

Menai Strait Fishery Order Management Association

Meeting, 1st April 2010, Port Penrhyn

Minutes

Attendance

Directors

James Wilson

Bangor Mussel Producers Ltd

Observers

Keith Andrews

Licensed hand pickers

Rowland Sharp

Countryside Council for Wales

Alan Winstone

Environment Agency Wales

Martyn Boyce

Welsh Assembly Government

Cllr E.G. Davies

Ynys Môn County Council

Advisors

Jim Andrews

Apologies

Chris Richardson

School of Ocean Sciences, UCNW
Gwynedd County Council

1. Welcome & Introductions

The members of the Association introduced themselves. It was agreed that Jim Andrews should be invited to participate as an advisor in the meeting.

It was agreed that in the absence of an independent Chair, James Wilson should chair the meeting as the only Director present.

2. Background

James Wilson briefly set out the background to the meeting and the creation of the Association.

The Menai Strait Oyster and Mussel Fishery Order 1962 was granted by the Government to the North Western & North Wales Sea Fisheries Committee. This Order empowered the NW&NWSFC to regulate the hand gathering fishery in the Strait and to lease areas for cultivation.

The Welsh Assembly Government has now taken the power for management of Welsh sea fisheries "in house". Nearly all of the powers previously exercised by the NW&NWSFC and the South Wales SFC have been transferred to WAG. The exceptions are two of the "Fishery Orders" made under the Sea Fisheries (Shellfish) Act - one in the Burry Inlet, and the other being the Menai Strait Oyster and Mussel Fishery Order.

WAG carried out a public consultation on the future management of these two Fishery Orders in 2008, and has subsequently decided that the Menai Strait Order should be transferred from the NW&NWSFC to another cross-sectoral body, the Menai Strait Fishery Order Management Association.

The Articles of this Association were drawn up to ensure that the new Association can meet all of the obligations set out in the Fishery Order and its parent Sea Fisheries (Shellfish) Act. They enable both of the local authorities (Gwynedd and Ynys Môn) to work with environmental bodies (Environment Agency Wales and CCW), scientists, and two representatives of the fishing industry to deliver the Objects of the company.

3. Membership of the Association

The role of different organisations within the Association was discussed with reference to the Articles of Association.

James Wilson explained that the Articles enable different organisations to participate as either “Members” or “Observers”.

“Members” are the Directors of the company, and have full voting rights. The company can operate with just one Director, and can have up to eight Directors (the seven organisations invited to participate plus an independent Chair).

“Observers” are those organisations listed in the Articles of Association and which are not presently “Members”. Observers will be invited to attend meetings and participate in discussions of agenda items, but do not have the same powers of corporate governance as Directors (such as voting rights).

The Welsh Assembly Government had been granted a role of permanent Observer at Association meetings, to provide the Minister with oversight of management of the Fishery Order.

Rowland Sharp (CCW) indicated that their lawyers had considered that it may be inappropriate for CCW to become a full Member of the company since this might lead to a conflict of interest.

There was some discussion of this issue and also about the need to ensure that prejudicial interests were dealt with appropriately in the business of the Association.

4. Draft Policies & Procedures

James Wilson introduced the Draft Policies & Procedures, which had been circulated before the meeting.

The Policies and Procedures for the Association were intended to set out how it will conduct its business, in more detail than the Articles. The current draft addressed a range of issues, including prejudicial interests.

The Association agreed that rather than consider these proposals in detail at this meeting, it would be appropriate to submit comments to James Wilson by May 7th for incorporation in some revised proposals that could be considered in detail at the next meeting.

Action: All

Alan Winstone (EAW) asked whether the management plan for the fishery should form part of these policies & procedures. It was agreed to circulate this document with a view to its inclusion.

Action: JW & JA

5. Chairmanship of the Association

Jim Andrews tabled a brief paper explaining that the Articles of Association allow for the appointment of an independent Chair, who would act as a Director for the duration of their appointment. The process for appointing the Chair was set out in the Articles, and the Minister had to be informed of the Association's choice. The Minister had the power to veto any selection and to appoint her own choice of Chair if she wished.

There was some discussion of the role of the Chair, and the qualities that would be desirable. Some of these were specified in the Article and Draft Policies and Procedures.

It was agreed that a list of candidates for the post of Chair should be drawn up for the next meeting of the Association. A favoured candidate should be identified at that meeting, and invited to take up the post.

It was also agreed that nominations for the list of candidates should be sent to James Wilson by the 7th May 2010.

Action: All

6. Financial arrangements

Jim Andrews advised that the Association was intended to be self-financing. It would derive its income from the fees charged to licensed fishermen and leaseholders operating in the Fishery Order area.

It was understood that the NW&NWSFC had operated the Fishery Order on the basis of full cost recovery for some years, so there should be no need to change the fees in the short term.

The group asked about the arrangements for varying the fees charged for leases and licences. Jim Andrews agreed to check on this.

Action: JA

There was some discussion about the activities that could be funded by the revenue. It was confirmed that the purposes that could be funded were set out in the Fishery Order and its parent legislation, and that these were confined to the management of the fishery. The Grantee had an obligation to maintain accounts for the Fishery Order detailing income and expenditure.

Jim Andrews noted that invoices would shortly need to be issued to the leaseholders, since payments were due in April and October every year. It was agreed that a bank account should be opened to enable the Association to deposit these funds.

Action: JW

The Association wondered if there were any funds held in the NW&NWSFC's bank account that should be transferred. Jim Andrews and James Wilson agreed to investigate this.

Action: JW & JA

It was also noted that the NW&NWSFC may hold a range of paperwork relevant to the management of the Fishery Order area, and that copies of all relevant information should be obtained and securely stored for reference. Jim Andrews and James Wilson agreed to make enquiries about such information.

Action: JW & JA

7. Practical arrangements

a) Enforcement

Jim Andrews outlined the need to ensure that support from appropriate enforcement agencies was secured. This would ensure that the Association was capable of protecting the Fishery Order area from unauthorised removals of shellfish.

Martyn Boyce (WAG) confirmed that NW&NWSFC officers had in the past provided enforcement services for the Fishery Order. Enforcement action had only been necessary on a few occasions, and the cost of taking such action had been reclaimed from the Fishery Order accounts by the SFC.

Jim Andrews summarised the provisions of the Marine & Coastal Access Act which enable the Welsh Assembly Government to provide enforcement services to the Grantees of Fishery Orders (s192 of that Act).

It was agreed that a Memorandum of Understanding should be agreed between the Association and WAG at the earliest opportunity to ensure that enforcement cover for the Fishery Order is maintained. Jim Andrews and Martyn Boyce were asked to draft an interim agreement for formal approval at the next Association meeting.

Action: JA & MRB

It was noted that there could be opportunities for enforcement services to be provided by Marine Enforcement Officers (MEOs) employed by both the Environment Agency and WAG, and that this option should be considered as a means of providing enhanced enforcement cover.

b) Shellfish Hygiene

Martyn Boyce (WAG) informed the Association that he expected that WAG officers would continue the practice established by the NW&NWSFC of gathering shellfish samples from the Menai Strait on behalf of the environmental health departments at Ynys Môn County Council and Gwynedd County Council. This represents the cheapest and most efficient means of gathering the samples for these two Councils.

It was agreed that these samples were vital to maintain the shellfish hygiene classification of the Menai Strait and that if there was any problem with continuing to gather the samples then this Association should be alerted immediately.

Alan Winstone (EAW) reported that Environment Agency Wales takes water and shellfish flesh samples from the Menai Strait on a quarterly basis to meet UK responsibilities arising from the Shellfish Waters Directive.

8. Any Other Business

a) Technical & Administrative support

Jim Andrews tabled a paper which identified the need to secure some part-time administrative and technical support for the Association. It was agreed that action should be taken to secure appropriate support on the most cost-effective basis.

Action: JA

b) Management of other shellfisheries

Cllr. Davies enquired whether there were any similar Associations in Wales for other shellfisheries. Martyn Boyce confirmed that this was the only Association set up in Wales for the purpose of managing a Fishery Order. Other Fishery Orders in the UK are held by a range of organisations, generally private companies in the case of Several Orders; and usually public bodies (such as Sea Fisheries Committees, the Environment Agency, or local authorities) in the case of Regulating Orders.

The group considered the possibility of other areas being managed under the administrative umbrella provided by this Association. It was noted that two nearby Fishery Orders (in the western Menai Strait and in the Conwy Estuary) had recently lapsed, and that the fishing industry in North Wales might benefit considerably from the reinstatement of these areas.

After some discussion it was agreed that the Association should concentrate on the management of the Fishery Order in the eastern Menai Strait, and that while taking on new responsibilities in the longer term should not be ruled out, it was not an immediate priority.

9. Date for next meeting

It was agreed that the next meeting should take place on Thursday 1st July 2010.

JIM ANDREWS
8th April 2010