

WASH MANAGEMENT SUB-COMMITTEE

Minutes of the Wash Management Sub-Committee meeting held on **Wednesday 28th May 2008** at 1030 hours.

PRESENT

Councillor A Turner	Chairman - Lincolnshire County Council	
Councillor S Williams	Lincolnshire County Council	
Councillor D Rye	Norfolk County Council	
Councillor R Ward	Suffolk County Council	
R Garnett)	
N A Lake)	
C Southerland)	DEFRA Appointees
S Williamson)	
M R Mander	Clerk & Chief Fishery Officer	
Connor Donnelly	Natural England)
Ron Jessop	Senior Research Officer – ESFJC) Present by invitation
Duncan Vaughan	Deputy Clerk & Fishery Officer - ESFJC)	

APOLOGIES

Apologies for absence were received from Councillor Baxter (NCC) and Mr Brewster (Defra Appointee).

DECLARATIONS OF MEMBERS' INTERESTS

Messrs Garnett, Lake, Williamson and Southerland all declared an interest in items on the agenda as they were Wash fishermen.

WM08/01 MINUTES OF THE WASH MANAGEMENT SUB-COMMITTEE MEETING HELD ON 15th AUGUST 2007

As there were no matters arising, it was agreed to approve the minutes.

Proposed: Councillor Ward Seconded: Mr Southerland

WM08/02 PRESENTATION ON THE SPRING COCKLE SURVEYS BY THE SENIOR RESEARCH OFFICER AND TO CONSIDER AND AGREE THE MANAGEMENT MEASURES FOR THE 2008 COCKLE FISHERY IN THE WASH

The Senior Research Officer gave a presentation based on the results of the surveys carried out in preparation for the 2008 cockle fishery. During the presentation there was some debate as to whether or not cockle relaying should be carried out to prevent loss of cockles in densely populated areas, due to ridging out. As a result of this Councillor Williams requested that the Clerk provide a paper for the members to consider with regard to a trial being carried out with relaid cockles. He also suggested that if local fishermen were to be involved their costs should be repaid, being recouped from the licence fees.

There was also discussion on whether mortality could be reduced in highly populated areas by having a fishing vessel dredge through a bed leaving a gulley for the cockles to move into. Members were not convinced this would work.

As a result of the surveys a total stock of 29,283 tonnes had been identified, comprising 12,587 tonnes adult stock and 16,696 tonnes juvenile stock. It was the Officers' proposal

that in line with previous years one third of the adult stock should be the figure set for the 2008 TAC, this being 4,196 tonnes. In an attempt to ascertain the thoughts of the industry with regard to how much of the TAC should be allocated to Handworking and Dredging Fisheries, the Clerk had sent a consultation letter to all entitlement holders. The overall response had indicated that there was support for a significant handworked fishery. As the suggested percentage breakdowns varied considerably the Clerk suggested the members may like to go with the Officers proposal of 37% handworked and 63% Dredged.

Members discussed the tonnages to be set for the respective TACs, with Mr Lake requesting that in future he would like the Clerk to include the amount of TAC which had actually been taken during the previous season. Taking this comment on board the Clerk advised members that during the previous season 46% of the handwork TAC and 68% of the dredge TAC had been taken. However, it was not considered to be a normal season as there had been other fishing opportunities available which explained why the whole TAC had not gone.

Whilst considering the TAC for 2008 the Clerk added that he felt the fishery should be viewed in the same manner as it was in 2006, which would mean that part way through the dredge fishery a survey of the bed being targeted could be undertaken. If the results showed significant growth which would also show increased stock there would be the potential to increase the dredge TAC .

Having agreed to the percentage split between the two methods of fishing members considered the remaining aspects of the management of the 2008 cockle fishery resulting in the following:

Total Allowable Catch

Total TAC: 4,196 tonnes of which,
Dredge TAC: 2,644 tonnes
Handwork TAC: 1,552 tonnes

Beds open to fishing

Dredge Fishery : Friskney
Handwork Fishery : All Beds within the Regulated Fishery

Opening Dates

Dredge Fishery : 3rd August 2008
Handwork Fishery: 1st June 2008

Number of day the fisheries would be open

Dredge Fishery : 4 days per week : Monday - Thursday
Handwork Fishery: 7 days per week

Daily Quotas

Dredge Fishery : 4 tonnes per day
Handwork Fishery 2 tonnes per day

Bar Spacing

A 12mm bar spacing on both the riddle and the dredge would be enforced for the duration of the 2008 fishery. Riddling must take place over the bed being fished.

Proposed : Councillor Williams Seconded: Councillor Ward
All members were in favour of the above management measures:

WM08/03 REPORT ON THE PRE-QUALIFICATION PROCESS ESTABLISHED FOLLOWING THE CHANGES TO THE ADMINISTRATION AND QUALIFYING CRITERIA RELATING TO WASH FISHERY ORDER ENTITLEMENTS

The Clerk advised members that under the revised pre-qualification process it had been agreed that the skippers as well as Entitlement Holders would need to be pre-qualified prior to being named on a WFO 1992 licence. Whilst in the past an endorsement from a local fishermen's association had been sufficient to be considered as pre-qualified, the Clerk felt that to avoid disputes in the future anyone applying to be included on the pre-qualified register should be able to provide evidence of having already fished within the Wash fisheries during at least three separate years, this evidence could then be kept to back up any disputes in the future, should they arise. The Clerk felt there should be clear guidelines as to how an individual should apply to be included on the pre-qualified register. He felt it should also be reiterated to members that the pre-qualification register was to protect the fishery from inexperienced fishermen, not to stop vessels from taking advantage of the fishery.

Members discussed the proposed 'Wash Fishery Order - Pre-Qualification Guidelines' which the Clerk had prepared, these were agreed to in principle with the addition of words to clarify whether qualification would be automatic or would require consideration by the Assessment Panel. Constitution of the assessment panel was given consideration, it was agreed the panel should be made up of members of the WMSC who could indicate they had no prejudicial interest, however it was felt there should be one defra appointee present to provide advice but would not vote. The Appeal Panel was also discussed, it was agreed this should consist of the Chairman or Vice Chairman of ESFJC, as well as two elected members who had no prejudicial interest.

Mr Lake still expressed concerned that some of his skippers had not appeared as a named representative on WFO licences over a period of 3 years which may mean they were not pre-qualified. He requested that the criteria be changed to include anyone who had appeared as a representative on a licence prior to the change coming into place, even if it was only for one year. The Clerk acknowledged this would be simpler for the Officers to enforce but he was concerned about getting the right level of experience to fish in the Wash and also whether the pre-qualified register would stand up to scrutiny in the future.

It was Resolved to change the criteria for automatic pre-qualification to evidence of one year's fishing in the Wash prior to the change being made on 28th May 2008.

Proposed: Councillor Williams Seconded: Councillor Ward

It was Resolved to agree to the revised 'Pre-Qualification guidelines' and to apply the process to individuals applying to join the 'Pre-Qualified' register.

Proposed: Councillor Williams Seconded: Councillor Ward

WM08/04 REPORT ON THE RESPONSE TO THE ADVERTISING OF THE PROPOSED TOWED GEAR RESTRICTION FOR BIVALVE MOLLUSCS AND TO CONSIDER WHETHER TO PROCEED WITH THE CONFIRMATION OF THE BYELAW

The Clerk advised that the closing date for objections had passed, with no objections being received by the Clerk. Members were asked to consider whether to proceed with the making of the byelaw.

It was Resolved that the Clerk should proceed with submitting the byelaw to Defra for confirmation.

Proposed: Councillor Ward

Seconded: Councillor Williams

WM08/05 ANY OTHER BUSINESS

VESSEL INSURANCE: Councillor Williams expressed concern that vessels fishing in the Wash may not have suitable insurance to cover possible instances of pollution. He emphasised that Councillor Rye had stated the KLCB would sue the Committee in the event of a pollution incident, on the grounds they were negligent in not insisting that vessels had suitable insurance prior to a vessel being issued with a WFO licence. Councillor Williams felt the committee should be putting this in place, particularly in view of the environmental obligations under the Marine Bill.

The Clerk responded that the Committee could not impose insurance restrictions on vessels fishing outside the Wash or for species which did not require a Wash Fishery Order licence. However he could, if the Committee wished, consult the Entitlement Holders for their views on this suggestion.

Mr Garnett was not convinced this was a matter for ESFJC and suggested that if the KLCB were concerned they should take the matter up themselves. However, Councillor Rye believed it was the responsibility of the authority issuing the licences.

The Clerk felt that in order for all vessels fishing within the Wash to be covered it would require a byelaw to be put in place and he was not certain the Committee's powers extended to insisting on insurance cover. He would need to investigate the matter. Taking this into account Councillor Williams did not think it should be instigated unless it covered all sectors of the industry, however, he felt this was possible under the Marine Bill.

Despite some members feeling it was not a matter for ESFJC the Clerk was requested to look into whether insurance fell into the remit of the Committee.

ROSS WORM BYELAW UPDATE: The Clerk advised there was a meeting planned with Natural England to discuss progress.

BERRIED LOBSTER BYELAW UPDATE: The Clerk had spoken to a member of the Minister's office who had responded to the request for the national legislation on berried lobsters to be reconsidered, the outcome of which was that the Clerk did not believe the Minister had been involved in the response. The Clerk advised he would consult with the industry for any views on measures to cap the effort on the fishery such as pot limitation. Following consultation he would hopefully be able to consult with the Minister in person.

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