

Minutes

RAFTS/ASFB Joint Working Group

11th Meeting: Birnam Institute, Birnam

3 December 2015

Present:

Alasdair Laing, Chair
Andrew Wallace
Chris Horrill
Brian Davidson
Jamie Ribbens
Nick Yonge
Simon McKelvey
Roger Knight
Mark Bilsby
Marshall Halliday
Alison Baker

Jim Henderson
Craig MacIntyre
Chris Conroy
Anson MacAuslan
Roger Brook

Apologies:

None

1. Minutes of last meeting

OSCR advice to Government – MB reported that OSCR had provided advice to Scottish Government on constitutional aspects of charitable status – it was understood that this was confidential, however it was hoped that the general thrust of this advice would be made available through the Stakeholder Reference Group.

ACTION: MB to facilitate once available.

2. Matters Arising

Feedback from WFR session/AGMs – BD reported that the feedback had been generally positive. A draft report had been prepared, summarising the discussion and linking the presentations made at the meeting. The report (presented as a briefing) will be issued by the end of the week.

ACTION: BD to finalise and issue

3. Conservation limits: categorisation of rivers and conservation plans

It was reported that a Working Group had been formed to take this matter forward with engagement from the Board and Trust network. Whilst it was noted that it would have been much more effective to have had this engagement prior to the proposals being advertised, it was noted that this initiative would provide a foundation for taking into account more data into the methodology for plans and conservation limits. A meeting of this group had been set for December 15. It was recognised that clarity on the ongoing process for categorisation would be helpful and it was agreed to seek clarity on arrangements for implementation – to include the legal process, timetable, scope and approach for revisions and process for inputting more information to the CL proposals. Given that it is expected that conservation plans need to be developed for 2016, some consistency in their production would be desirable. Whilst this could be driven by the network, it was agreed that an outline template would be useful and that it would make sense to seek the advice of SG. Overall, it was agreed that there needs to be co-ordination between the various groups which are emerging on this – both in terms of science and policy. In light of action on conservation measures in England and Wales, it was also agreed to engage with the Environment Agency.

In terms of the categorisation process for rivers, all agreed that general communications and engagement have been poor between Government and individual members. It was felt that it was important to raise this and express a wish to see commitment to improve stakeholder engagement on these key issues. All agreed that there is a strong need for Government and the Board/Trust network to work together and collaborate on conservation matters.

It was also noted that given the uncertainty surrounding this issue and impact on contracts with tenants etc. the Group felt strongly that the imposition of CL categorisation should be deferred a year whilst some of the concerns were addressed.

ACTIONS:

BD to seek information from Scottish Government on process moving forward for CLs and plans

AWa to contact Sarah Chare at EA

AL/AWa to discuss with SG how communication/stakeholder engagement might be improved and discuss deferment for a year pending resolution of various concerns.

Report on fish counters

It was understood that MSS are producing a report focussing on the development of a fish counter network in Scotland – it was agreed that it would be helpful to establish the status of this report and when its findings might be available.

ACTION: MB/JR to take up with MSS

4. Update on progress with WFR

4.1 Stakeholder Reference Group (SRG) – update

MB reported that the SRG are currently looking at how a new system might be financed and where shortfalls might emerge. Related matters include the role of the national unit, overall structure of a new system and a template for management planning – all in the context of the 6 general functions. A more specialised sub-group is to be set up to consider the detail in the above areas. A need for an overarching national fishery plan is clear.

SMcK felt that a succinct statement outlining a clear ‘latest thinking’ position from the JWG on all the above components would be extremely helpful – it was therefore agreed to produce summary paragraphs on each area. This could then be shared with the SRG for feedback.

ACTION: AWa/AL/BD – produce draft for JWG and for subsequent presentation to SRG on 17 December.

4.2 Strategy Development Group – update

It was agreed that the strategy had to be high level – whilst it did not prescribe the 6 key functions identified by the JWG, they are all included within the strategy themes. It was agreed that there is a need to ensure the management needs for conservation status species – in addition to those species that support *fisheries* – are formally recognised in the strategy.

ACTION: BD to follow up.

4.3 FMOs

- **Local discussions – report and subsequent analyses**

AWa and AL reported that they continued to have useful discussions locally about the geographical spread of the FMO network. Following on from this, a template for analysing the costs of existing and future management structures had been circulated to all boards and trusts. The idea behind this is to drive the investigative process in local areas to consider what theoretical issues might be encountered in terms of transferring existing management structures to a larger operational area. It had been emphasised that this process would be without prejudice, and is purely a theoretical modelling exercise - but essential in terms of process. In essence, the figures which will come out of such an exercise will help identify gaps and provide evidence for the case for new funding and associated mechanisms to support new elements of management which the present salmon-funded system does not resource. It was agreed that the Chairmen should produce a note to members, to help provide further supporting rationale for this exercise and to provide information on the wider drivers for examining local potential.

ACTION: AWa to produce draft communication for comment by JWG for circulation at SRG.

- **enforcement & compliance**

The present understanding is that the proposed National Unit will be responsible for providing the ‘warrants’ which confer the legal powers on bailiffs. The responsibility for employment and management will remain local (ie with the local FMO). It was recognised that many bailiffs are employed by private interests (ie estates) so that there will need to be a clear delineation of responsibilities between the legal employer, the warranting authority and the FMO ‘management’ role in respect of enforcement activity. It was agreed that it would be useful to seek clarification that any future system will safeguard existing arrangements. It was noted and agreed that it would be important to recognise that some of these services may be supplied by the private sector and that this would not be a problem providing sufficient training and management

systems were in place. This would be particularly important in areas which did not have a tradition of employing full time bailiffs and where that “cover” was afforded through other arrangements.

It was also noted that given the incorporation of greater legal protection for other species, further clarity on how this would be framed would be useful. This was important, given that the current legal protection is predicated on improved access for angling through formal and legal agreements via protection orders. It was unclear whether formalised access arrangements might be part of the wider package of legal protection for other species.

This raised a wider issue in terms of definition of ‘wild fisheries’. It would be helpful to understand fully what is meant by “fisheries” in the context of “wild fisheries reform” i.e. to clarify its meaning, this could be, for example, an operating beat(s) / netting station(s) or fish population(s) and, if the latter, then whether or not it includes stocked and/or non-native species.

ACTION: JH to seek clarity on enforcement arrangements, legal status of other species and meaning of ‘wild fisheries’

- **option for constitutional structures of FMO**

AWa circulated some ideas and questions in a paper which considered constitutional structure – everyone agreed that the key issue is achieving the optimum balance between wider representation/executive control and appropriate structure. There was general agreement on the need to identify interest groups which have a genuine relevance to fishery management and a fair mechanism to allow representation. It was noted that such a system works well in Argyll. There was a general feeling that some interests, for example public agencies, felt more engaged if they are members, rather than observers. Of paramount importance is the ability to demonstrate an interest in fisheries with some role in delivery of the management plan. Overall, the concept of a 2 tier structure, with a small executive board and wider representative stakeholder group, seemed most sensible.

ACTION: All - Comments on AWa paper by 9 December.

5. Communications

Everyone agreed that the communications continue to be regular and informative. However, it was agreed to try target communications better – for example general updates and more specialist and ‘management-only’ communications should be targeted more appropriately to the relevant groups in the Boards/Trusts. The RAFTS mailing list would be looked at again and adjusted accordingly. It was noted that there were still concerns about communications being expressed from some parts of the network. It was concluded that the Group, through the website and emails, was providing regular communications and the group could not be held responsible for either people not reading these communique or passing them on to their own networks.

ACTION: CH

6. Any other business

It was noted that the next re-valuation of fisheries takes place in 2017. Boards will need to be involved in this in terms of making the necessary request to their local assessor. In a similar vein, it was agreed that a rateable value needs to be unified across Scotland. This will be discussed in conjunction with Scottish Government and the Scottish Assessors Association.

ACTION: AL/BD

7. Date of next meeting

20 January 2016, 10.00, Birnam Institute, by Dunkeld.