

Minutes

RAFTS/ASFB Joint Working Group

14th Meeting: Birnam Institute, Birnam

25 May 2016

Present:

Andrew Wallace (Chair replaced by Roger Knight at 12.00)
Mark Bilsby
Brian Davidson
Chris Horrill
Nick Yonge
Simon McKelvey
Roger Knight
Marshall Halliday
Alison Baker
Jim Henderson
Craig MacIntyre

In attendance:

Alan Wells

1. Apologies for absence (Jamie Ribbens, Alasdair Laing)

2. Minutes of last meeting & review of actions

- In light of AWe's secondment to Scottish Government, it was appropriate that he attends in an observer capacity (and not a group member). As such, there may be issues on which it would be inappropriate for him to comment on. It was agreed to clearly note and record the position of AWe in relation to future JWG meetings and certain topics.
- Future names for FMOs – it was recognised that the legal name does not necessarily have to be public name. This point will be investigated further as part of wider work.
ACTION: AWE There was some discussion on potential future names for FMOs – there was widespread (but not unanimous) support for Fisheries (and Rivers) Foundation. It was agreed that this would be discussed by the RAFTS and ASFB Boards and put to the memberships.

3. Matters Arising

4. **Conservation limits** – This is now being captured in the dedicated Biologists’ Group and there is a much more orderly and structured approach to resolving issues. NY remarked that the categorisation process might want to be by stock rather than river – ie Tweed spring fish. It was noted that conservation plans could allow for that in the future. Overall, there is concern that the process might be slow in achieving changes for 2017. **Action: JWG to keep under review**

5. **ASFB / RAFTS Transition Working Group - report and next steps** – AWa reported that both RAFTS’ Board and ASFB’s Management Committees have had useful discussions but that there was still a need for both bodies to approve ideas about transition arrangements. Both Boards next meet concurrently on 22 June at which some clear ideas about the transition phase for RAFTS and ASFB would be discussed and it would be agreed how such ideas would be presented for discussion and agreement by the respective memberships. It was also reported that a staff meeting was planned for 31 May at which staff would be advised of the general direction of travel. All agreed that it was not appropriate to discuss transition arrangements with the JWG but that it was appropriate to do so with staff because of employment implications.

6. Update on progress with WFR

- **Stakeholder Reference Group – update**

Fishery Management Areas/constitutional matters - MB reported that the SRG will be looking at Fishery Management Areas and constitutional issues at the next meeting. The potential for using Community Interest Companies (CIC) as a suitable FMO structure was noted and it was agreed to circulate more information to the JWG. Such structures were capable of accessing some charitable funding but also had a recognisable corporate structure. This sat neatly between the current status of Boards and Trusts. MB agreed to circulate more information to JWG. **ACTION: MB** It was also suggested that the JWG might want to consider professional advice on the suitability of CICs. **ACTION: AWa/AL to consider and take forward**

Access & protection – there is a lack of contemporary evidence and information on impediments to access to angling. It was agreed that any losses in access needed to be evidenced and be material to preventing opportunities. There was a general feeling that access to angling opportunity was less of a problem than a lack of anglers to access fishing. It was agreed that it was extremely important to distinguish between these two perceived problems as they had very different solutions. There was general support for the theoretical value of having all fish stocks and fisheries protected by the criminal law, albeit it was recognised that this would effectively decommission Protection Orders and could create political problems . It was agreed that this matter should be explored further within ASFB – to be discussed at next board meeting. **ACTION: AL**

Wild Fisheries (Scotland) Bill/Strategy consultation – next steps

Key points:

- 650 responses to consultation.
- Some focus on POs and protection of fishing.

- The process is ongoing and further ideas can be fed in and looked at further.
- Technical Working Groups will explore further many of the points raised. Analysis of responses will be ready soon. Parliamentary committees likely to be formed in next few weeks.
- Now 2 Cabinet Secretaries – Roseanna Cunningham and Fergus Ewing. Minister responsible for fisheries will be Roseanna Cunningham.
- No information yet on parliamentary timetable.

Update on technical working groups, remits and timelines

7 groups have been formed, and invitations sent out. Meetings are to be set up with the respective Chairs, and the SRG will consider the priorities for Groups. In terms of the timelines for each Group, some may be longer than others, depending on remit and business. The Groups will consider:

Transitional issues

Fisheries Promotion and Development

Continuous Professional Development

Enforcement

Fishery Management Planning

Finance

Science & Data

Pilot FMO programme – progress

Any programme of pilot FMO development should be linked to FMAs – this will need to be discussed with the Minister in due course – that will provide clarity and a mandate to move forward. Given the apparent confusion about the relationship between FMAs and FMOs, it was agreed to clarify this with the membership. **ACTION: BD/AL/AWa**

The ongoing viability of trusts was discussed – whilst these will not be affected by the WFR per se, there needs to be a debate about how much trusts locally will want to rationalise with FMOs. FMOs are not restricted in the bill in terms of their future envisaged activity. Future fisheries plans will set out the proposed management activity – there will need to be flexibility to address priorities and different scenarios, show outcomes and how success can be measured. The pilot process will help improve understanding through testing ideas and hopefully resultant solutions. It was also agreed that the use of CICs (as mentioned above) may be reassuring to existing trusts and enable them to be rationalised with FMOs as such bodies had some of the functions and form of charitable organisations.

FMA designation process – there have been some misconceptions about this and further clarity has helped improve understanding about what exactly an FMA is. Whilst there has been a good deal of work done locally and by RAFTS/ASFB to encourage the development of viable FMO areas from a

local perspective, it was recognised that at some point Scottish Government will also have to buy into this process and the solutions generated locally or, alternatively, indicate that they wished to press the sector harder for more radical solutions. It was understood that RAFTS and ASFB had to stand by and support the views of their members but it was agreed that it would be helpful to start to understand the perspective from SG on future areas. It is understood that discussions between SG and others, such as SNH, SEPA etc will start to explore this. It was generally felt that an indicative plan or map might be useful to get an impression and provide a stimulation for local action on pilot FMOs. It was agreed that the next step might involve correspondence with the potential FMO areas followed by tri-partite meetings with the principals in each of these areas to discuss implications.

Action: AWE/AL/AW

Identifying FMO costs and critical analysis process

BD circulated a summary sheet which provided outline estimates based on information provided since the last meeting. It was agreed that the data should be developed to ensure that it could be based on a range of scenarios. It was agreed that we need to understand how figures change when areas change. Different values will also appear when, for example, the employment status of staff differs eg where some bailiffs are employed by estates. Other points to bear in mind might be the use of other offices and resulting cost savings, compare to salmon levy and how a 'standard' rate will affect different areas.

Again, the meeting felt that an indicative map or plan of potential fishery management areas will help develop the theoretical modelling but it was stressed that understanding the finance was one of the issues which needed to be considered as a factor in generating such a map.

ACTION: MB/AWe/BD to undertake further work on refining and expanding the financial analysis

Update from Bailiff Development Group

Training requirements – A further net training course is planned on Tweed later in the summer. The Group has also identified a need to provide training on Hebrides – possibly July. More information will be forthcoming on these events.

Tidal and navigable waters – this had been raised as an enforcement issue. It was agreed that it is a tricky area, but it was emphasised that where anglers are targeting sea trout without permission it is already a criminal offence. It was not clear how ensuring that an angler had permission to fish for brown trout (as opposed to the current position where such permission is granted as a public right) would deal with the issue of anglers then fishing for sea trout. It is a case of gathering and presenting evidence in the routine way.

Set lines and unattended rods – what is 'unattended'? Grayling – fishing practice lends them to classification as a game fish, and so will not fall within 4 rods allowance.

Killing/taking – could ‘taking’ be dispensed with? Possibly with reference to ‘wilful’ or ‘intentional’ killing. This will be explored further within SG.

7. Communications

No issues

8. Any other business

None.

9. Date of next meeting

17 August, Birnam, 10.00