courts, or to make changes to the lease as set out in the report, accepting the current situation and preventing any further vessels over 14m from relaying on the lays. The Committee were asked to reach a decision on what course of action should be taken.

Councillor Nobbs questioned whether the dispensation for these vessels would become exempt at such time as the regulation was reworded, to which the Clerk responded that he did not believe that this would not be the case, the dispensation would remain. Members discussed the situation and queried whether changes to the length of the vessel etc should also be triggers for the dispensation to become exempt. There was generally agreement

that any change to the certificate of registry should be a point at which the dispensation would become invalid.

Having discussed the matter members resolved that:

The Officers submit to the Crown Estate Commissioners the following changes to the conditions of the Wash Several Fishery lease:

That the execution of the lease by the layholder (“lessee”) shall constitute his consent to the following conditions;

1) Vessel Length Restriction

No layholder shall use a vessel exceeding 14 metres in overall length unless;

- a) the vessel was owned by the layholder on 24th October 2007
- or
- b) the vessel was used by the layholder in the Several Fishery on or before the 24th October 2007.

Vessels exceeding 14 metres LOA will only be able to operate within the Several Fishery until there is a change of ownership or there is any modification to the vessel in respect of requiring changes in the transcript of registry or ceases operation.

(Ownership shall be determined by the Transcript of Registry held by the Registry of Seaman and Shipping)

In addition, a maximum size limit would be applied to the holding capacity of the vessels, this was to be determined through consultation with the industry.

2) Number of Dredges

No vessel shall use more than two dredges.

3) Dredge Design

No vessel shall use a dredge that has an inside opening greater than one metre.

The design of the dredges must be approved by the Joint Committee. The use of suction dredges is not permitted.

The Joint Committee (“the lessors”) reserve the right to make future changes to the lease conditions.

In addition to the amendment to the lease Regulation No 7 would also be amended at a later date. A Wash Management Sub-Committee would be held as soon as possible to ascertain the maximum holding capacity.

**Proposed: Councillor Ward
1 vote against
No abstentions**

Seconded: Councillor Nobbs

ST07/65 DEPUTY CLERK'S REPORT ON THE DEVELOPMENT OF A CHEMICAL TEST TO IDENTIFY LOBSTERS THAT HAVE HAD THEIR EGGS REMOVED

The Deputy Clerk gave a brief resume on the reasoning why the Committee had felt it necessary to introduce a test to detect the removal of eggs from a berried lobster. Having begun the work 4 years previously the first case using the test as evidence had been heard in court in September. The outcome of which had been a substantial fine of £2,700 and costs of £2,500 awarded to the Committee. As a result of this the Officers were in the process of refining the chemical test to a portable form which would allow all Fishery Officers to easily carry out the test at any port in the District.

As a result of the successful court action the Deputy Clerk had been asked to give a presentation to the SAGB. This had resulted in other SFCs expressing an interest in being given training in the use of the test. The Committee were therefore asked whether they felt the Officers should spend some time in trying to source funding for the development of the portable test.

The majority of members were in favour of developing the test and possibly acquiring the patent for it. However Mr Lake felt that without national legislation the test was invalid as it was not possible to prove whether or not the lobsters came from within the 6 mile limit. Both the Clerk & Deputy Clerk agreed that proving where the lobsters had been caught was difficult and required considerable resource but were optimistic that it may be possible to introduce a Statutory Instrument which would prevent the landing and carriage of scrubbed lobsters throughout England and reduce the resources necessary to enforce this important conservation measure.

It was Resolved that:

- 1. Officers of the Joint Committee should write to Defra detailing their work regarding the test and to ask Defra to reconsider its decision not to introduce a Statutory Instrument banning the landing and carriage of berried lobsters.**
- 2. Officers of the Joint Committee should approach Seafish and other bodies for financial assistance to enable training of Fishery Officers from other SFCs in the use of the test and to provide them with a the necessary equipment and materials that they will require.**

**Proposed: Councillor Turner
All in favour**

Seconded: Councillor Bellham

ST07/66 DEPUTY CLERK'S REPORT ON LONE WORKING AND CONFLICT SITUATION POLICIES FOR THE JOINT COMMITTEE

Members were advised that these policies had previously been agreed to by all Staff. The Conflict Situation policy had been instigated as a pre-runner to working in conjunction with the Environment Agency. Once the policy was in place it would be possible for Officer to carry out training.

There was some concern that all anglers were being tarred with the same brush and represented a threat to Officers inspecting their catch. However, Mr Tomlinson was able to advise that the EA had introduced such measures as stab vests to cover areas where organised salmon poaching took place and previously officers had been attacked.

Mr Pinborough questioned whether the Committee had in place a procedure for members of the public to follow in the event that the accusation of 'attack' was against one of the Committee's Officers. It was noted that there is a grievance procedure in place for any member of the public to follow.

It was Resolved to accept the policies as set out in the papers.

**Proposed: Councillor Williams
All in favour**

Seconded: Councillor Bellham

ST07/67 MARINE ENVIRONMENT OFFICERS REPORT ON WIND FARM DEVELOPMENTS THAT POTENTIALLY AFFECT THE FISHERIES AND ENVIRONMENT IN THE JOINT COMMITTEE'S DISTRICT.

Members were advised that there were a number of proposed windfarm sites with the District and the Officers felt that it would be prudent to consider each site on its own merit and as such requested that the Members agree to a standard holding objection being submitted to any future proposed offshore sites until such time as there had been consultation with industry members, energy developers, regulators and scientific advisors. There was a feeling amongst the members that insufficient survey data on the fishing grounds was being accumulated by the energy companies, and it would be hard to know what effect the sites had on fishing grounds if they did not have the knowledge of what was there beforehand. Councillor Williams also felt it would be prudent to maintain any objection until the outcome of the Collaborative Offshore Wind Research Into the Environment (COWRIE) report which was supposed to address the impact on fishing grounds.

Members Resolved to accept the proposal to submit holding objection to future offshore wind farm proposals, until the time that Members make a decision to remove the holding objections, based on information obtained by Joint Committee officers during discussions with members of the fishing industry, energy developers, regulators and scientific advisors, and the outcome of the COWRIE report was known.

**Proposed: Councillor Williams
1 against
All others in favour**

Seconded : Councillor Bellham

ST07/58 DATES FOR COMMITTEE MEETINGS DURING 2008

Members agreed to accept the proposed dates for meetings during 2008.

ST07/79 VALUE OF THE 'GOLDEN MILE' TO RECREATIONAL SEA ANGLERS

Having read the report Mr Southerland expressed concern that this was not going to be accepted well by commercial fishermen who for generations had worked harmoniously with anglers and who the report suggested would not be able to fish within one mile of the shore because they have got to leave it for recreational anglers. He did not feel this was the way forward. He also felt that members of the Committee were supposed to be in place to represent all aspects of fishing not to promote one sector against another.

Mr Pinborough responded that the Golden Mile would not prohibit all types of commercial fishing within one mile. He also felt members should remember there were the livelihoods of other sections such as bait diggers and tackle shops, which were at stake not just the commercial fishermen.

Members were reminded that the item had been included for information only, however it would be an item for discussion on a future agenda.

Members agreed to accept the report.

ST07/80 REPORT ON THE ECONOMIC VALUE OF RECREATIONAL SEA ANGLING IN THE EAST ANGLIAN REGION

Members agreed to accept this as a matter for information.

ST07/81 DEPUTY CLERK'S QUARTERLY REPORT

Despite this being a matter for information, concern was expressed that Three Counties had only achieve 7 days at sea during the previous quarter. Councillor Rye felt this vessel was a "White Elephant" which the Committee didn't need. The Clerk reminded members that previous Committees had fully supported the commissioning of both the Research vessels. He also reiterated what had been explained previously in the meeting that means of using the vessel in conjunction with other bodies to reduce the running costs were being investigated. He also advised that during that quarter the vessel had undergone its annual refit and enforcement of the major cockle season had meant there were insufficient officers available to take the vessel to sea. Mr Lake questioned why local vessels and crews could not be used to carry out the survey work currently carried out by Three Counties. The Clerk responded that Three Counties provided a recognised platform from which the survey work was carried out. Councillor Turner still believed the vessel was a useful tool to the Committee and members should refrain from making disparaging remarks about it.

Members accepted this as a matter for information

ST07/82 SENIOR RESEARCH OFFICERS QUARTERLY REPORT

Members accepted this as a matter for information

ST07/83 MARINE ENVIRONMENT OFFICERS QUARTERLY REPORT

Members accepted this as a matter for information

ST07/84 ANY OTHER BUSINESS

Having attended an emergency planning meeting Councillor Rye felt that the Committee should be taking action to prevent uninsured vessels fishing in the Wash. In the event on pollution the clean up costs would have to be met by County Councils who did not have the funds. He believed the Committee should not issue licences to vessels without valid insurance certificates. The Clerk acknowledged that this was an issue that members of the Wash Management Sub-Committee had agreed to look into and he would consider whether or not it was in the Committee's remit to do this.

There being no other business the meeting closed at 1210 hours.