

Minutes

RAFTS/ASFB Joint Working Group

7th Meeting: Birnam Institute, by Dunkeld

1 July 2015

Present:

Alasdair Laing, Chair
Andrew Wallace
Chris Horrill
Brian Davidson
Jamie Ribbens
Nick Yonge
Simon McKelvey

Roger Knight
Mark Bilsby
Jim Henderson
Marshall Halliday

Apologies:

Craig MacIntyre
Alison Baker

1. Minutes of meeting held on 10 June

It was noted that these minutes had been approved by email and circulated but **JR** suggested that the use of the word 'alternative' rather than 'better' in bullet point 1, page 3, would be more appropriate. The group had no problem with this retrospective amendment.

It was agreed that prompt publication of minutes should be a priority to ensure the membership are quickly apprised of discussions. As such, approval of the minutes should be undertaken by correspondence and it was agreed to seek approval no later than 5 working days following the meeting.

2. Matters Arising

There were no matters arising that would not be discussed elsewhere on the agenda.

3. Update on progress with WFR

3.1 Stakeholder reference group (SRG) – short update

MB reported that the SRG had not yet got into any substantive discussions about future fishery management changes. The group had mainly discussed its modus operandi and communication between members and with respective membership constituencies. **MB** noted that there is a need to encourage better communication before and after SRG meetings, so that ideas can be fed in which align to its agenda and so that outputs can be fed back quickly after meetings. It was felt that the current pace of business within the SRG is not yet at a level which can encourage good discussion and feedback on key issues. It was agreed it would be appropriate, where it was likely to be helpful to the SRG, to start proactively feeding ideas generated within the JWG into SRG – for example the FMO function 'ideas' paper and ideas on encouraging and maintaining proprietorial engagement through a model structure. The group recognised that there were some important points to be made such as the need to ensure that key stakeholder groups such as proprietors had significant representation in future structures (even if not necessarily a majority). It was also

stressed that unless key stakeholders felt that they had an influence and active involvement in these organisations, it would be hard to retain the voluntary effort so vital to ensure these organised functioned properly. **ACTION: MB to recirculate the functions paper amended as discussed – this would be shared at the SRG on 2 July.**

3.2 Feedback from members' meeting

BD reported that the members meeting had been well attended. A record of the meeting had been produced and this would be circulated to all members soon. A number of fundamental points were agreed concerning future engagement of ASFB (and RAFTS) to the reform process:

- The membership provided a clear mandate to ASFB to represent the membership on WFR, based on the rationale provided in the supporting position paper. Members also recognised that the detail in relation to many aspects of the WFR will develop beyond the current consultation exercise (through further consultations and dialogue). ASFB will, with RAFTS and through the JWG and consultation with members, develop ideas and negotiate with Government on members' behalf on key points.
- The principles in the position paper were agreed, subject to the removal of the reference to 'single tier' fishery management organisations. It was agreed that engagement with the WFR process should be based fundamentally on an 'optimum number of local bodies capable of delivering effective all-species fish and fisheries management'.
- Members recognised and accepted that there will be reduction in the number of organisations – it will be for ASFB and RAFTS, representing the members' views, to influence and negotiate, with local input, what will be an optimum number to deliver effective fishery management. Equally, much of this will have to be driven locally, and boards and trusts will need to organise discussions locally to consider appropriate structures and geography – ASFB and RAFTS can help facilitate this. Alasdair Laing and Andrew Wallace had already written to all Boards and Trusts in this matter and had had some encouraging feedback.
- The members' recognised the role of the JWG and were content for it to help develop ideas and issue related to the process of the WFR – and for these ideas to be fed back to the ASFB and RAFTS Boards and exchanged with the membership for feedback and input.
- The meeting noted the potential for a reduction in volunteer input to future management if there was any disconnection between local management and the proposed national unit. It was noted that for some the issue of the collection of funds centrally might have a particularly negative impact on the perceptions of the FMO and its credibility and ability to attract volunteer effort. For others this was deemed less of an issue. It was recognised that the collection of funds locally may require the retention of statutory powers which presented its own challenges. It was agreed that the JWG should do some further work on this and determine whether alternative credible solutions to this problem could be developed which could be presented to Government. **Action: JWG**

3.3 Report on latest discussions with Government

ASFB and RAFTS met Alan Wells and Carole Barker-Munro on 26 June. A number of matters were discussed, including the timetable for inputting to the process. Whilst the current consultation exercise ends on 7 August, it is essentially the start of a rolling process. A consultation on a draft national strategy and draft bill will take place at the turn of the year. The structure of the bill remains to be designed, however the concept of a flexible power on the basis of 'enabling powers' (without having the need to prescribe detail on FMOs, funding etc) will be an option. ASFB and RAFTS should consider carefully the pros and cons of organisations having a statutory footing – the public obligations associated with conferring a statutory remit should not be

underestimated. It is likely that there will be a transition period for phasing in a new system – this acknowledges that current organisations and structures operate in different management cycles and there will have to be flexibility in ensuring that transfer is choreographed in a careful and timely way.

The JWG noted the above and the need to consider these issues from an industry perspective. Specialist advice could be resourced by ASFB and RAFTS, if required, on a number of areas – the need for this advice would be discussed, and could include transfer of assets, change management expertise, employment issues and so on – for further consideration. **ACTION: ALL**

3.4 FMOs – refinement of structures and instructions for legal adviser

A range of questions had been circulated to highlight key issues for specialist advice on the constitution and form of FMOs. **RK** expressed concern about the delay in commissioning advice as this could be pivotal in informing the responses to the current consultation process. **AW** made clear that the membership had only agreed this approach at the members’ meeting the previous week. He reported that he and Alasdair Laing were meeting lawyers on 14 July and that he would be issuing the finalised instructions and agreed ‘functions’ paper to lawyers by 3 July and would endeavour to get advice out to members as soon as possible after the meeting and in sufficient time to ensure that members could respond with this information to the consultation.

Whilst the advice will be extremely helpful, it was emphasised that the current consultation process is looking at broad issues, and as such there should be no expectation that we will have all the answers at this stage. Scottish Government had given clear indications that there will be ongoing dialogue long after the formal consultation deadline. It was understood that the process was an iterative one and the sector will be able to provide input beyond the current consultation and through a variety of means. This was accepted. **NY** felt that a fundamental point that should be explored is whether a charity as a constitutional form is compatible with the management and protection of private fishing rights. This would be taken up in the advice sought. **JWG members were asked to provide comments on structure and content of questions no later than 3 July.**
ACTION: RK/AWA

3.5 FMOs – geographical planning, process and timing

AL and **AWA** reported that they are meeting and discussing issues locally with boards and trusts – a number of meetings had already been held or planned. It was agreed as essential that solutions need to be driven locally – with ASFB and RAFTS acting as facilitators and with an eye on the national picture. Members should be open to the possibility that some areas may require little or no change, others may require more work, and that all interests should focus on key attributes of what works locally. The merits of various approaches should be considered, including a ‘federal’ system to reduce numbers but retain local autonomy. It was agreed that ASFB and RAFTS should be proactive, pragmatic and imaginative about defining areas with Government, taking and reflecting local views. **MH** felt that the concept of a catchment approach to management should be fully explored, and that a future system, whilst founded on core fisheries management, should be capable of accommodating wider management to influence other factors which impact on fish and fisheries. It was agreed that the sector should aim to have a firmer impression on the geography of any new network by the end October 2015.

3.6 FMOs – finance and possible models

The Group highlighted the need to consider where current fishery management income is derived – especially non salmon levy income. This will be important in helping to define what a future system may require,

including any funding gaps. **AB** has already offered to assist with quantifying current incoming resources and future needs. This will inevitably be approximate but will highlight key needs and what already exists. This would be followed up with **AB**. **ACTION: AWA/AL**

The group recognised the sensitivities relating to discussions on rod ‘licensing’ as an option, and accepted that it remains a controversial matter for some. The group agreed it should not discount any models or options for raising additional revenue in a future system. It was noted that there would need to be strong political will to promote a licence system and it was likely that this could only be delivered if Government were confident that this is what the wider fisheries sector – both anglers and management - wanted.

It was agreed that **MB** should help promote discussion on this with other stakeholders on the SRG, with a view to exploring the pros and cons. **MB** queried whether there is currently a mandate to investigate this further given variance on views amongst the sector– from outright opposition, ambivalence to complete support. It was agreed that the JWG should explore it further, based on the understanding that it should deliver clear and tangible benefits to the angling community. It was also agreed that whilst JWG is exploring this matter, it is not in a position to make any recommendation. The group thanked Chris Conroy for his excellent input. **Action: CC/MB/BD**

3.6 Developing a management planning protocol

It was agreed that some thought should be given to how consistency can be achieved in delivering management. This process had already been initiated through the fishery management planning process (delivered by RAFTS/Trusts, sponsored by Government) and that future processes should build on this principle. There was strong agreement that any future national plan should be an aggregate of and informed by local priorities and that the development of both national and local plans should be a two way process – with one informing the other. **MB** reported that the concept of a national unit is being discussed through a separate stakeholder reference group. It was understood that little was known about this group and, in the interests of transparency, the JWG felt that information should be sought on its role and outputs – this would be raised at the WFR Stakeholder Reference Group on 2 July. **ACTION: MB/MH/SMcK**

3.7 Transition arrangements

Whilst it was relatively early in the process, it was agreed it would be useful to begin developing some ideas on how the sector’s transition to FMOs might be managed. Given the current understanding that any change from current to new arrangements will not happen on a single date, but is likely to be phased, it is possible that some board/trust groupings will move more quickly than others which it was felt should be enabled and encouraged. The question of whether there was the potential for ‘early adoption’ to test transitional issues? The Group noted that there needs to be a mechanism to allow that process to happen, including flexibility for funding collection and expenditure, and to retain existing constitutional arrangements until the new system is established. Incentive funding might also be requested although Scottish Government had indicated that there was little likelihood of extra funding to assist the process. This would be discussed further.

4. Communications

The communication strategy had been communicated to the members meeting on 16 June and the following means would be used to relay information and seek feedback from the membership:

- ASFB/RAFTS monthly update
- Regular specific WFR bulletins
- Ad hoc email bulletins
- Websites (including new Wild Fisheries Reform page)
- Minutes from JWG will be circulated as per the agreement at 1. in these minutes
- Scope for further members meetings, with a focus on local/regional meetings facilitated by ASFB and RAFTS.

It was agreed by all that the level of communications was now sufficient to ensure that members were properly informed but that this would be kept under regular review. The issue of a blog/web forum was discussed, as raised at the plenary meeting, but the group rejected this idea as being too difficult and time consuming to administer.

5. Any other business

Future of ASFB and RAFTS – MH asked whether the future of both ASFB and RAFTS had been considered in light of changes to local management. The Group felt that it is difficult at this stage of the process to agree a strategy for change in the representative role until more information is known on FMOs. More immediately there is recognition that consideration should be given to how both organisations work more closely together before then. This would be put on the agenda of the future board meetings of both RAFTS and ASFB **Action: RAFTS/ASFB.**

Counsel's opinion – AL reported that Counsel's opinion had been sought to consider the implications of WFR on fishing property rights. It was confirmed that a challenge on the basis of infringement of proprietors' property rights would be unlikely to succeed. The opinion would be circulated to members. It was also noted that the opinion indicated that the consultation seemed to indicate a rather less threatening approach to reform than the Thin Report had perhaps indicated. It was agreed that this may indicate how the constructive dialogue with the Government was beginning to have a positive effect.

ACTION: BD

6. Date of next meeting

11 August, 10.00, Birnam Institute, Birnam, by Dunkeld.