

STATUTORY MEETING

Minutes of the STATUTORY MEETING of the Joint Committee held on **Wednesday 27th January 2010**, at the offices of the Joint Committee, 6 North Lynn Business Village, Bergen Way, King's Lynn, Norfolk, PE30 2JG at 1030 hours.

PRESENT

Cllr S F Williams	Lincolnshire County Council - Chairman	
Cllr R A Ward	Suffolk County Council – Vice Chairman	
Cllr C Brewis	Lincolnshire County Council	
Cllr A H Turner, JP	Lincolnshire County Council	
Cllr D Callaby	Norfolk County Council	
Cllr J Dobson	Norfolk County Council	
Cllr H Thompson	Norfolk County Council	
Cllr T Goldson	Suffolk County Council	
J Abbott)	
R Brewster)	
R Garnett)	
N Lake)	
I Large) Defra	
T Pinborough) Appointees	
C A R Southerland)	
S Williamson)	
M Yates)	
Dr Tomlinson	Environment Agency	
M R Mander	Clerk and Chief Fishery Officer	
D Vaughan	Deputy Clerk)
C M Hurley	Finance Officer)
J Stoutt	Marine Environment Officer)
C Donnelly	Natural England)
J Sooben	MFA)

Present by
Invitation

APOLOGIES

Apologies for absence were received from Councillor Sale (SCC)

DECLARATION OF MEMBERS' PERSONAL INTERESTS

Messrs Brewster, Garnett, Lake, and Williamson, declared an interest in items 3a, 8, 10, & 12 on the agenda.

ST10/01 MINUTES OF THE STATUTORY MEETING OF THE JOINT COMMITTEE HELD ON 29th JULY 2009

Members agreed the minutes were a true record of proceedings.

ST10/02 MATTERS ARISING

There were no matter arising.

ST10/03 PRESENTATION ON THE NORTH SEA MARINE CONSERVATION ZONES PROJECT (NET GAIN) BY NET GAIN LIAISON OFFICERS

Two liaison officers from Net Gain gave a presentation to members, explaining the process which will be undertaken to identify areas for conservation, to be designated as MCZs, which would provide an opportunity to protect the marine ecosystems. Their plan would be to "look after a little bit of everything". Data would be collected at a local level, with specific software being designed to compile the data. Meetings would take place at which it was hoped all interested parties would be represented. Each meeting would have a professional facilitator to ensure that all parties had an opportunity to express themselves.

Following the presentation members asked a variety of questions on matters which included finance, sources of data, who makes the final decision on the sites?, what species of flora and fauna are to be protected?, will information from the Regional Hubs be taken seriously? The liaison officers present were not in a position to answer all the questions but advised they would ask the Project Manager for guidance.

Members thanked the liaison officers for their presentation.

ST10/04 REPORT ON "NET GAIN" (THE NORTH SEA MARINE CONSERVATION ZONE PROJECT) AND THE JOINT COMMITTEE'S REPRESENTATION IN THIS PROJECT

Having heard the presentation, Members were aware of the project but the question remained, who would represent the Committee at the Regional Hub Meetings. Officers felt there were two options available. Either the Committee could have an active role in providing data and directly influencing which sites should be put forward for recommendation or they could, bearing in mind that in the future IFCA's would be responsible for managing the MCZs, take a more passive role and not be involved in the final process to determine sites for designation. The more passive role would mirror the role being taken by the MFA.

Members queried whether the Committee should be instrumental in dictating sites which they would later have to manage. However, most believed they should remain more detached but provide any relevant data, providing the situation could be monitored and reviewed if the members felt they should have more influence in the process. Cllr Dobson was concerned that if the Committee went down the route of the second option it may be too late to become involved and the designated zones may be unsatisfactory. Dr Tomlinson noted that the project had to ultimately be signed off by the Secretary of State, generally there would be an appeals process prior to signing off the recommendations, he questioned whether there would be this option, unfortunately the liaison officers were unable to answer this.

The Clerk did not feel the Committee were in a position to represent the commercial fishermen or any other stakeholder group, but they could provide fisheries data, he was however concerned that the timescale did not provide sufficient time to gather the views of a disparate group like the fishing industry. Mr Williamson felt there were too many bodies being invited to take part, he believed it should be between those creating the zones and those affected by them then the meeting would be more constructive, he did not believe those who were not affected should be invited to comment. This opinion was mirrored by Mr Southerland who felt those with no idea about fishing should not be in a position to dictate where fishermen go.

It was Resolved that the Committee would have limited involvement in the MCZ selection process, with the proviso that they continue to review the situation and if necessary take a more active role in the process.

Proposed: Mr Large

Seconded: Councillor Callaby

All agreed

ST10/05 FINANCE OFFICER'S REPORT ON THE FINANCE & GENERAL PURPOSES SUB-COMMITTEE MEETING HELD ON 13th JANUARY 2010

The Finance Officer advised that the Finance and General Purposes sub-committee had discussed both the proposed levy for 2010/2011 and the forecast for 2011-2014. When discussing the forecast years members had accepted it was particularly difficult to forecast when the full implications of becoming an IFCA were not known.

Members Agreed to accept the report.

ST10/06 ESTIMATES OF EXPENDITURE FOR THE PERIOD 1ST APRIL 2010 TO 31ST MARCH 2011

Councillor Dobson noted loan charges were mentioned under Three Counties and questioned what these were for, it was explained this was for the purchase of the vessel. Mr Lake noted that the legal and professional fees showed an increase in the forecast years and asked the reason for this, Councillor Turner also queried what expenditure came under the heading of professional fees. Members were advised this included Audit fees, HR advice and any other professional advice such as that given by Suffolk County Council with regard to the purchase of a new vessel.

Whilst discussing legal fees the Clerk advised members that two cases had recently been taken to court, one had been heard and thrown out the other had been removed prior to being heard. To date the cost incurred for these two cases was approximately £18,000, which would be taken from the £20,000 reserve set aside for these cases. With these costs in mind the Clerk believed the estimated expenditure under this budget heading was reasonable. Councillor Brewis questioned whether the Officers felt the legal representation was adequate or whether specialists should be employed. The Clerk advised that professional maritime lawyers were employed and had been used by the Committee for a number of years.

Councillor Dobson advised that the press had quoted a lack of evidence as the reason for the case being thrown out and requested an explanation. The Chairman advised three letters had been received on the matter and an internal review was ongoing, the Committee would be advised once the review was complete.

Taking into account the advice provided by the Finance and General Purposes Sub-Committee, the Committee **Resolved, in accordance with Section 101(6) of the Local Government Act 1972, to approve estimates of expenditure for the period 1st April 2010 to 31st March 2011, amounting to a Levy on Constituent County Councils of £1,279,660.**

Proposed: Councillor Turner

Seconded: Councillor Brewis

All in favour

ST10/07 PROVISIONAL THREE YEAR FORECAST OF ESTIMATES OF EXPENDITURE FOR THE PERIOD 1ST APRIL 2011 TO 31ST MARCH 2014

Councillor Brewis questioned whether there would be sufficient money in the Vessel Replacement Fund to purchase a new vessel when the time arose, it was acknowledged

there would not be but in the current financial climate it was not thought prudent to be asking the County Councils for more money.

Mr Lake noted the level of income and questioned whether Net Gain would be providing funding towards the policing of the protected areas. The Clerk advised that he felt New Burden Money was the route to go down to get funding for new workloads.

Councillor Dobson questioned why Three Counties operating costs showed a large increase. The Finance Officer advised that this was taking into account the age of the vessel and the possibility that an extensive refit may be required. Councillor Dobson then questioned the interest rate being paid on the vessel's loans and questioned if these could not have been got at a better rate. The Chairman advised that at the time this was the best rate available.

Members agreed to note the forecast.

ST10/08 FINANCE OFFICER'S REPORT ON PAYMENTS MADE AND MONIES RECEIVED DURING THE PERIOD 10TH OCTOBER 2009 to 15TH JANUARY 2010

It was **Resolved** to accept the Finance Officer's report on payments made and monies received during the period 10th October 2009 to 15th January 2010 and approve payments of £295,955.52 and receipts of £30,226.64.

**Proposed: Cllr Callaby
All Agreed**

Seconded: Cllr Ward

ST10/09 REPORT ON THE MEETING OF THE WASH MANAGEMENT SUB-COMMITTEE HELD ON 25TH NOVEMBER 2009

Members agreed to receive the report.

ST10/10 REPORT ON THE MEETING OF THE RECREATIONAL SEA ANGLING SUB-COMMITTEE ON 25TH NOVEMBER 2009

Prior to discussing the proposal the Clerk felt it was necessary to clarify to members that there was a need to acknowledge that commercial fishermen were not the only sector with an interest in the fisheries and the Committee must consider the requirements of all sector in its decision making process. Councillor Turner believed the Committee's first priority should be to the livelihoods of the commercial fishermen. Mr Pinborough advised that it was clearly pointed out in the meeting paper provided by the area officers that anglers provided a great deal of income to the area and with more fish there would be greater footfall and more money into the local economy and as an IFCA the committee would have to be responsible for all sectors. Mr Garnett expressed his concern about the number of fish being landed by anglers.

Mr Abbott advised that the angling community had asked the committee to look into a way of monitoring an existing situation with a species that may be in decline, to see what could be done to improve it. The result may also be of benefit to commercial fishermen.

The Clerk advised that the task of investigating and monitoring the numbers of flounder in the district would be too large a task for the research team to take on given their current commitments. Consequently Newcastle University had been contacted with a view to a student carrying out a consultancy project for an MSc project. It was anticipated the cost to the committee would be approximately £2,500. Mr Southerland felt this was a particularly interesting species to pick as historically the species had been quite prolific but had declined considerably until about two years ago when there seemed to be a small increase in numbers.

It was Resolved that further discussions should take place with University of Newcastle scientists and if appropriate fund the development of a Flounder Management Plan for the proposed EIFCA district.

**Proposed: Councillor Callaby
All Agreed**

Seconded: Dr Tomlinson

As part of the obligations under the role of an IFCA the Committee would have a duty and obligation to ensure anglers were able to easily find out what sizes and legislation applied to the species they could catch. With this in mind investigations had taken place into erecting up to 25 signs displaying the current size limitations etc, at strategic points throughout the district. As the signage would need to be vandal proof, weather proof and planning approved the estimated overall cost of this was £25,000, however Officers were hoping to fund this either through a grant from the European Union Fisheries Control Fund or New Burden money.

It was Resolved that the Officers should progress the project but signs should not be erected unless funding was provided, and no money was to be spent until planning permission had been granted.

**Proposed: Councillor Brewis
Agreed**

Seconded: Councillor Callaby

ST10/11 UPDATE REPORT ON THE PROPOSED INTRODUCTION OF A VESSEL MONITORING SYSTEM FOR THE WASH

The Clerk gave a brief resume of the process so far advising that the current situation was that EU funding had been granted at 50% match funding, however the committee were not in the position to provide the other 50% therefore the Clerk had written requesting the same level of funding be provided but as a 95% grant, meaning VMS could be fitted, but to fewer vessels. The Clerk believed if this was granted then the Committee could select vessels on a risk based approach, which would effectively mean fitting the units to 28 of the larger vessels. No response had been received regarding the fund but the Committee were asked whether or not the Clerk should go ahead with this scenario if the 95% funding was agreed to.

Some industry representative did not feel the risk posed by a larger vessel was any greater than that posed by any of the smaller vessels, they also felt that if VMS was likely to be brought in on a national level for larger vessels then it would be a waste of money and the units should initially be fitted to the smaller vessels. The Clerk defended this by advising that he felt there was a greater risk posed by the larger vessels, and should VMS be fitted on a national basis then the committee's units could be moved from the larger vessels and put on to smaller vessels, to avoid duplication.

Mr Lake felt the committee was opening themselves up to a raft of legal issues. Mr Lake also questioned why an AIS system was not being used when it was suitable for the MCA. The Clerk informed members that legal advice had been given which implied that an AIS system was possibly open to legal challenge, he also advised that it was possible to switch off an AIS whilst a VMS system was tamper proof. Mr Lake asked to see a copy of the legal advice.

Mr Lake questioned how a VMS system was meant to improve enforcement capabilities when it would not prove a vessel had been fishing it would only give its position, he felt that in view of the fact the position of the vessels in the recently aborted cases had not been in dispute, the Committee would be no better off with VMS. The Clerk responded, that the Committee did not have the resources to keep a vessel at sea 7 days a week therefore it made sense to be intelligence led in decisions on how to use the Committee's assets.

Members also discussed a draft letter which answered a variety of questions relating to VMS, which would be sent to owners of vessels on which VMS units were to be fitted, providing funding could be set at 95%.

It was Resolved that if the EU Commission agreed to the use of the grant at 95% then the Clerk should begin the process of fitting VMS units to 28 vessels which operate within the Wash Fishery Order 1992. At that point in time the letter drafted by the Clerk should be sent to the owners of the 28 vessels involved.

**Proposed: Councillor Turner
Agreed**

Seconded: Councillor Callaby

ST10/12 REPORT ON THE PROCUREMENT OF A NEW SUFFOLK PATROL/RESEARCH VESSEL

The Deputy Clerk outlined to members the procedure which had been followed to purchase a new vessel using EU funding. Unfortunately the process had failed at the tender stage, as the tenders were either in excess of the funding available or did not meet the timescales involved. Further discussion with the marine surveyor had indicated it would be possible to purchase a nearly new, second hand vessel and fit it out to meet the Committee's specifications, for the amount of money which the Committee had agreed to pay to match fund the EU grant. There was some concern about what age of second hand vessel could be purchased, but the Clerk was optimistic a vessel of 1 to 2 years old could be bought.

It was Resolved that the Clerk & Chief Fishery Officer should, using professional advice, identify a suitable vessel, up to a maximum value of £250,000, (to include modifications) and that the Vessel Sub-Committee be granted the delegated authority to approve the purchase of a suitable vessel as identified by the Clerk & Chief Fishery Officer.

**Proposed: Councillor Callaby
Agreed**

Seconded: Councillor Brewis

ST10/13 REPORT ON THE PROPOSED CHANGES TO THE DAILY QUOTA FOR THE RELAYING MUSSEL FISHERY IN THE WASH

Following a meeting of the Wash Management Sub-Committee all Wash Fishery Order 1992 Entitlement Holders had been circulated a questionnaire requesting their views on whether or not the daily quota for the mussel relaying fishery should be varied, and if so by how much. Having considered the results of the questionnaire the Clerk suggested to the members that he write to the Minister requesting a variation to allow a daily quota of 8,000kg / day to be applied to the mussel relaying fishery.

Some industry members were concerned that by increasing the quota it would be setting a precedent for the cockle fishery. The Clerk acknowledged that some members of the industry may link the two arguments however, he felt there were strong, differing environmental arguments for each fisheries. . It was however, noted that the Minister would confer with Natural England to check any variation met with conservation requirements. Mr Garnett advised that smaller vessels would not be in a position to carry 8 tonnes giving the larger vessels an advantage. Unfortunately the Committee constantly faced a difficult decision to balance the needs of all industry members.

It was Resolved to apply to the Minister to vary the maximum daily quota for the relaying mussel fishery to 8,000kg.

**Proposed: Councillor Brewis
Agreed**

Seconded: Councillor Callaby

ST10/14 REPORT ON THE 2010-2011 ESFJC BUSINESS PLAN

The draft Business Plan had been made available on the ESFJC website for members to consider. The Plan highlighted the work which the Committee intended to complete for the following 12 months as well as highlighting the Committees risks.

It was Resolved to approve the Draft Business Plan.

Proposed: Councillor Brewis Seconded: Councillor Ward

ST10/05 REPORT ON THE PROPOSED STRATEGIC ENVIRONMENTAL POLICY FOR THE JOINT COMMITTEE

Members were advised that the proposed policy covered two main aspects, the Consultation Strategy and the Environmental Performance Evaluation. It was apparent that once the Committee became an IFCA the Environmental responsibilities would increase, along with the workload. With this in mind the Officers proposed that detailed consideration would be given to any issues which fell within the confines of the Committee's district out to 6 nautical miles. However for matters outside the district Officers would provide relevant information and advise which would be the appropriate body to deal with the matter. The Clerk requested the Members' view on whether or not they approved of this approach.

It was Resolved to agreed to the approach in principle but requested that once compiled the Strategic Environmental Policy be put before the Committee for comment.

Proposed: Councillor Brewis Seconded: Councillor Ward

ST10/06 REPORT ON THE STOUR AND ORWELL ESTUARY MANAGEMENT STRATEGY

An overview of the Management Strategy was provided for members. Essentially it explained the obligations the strategy would create for the Committee.

It was Resolved to endorse the Stour and Orwell Estuaries Management Strategy.

Proposed: Councillor Ward Seconded: Councillor Goldson

ST10/07 REPORT ON THE PROPOSED DOCKING SHOAL AND RACE BANK WINDFARMS

Members were reminded that they had in place an objection to the proposed Docking Shoal and Race Bank Offshore Windfarms. This objection had been due to lack of evidence that the windfarms would not have a detrimental effect on shellfish stocks. Cefas, as the authoritative experts, had recently provided information which suggested that this had now been proved. However, whilst this issue may have been clarified there remained the problem of where the cable routes would run and how much damage they would cause to fishing grounds.

Mr Large advised that the objection should not be withdrawn as there had been no work carried out on the effects of electromagnetic fields on fisheries, and these were planned to be buried 0.5m below the surface all the way through the Wash. Mr Garnett expressed his concern that whatever objection was put in Cefas would over rule. Councillor Goldson was also concerned that there was no evidence to the report that the windfarms would have

no impact of fisheries, and whilst this may be the case it was also possible they might devastate the fisheries.

Councillor Brewis was concerned that the Committee might lodge an objection which they could not prove, either way it was unproven science. Having assisted on some of the surveys carried out by the windfarm companies Mr Lake was concerned that they were only a snapshot of information, he felt surveys should be carried out over a longer period of time, such as the 6 years taken over the razor fish study.

It was clear the members felt there was still a need to object to the windfarms, although the original reason for the objection may have been partially satisfied. It was Resolved that the Committee should maintain its objection but it should be more clearly worded to reflect all aspects.

Proposed: Councillor Dobson

Seconded: Councillor Brewis

Councillor Brewis requested that members be kept up to date with any new information regarding windfarms.

ST10/09 AREA FISHERY OFFICERS' QUARTERLY REPORTS

Members were advised the report was in a new format and had been compiled by the individual area officers.

Members agreed to note the reports and thanked the officers involved.

ST10/10 VESSELS' QUARTERLY REPORTS

Councillor Brewis expressed his gratitude to the crew for taking him onboard for a day in the Wash.

Members agreed to note the report and again acknowledged that efforts of the officers involved.

ST10/11 MARINE ENVIRONMENT OFFICER'S QUARTERLY REPORT

Members agreed to note the report.

ST10/12 SENIOR RESEARCH OFFICER'S QUARTERLY REPORT

Members agreed to note the report

There being no other business the meeting closed at 1330 hours.