

ASFB and RAFTS members' meeting to discuss Wild Fisheries Reform

Tuesday 16 June 2015, Battleby Conference Centre, Perth

Summary of discussion and actions agreed

Those present

ASFB & RAFTS

Andrew Wallace	RAFTS
Alasdair Laing	ASFB
Brian Davidson	ASFB
Chris Horrill	RAFTS
Rob Mitchell	RAFTS
Linda Kelly	RAFTS

Members

Nick Chisholm	Annan DSFB
Mary Colville	Annan DSFB
Andrew Barker	Argyll Fishery Trust
Craig McIntyre	Argyll DSFB
Stuart Brabbs	Ayrshire Rivers Trust
William Stafford	Ayrshire Rivers Trust
Jock Miller	Beaully DSFB
Robert Kerr	Clyde River Foundation
Willie Yeomans	Clyde River Foundation
Simon McKelvey	Cromarty DSFB/FT
Andrew Matheson	Cromarty DSFB/FT
Mark Bilsby	Dee DSFB/Trust
Richard Gledson	Dee DSFB/Trust
Marshall Halliday	Esk DSFB/Trust
Alison Baker	Forth DSFB/Trust
Fiona Simpson	Forth DSFB
Tony Cameron	Forth DSFB
Jamie Ribbens	Galloway Fisheries Trust
Mark Davies	Galloway Fisheries Trust
Keith Williams	Kyle of Sutherland DSFB

Jon Gibb	Lochaber DSFB
Viv de Fresnes	Lochaber FT
Chris Conroy	Ness DSFB
Bob Morgan	Ness DSFB
Michael Martin	Ness DSFB
Neil Cameron	Ness & Beaully Fisheries Trust
Jim Henderson	Nith DSFB/Trust
Percy Weatherall	Nith DSFB/Trust
Peter Hutcheson	Nith DSFB/Trust
Alexa MacAuslan	Northern DSFB
Crispian Cook	NWDSFB/WSFT
Roger Knight	Spey DSFB/Foundation
Brian Doran	Spey DSFB
Peter Graham	Spey Foundation
Bill Jack	Tay DSFB
David Summers	Tay DSFB
John Wood	Tay Foundation
Douglas Dobie	Tweed
Andrew Douglas-Home	Tweed
James Joicey	Tweed/Flow Country RT
Rosie Nicoll	Wester Ross DSFB
John Pirie	Ythan DSFB/Trust

Apologies

Robbie Douglas-Miller	KDSFB
George Gourlay	Urr DSFB
Richard Bellamy	Urr DSFB
Alan MacDonald	Doon DSFB
Bob Laughton	FNL Fisheries Trust

1. Welcome and purpose - The ASFB Chairman, Alasdair Laing, welcomed members to the meeting. The purpose of the meeting was two-fold:

- a) To focus discussion on, and seek agreement to, the principles outlined in the ASFB position paper (reproduced at the annex)
- b) To obtain a clear mandate to represent the ASFB and RAFTS memberships and negotiate on their behalf with Government, and to ensure that:
 - the memberships recognise the drivers for change, the political realities, the potential threats (and how the sector addresses them) and the opportunities afforded to ASFB, RAFTS and members to influence the outcome.
 - members understand that local bodies are likely to reduce in number, there will be increased national Government 'oversight' and that funding mechanisms are open to review

The first part of the meeting focussed on the ASFB Paper, and the following points and principles emerged in discussion:

1.1 'Single tier' Fishery Management Organisations

Andrew Douglas-Home (Tweed) raised concern about the reference to proposed '*single tier*' fishery management organisations in the Government proposals, and in the ASFB paper. It was agreed that, in moving forward in any discussions, there should be no presumption that the principle of 'single tier' organisations are necessarily an accepted vehicle for local delivery of fishery management. This was accepted by the members present, and **it was agreed that the correct approach should be based on an 'optimum number of local bodies capable of delivering effective all-species fish and fisheries management'**. This would allow sufficient flexibility to consider other models. This approach was also considered important in light of the reference to '*Scottish Charitable Incorporated Organisations*' as a possible vehicle for delivery. There was a strong view that there should not be an assumption that any currently proposed model would necessarily be an appropriate constitutional form. It was agreed that impartial expert advice is required to develop proposals for a suitable constitutional arrangement to take forward many of the likely functions of the agreed range of activities that are required for effective fish and fisheries management. It was confirmed that ASFB and RAFTS would be seeking legal advice on options for appropriate delivery mechanisms and that this advice would consider all the options before drawing any conclusions or making and recommendations to the memberships.

It was recognised that there will be a reduction in the current number of local organisations. Whilst the option to defend the status quo remains, it will not be an option that is easy to argue (and indeed will not address current issues associated with gaps in geographical coverage).

1.2 FMO function

The potential loss or dilution of statutory function of boards was highlighted as a key concern. **Andrew Douglas-Home (Tweed)** and **Jon Gibb (Lochaber)** were particularly concerned about the ability of a charity to perform any enforcement or regulatory function, and similarly, **Andrew Douglas-Home** expressed a wish to see some of the core functions expressed in the current legislation (which refers to the 'protection and improvement of fisheries') included in any new proposals. There was also discussion and agreement that these functions could benefit from further clarification, given some of the ambiguities in the current legislation about the existing range of powers and duties of DSFBs. It was agreed that it was critical that the functions for local management should be clearly identified and articulated to Government, reflecting local need and an ability to deliver effective local management and that an appropriate balance should be struck between those responsibilities to be discharged at a local level and those at a national level. This will be informed by members and ideas will also be developed through the Joint Working Group about appropriate delivery bodies and the relationship of these bodies with Government. In terms of the overall reform programme, **Percy Weatherall (Nith)** expressed the view that the current system should not be changed, and that there was no justification for reform as proposed.

Drivers for change

These were largely legal, and predicated on a need for Government to demonstrate legal accountability in light of obligations to protect species which are governed by the EU Habitats Directive, NASCO convention and other legislation. A clear threat of infraction proceedings on lack of control on salmon exploitation at national level was one of a number of factors which had highlighted gaps in legal control.

Discussion on the ASFB paper was concluded, and members accepted and agreed the approach presented in it, subject to the reference to 'single tier' organisations being amended using the new terminology. Moving forward, ASFB should represent views on the basis of any future FMO

structures being founded on the principle of ‘an optimum number of local bodies capable of delivering effective all-species fish and fisheries management’.

The second part of the meeting considered the underlying principles of a future system, including resourcing and constitutional matters, and how ASFB and RAFTS are managing input through the Joint Working Group.

1.3 Fundamental principles of future system

These were summarised as follows:

- All species
- Delivery of local, national & international objectives
- Responsibility and accountability defined throughout any new system
- National strategy – local delivery
- Clear differentiation of roles – national and local levels
- Responsive and flexible system – adaptable and accommodate different delivery
- Governance framework – standards, finance, accountability etc
- Regulatory system – robust, proportionate and consistent
- Evidence-based
- Skilled and professional sector – including voluntary effort /enthusiasm
- Widening participation

It was recognised that the fundamental principles are high level, and that the detail will be critical. **Neil Cameron (Ness & Beaully Fisheries Trust)** raised an important point concerning the potential for disenfranchisement and loss of voluntary contributions which are a mainstay of the current system. This could represent a very sizeable risk should any future system lack credibility and have less local ‘control’ in terms of finance, spend and fishery management functions. **This was recognised as a key point in any negotiations and was supported by many members present – this point would be reinforced with Government.**

1.4 Resourcing

The principle of resourcing a new management system was discussed. The principle that the beneficiaries of the resource (fishery owners) should continue to bear the main cost of commercial fishery management was recognised. Where issues relating to “conservation status” were concerned, it was considered that there was a strong case that this should be the main responsibility of government and its agencies. It was agreed that support for other species fisheries management should be borne, in the main by the owners of those fisheries, though it was recognised that many species of fish had no fisheries or commercial value associated with them. **Chris Conroy (Ness DSFB)** was very supportive of exploring further the concept and potential application of a rod licence system to support specific elements of management and/or angling participatory initiatives. **Bill Jack (Tay)** did not support the idea of rod licensing as he felt that it would discourage anglers and be viewed as a further financial disincentive. It was accepted and recognised that there are pros and cons that need to be examined for all funding models – **Andrew Wallace (RAFTS)** pointed out that significant revenue from licence fees is re-invested in angler participation and development initiatives. The meeting was generally uncomfortable with the concept of national collection of funding, and distribution/redistribution of funds locally. **Ideas for funding models would be examined in further detail and it was recognised that, should the sector wish to resist the concept of national collection and associated re-distribution, it must provide a strong practical alternative. This would be explored further via the JWG and members.**

1.5 Representation

It was generally agreed that members are happy to be represented by ASFB on the above principles. At the same time, **Peter Graham (Spey Foundation)** made the point that members have the right to make individual representations to Government on local and national issues – this would be encouraged by ASFB. **Peter Graham** also felt that it was important that, if individual members are not comfortable with negotiations through ASFB, they reserve the right to make independent views to Government (although it was hoped that all attempts should be made to resolve such a situation developing).

Andrew Douglas Home (RTC) expressed the opinion that more owner representation was needed on the Joint Working Group.

1.6 Geography

Andrew Wallace invited the meeting to consider the matter of geography of a future network of FMOs. He stressed he appreciated that this was inevitably going to be a controversial matter, equally, it was accepted by the meeting that it was essential that this discussion takes place and that thinking is developed further within ASFB and RAFTS with comprehensive discussions taking place at local and national level. It was accepted that the current number of organisations will reduce in number from the present 41/26 Board/Trust areas, and there was no dissent recorded to this general principle. What was important was that an optimum number of organisations could be envisaged which will reflect local fishery management need and retain local identity and efficiencies in operation.

A variety of theoretical scenarios were presented which had been generated by the ASFB/RAFTS Joint Working Group. These included examples of other planning areas, such as river basin planning boundaries (AAGs). **Andrew Wallace** made clear that the purpose of the discussion was not to consider the boundaries presented before the audience per se, but to generate thinking about this matter and to help stimulate debate within the sector. It was mooted that there is likely to be pressure from elsewhere for a much reduced number, perhaps less than would be fundamentally acceptable to the ASFB and RAFTS network. It was important, therefore, that the network presented ideas and justification for a credible and functional network of FMOs and that the rationale for this must be developed locally within and between local boards/trusts and their neighbours. Ideas will also be developed within the Joint Working Group and shared and consulted on with the membership. Concern was expressed about maps getting into the public domain and it was confirmed that the maps had been deliberately only presented in power-point form at this meeting and would not be circulated in hard copy. The issue of impact of any decision in one area having a bearing on decisions made by neighbours was identified and it was accepted that local discussions needed to be as open and collaborative as possible. It was accepted that ASFB/RAFTS may have a role in assisting with these discussions. **The audience agreed to the general approach described above and welcomed Alasdair Laing and Andrew Wallace's offer to write to all Boards and Trusts shortly with an offer to discuss this issue and help (where required) with the facilitation of any discussions within and between Trusts/Boards.**

1.7 Joint Working Group

The function, composition and status of the JWG was reported on. It was emphasised that this is not a decision-making group, but will help gather objective information and generate ideas for the membership to consider. It will focus on the detailed practical issues that will need to be examined to ensure delivery under any new regime is actually possible. It is looking at 5 key areas – FMO

function/geography/funding/constitution & representation/data needs. Information on these areas will be communicated to members and it will be for individual members to apply this information to local circumstances to consider how these might be best delivered locally.

The meeting recognised that:

More clarity was required on anticipated function and form of future organisations – whilst it was accepted that it would be useful to hear the view of Government on this, equally, it is important that ideas are developed in a timely way by the sector. It was agreed that the more co-ordinated and proactive approach the sector adopted, the more likely it would be to influence any Government thinking and allow less opportunity for less attractive options to be developed. **It was agreed by the meeting that it was far more preferable for the sector to act in a co-ordinated way and develop its own credible evidence based solutions and sell these ideas to Government rather than to have ideas forced upon the sector. It was also understood that Government were encouraging the sector to develop ideas of its own and to engage in constructive negotiations with Government.**

1.8 Communications

It was reported that communications will intensify in coming months. This is a two-way process and regular feedback will be required from members.

It is proposed that in addition to the existing communication channels, a more regular bulletin will be issued to members on the reform process – both highlighting external and internal progress. The following communication methods are/will be used:

- ASFB/RAFTS monthly update
- Regular bulletins
- Email bulletins
- Websites (including new Wild Fisheries Reform page)
- Minutes from JWG will be circulated asap after meetings
- Scope for further meetings

Peter Graham suggested that there is currently no mechanism for members to share views between Boards/Trusts other than at member's meetings – it was suggested that some form of web page or forum for exchange of member's views on the reform process would be useful. This would be investigated as soon as possible and reported back. **ACTION: ASFB/RAFTS**

Peter also suggested that consideration be given to taking advice from communications professionals if appropriate.

Next meeting:

No date was agreed, however scope for a further meeting in July was identified and this would be kept as an option.

Annex: ASFB position paper presented on 16 June 2015, adjusted for the decision to remove reference to “single tier” in the final section.



**Association of
Salmon Fishery Boards**

ASFB Members in confidence

The opening position of ASFB in relation to the Scottish Government (SG) Wild Fisheries Reform (WFR) proposals

Introduction

Since the start of the WFR process in January 2014 it has been obvious that tensions exist within the fisheries management community between:

- Those who recognise the current regime could be improved on and wish to embrace the broad principles of the WFR proposals to develop a fisheries management regime which is fit for purpose throughout Scotland
- and
- Those who consider the current regime works for them and see WFR as a threat to the status quo and the management powers of the existing DSFBs.

It is in the interest of ASFB to have a unified position or there will be a serious risk that SG will sideline ASFB as an organisation unable to agree a policy line and therefore not fit to negotiate with.

The Facts

While the DSFB system functions well in many areas, it is recognised that improvements could be made.

In areas where management structures have developed organically to replicate closely the proposed WFR regime (RTC, Dee, Esks, and others) on the ground fisheries management is generally recognised as being of a high standard.

SG have indicated both in discussions and by requesting the secondment of Alan Wells that they want to take a collaborative approach to achieving their objective.

ASFB has consulted members systematically since January 2014 and, with minority but important dissent, the general thread of membership reaction to likely changes has been positive.

It is now essential that ASFB members make a clear decision as to whether they accept the realities of the policy drivers outlined below and decide to engage positively with SG to influence, negotiate on and design a new management system or whether they wish to risk the imposition of an unsatisfactory system which they will then have to work with. The latter will be more likely if ASFB fails to reach a consensus.

The Drivers for WFR

- Overall Scottish political agenda
- Land Reform
- EU Infraction
- Direction of travel of past reports, etc.

The Realities

- SNP Holyrood majority until May 2016
- Likely outcome of Scottish election 2016
- All party support for fisheries management reform
- SG is not comfortable with the current system.
- A majority in the ASFB membership tend towards accepting the broad principles.

The Threats

- Loss of proprietorial control.
- Loss of financial control.

- Loss of voluntary input.
- Management system exposed to political whim.

The Opportunities

- Management regime designed with practical input.
- Transparent management with reduced future political threat.
- Functional management where none exists at present.
- Improved career structures.
- Better co-ordinated research.
- Better overall use of available resources.

The Alternative

- Imposed management regime, quite possibly along the lines of the English EA model.

Debate

It is hard to look past the fundamentals – political will and parliamentary arithmetic mean that SG can impose whatever management system they chose on the sector

That is not a reason for passive acceptance of any proposals suggested but it is a reason for being realistic about how best to achieve an end result which we have influenced, as far as is possible, in the direction of common sense, functionality and practicality.

If that principle is accepted, it follows that the ASFB “line” must be to negotiate positively with SG where we disagree with either fundamentals or detail and to propose alternatives to SG proposals where there are better ways of delivering the desired result.

If we can achieve consensus we have a strong negotiating position given SGs indication that they need the co-operation of the management sector to achieve their aims.

Conclusion

The ASFB management committee recommends to the membership that, at this stage:

- They recognise the principle of FMOs without agreeing their exact form or function.
- That they agree to their management committee, in close concert with RAFTS, engaging in discussions with SG to further develop the proposals in the WFR consultation and to develop alternative solutions where they consider current proposals may prove unworkable.