

Sustainability Committee

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Submission by The Association of Sea Fisheries Committees of England and Wales

6 Ashmeadow Road, Arnside,
via CARNFORTH, Lancs. LA5 0AE

Telephone and Fax : 01524 761616

E-mail : asfc.office@btopenworld.com
Website : www.asfc.org.uk

Chief Executive : Peter Winterbottom

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THE MARINE AND COASTAL ACCESS BILL

1. The Chair of the Sustainability Committee invited this Association to submit written evidence on the Marine and Coastal Access Bill now before the Westminster Parliament. This submission has been prepared jointly by this Association, the North West and North Wales Sea Fisheries Committee and the South Wales Sea Fisheries Committee. I understand, indirectly, that it is intended that we should give evidence on 26 February 2009. I should be grateful for early confirmation of this.

2. **THE ASSOCIATION OF SEA FISHERIES COMMITTEES** is a voluntary Association of the 12 Sea Fisheries Committees of England and Wales. The Association focuses on representing the Committees' interests to Government, the fishing industry, Environment Agency and the Countryside Council for Wales and others involved in managing, working in or just enjoying the inshore fisheries and marine environment. The Fisheries Departments of the Isle of Man, Guernsey and Jersey are Associate members.

3. **THE TWELVE SEA FISHERIES COMMITTEES IN ENGLAND AND WALES** were established following enactment of the Sea Fisheries Regulation Act 1888. They now operate principally under the Sea Fisheries Regulation Act 1966 – but it is important to be aware that this is only a consolidation of the Victorian legislation and some interwar legislation. The original concept was that they would be County wide organisations. Rationalisation and amalgamation over the past 120 years has shaken the numbers down. A

few in England are still largely County based. In Wales the country is split between two Committees¹ and their effective, practical operating zone is much larger.

¹ The Committees are the North Western and North Wales Sea Fisheries Committee stretching from the England Wales border at the Dee (though the Environment Agency and not the Committee manages the Dee) to Cemaes Head and the South Wales Sea Fisheries Committee which extends from that point to a point east of Cardiff.

[The Association works for sustainable management of inshore waters.](#)

[It represents the interests of the 12 Sea Fisheries Committees of England and Wales which manage those waters through powers conferred by Act of Parliament. Its associate members include the Fisheries Departments of the Isle of Man, Guernsey and Jersey](#)

4. The Committees are joint local authority and stakeholder committees. Half the members are nominated by the sponsoring local authorities, 1 member is found by the Environment Agency and the remainder are nominated in Wales by the Welsh Assembly Government. These nominations cover persons with knowledge of the commercial and recreation fisheries and the marine environment. Appointments are for a four year term. The current term expires in June 2009. For all practical purposes funding for the Committees is provided by those coastal local authorities who wish to do so.

5. It is important to recognise that the Sea Fisheries Committees legislative basis was settled when these were the only sights in the fishery :



Sailing Trawler



Inter tidal fisheries - cockle gathering in Wales

6. Steam had not yet entered the offshore fleet let alone the inshore fleet. It should be no surprise, therefore, that sometimes the Committees' legislative abilities are not up to speed in a world of diesel trawlers, quad bikes, lorries and global positioning satellites.

7. Nevertheless, the Sea Fisheries Committee model is an internationally respected one that embodies fully the modern stakeholder concept. With the very necessary reforms which the Association has been urging for at least the past 10 years² and which are to be delivered through the Marine and Coastal Access Bill, it is very welcome that in England this model continues to be the Government's inshore management system of choice.

8. In Wales it is a matter of regret that the Minister for Rural Affairs has decided to abandon the Sea Fisheries Committee system and take this and all other fisheries management and enforcement work in-house. To reflect this decision, the Marine and Coastal Access Bill has been expanded since consultation on the draft Marine Bill in June 2008 to include additional clauses 180 to 184 in the inshore fisheries section to give Welsh Ministers and the Courts in Wales similar powers to those available to the new Inshore Fisheries and Conservation Authorities in England and the Courts in England. Some adjustments have also been made to clauses 193 to 204 which amend the Sea Fisheries (Shellfish) Act 1967.

9. In Wales this means that the staff will cease to be employees of the Sea Fisheries Committees and instead become civil servants on the establishment of the Welsh Assembly Government. The transfer will be on TUPE terms.

² For example '1888 – 2000 and beyond', June 2000

10. We recognize that a political decision about the management and enforcement of fisheries in Wales has been made. We recognize the need to support the Welsh Assembly Government over the transition period and to that end both Committees have agreed to second to the Welsh Assembly Government on a part time basis for a period of six months a senior officer with particular experience in the management and enforcement of inshore fisheries.

11. Nevertheless, it is right to draw the Sustainability Committee's attention to our concerns that the political decision that has been made appears to have been made before any sound scoping exercise to identify just what is involved in taking all fisheries work in house has been made. In contradistinction DEFRA has decided the outline of what it wishes the England Inshore Fisheries and Conservation Authorities to deliver. It is agreed that the work required of the IFCAs in England will be not less than twice the volume of work that Sea Fisheries Committees deliver at present and has stated in the Regulatory Appraisal Assessment accompanying the Bill that £5 million 'new burden' money will be added to the England Local Authority support grant for coastal local authorities in recognition of the new work which they will be required to fund. Additional money has been identified for transitional costs and for the establishment of an IT system to handle the work that DEFRA expects to arise for the IFCAs in connection with the administration of their fixed administrative penalty enforcement scheme.

12. If the Welsh Assembly Government anticipates a requirement for a similar level of delivery then additional funding will be needed in addition to that which can be retrieved from those local authorities in Wales that presently fund the work of the two Sea Fisheries Committees in Wales. We have not been made aware that this matter has been considered in depth let alone resolved; but it must be if the Welsh Assembly Government's aspirations for a new style of management of the marine environment are to be realised.

13. I have annexed a list of points which we believe must be resolved if effective inshore management in Wales is to be achieved.

P. D. Winterbottom

ANNEX

1. The local involvement in inshore fisheries management is crucial. The SFC model provides for transparent stakeholder engagement. Is this to be continued and developed in the future regime and how?
2. What role will local authorities have if any? Will they be able to influence inshore management? They need to be able to do so not least because of the fishing industry's and recreational angling sector's economic activity within the local communities.
3. How much will the new regime cost compared with what there is at present? The two committees cost some £920,000 per year. Can the new regime provide the same value?
4. How will enforcement be provided bearing in mind that Welsh fisheries and nature conservation entails activity from high water mark right out to the outer limit of the Welsh zone wherever that might be determined?
5. Who will become the grantee of fishery orders (which in essence are granted by Statutory Instrument to a Sea Fisheries Committee which thus gains an abrogation of the public right of fishery and the power to sublet the defined area to others who usually use them to grow high value shellfish)? Transferring such orders to WAG would seem to create a conflict of interest as the Minister would be both grantor and grantee.
6. How will management in SACs be handled? The loss of SFCs as 'relevant authority' seems to mean that WAG will both have to manage and, as Government, defend that management to Brussels and others? Again a conflict of interest will arise.
7. DEFRA has accepted that every IFCA in England will have to handle at least double the work of SFCs. This new work will include the exercise of a statutory duty to manage the exploitation of sea fisheries resources in its district and the exercise of an additional duty to further the conservation objectives in any Marine Conservation Zone. There appears to be no parallel provision in the Bill for Wales. How will these duties be delivered in Wales? Will Welsh fishery officers have these duties? How will these duties be funded in Wales?
8. Is there time to make all the changes needed to bring all this into being in Wales by April 2010 as seems to be intended? In contrast, DEFRA is taking a more pragmatic, not to say realistic approach and aims to bring the IFCAs in England into force in April 2011. It has been recognized in England that this is the first plausible time line that will guarantee effective implementation of the new system. It is important for a prudent and economical changeover from one system to the other that WAG and DEFRA make the changes on the same date. If this is not done then in North West England an application will have to be made to DEFRA to establish a new North West England SFC for 1 year. This means the tax payer incurring further costs to no real purpose.

2 February 2009