

Consultation on wild fisheries reform in Scotland RESPONDENT INFORMATION FORM

Please complete the form below to ensure that we handle your response appropriately

SECTION 1: complete this section if you are responding as an individual

Personal details

Name:

Title:

Surname:

Forename:

Postal address (including post code):

Contact details (telephone number/email address):

Handling your response

Q1: Do you agree to your response being made available to the public?

A:

Q2: If you have agreed to your response being made public can we publish:

- your response including name and address?
- your response and name but not your address?
- your response only?

A:

SECTION 2: Complete this section if you are responding on behalf of a group or organisation

Group/Organisation details

Name: Association of Salmon Fishery Boards

Postal address (including post code): Suite 1F40, 2 Commercial Street, Edinburgh, EH6 6JA

Contact details (telephone number/email address): 0131 555 1158 -
brian@asfb.org.uk

Handling your response

N.B. the name and address of your group/organisation will be published

Q: Are you also content for your response to being published?

A: Yes

CONSULTATION QUESTIONS – RESPONSE TEMPLATE

Q1. Do you agree with the balance of functions as set out in Table 1?

Yes **X** No Don't know

Comments:

There is broad agreement with the functions listed in Table 1. The functions will need to be consistent with the proposed national strategy and associated objectives. ASFB would welcome an opportunity to input to the development of the national strategy.

The Reform process is an opportunity to build on the strengths of current trust and board network whilst also addressing those areas that require improvement. The Government response rightly stresses the need for a decentralised approach to fisheries management with a strong emphasis on retaining local empowerment and voluntary support and recognising the importance of local knowledge, all of which have been crucial features in the successes of the current trust and board network.

The key to ensure a successful and appropriate national strategy is founded in genuine local engagement embracing strategic objectives (including smaller catchments), funding and participation. A strategy and management structure has to be sufficiently flexible and responsive to recognise the local and regional diversity of Scotland's freshwater fisheries, fish species and their habitats and meet their management requirements. The outcomes required of the national strategy need to be set from the top down while the delivery mechanism should be built and/or informed from the bottom up to ensure a cost effective system alongside necessary compliance with international and national commitments.

The Government Response to the WFR acknowledges repeatedly the need for decentralisation but in direct contrast crucial issues are proposed as being centralised.

- (i) **Financial issues:** A long-term management programme requires a system of reliable funding embracing statutory sources (for example through a proposed levy system and potentially a rod licence) as well as a means of sustaining additional voluntary contributions and grant aid from external sources (for example current funding support for third sector programmes and projects). Funds must be available to support core functions, monitoring, research and specific projects. Local credibility and critical mass are essential precursors to encouraging successful project fund raising initiatives.

We recognise the challenges of granting fund-raising powers to non-statutory bodies and the challenges of creating statutory powers at a local level without burdening organisations with the legal and administrative obligations that come with statutory status. However, we would like to explore further with Government options for devolving aspects of fund-raising and decision making (setting and collecting the levy etc) back to

FMOs. Many of our members believe that centralising collection and disbursement of funds could undermine local engagement and involvement in fishery management, as it creates a perception that money is being taken from a system. The fact that control of funding is seen as providing an assurance of accountability and due diligence is recognised and is understood to be important. However, this could be achieved by central government approving FMOs to collect funds provided the FMO has complied with the necessary arrangements under for example “approved body status” thus retaining the essential connection between locally raised funds and their application to local management. We recognise that the current system of raising funds presents a significant problem where bodies fail to raise sufficient funds (in areas where fisheries are of relatively low financial value or stocks weak) to meet the management challenges in those areas.

- (ii) **Local Plans and National Strategy:** An approach to planning should be based at an appropriate level of catchment scale (ie clearly defined groups of catchments) and these should be the basis for delivering local plans (approved by local consultation) and operating within a broader national framework. The necessary compliance with national and international obligations emanates from a local level although we appreciate these responsibilities need to be discharged at a national level. Common issues identified through local work might help inform broader national strategy and there should be a mechanism to allow the national strategy to be able to respond to local influence – essentially there must be two-way communication to allow both local and national planning to adapt.

Q2. Do you consider that any main functions are missing? If so, please state what these are. Do you think that any of these functions might be best fulfilled at a different level?

Comments:

We note the absence of any reference to compliance and law enforcement functions and these should be specifically referred to as a local function in Table 1. Enforcement is a fundamental component of fisheries management. Given the potential for further regulatory controls within the WFR framework (including the proposed licensing system for salmon) as a function it appears to be underemphasised and we would wish to see this given due prominence within the functions set out. Equally, consideration should be given to highlighting the importance of compliance at a strategic level within the national function and how this might help facilitate co-ordination on enforcement with other national agencies in relation to fish and fisheries.

Fishery improvement should be identified as a local function. Fisheries are the economic base and driver for revenue generation, which in turn supports management. There must be clear recognition of this fundamental link. It is important

to bear in mind that successful fisheries require management for abundance and not just to maintain populations above conservation limits.

FMOs must have the necessary profile and positioning within the established planning systems (consistent with the proposed plan-led approach) to be consulted on local developments which might impinge or affect wild fish and/or fisheries. It is understood that non-statutory consultees can contribute effectively to planning and development issues without recourse to statutory powers. We also recognise that full statutory status of FMOs is likely to be associated with a wide range of public obligations and duties which are likely to present challenges to FMOs which they may not wish to meet. What is important is that FMOs have a significant and influential place in the planning system to ensure that the objectives of the fisheries management are protected.

The national function should ensure the resources available to the local body are commensurate with its core functions. Fisheries development and all fish species management require cross-sectoral initiatives often at a catchment scale. It is important that other funding opportunities are explored to encourage such projects.

Q3. Do you agree that FMOs should be charitable bodies?

Yes

No

Don't know **X**

Comments:

It is essential that FMOs have the ability to and are constructed in such a way as to be able to discharge all the functions identified for the effective management of fish, fisheries and catchment management. On the basis of advice received to date we understand that most, but not all, of the identified management functions of an FMO can be delivered by an organisation structured with charitable or corporate status. Equally, these could be delivered through a corporate entity though without the financial advantages associated with charitable status. However, there are two important areas where further clarification is required to determine whether a charity or corporate entity is able to discharge those functions. These are:

- i) The setting and collection of levies
- ii) Those enforcement activities relating to the protection of private property rights.

Suggestions about setting and collecting levies have been referred to above. In the case of enforcement we understand that a charity could legitimately hold powers of enforcement relating to the protection and conservation of species and habitats. These powers would be consistent with charitable purpose. However, we understand that a charity could not conduct enforcement activities relating to the protection of private property rights. It is essential that the protection of property (fishing) rights is covered

and further clarification and discussion will be required about whether these can be covered as a consequence of the broader protection and conservation requirements for fish and fisheries and/or by some form of relationship with the Central Unit as an authorising unit (much as Government does already in areas where there are no DSFBs) co-ordinated with the network of local FMOs.

With the exception of these two issues there appears to be no impediment to FMOs having charitable status but further discussion is required on the issue of what the concept of “approved body status” actually means and the area of delegated functions from the Central Unit back to FMOs.

Q4. Do you have any comments about the WFR’s view that FMOs should be Scottish Charitable Incorporated Organisations rather than charitable companies?

Comments:

Legal advice suggests that the attributes of a SCIO, as compared with those of a conventional charity, do not differ substantially and confer no serious advantages or disadvantages. We understand that a SCIO cannot exist without its charitable status. Trusts and Companies can exist with or without charitable status.

Q5. Do you agree that in order to ensure appropriate governance and fitness for purpose, FMOs should operate to a model constitution?

Yes No Don’t know

Comments:

The precise composition of FMOs may vary across Scotland, but objectives should remain consistent. We therefore support the idea of a model constitution being developed to ensure FMOS are fit for purpose and operate within an appropriate governance structure (consistency, transparency of management, finance, reporting and accountability). This will assist in delivering the fundamental principles agreed with the Scottish Government, particularly with regard to alignment of responsibility and accountability for national and international obligations throughout the system. We would welcome the opportunity to help in the development of a model constitution.

Q6. What do you consider is an appropriate balance of interests on the board and wider membership of FMOs?

Comments:

FMOs must be fit for purpose which includes maximising the economic, cultural and social value of the local resource for the people of Scotland and operating within a framework of good governance. The composition of FMOs should reflect the value and contributions made by the various sectors of fishery ownership and use. The majority of funding is likely to come from the levy on salmon and sea trout fisheries which represent a large proportion of the economic activity in Scotland's freshwater fisheries. It is important that this sector is well represented.

However, it is important that other fisheries interests and users are represented. Additional membership should include the key sectors which impinge on or benefit from fisheries management. Whilst representation is important, it is arguably more important that the interests on an FMO are competent, enthusiastic and knowledgeable. Equally it is vital that key stakeholder groups, of which proprietors and anglers are an essential part, are represented to a degree that ensures their continued commitment and involvement in managing an FMO is retained.

Q7. Do you agree that bodies wishing to become FMOs should do so through seeking approved body status from Scottish Ministers?

Yes No Don't know

Comments:

It is noted that the Scottish Government has suggested that "approved body status" might help ensure that there is an appropriate level of organisational governance, capability and functionality. We support this idea but would stress that central government approval must not detract from and compromise the vital issue of local empowerment and engagement which is one of the key strengths of the current system.

We recognise that the principle of "approved body" status may help drive consistency but we need to know more about what it actually means – ie how it will be granted such status and operating requirements to maintain this status. It seems logical, given the likely support for a plan based approach to managing FMOs and national fisheries management, that the ability to produce, manage and deliver a competent and achievable fisheries and catchment management plan should be used in the determination of what may or may not be an "approved body".

Q8. Do you agree that the cornerstone of the relationship between national and local management bodies should be the proposed plan-led approach? If not, why not?

Yes No Don't know

Comments:

As stated in Q.7, We agree that a ‘plan-led’ approach to fisheries management will help form constructive and synergistic relationships between, local, national and international management obligations. This should be an iterative process but driven from the bottom up and being comprised of combined local priorities and trans-national obligations. The ultimate delivery mechanism is local and there must be an adequate funding model commensurate with the planning obligations, underpinning this concept. Furthermore, while evidence-based decision making is desirable, there are substantial gaps in the current level of science and for this reason plans must be adaptive and long term. The national unit and FMOs must have a functional and productive two-way relationship to ensure that the data and research strategy can deliver the needs of management at local level in a timely and responsive way.

Q9. Do you agree that the proposed package of measures in terms of constitution, governance and a plan-based approach provides an appropriate framework for decentralised delivery of fishery management functions?

Yes **X*** (but conditional on i – iii below) No Don’t know

Comments:

Yes, *subject to:

- (i) decentralisation on the terms detailed in the response to Question 1 is understood and accepted
- (ii) the legal constitution of an FMO allows it to operate as required in Question 3 and 4
- (iii) sufficient funds which comply with state aid criteria can be made available for the purposes required. If the funding mechanism is incompatible with the rules relating to state aid, then this could impose a highly significant regulatory burden on FMOs comprising potential reporting obligations, contracting requirements, competitive tendering, accounting etc. Further work is required to explore the potential issues around state aid and this should be undertaken as part of the modelling work on appropriate funding mechanisms and constitutional form.

Q10. Do you agree that the FMO network should cover the whole of Scotland?

Yes **X** No Don’t know

Comments:

As wild fisheries and fish occur throughout Scotland, organisations with responsibility for delivering wild fishery management should have pan-Scotland coverage. A major weakness of the current system is the absence of formal fishery management organisations in a number of areas of Scotland. We recognise that there will be a

number of significant 'change' issues to consider in the transition from the current system to a new framework. We note in particular the markedly different legal and administrative arrangements which operate for the River Tweed catchment. As such, our opinion is that process and timing on Tweed should be considered separately to take into account the different structure.

Q11. Do you agree that Scottish Ministers, following discussion with stakeholders, should set out the boundaries of FMO areas?

Yes (but driven locally – see below) No Don't know

Comments:

FMO boundaries should be developed locally provided they can demonstrate a required state of critical mass and full functionality in accordance with the criteria outlined previously. By critical mass, we mean an optimal level of geographical coverage, administrative and management capability and ability to plan and deliver management in line with local and national objectives. Any government intervention should be viewed as a last resort but may be required and welcomed where local agreement cannot be reached. ASFB and RAFTS are encouraging and facilitating local discussions to plan for future change. This is being prioritised so that we would hope to have a good understanding as to how local management might fit into new structures within the next 1-2 years. This process will also be dependent on good two-way flow of information between the sector and Government so that the expectations and requirements of both parties are managed and met.

Q12. What factors should be considered in determining the number and optimal coverage of FMOs?

Comments:

Fish and fisheries management requires a catchment scale approach, thus catchment(s) form the natural boundaries for effective organisations. It is equally important that the smaller catchments are not neglected by an over emphasis on a reduction in the number of management units providing national coverage. There is already substantial evidence of constructive amalgamations being proposed and this process should be encouraged. The key factors in ensuring an appropriate number of effective management units are:

Ensuring that:-

1. Sufficient critical mass is achieved to ensure complete functionality in terms of efficient operational activity and resourcing. ASFB and RAFTS, through their Joint Working Group, are undertaking work to scope potential functions of future FMOs. This is helping to build a picture of what operational activity forms a core function of fishery management. Whilst the resources and scale may differ between areas, the core

activity should be consistent and this work will help to identify core needs. A summary of this work is annexed.

2. The areas are not too large so as not to lose vital local voluntary contributions and effective management control.
3. Adequate funding exists.
4. The definition of new areas should not be undertaken in isolation – this could present risks of smaller areas being defined by ‘default’, and not through deliberate constructive and collaborative action.

Q13. Do you agree that bodies designated as FMOs should be able to deliver analogous work on behalf of local or national interests?

Yes No Don't know

Comments:

In order to be fully effective, FMOs must have the capability of operating at a catchment scale recognising the importance of the wide range of ecological influences on the aquatic environment and subsequently on fish and fisheries. FMOs should be encouraged to undertake environmental projects which, whilst maybe targeted at achieving wider ecological benefits, will also benefit fisheries and fish species. It is also relevant to note that many fish species are migratory and projects might include the work in transitional waters and the coastal environment. Funding will inevitably be a challenge for the FMO network and opportunities may be created if FMOs can demonstrate cross-cutting benefits in other policy areas, whilst also demonstrating clear benefits to fish and fisheries. Considerable funding opportunities exist in this area of work and will be driven by the demands of Government to demonstrate good value for money when tackling environmental projects.

Such work should have a genuine and demonstrable benefit to fisheries management; if it is tenuous, there is a risk that it may divert resources from more important fisheries management priorities. Proper evaluation of projects and programmes of work within the plan-led approach should help to ensure that work remains focussed.

Q14. Are there any potential conflicts of interest in this approach?

Comments:

When operating at the catchment scale, there is always the possibility of conflict with other legitimate stakeholders. For this reason it is important that FMOs not only consult widely, but constitutionally can form formal relationships with specific project steering groups to manage specific projects and thus address concerns of other legitimate catchment interests.

Q15. Do you agree that funding raised from proprietors should continue to provide the core strand of revenue for local fishery management?

Yes No Don't know

Comments:

All fisheries should contribute to the operation of the FMO and it is reasonable and a strength of the current system that proprietors provide the core funding for effective fisheries management. However, the FMO remit is for all species and this requires additional funding otherwise financially viable sectoral interests will dominate or be asked to cross-subsidise other species management. It should be noted that the current system of investment in migratory fisheries management is finely balanced, therefore additional responsibilities to take on new management responsibilities will need to come with new funding streams. Funding of FMOs cannot therefore wholly rely on income from proprietors. The inclusion of new elements of formal fishery management for other species (ie non-migratory trout and other freshwater fish), hitherto un-funded by any formal means, will add new costs to the system. Every effort should be made to identify the cost of this new work, and identify new funding streams to support it. Failing that there will be a strong risk of ongoing under-investment in management with a serious impact on supporting current management. The recognition of the wider ecological system services arising from fishery management actions demonstrates the wider benefits accruing from fisheries conservation and protection works – this should in turn allow some consideration of the justification for public funding given the broader contribution made by well-planned and holistic measures. Funding opportunities should also exist for specific projects at the catchment scale.

Q16. Do you agree that we should explore the potential for extending the responsibility for paying the levy to the owners of all fishing rights?

Yes No Don't know

Comments:

It is considered essential that if as proposed FMOs take on the wider fisheries and all-species role that is envisaged, funding from all fisheries should be considered. Some caution may be advisable as not all fishing rights are commercially viable. However, the aesthetic value of the presence of fish populations in rivers is important for the general public and hence a degree of public funding is both justifiable and necessary. Furthermore, there are species of specific conservation value which have no fisheries interest, but which will require resources to maintain and improve the status of these populations. We believe that management and conservation actions for these species should be supported by Government and associated agencies.

It is also worth noting the current state of the main species – Atlantic salmon. The most recent ICES report in 2015 expresses serious concern about the future of the

Southern European stock. With this background the need for adequately funded fishery management organisations commensurate with the task is vital if the economic and social potential of the main fisheries are to be maintained.

Q17. Do you agree that responsibility for collecting and distributing resources from fisheries proprietors for the purpose of delivering the national strategy at a local level should rest with the national unit?

Yes (but powers to delegate – see below) No Don't know

Comments:

As we have stated throughout this response, many of our members believe that the local collection and local re-investment of funds has been an important part of, and made an important contribution to, encouraging and retaining local enthusiasm and voluntary input to the current system. However, it is recognised that the Government will wish to form an effective collaboration with the FMO network through management of funding streams. In order to achieve both objectives, it has been suggested above that some form of mechanism to delegate this responsibility back to the FMO network, possibly using the concept of approved body status, may provide a way of retaining this strength. Again, we would see the use of approved plans and adherence to an agreed package of governance measures being the most logical way to achieve this.

Q18. Do you agree that we should explore the recommendation that redistribution of funds should form part of the new management system?

Yes No Don't know

Comments:

There is considerable concern that the redistribution of funds will dilute the level of effective fishery management in areas where the economic yield is greatest. The current economic climate results in funding being difficult for all areas and there is no demonstrable surplus, even within the better resourced boards. This is further compounded by the fact that what has been traditionally a 'salmo-centric' focus is now rightly being extended into all- species management. Many of these fish species have little or no direct commercial value and no significant income stream associated with them. The principle of redistribution may also adversely affect voluntary donations and the substantial in-kind input from a range of stakeholders whose input is driven by their local enthusiasm and interest.

However, the problem of lack of funding for certain areas is recognised and may be obviated by judicious amalgamation of current board/trust areas in line with operational critical mass requirements. So-called 'redistribution' of funds is already practised within existing districts; this concept will be much more acceptable and will retain and encourage local engagement if that principle is retained. In that sense, getting the FMO areas defined at the right scale will ensure that funding and capacity can be

directed at priority issues, in larger areas, without the perception that money is being 'lost' to another system. Further investigative work is required to establish more clearly where there is likely to be an identifiable shortfall in funding.

Q19. If not, what other means might be used for funding local fisheries management at appropriate levels across the country?

Comments:

There is support for government ensuring that all fisheries contribute proportionally to the costs of fishery management. In addition the government recognises that there is the potential for additional funding through the introduction of a rod licence. Provided that the costs of such a licence were reasonable its introduction may be a more equitable method of resourcing underfunded areas and sectors than simple redistribution. Initial research demonstrates that a modest fee for a rod licence restricted to adults would provide a reasonable fund for angling development and other fishery management purposes. It will be important that there are sound mechanisms in place to ensure FMOs are well placed to be alerted to funding opportunities to allow them to develop and contribute to projects which provide a wider range of ecological services to the catchments.

Accepting that fish are a public resource would support the concept of those who benefit paying for the privilege and thus open the door for additional public funding.

Q20. Do you agree that we should explore the recommendation for a two-tier levy system?

Yes

No **X**

Don't know

Comments:

A two-tier levy system is considered to be inefficient and likely to detract from voluntary financial support already prevalent among many existing organisations. A single fair system for funding is considered more efficient and effective. Funding must be adequate to support local and national obligations and this should be discharged through a single local levy system. There must remain scope for local voluntary funding initiatives and external funding to support special local projects.

Q21. Do you agree that Ministers should have powers to control harvesting of all fish species on the grounds of conservation and be able to do so in line with the precautionary principle?

Yes **X** No

Don't know

Comments:

We understand that Scottish Ministers already possess powers within S.24 of the Aquaculture and Fisheries (Scotland) Act 2007 and S.38 of the Salmon and Freshwater Fisheries (Scotland) (Consolidation) Act 2003 to make regulations relating to the conservation of salmon and freshwater fish.

In terms of managing existing SACs there is already a statutory requirement to ensure sustainability and adopt the precautionary principle. It would seem sensible to ensure that these principles should extend throughout Scotland. It should be emphasised that the precautionary principle should only be used when evidence is not available and that it should be a goal to always have it available. This should be underpinned by a regulatory and enforcement system that is robust, proportionate and consistent. It is also recognised that there is a substantial gap in accurate stock assessment at a catchment level and this should be closed at the earliest opportunity to promote evidence-based decisions and reduce the requirement for exercise of the precautionary principle.

Q22. If not, what other mechanisms should exist in order to ensure a flexible regulatory system which can ensure delivery of legal obligations and policy priorities for management of species and is capable of responding to future changes?

Comments:

There is general support for harvesting controls on the grounds of conservation and the precautionary principle. Existing and proposed legislation to licensed killing are accepted as important initiatives to allow a flexible regulatory system and comply with European legislation. The importance of catch-and-release as a means to restrict the killing of fish is emphasised and is becoming the norm.

Q23. Do you agree that, in the context of the wider proposals in this paper, the creation of an offence of reckless or irresponsible exercise of fishing rights should not be pursued?

Yes

No

Don't know

Comments:

Provided conservation policies and sustainable harvesting is enforced there is unlikely to be a requirement for an offence defined as reckless or irresponsible exercise of fishing rights. However, any unsustainable activities would be in effect reckless and irresponsible.

Q24. Do you agree that data collection priorities and processes for fisheries management at a local and national level should be predicated on a consistent approach and that this should be via a national research and data strategy?

Yes No

Don't know

Comments:

The importance of a consistent approach to data collection is endorsed fully and currently assisted by the SFCC. Development of data collection and processes is still required. The fact that local management is the dominant force and thus informs national strategy in order to comply with international obligations demonstrates the need for a consistent rational approach. The strategy should not only consider the direct fisheries management requirements but also fisheries development and participation issues. We believe it is essential that this Review opportunity also covers the function and work-streams of Marine Scotland Science and that there is a much higher degree of co-ordination, prioritisation and collaboration between the public and third sector, than hitherto exists.

Q25. Do you have any suggestions for additional means to ensure that evidence-based decision making is embedded within the fisheries management system?

Comments:

'Evidence-based' decision making should be a founding principle of fisheries management and every effort should be made to deliver this scenario. Its inclusion within the FMO constitution is recommended. However, it equally must be accepted that monitoring to such high standards is costly and there requires to be an assurance from government that adequate funding will be available to meet these obligations. However, fishery management is not an exact science and where sound science is lacking in some degree a common sense and if necessary a 'precautionary approach' should prevail. There is also the fact that cognisance has to be taken of other interests within the catchment thus compromise is likely to be an influential outcome in many management scenarios. The lack of evidence should not be a reason for doing nothing – the promotion of adherence to best practice in fishery management will help reduce the risk of poor management decisions.

Q26. Do you have any suggestions for additional skills areas which might usefully be covered in training and CPD programmes?

Comments:

CPD is a vital element in the development of a credible fisheries management organisation. A national training and CPD strategy should inform (and be informed by) local training needs. Whilst the exact functions of the FMOs have not been determined, we are developing ideas on the broad role required by future management bodies, and are beginning to consider the tasks and functions associated with fulfilling this role. We would wish to begin sharing these ideas with Government with a view to establishing what may or may not fit with Government thinking. We would suggest that a training profile is tailored within each FMO and that the FMO demonstrates that it

has access to the appropriate skill base as part of the 'Approved Body' status. Access to the wide range of skills required to discharge the wide remit of fishery management will be enhanced by FMOs developing links with universities, other institutions and specialist consultants. There are a wide variety of activities within fishery management that require specialist training. Some research has been undertaken to map out the training requirements in the sector and identify where courses exist, where there are gaps and how these gaps might be filled. We would be happy to share this work as part of this process.

Q27. Do you agree that annual and weekly close times should remain a key part of the management system for wild fisheries?

Yes No Don't know

Comments:

Close times are an important tool in the regulation of fishing effort and as such options for their use should be maintained. Decisions on both weekly and annual close times should be based on need and best available evidence. We also recognise that there are cultural drivers for some temporal controls on effort, and we would reiterate that decisions on close times should be based on management requirements and evidence.

Q28. Do you agree that the proposed local management organisations should have responsibility for considering such close times in line with the national strategy and the local fisheries management plan?

Yes No Don't know

Comments:

Locally based decision making is a core management policy which should embrace close times and inform national strategy. Empowerment of FMOs should be a core aspect of the new management system. Advising or deciding on close times should be part of their responsibilities.

Q29. Do you agree that the purpose behind Protection Orders can be achieved via the design of the new management system in line with the fundamental principles set out in chapter 2?

Yes No Don't know

Comments:

The promotion and protection of all-species fishery management is a laudable objective under the Wild Fisheries Reform. Effective protection requires clarity of legislation. The current system of Protection Orders, whilst possessing some strengths,

is both complex and inconsistent and requires rationalisation for trout and non-salmonid fish species. A particular weakness is that the structure has no link to conservation and management. However, the existing Protection Orders do achieve important benefits of access and protection which must be included in any new proposals. Enhancing the protection, access and management of other species can extend seasonal angling opportunities within catchments with concomitant socio-economic benefits to the angling public and proprietors. It is hoped that Government will take this opportunity to rationalise the legislation concerning the protection and access for all-species sustainable angling opportunities.

Q30. Do you agree that the principles of the existing bailiffing system should be retained, but with amendment to set compliance within an appropriate framework of accountability with warrants issued by the national unit?

Yes

No

Don't know

Comments:

Ensuring compliance with legislation is a vital function of fisheries management and to cope with the movements of anadromous fish, jurisdiction must be extended to appropriate freshwater and marine areas.

We agree with the proposal that warrants should be issued by the national unit, subject to appropriate checks and training. We would underline the importance of getting the balance of functions set at an appropriate level in terms of local delivery of enforcement. Whilst warranting and validation of 'appropriate persons' to undertake law enforcement is sensible through the national unit, it is vital that the employment, deployment and management of enforcement teams is delivered locally through FMOs. We would foresee fundamental difficulties should there be a desire to manage and direct local enforcement priorities from a national unit. Central control and co-ordination of local activity would be costly, require some form of central operations, and would entail considerable employment and contractual issues for existing enforcement staff.

As we state in Q.3, it is our understanding that there may be some legal incompatibility with some enforcement activity and using charitable status as a constitutional structure for FMOs. This will require further investigation.

The strengths of the existing bailiffing system should be built on and developed further. We would be interested in working with Government to assist in the development of the suggested framework of accountability. There may well be a requirement to extend duties of enforcement under the new all-species management regime and suggested replacement of Protection Orders which has training and funding implications. We would suggest that current and ongoing examples of positive innovation and development on fisheries enforcement in Scotland, as directed by the Bailiff Development Group, are used to inform the future direction of any new system.

Q31. Are there other mechanisms for enforcing fisheries legislation that should be considered?

Comments:

The current close working relationship with Police Scotland and the wildlife crime unit should continue to be encouraged. The role of Marine Scotland Compliance is a further opportunity for cooperation and training. Clarity of the legislation and training, at all levels including liaison with procurator fiscals, is vital to ensure effective enforcement of fisheries legislation. There is a need for greater formal co-ordination of such activity through the function of the National Unit involving the above agencies and interests. Again, there is proactivity and innovation on this front, much of which is being led by the Bailiff Development Group which has cross sectoral support from both the sector and Government. We would suggest that such initiatives strongly influence the direction of any new mechanisms. This includes work with Police Scotland, National Wildlife Crime Unit, PFs and other agencies.

Q32. Do you consider that there are advantages in the bodies involved in recreational fishing being able to come together to speak through one lead body?

Yes No Don't know

Comments:

We support the idea of a single lead body to represent the users (ie anglers) of recreational freshwater fisheries which would incorporate all the interests of those bodies currently in existence and which represent the various angling groups. This would help improve communication, understanding, promote the activity and approach grant providing bodies. There is recognition that the representative bodies currently cover a broad range of disciplines within the sport. Understanding the diversity of opinions would lead to improved consensus and understanding in the new all-species management context.

Q33. If so, do you have views on how this could be facilitated and in what timescale?

Comments:

Once there is improved clarity concerning the detail of the Wild Fisheries Reform in terms of function and associated structures it might be appropriate to initiate wider ranging discussions with the key organisations about the feasibility and desirability of developing greater unity in angling representation. It would be preferable if this initiative could be developed organically otherwise it might require some government facilitation.

Q34. Do you agree that promotion of opportunities and access should be a central theme for the strategy?

Yes No Don't know

Comments:

Access to high quality, good value for money fishing exceeds demand in many areas with a substantial variety available in terms of cost, facilities and species. The problem may not necessarily be lack of access, but rather lack of information on access. The all-species concept may provide further additional opportunities for access if promoted sensibly. However, there is always scope for improving the promotion of opportunities, marketing of availability and the wide ranging benefits of angling. There is a strong perception that there has been a decline in new entrants with angling being dominated by middle-aged and older anglers. Some angling clubs have a declining membership with associated financial implications. New young entrants to the sport are vital. The attributes of the sport of angling are under exploited and a national strategy could reverse this situation. Enhanced angling participation among all age classes and demographic groups improves the socio-economic health of recreational angling, its management, its role in the community and hence is a worthwhile objective.

Scottish angling has the opportunity to be second to none and a national strategy to coordinate and promote the opportunities would be advantageous. This requires, where necessary, facilities and customer support at the highest level.

Q35. We are interested to hear views on how increasing opportunities and access to fishing can be embedded within the fisheries management system.

Comments:

Enhancing opportunities has both a local and a national dimension, the local being an important proposed part of the future remit of FMOs. The real challenge is promoting the sport and understanding of the environment in which it operates in the widest context to the younger generation. This implies a need to develop promotional and training programmes for uptake by local schools. The national dimension could be undertaken by Sport Scotland, Visit Scotland and other interests. In this context it is vital that fisheries are responsive to customer expectations and provide an exceptional angling experience. There is also an opportunity to include fisheries, river management and restoration within the developing scenario of ecological tourism.

Q36. Do you support the concept of the angling sector coming together to develop a programme for development of angling (Angling for All), including an emphasis on opportunities for young people and promoting social and economic benefits?

Yes No Don't know

Comments:

An effective, properly resourced angling representative bodies (such as the Angling Trust in England), with support from Scottish Government, could be well placed to develop a new programme designed to increase participation in and understanding of the wider aspects of angling and the environment in which it takes place. This should be targeted on encouraging younger anglers but not excluding other demographic groups. With respect to delivery this should be discharged through the local FMO as part of their core duties, often in association with the local angling clubs. This will also provide a useful opportunity to link the recreational activity of angling with education about the management and issues associated with freshwater catchments. This link has provided fertile ground in a variety of schools and other education programmes and are often found to be consistent with a wide range of curriculum objectives. Past examples such as the Scottish National Angling Programme (SNAP), 'Tweedstart' and others could provide useful lessons and templates for informing future work.

Q37. Should funding for Angling for All come from a rod licence? If not, where should resources be found to support the programme?

Yes **X (but see comment)** No Don't know

Comments:

Rod licensing is a widely accepted practice in many countries and generated essential income for many of the areas of activity identified in the WFR for which there is currently no funding provision. The principle of the beneficiaries of the use of the resource contributing to its management and promotion should therefore not be seen as unreasonable. A rod licence fee at a reasonable cost (£20 - £25) may allay some fears. Alternatively there has to be a facility to divert an agreed proportion of the core funds, however raised, to promotional activities. It is important that the raison d'être of a rod licence should not be restricted solely to supporting 'Angling for All' initiatives or similar; until it is clear what resources will be required to service any new system, it is suggested that this should remain open for supporting wider management if a new funding model suggests that is necessary. Whilst the current reform proposals relate to freshwater fisheries, there is a view that licensing in the long term should cover all angling activity, including marine angling.

Q38. Do you agree that a rod licence should only be used to fund Angling for All, rather than also being used to support wider management activity?

Yes No Don't know **X**

Comments:

If the current funding model were to continue and used to fund FMOs it is likely that there would be a short fall in the order of £2.5m. To ensure a viable freshwater fisheries sector the overall budget has to be identified and where there is a shortfall, expenditure

prioritised. Until the full extent of the budget for FMO functions, the necessary organisational structure and plan delivery are known, there is a need to maintain flexibility on the sourcing and allocation of funds to activities.