

Minutes

RAFTS/ASFB Joint Working Group

4th Meeting: Stirling Court Hotel

12 March 2015

Present:

Andrew Wallace, Chair
Alison Baker
Simon McKelvey
Chris Horrill
Jim Henderson
Brian Davidson
Nick Yonge
Mark Bilsby
Roger Knight
Jamie Ribbens
Craig MacIntyre

Apologies: Alasdair Laing

1. Introduction & welcome

2. Minutes of last meeting

The minutes of the meeting held on 3rd February 2015 were agreed.

3. Matters Arising

Communications

BD to issue JWG progress reports to ASFB/RAFTS members, with the reports sent to JWG members prior to general circulation. It was agreed that minutes, outputs and any reports must be made publically available and there should be a presumption in favour of transparency. However it was agreed that there may be a requirement for some discussions at JWG to be kept confidential to allow JWG members to speak freely. This would be resorted to only where necessary and by agreement of the group. A draft briefing had been prepared and this would be circulated to the Group for comment before sending to the wider membership. **Action: BD**

JH advised that many bailiffs felt that they are not being kept up to date with the progress of the Wild Fisheries Review recommendations. It was suggested ASFB/RAFTS should have a dedicated WFR web page with updates, reports and notifications. It was also agreed that all members of

trusts and boards should be notified that this information resource was available but that RAFTS/ASFB could not be held responsible for this information not being passed on by their members. **Action: BD**

Regional Meetings

The chairmen of ASFB/RAFTS made an offer to members to attend local meetings to discuss WFR issues if this is required.

Charitable Status

AW/AL to meet with a charity specialist lawyer to discuss potential structures of any future FMOs envisaged by the review, including issues over enforcement. They would report on progress at the next meeting.

Management of JWG

It was agreed, with the changes made to the composition of the group and the ToR, that existing members of the JWG were now content with the structure and make-up of the JWG. These changes would be reflected in the new ToR. It was agreed that all members of the group would respect the outcomes of the group discussion where agreement had been reached and that any disagreement would be carefully recorded.

River Tweed Commission

The JWG recognised that the RTC, whilst it did not have any particular difficulty with many of the principles outlined in the Thin Report, had serious concerns about the practical implementation of many of the recommendations with respect to the Tweed catchment where it considered many of the problems identified by the Thin Review not to be relevant as they were already addressed by the current RTC/Foundation structure. The different situation that the Tweed was in was recognised by the JWG which respected the wish of the RTC to remain beyond the direct influence of the Review. However, equally the group agreed that the rest of Scotland was almost certainly likely to be subject to reform according to some of the recommendations set out in the Thin Review and it was recognised and agreed that the JWG's role was to recognise that reform was impending and that an attempt should be made to bring about the most satisfactory solution for Scottish fisheries management.

4. Terms of Reference

It was agreed to amend section 3 of the ToR – Membership – to read “The JWG shall include any member of the ASFB management committee and of the RAFTS’ board”. Other representatives who it was considered could contribute to the JWG discussions, would be considered from time to time and with the agreement of all members of the group.

5. Wild Fisheries Review

i) WFR Reference Group. AW advised that the Scottish Government have just issued an invitation to various organisations to join a Government convened “Reference Group”, including ASFB and RAFTS, to assist SG with implementation of the WFR recommendations. It was noted that there was no land/fisheries owners’ representation on the Reference Group, and that ASFB, supported by RAFTS, will suggest to SG that such representation is vital. There followed a discussion about the need for land/fishery owners having some form of representation to express the views of

those who owned (rather than managed fisheries) in the WFR discussions. The group agreed and supported the view fisheries should consider how best they would like to be represented and that Scottish Land and Estates (SLE), might be a suitable organisation to convene and mobilise such a group. The JWG welcomed this suggestion and the idea for such representation to be included in the Government's reference group. The JWG also agreed that the JWG would wish to, on an as needed basis, open up a dialogue with this representative group when it had been organised.

Action: Al to discuss with SLE.

ii) RACCE Committee. There have been three recent sessions of the RACCE committee receiving evidence regarding the WFR. The evidence collected will inform the consultation on the WFR recommendations. There was concern over the future of water bailiffs if enforcement powers were to be removed from local organisations' control. It was agreed that enforcement was an important core function for an FMO.

iii) Licensed killing of wild salmon. This subject will be discussed in detail at the ASFB/RAFTS members meeting on 18th March.

iv) Alan Wells secondment to Scottish Government. This went ahead in February. It was agreed that there may on occasions be a need for Alan Wells to attend JWG meetings but on an as required basis.

6. Update on Progress

AW asked for JWG members' views on the progress of the JWG process. There was unanimous agreement to continue with the process though members of the group requested that the group do more work clarifying issues such as the definition of: a fishery; fishery management; the functions of future FMOs; aspects of funding the network; legal and constitutional issues; geographical scope and the appropriate balance of power between the centre and the FMOs.

Consideration was given to a paper produced by AL/AB/JR on finance and a potential FMO structure. It was agreed that points raised by AB and JR should be included in the most recent draft. Concerns were expressed about whether enforcement and issues such as charitable objectives could be covered by the same organisation. **Action: AW/AL to discuss with charities lawyer and bring solutions and ideas back to the group.**

There followed a discussion about the structure of FMOs, and what an FMO might look like in a certain geographical area. It was agreed that the Fishery Management Planning process should be used as a basis to determine required roles in an FMO. It was agreed that geographical issues should be left for now, and that the focus should be on FMO function and structure. **Action: SM/MB/AB/JR, in their working group, to create a new template for FMPs, to be flexible to fit into any area.**

The JWG also considered the following issues to do with finance. How can each area calculate what functions/roles are required? What are the minimum standards for fishery management? What will Scottish Government require from an FMO? **Action: The working group to produce an**

estimated cost for each role in a proposed 'average' FMO. Estimate to be calculated for 15/20/25 FMOs across Scotland.

It was agreed that, following the production of estimated costs, synergies could be considered within existing organisations to look for most efficient and effective FMO formula.

There was a discussion about FMO independence from government while delivering government fishery objectives, which will be essential to retain support from local organisations and landowners.

The collection of salmon fishing rights levies was discussed. It was agreed, with some reservations about practicalities noted, that the JWG will recommend that all levies should be collected locally. This would lead to greater efficiency with levy collection, retaining local engagement, while the government could still exert control of fisheries management through agreement of Fishery Management Plans.

Rod licensing was discussed. If implemented, there are some concerns about the impact this could have in some areas of the country, however, it was recognised that such a system could bring in badly needed income, engagement and 'buy in' from the angling community. JWG could set out concerns and opportunities to Scottish Government.

The possible size of the **Central Unit** was discussed. Scottish Government has indicated it wants this to be as small as possible. It was agreed that to enable this, the FMOs should have an umbrella organisation taking on the role of RAFTS/ASFB and some of the tasks SFCC currently undertakes. It was agreed that both the CU and FMOs should have closer collaboration with Marine Science Scotland. The JWG would await further information on the form and function of the CU and would develop in due course ideas, of its own for a representative body, how it would be funded and staffed and what function it would have.

It was recognised that some of the fisheries data currently collected by DSFBs and trusts was collected using private money and therefore owned by them. Other data was collected using public funds and it was agreed that such data needed to be made public whilst also recognising the potential financial value of some data to commercial interests. It was agreed that clarification on the collection, use and intellectual property rights associated with public/private data was required with Scottish Government. **Action: AW to discuss with charities lawyer on this. Action: CH to find out from Scottish Government what data CU might want.**

7. Communications

7.1 Report on structure of FMOs to follow the results of the actions above.

7.2 ASFB/RAFTS meeting on 18th March will involve a full discussion with member DSFBs and trusts the progress of the JWG, with dissemination of the note of meeting.

7.3 Regional meetings will be used to disseminate the progress of the WFR consultation, and seek member views and possible solutions to issues.

7.4 A review of all communications to members during 2014 had been produced which had demonstrated that extensive consultations with members had happened throughout the year.

8. Summary of Actions

8.1 Communications. BD to create dedicated page on ASFB/RAFTS websites on WFR. BD to circulate draft briefing for comments and then circulate to memberships.

8.2 AW/AL to meet with charities specialist lawyer to discuss about a charitable company undertaking enforcement & provision of DSFB/trust data.

8.3 SM/MB/AB/JR to create template for new Fishery Management Plans

8.4 SM/MB/JR/AB to provide an estimated cost of fishery management for 15/20/25 FMOs across Scotland.

8.5 CH to find out from Scottish Government what data CU might want.

9. AOB. AW stated that AW and AL were prepared to help with any issues/concerns arising from WFR discussions with DSFBs, Trusts or river owners.

10. Date of Next Meeting. 28th April 2015 in either Perth or Pitlochry.