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REPRESENTATIONAL STRUCTURE FOR FUTURE FMOs

1. Introduction

The SRG believes that a 'two tier' representational structure, consisting of an inclusive **membership group** from which is elected a smaller **management board**, would be an appropriate mechanism to ensure that the various stakeholder interests were properly represented on an FMO **management board**. The SRG also recognises that, as an 'all species' management organisation, it is essential to ensure that there is appropriate representation from the full complement of different interest groups. The SRG is concerned that unless an efficient management system is in place, the day to day management of an FMO could become cumbersome. The SRG believes that the **management board** should be selected using election/appointment mechanisms that have their guiding principles within the governing legislation but which is defined in detail in the Memorandum and Articles/Constitution of whatever vehicle is decided on. At this stage the SRG does not have sufficient information or clearly held views to determine whether an FMO should be a charity, company, statutory body or otherwise. Further work and liaison with Government advice and thinking is required on this. The Group is clear that access to charitable sources of funding (via a charity) will be a requirement of FMOs (or groups of FMOs) and that such opportunities to access funding should not be excluded from FMOs.

The group is also clear that the main purpose of any appointed **management board** would be to appraise, develop, approve and deliver its local FMO management plan as well as to ensure that the governance of the organisation, created to discharge that function, is undertaken properly. The local plan, along with plans from other FMO areas and international agreements, should itself feed into the national plan which then would be constructed and approved by representatives from all FMOs and Government and its agencies.

This should ensure some clarity of purpose and discipline for FMOs. The SRG also believes it is essential that it is understood that, at **management board** level, individuals must focus on the development and delivery of the plan and that the management group should not become platforms for representing sectoral interests.

2. Representative Groups

The SRG has identified 4 potential stakeholder 'blocks' of interest groups and it felt that there were parallels with the formation of Local Outdoor Access Forums (LOAFs) following the Land Reform Act 2003. Local Authorities had received national guidance for these (see http://www.pathsforall.org.uk/component/option,com_docman/Itemid,166/gid,9/task,cat_view/) and had also identified four principal interest groups.

The SRG believes that it should be recognised that representatives may qualify for more than one block. For example, an angling club could be a proprietor, as could a public or commercial sector interest etc. There will therefore need to be some flexibility when forming the **management board** to ensure appropriate representation from the principal interest groups.

The SRG also believes that some flexibility should be available to the wider FMO **membership group** when electing the **management board**. This may be required to reflect the variety of different

circumstances, and balance of interest groups, that may prevail in FMO areas. Examples might include: FMO areas where fisheries are predominantly controlled by an angling club/clubs; FMO areas where several important catchments may benefit from proprietorial representation from each of the principal catchments in the FMO area. The election process must therefore have sufficient flexibility to reflect these local circumstances whilst protecting against the domination of any one interest group. The SRG believes this could be underpinned by a simple requirement that no one interest group can have a controlling interest in the **management board**. The SRG, however, wishes to stress that the **management board's** principal responsibility will be to create, deliver and audit the management plan which will need to be subject to a detailed consultation process with the wide spectrum of interests in the catchment who will sit on the wider representative group.

1. **Fisheries proprietors (all methods)** – these are probably one of the easier categories to define because of the precedent set by the current system. However, there are clear difficulties in achieving “fair” representation even amongst this group. It is also important to note that an ‘all species’ management organisations will need to ensure proprietors of non-migratory fisheries are also represented. This raises immediate challenges about how such a constituency will be identified in the current absence of any register of owners (other than the land registry). It is accepted that migratory fisheries proprietors are likely to continue to be required to make a substantial investment in fisheries management through the levy system. Whilst it is recognised that this group may in future not have a simple majority, it is clear that, in order to retain their commitment and involvement, they will need to have a significant voice on an FMO **membership group** and **management board**.
2. **Angling Clubs / Associations / Anglers** – It is clear that anglers in all their manifestations have a significant part to play in the effective management of fisheries and fish stocks. It will be essential for all parts of this sector to be adequately represented on an FMO **membership group** and **management board**. Should an angler contribution system be introduced then anglers could make a significant financial contribution to management and development of fisheries which will require active and meaningful representation and involvement.
3. **Other Interest Groups** - Fisheries and catchment management inevitably involves the requirement to develop partnerships and interact and deal with issues that might fall into two categories:
 - i) **Organisations / partnerships / institutions and individuals** whose aims may be complementary to the objectives of the FMO and fisheries and catchment management. The FMO should have the discretion to formally involve such interests on the **management board** in a full voting capacity, who could deliver significant benefits to the FMO via: development of collaborative projects; involvement of academic input or the development of partnerships with NGOs/individuals with aligned interests.
 - ii) **Commercial or private interests that may have the potential to impact catchment and fisheries management issues**. These might include: agriculture, renewables, forestry, aquaculture etc. The status and involvement of these interests in current management systems can create both: i) opportunities for investment and constructive partnerships or: ii) tensions and undue influence in the management of organisations whose objectives may not be appropriately aligned with (or directly competitive with) the objectives of the delivery organisation. The SRG believes that such commercial interests, which will vary from place to place, should have the opportunity to be involved as full voting members, providing such interests are willing/able to sign up to the objectives and priorities set out in the management

plan and any formally approved documents (such as Codes of Practice) to which the FMO will be obliged to adhere.

- 4. Public Sector Involvement** – The SRG believes that public sector bodies will have a significant role to play in the successful management of FMOs and that they should have formal representative status on the FMO with full voting rights, where appropriate. However, due to the role of public sector bodies and potential conflicts of interest with public sector bodies' statutory functions it is suggested that public sector bodies may have difficulty with this concept. The SRG suggests that this issue is explored more fully. However, the group wishes to stress that meaningful participation by the public sector will be vital to the success of FMOS. Previous experience from Local Authorities in forming LOAFs has shown that the involvement of these organisations can fall away as organisational priorities change. The SRG therefore believes that public sector involvement should be formalised so as to ensure that its valuable contribution towards fishery and catchment management is maintained.

3. Developing A System To Elect A Management Group

As stated above, the SRG believes that a wider **membership group** electing a **management board** (maximum 12-14 people) would be the most effective way of ensuring fair and effective representation, whilst ensuring a workable system. The election of these representative groups from the wider **membership group** will require some thought to ensure a fair and transparent process, although the SRG believes that the process adopted by Local Authorities in selecting membership of their LOAFs should also be considered here. In particular:

- The appointment of members, as and when vacancies occur, could require advertising which would be conducted on a 'web-based' basis to reduce advertising costs.
- For each group (apart from Councillors, representatives of whom would be considered by the respective Local Authorities) organisations and individuals could be asked to submit a form nominating people for membership of the FMO. As with LOAFs, these applicants could then act as a conduit between the work of the FMO and the organisation or group they represent.
- Each group might then be represented by approximately three individuals, but with some flexibility, as per the reference in 2 (above) to the principle that no one group should have a controlling interest.

It is also noted that it will be important to select a **management board** that has the appropriate skills and competencies to do the job. The SRG believes that further consideration should be given to the issue of training for members of a **management board**. However, should that prove challenging, it is vital that members of the **management board** should be selected/appointed both in a representative capacity and also on the basis of specific skill, knowledge or experience they will bring to the organisation. A skills and competencies analysis for the **management board** will be essential to ensure it is competent. We would also reiterate the point that the **management board** must expressly be charged with creating and delivering the management plan, not representing individual interest groups. Further discussion and advice will be required on the selection process required.

4. Conclusions

The SRG therefore believes:

1. A two tier system is appropriate eg) an all-inclusive **membership group** from which a competent **management board** is selected. Previous experience from the appointment of Local Outdoor Access Forums may assist with this process.
2. That the **management board** should have an appropriate balance of skills, to develop and deliver the management plan and ensure good corporate governance.
3. That the **membership group** should consist of the 4 “blocks” described above all of which would be voting.
4. That there should be some flexibility available to the **membership group** when electing the **management board** to reflect local circumstances. However, as a matter of good governance, no single block should have more than a 50% - and therefore a controlling interest, of the FMO **management board**.

The SRG recognises that further work is required on some of the detail associated with the above and will consider issues such as:

- Do members of the FMO management board self assign from each voting block?
- What happens if a member could potentially be assigned to more than one block?
- Is membership of the membership group open to any person/interest and how is the membership group established?
- What are the voting procedures for the membership group to elect a management board?
- Is the chairman selected from, and voted in, by the membership group or by the management board?
- How would the AGM be managed?
- What powers exist for members to request a members’ meeting or EGM?
- Does the membership group require any other voting rights?