Wild Fisheries Reform

**Stakeholder Reference Group**

**24th September 2015**

**Minutes**

**Attending**

Willie Cowan (Scottish Government) - Chair  
Andrew Henderson (Scottish Government)

Alan Wells (Scottish Government)  
Amanda Chisholm (Scottish Government)  
Mark Bilsby (ASFB)  
Jonathan Swift (ASSF)

Brian Davidson (IFM)  
Chris Horrill (RAFTS)  
Craig Campbell (SANA)  
Duncan Fergusson (SGA)

James Mackay (SNFAS)

Alister Jack (Representative of fishery proprietors)

**Apologies**  
Ron Woods (SFCA)

Simon McKelvey (IFM)

**Welcome and Introductions**Willie Cowan welcomed everyone to the meeting and introduced James Mackay.

**Update on consultation analysis**

The analysis of consultation responses in on-going, and will be published in due course. Early indications suggest that around a quarter of all responses came from, or were in specific relation to, the Tweed. The main themes were consistent with earlier discussions:

* The importance of ensuring an appropriate balance between national and local functions, and avoiding centralisation.
* Concerns about financing the new system.
* The constitution and functions of FMOs.

**Feedback from group members**

The members provided an update on their deliberations between meetings:

*Membership of FMOs*

* The group recommended that a two-tier approach to constituting FMOs be adopted – a wider group comprising of community anglers, industry, proprietors, public bodies, tourism bodies and staff, and a management group (max 12), with a balance of interests reflective of the wider group and elected from amongst their peers (e.g. proprietors elect proprietors etc.).
* This would be more manageable than a huge committee structure and would help maintain local interest and enthusiasm.
* Netting interests would like to be part of local inshore fishing groups.

*Draft constitution*

* The group did not progress this for the time being. Members felt that there was a need to understand the type of body that FMOs would be first.
* Whatever the ‘constitutional wrapper’ it was felt that a company limited by guarantee was appropriate.
* Governance of the FMOs should be ensured through the process of conferring approved body status – delivery of good fishery management is ultimately more important than the constitutional wrapper.

*Current income and expenditure*

* The importance of examining the finances of DSFBs and Trusts as a package was emphasised in order that the current income and expenditure across Scotland can be understood. ASFB and RAFTS have been developing the work on the functions of FMOs with a view to putting an indicative cost on those functions.
* It was noted that there are a number of means by which these functions can be delivered and the scope for a more federalised system, where potentially staff, equipment or other resources might be shared between areas was discussed.

*Training and Continual Professional Development*

* IFM has developed a CPD programme for England and Wales, but recognise the importance of developing a Scotland-specific system tailored for our needs. IFM have started scoping the training needs for the Scottish fishery management industry. This process will build on previous work undertaken in conjunction with Lantra.
* A spread sheet was circulated prior to the meeting which builds on the key functions for FMOs agreed by the SRG by listing the roles required to develop these functions and the skills, knowledge and specific tasks linked to these roles.
* The spread sheet will also be circulated throughout the sector and IFM are looking for input to ensure that the sector understands and provides input to the approach being adopted. The importance of avoiding the perception that existing staff will need to be ‘trained’ before being able to get involved in the new system was noted. The new approach should perhaps be viewed as a national minimum standard, with opportunities for staff to access a range of professional development beyond that.
* The potential for staff in still water fisheries to access the training and CPD programme was also noted – it was emphasised that such fisheries are covered in England and Wales.
* All group members were encouraged to provide input to IFM.

**Update on National Strategy Development Group**

* Group has met once and will meet again on 28 September.
* Initial work has been to develop and agree an outline/structure for the strategy.
* The group will discuss and agree the level of detail required for consultation in the new year, recognising the view expressed by stakeholders during the consultation that the strategy should not be a top-down approach.
* The importance of read across between local functions and national functions was emphasised – there should be consistency and common language between local functions and the national strategy. It was also noted that the strategy should primarily be seen as a statement of ambition, rather than too detailed.
* It was also suggested that retail and tourism interests should be included on the group.

**Update on progress in developing draft legislation**

*Administration and Management*

* There was a short discussion about the high level duties that are expected to be placed on Scottish Ministers. These are likely to include a duty to prepare and publish a national wild fisheries strategy. Scottish Government have met with OSCR and are in the process of considering a number of issues relating to the constitution of FMOs.
* A great deal of thinking has gone into the relationship between Ministers and FMOs. The application and approval process for prospective FMOs is likely to be a crucial element of this relationship. The current thinking is that once an FMO, and their fisheries management plan and business plan, has been approved, the legislation should enable FMOs to undertake the job of fisheries management without having to regularly revert to Ministers. It was emphasised however, that certain functions and approval mechanisms, which already sit with Scottish Ministers, should in all likelihood, remain with Ministers.
* It was noted that some DSFBs are concerned about the potential for their current assets to be removed from the fisheries management system as a by-product of any reorganisation following the reform process. It was emphasised that this was not something that the Scottish Government is seeking to do. However, the concern was recognised and an acknowledgement given that, as more detail becomes available about the processes that will be necessary in the transition period from the current system to the new one, care will need to be taken to respect property rights and protect assets for the benefit of future fisheries management.

*Regulatory Framework*

Various aspects of the regulatory framework were discussed including the treatment of salmon and sea trout as “salmon” in the current legislation, the sale of rod caught fish, and the approach to close times.

* It is currently illegal to sell rod caught salmon. It was agreed that, in line with the all species approach that has informed the reform project as a whole, it would be sensible to explore the possibility of taking a consistent approach to the sale of all species of fish.
* Scottish Government indicated a wish to simplify, if possible, the way in which close times are organised, noting that the current situation, where rod fisheries can operate during the close time, is potentially more confusing than it needs to be.
* The group were asked to consider what might be the best approach to close times (both annual and weekly) taking into account what is required in the 21st century, the theme in the wild fisheries review about increasing opportunities and access, and our ability to ensure compliance with the future regime.

*Enforcement*

* The current offences and powers available to water bailiffs was discussed with the Bailiff Development Group on 10th September, as was the potential to change the name of water bailiffs as part of the reform process. Various names were considered including Fisheries Officer, Fisheries Enforcement Officer, Fisheries Compliance Officer and River Officer. The group were asked to discuss this further.
* It was also suggested that a new role, with similar powers to fisheries wardens (who are responsible for ensuring compliance in protection orders), was being considered by Scottish Government, to act in support of water bailiffs. This may be a voluntary role in the first instance, but may also be a career development route into becoming a water bailiff.

**Strategic Environmental Assessment**

There was a short discussion about the approach to SEA for the forthcoming draft legislation and national strategy.

**Date of next meeting**The next meeting will take place on Thursday 5 November at Victoria Quay. Meeting space will be made available for the group for discussion prior to the next meeting.