

**DRAFT MINUTES OF AN EXTRAORDINARY MEETING OF THE FULL COMMITTEE
HELD AT SWSFC OFFICES, QUEENS BUILDINGS, SWANSEA ON THURSDAY 14TH
AUGUST 2008, COMMENCING 14:00 HOURS**

PRESENT

Cllr P Williams
Cllr D Davies
Cllr Mrs E Hughes
Cllr K Marsh
Cllr B Hall (from 14:15)
Cllr K Hyde
Mr N O'Sullivan (Chair)
Mr D Bray
Mr B Williams
Mr I Wisby
Mr J Lancaster
Mr S Wharton (from 14:20)
Mr S De-Waine
Mr L Lammas
Mr R Phillips

REPRESENTING

Carmarthenshire County Council
Carmarthenshire County Council
Bridgend County Borough Council
City & County of Swansea
Pembrokeshire County Council
Cardiff County Council
Fishery Member
Fishery Member
Fishery Member
Fishery Member
Fishery Member
Fishery Member
Fishery Member
Fishery Member
Fishery Member
Environment Agency

By invitation

Mr G Perryman, Mr S Evans, Mr M Xerri and Mr T Allen WAG, Fisheries Policy Division

1. WELCOME & APOLOGIES

The Chairman welcomed members to this meeting which was dedicated to the discussion of the WAG consultation 'A proposal for future management and enforcement of sea fisheries in Welsh Waters'.

He welcomed new member Cllr K Hyde (Cardiff) and WAG Fish officials, Glyn Perryman, Terry Allen, Stuart Evans and Mathew Xerri.

Apologies were received from Cllrs H James, J Newbury, T Richards and Mr G Hyndman.

2. DECLARATION OF INTERESTS

None declared that were specific to the agenda item.

3. Mr Perryman explained the history to the current consultation involving various reviews that recommended that SFCs be modernised, have better powers and more secure funding. DEFRA had taken the view that IFCAs be introduced in England using the Marine Bill. Following some discussion with stakeholders in late 2006, successive NAW Ministers had considered that taking the service 'in house' was more appropriate for Wales. The Marine Bill had been drawn up assuming IFCAs in England and they remained an option for Wales.

Cllr Hall arrived at 14:15.

He explained that a decision had not yet been taken but the Marine Bill timetable would require the Minister to do so in the next few weeks.

He said that staff would transfer in the case of either organisation, but the structures would be for them to determine with their expertise which was why there was not detail in the consultation.

Scott Wharton arrived at 14:20.

Both England and Wales shared the same issue as to decide the future management option when the 1966 Act was dissolved. Both Ministers would decide the dissolution date separately so SFCs in Wales may be terminated before or after DEFRA.

It was intended to continue SFC byelaws in England as IFCA byelaws, and in Wales through SI. The new bodies would review them at leisure as appropriate. He emphasized that no legislative gaps would be created.

If WAG assumed control then SFC money destined for Local Authorities would be intercepted to WAG.

Cllr Hughes asked if it would be sufficient for the job.

G Perryman indicated new burdens allocation of £4-5m in England for new Marine Bill duties, and an assumed equivalence of £1m for Wales but Local Authorities had not been informed of this.

The Director confirmed that WAG would not be able to clawback all the SFC money and would start with a deficit.

Glyn Perryman confirmed that it was not a money saving exercise and that scale and duplication savings ought to arise.

Members expressed concern that the proposal did not identify costings so this could not be evaluated.

David Bray raised concerns about transition arrangements for byelaws, in particular those which related to migratory fish and fixed netting. GP anticipated a 'savings clause' in the Marine Bill which would carry over byelaws to IFCA in England and the same could happen for whatever arrangements were decided for Wales. It had been recognized by both administrations that the timing of the revocation of the 66 Act in the Bill would need to be appropriately timed so as not to cause difficulty.

Ben Williams asked about the new offshore Welsh Fisheries Zone and Glyn Perryman/Terry Allen confirmed that this involved an administrative transfer from London to Cardiff, which would not incur extra cost or take funding away from inshore management.

S DeWaine asked about RN/Air flight costs currently. Glyn Perryman/Terry Allen confirmed about 6% (stated also 3%) of UK cost of £350k for Royal Navy and £150k for air cover.

Terry Allen confirmed he had charge over allocation of days on a risk assessed basis. Although budgets had reduced, satellite monitoring requirements had compensated by way of increased efficiency.

In response to Ian Wisby, GP outlined that officials would give advice to the Minister, however an advisory group would be established. A separate group might advise on legislation. The advisory group would consist of representation of industry, user groups, NGOs and local authorities.

Ben Williams said the consultation implied criticism of the work of SFCs and fishery members. GP indicated that was not the case, merely that it had been difficult getting sufficient members to appoint to SFCs and who are representative. He said that the Marine Bill work would require a broader school of members for the future. Glyn Perryman said issues had arisen with regard to the accountability of SFCs. SFCs were standalone and accountable to no one. He confirmed that the 'EU incidents' referred to at paragraphs 5 & 6 were singular and related to Ensis in Carmarthen Bay and that EU had asked him who 'controlled SFCs'?

Director said that accountability operated in different ways and that SFCs were no more or less accountable than for other models. If there were issues on taking a particular decision line then the Minister ought to issue guidance and could take 'Direction' powers. Glyn Perryman agreed that Direction was an option and that Defra were not pursuing such.

On the Ensis decision the Director said that the matter merely required the involvement of WAG to exercise its own responsibilities as a Competent Authority, which it eventually did. Defra did so frequently.

Cllr Hall commented that from his experience WAG only acted to take over bodies that were performing well, and always ended up employing more people to achieve less. He feared the same for SFCs and loss of officer expertise, especially as local input was to be reduced. Alternatively it was a money saving exercise neither of which could he support.

Glyn Perryman said that Local Authorities (LAs) had either supported the WAG model or been ambivalent and that was one of the issues for SFCs. If LAs had been strong, he doubted if the Minister might proceed.

Cllr Hall asked if Pembrokeshire had been approached on a money saving basis, since LAs would naturally sign up on that basis? However the SFC funding model meant the move would be broadly cost neutral.

Dr Lancaster asked why the decentralised, co-management model was being dissolved at a time when this was increasingly being recognised as the best approach. Glyn Perryman said the decision was largely political but with LA support.

The Director pointed out that the responses from Pembrokeshire and Carmarthenshire Council included caveats. He said that, unlike England, Welsh Local Authorities and WLGA had historically not been particularly strong or motivated to involve themselves in marine or coastal matters unless there was a particular issue.

He asked how, within the WAG model, decisions would be taken on local issues? Glyn Perryman indicated it would be similar to SFCs with some decisions delegated to officers, others referred to the advisory board, some by the Minister on her own, others with the advice of the board. The Director said that advisory board would be unlikely to be 'participatory' in real time and the outcome of such a system would be very different to current decisions.

Cllr Hughes said that Option 1 in the SWSFC paper was long on merits, what was WAG's view? Glyn Perryman said that Local Authorities had not responded positively. Cllr Hughes asked whether any were, however negative against SFCs which Glyn Perryman confirmed, that none were although not all had responded.

Cllr Hall had concerns that decisions in WAG/NAW would have a political bias. He also indicated concerns that expertise would be lost as Civil Servants moved or retired so promises of action now would likely mean nothing in the future.

Glyn Perryman said the advisory board would not be political, and the Chair would be publicly appointed and may be paid (referring to a short draft of the WAG model that he said that he had drawn up that very morning).

B Phillips asked about management in estuaries and liaison with Environment Agency. Glyn Perryman said the proposals were still to be developed but would not be any less than in England and that joint working and cross warranting would be encouraged.

Glyn Perryman indicated, in a response to Cllr Davies, that Community Councils bordering Three Rivers land supported WAG.

Cllr Willis departed 15:45 hours.

The Director said that adequacy of funding and Local Authority support were clearly key aspects. He corrected Glyn Perryman's earlier comments and indicated that RSG to SFCs was effectively ring fenced because LAs had to pay it because of the SFC funding Statutory Instrument. But he agreed that the SFC would not be allowed by LAs to increase its annual levy massively and in an unplanned way because doing so would eat into the LA 'cake' for all 22 LAs which was inflation based. Accordingly large capital expenditure (e.g. Protection Vessel replacement) had to be pre-planned. He said that if Local Authorities were perhaps more aware of this, and WAG promoted SFCs (in a more positive consultation) and offered £1m marine bill 'New Burdens' payments as in England, might Local Authorities have responded differently?

S DeWaine asked if the role of CCW (as specific advisor to WAG but provider of general advice to SFC) would give rise to different outcomes? Glyn Perryman said not, but he hoped that CCW might become more of a 'team' player in the future under the Marine bill outcomes.

Ben Williams asked what plans WAG had for Regulating Orders and Burry Inlet MSC accreditation especially. Glyn Perryman confirmed that these were considered important and he said the Burry Inlet was currently well managed, although he thought the industry might contribute more to licence fees. He said Local Authorities, fishermen, or third party organisations were all options, even the 'SFC' as a separate body (and lawyers were considering this now). B Williams was concerned that licences might be sold out to Europeans in any future model. Glyn Perryman said there was nothing stopping EU Nationals obtaining a licence now and officers agreed. Carmarthenshire Council was considering a management role with Swansea and WLGA. Mr O'Sullivan questioned their motivation and ability to do so. Glyn Perryman raised the Crown Estate issue that was holding up the granting of any new Orders.

Glyn Perryman confirmed that it would be necessary to look closely at sea going presence in the context of need and practicality, and existing asset use, but confirmed that WAG would need its own water bourne capacity.

D Bray confirmed the effectiveness of SWSFC Protection Vessel.

Glyn Perryman said the effectiveness of all operation would need to be reviewed.

Terry Allen mentioned that Customs & Excise had expressed a wish to tender for vessel services.

S Wharton hoped that WAG would be better than DEFRA, whose focus on the offshore gave rise to serious issues. Glyn Perryman said that Wales had an inshore focus, but being frank, he said (after S DeWaine indicated the inshore fleet was hemmed in) that it was going to be difficult to influence the EU over historical users inside of 6-12n miles. Cllrs Marsh and Hughes suggested that any reviews might suggest that SFC vessels take over from Royal Navy duties?

Cllr Hughes departed at 16:40.

Glyn Perryman indicated that the SWSFC ought itself review the constitution of IFCAs to see if they were the right body. N O'Sullivan indicated that a north/south split may necessitate two IFCAs or WAG advisory bodies? Glyn Perryman said SFCs were being rationalised in England, with the implication that there would be 1 IFCa (or WAG body) for Wales (although NWNWSFC thought 2 IFCAs). Glyn Perryman indicated that the Minister would need to take a decision in the next couple of weeks, and whatever the decision, further detailed discussion would need to commence with SFCs. If the 1966 Act was delayed in its revocation, this would provide more time for such matters.

The Chair thanked the officials for attending. In particular I Wisby and the Director thanked Glyn Perryman for his years of service to the industry and wished him well in his retirement.

WAG departed at 17:15 following which there was a short break.

At 17:25 in attendance were Cllrs D Davies, P Williams, K Hyde, K Marsh and Fishery Members, N O'Sullivan, I Wisby, L Lammas, J Lancaster, S DeWaine, D Bray, B Williams and S Wharton.

4. ACCESS TO INFORMATION

It was resolved to take item 5 in confidence as per the agenda, and to exclude the press and public since items of a legal nature were to be discussed.

5. Members received the Opinion of Counsel on the nature of the Consultation and considered their response to the WAG Consultation document. Members expressed various concerns/unknowns regarding the WAG model at this time:

- ◆ Members involvement, whether advisory or participative.
- ◆ Ability of WAG to take appropriate local decisions?
- ◆ Scientific input to fishery decision. Environmental views otherwise from CCW?
- ◆ Nature of such decisions and possible political influence of outcomes.
- ◆ The need for a robust model to continue Regulating Orders. (Members supported the Committee's previous decision to continue to subsidise industry for Regulatory Order management costs from the levy reflecting public service management requirements).
- ◆ Concerns at the timing (when WAG had inexperienced staff).

The following additional points were made:

- ◆ Concern at lack of detail in the Consultation, and short response time.
- ◆ Some thought that 'the writing was on the wall', as the political decision had been made. Officers indicated the nature of agency responses seen so far, and of the issues raised in the SWSFC paper and elsewhere. That WAG still needed to respond to these before taking a proper decision.
- ◆ Disappointment was expressed that the WAG 'vision' or model was apparently written this morning.
- ◆ That promoting an IFCA model now, did not prevent further consultation on a WAG mode in the future.

It was UNANIMOUSLY RESOLVED (proposed Cllr Marsh, Seconded Mr Williams):

1. To welcome the Consultation as a first step to the identification of a fishery management regime within a new Marine environmental management strategy in Wales arising from the Marine Bill considerations and to offer assurances that SWSFC will play a full and positive role in the implementation of whichever option is eventually chosen.
2. To note the lack of detail in the Consultation which is akin to a 'Green' paper, and to note that this relates to fishery management proposal only, whereas the IFCA proposal in England is in consideration of marine management as a whole.
3. To welcome the production by WAG of a further full Consultation 'White paper' which should provide more substance on a costed basis, taking account of the issues raised by the SWSFC and others, and put this in a wider context
4. To agree the Draft Consultation response to WAG as circulated.
5. To emphasize the particular difficulty in WAG undertaking the changes at this time as they relocate to Aberystwyth and recruit new staff.

6. To suggest that in the meantime IFCA(s) be put in place in Wales (as in England) and that the details be further discussed with the relevant parties.
7. To note that WAG is able review options in the future as appropriate. At this time the Marine Bill 'landscape' will be known and the work of IFCAs within this can be assessed in the context of the needs and capability of NAW/WAG. It was considered that there were just too many unknowns and too little time to safely enable this task to be undertaken all at once at this juncture.

The meeting closed at 18:15 hours with a vote of thanks to the Chair.