

MINUTE OF MEETING OF THE SPEY  
DISTRICT FISHERY BOARD IN OPEN  
SESSION held at the Cairngorm Hotel,  
Aviemore commencing at 10.00 a. m. on 16<sup>th</sup>  
May, 2014

**Present:-**

<b>Chairman</b>	Alan Williams	Carron
<b>Proprietors</b>	James Carr Brian Doran Peter Graham Angus Gordon Lennox Toby Metcalfe Sir Edward Mountain, Bt Oliver Russell Peter Millar Dr CMH Wills	Wester Elchies Craigellachie Fishings Roths and Aikenway Brae Water Trust Crown Estate Delfur Fishings Ballindalloch Orton Knockando
<b>Co-Optees</b>	Grant Mortimer  Mel McDonald	Strathspey Angling Improvement Association River Spey Anglers Association
<b>In Attendance</b>	Roger Knight Alasdair Laing Brian Shaw Graham Newman Ann Anderson William Cowie	Director Chairman ASFB Biologist SEPA SEPA (late arrival) Clerk
<b>Public Attendees</b>	None present	

**1. INTRODUCTIONS AND APOLOGIES**

Apologies were noted from Gavin Clark of SNH and Douglas Ross from Moray Council.

The Chairman introduced Alasdair Laing, Chairman of the Association of Salmon Fishery Boards (ASFB), to the meeting and noted that he would be reporting further on the Wild Fisheries Review progress.

**2. MINUTES OF PREVIOUS MEETING**

2.1 Minutes of Meeting held on 14<sup>th</sup> February, 2014.

Before consideration of the accuracy of the Minutes the Director reported that the AGM Minutes would be publicised following the requirement to do so within a 3 month period.

As far as the accuracy of the Minutes were concerned there were no comments to make in respect of the Open Meeting or the Closed Meeting and both were approved for signature.

### **3. MATTERS ARISING FROM PREVIOUS MINUTES**

#### **5.4 Dipple Well Field**

Sir Edward Mountain enquired whether the Dipple Well Field Agreement would be reviewed further given the current dry season. This was confirmed.

#### **3.2 Publication of Minutes**

The Chairman suggested that publication of Minutes should relate only to meetings of the Board's Open Session and not to sub-committees. This was agreed.

On enquiry, Brian Shaw was of the opinion that there was no harm in publicising the Foundation Committee Minute, although the Director felt that as there was no legal requirement to do so it would possibly be counterproductive. In any event, it was agreed that this was a matter for the Spey Foundation to determine and the issue would be remitted to them.

### **4. WILD FISHERIES REVIEW**

The Chairman then invited Alasdair Laing, as Chairman of ASFB, to present a brief overview of the progress to date with the Wild Fisheries Review.

By way of introduction Alasdair Laing advised Board Members that the process was moving very quickly and any briefing provided at today's meeting was likely to be out of date shortly. Some of the briefing note would also be familiar to a number of the Board Members already but, for others it was useful to rehearse the background.

A review had been announced in January and Andrew Thin, formerly Chairman of Scottish Natural Heritage and previously the Cairngorms National Park Authority, had been appointed to lead. The review of Wild Fisheries Management did not just apply to migratory fish but would cover all fish species. There were a number of drivers which had resulted in the introduction of the review and these were principally as follows:-

- Current political situation.
- A perception in Government circles that Government agencies were not doing enough to demonstrate compliance with EU Regulations.
- A need to address mixed stock fisheries.

## Review Team

The Review Team would be headed by Andrew Thin with assistance from Jane Hope, previously Chief Executive Officer of the CNPA and a consultant, Michelle Francis. They in turn would be assisted by four experts including Simon McKelvie (Conon DSFB), Richard Fyfe (SEPA), John Armstrong (Marine Scotland Science and Colin Bean (SNH).

## ASFB response

Alasdair Laing advised Board Members that very shortly after the review was announced Workshops were established to investigate areas of commonality. The following areas had been identified:-

- It was agreed that the English route of management by central Government would not suit.
- There was a likelihood of a two-tier structure, with central control from a Government Agency and a lower level of local management.
- There would require to be attention given to economies of scale which may result in wider geographic areas of local management.
- From the Association's point of view it was important that local connection and decision-making was not lost.
- There would have to be recognition from proprietors that there would be a degree of loss of control.

## Progress

Alasdair Laing reported that the Review Team had already held a number of meetings with interested parties and it appeared that there was considerable will to push matters forward as quickly as possible which may even result in a recommendations very soon.

## FUNDING

It was recognised that under the current structure of Boards there would not be sufficient funding to carry out proper management of all fish species and for the Scottish Government to demonstrate their compliance with European Directives. In particular some of the West Coast Boards simply did not have the wherewithal to contribute. This would inevitably mean an element of cross subsidisation and there would also require to be recognition that the review was driven by a "current democratic deficit agenda" which proprietors must accept as political reality.

The only thing that could be said for certain was that there would be no prospect of the current funding formula continuing, whereby River Boards raised cash directly from proprietors for the management of their own particular river.

## Matters still to be addressed

There were a number of matters from the Association's point of view which were important and still to be addressed. These were:-

- The location of the Central Body.
- The size and structure of the second tier.
- The method of fund-raising, including equalisation of resources.

After the brief overview Alasdair Laing then invited questions.

Q Sir Edward Mountain enquired regarding the funding situation. In particular, he asked what the Association's views were on the fear of proprietors that if resources were spread too thinly, no part of the system would be adequately protected. Secondly he asked regarding the Tweed position and whether was an intension to follow that model.

A In response Alasdair Laing indicated that it would be down to the ASFB to ensure that Andrew Thin recognised the difference between national and local requirements and it may result in a set proportion of funds being allocated to each. The ASFB were aware that this was vitally important. So far as the Tweed was concerned, the main difference was this formed the border between Scotland and England and was therefore in a different case. It was possible, though, that some elements of the Tweed Foundation model would be adopted. He also indicated that the land reform review group report was due to be published very shortly and could indeed recommend abolition of Fisheries Boards, so the whole picture was moving very fast indeed.

Q Peter Graham enquired regarding funding and reiterated that there needed to be recognition of the minimal level of support required by local rivers in order to allow sufficient ability to function.

A Alasdair Laing confirmed that there were indeed certain implications for owners as well as Managers of Rivers. Owners and Managers may have different interests.

Alan Williams made the point that the ASFB should be clear that there should be no taxation without suitable benefit in return and that they needed to "box clever" to ensure that the funds raised from proprietors were directed towards their interest as far as possible.

Q&A James Carr made the point that rod licences had been demonstrated to be a mess of conflicting legislation in England and would not be a progressive way forward.

He also asked about the role of the central body in enhancing fish stocks. Alasdair Laing accepted that the ASFB would need to work carefully on the information to feedback through the Commissioner.

Sir Edward Mountain recommended the need to watch the aquaculture issue and also commercial netting interests, so that a suitable contribution is secured from them towards the management in the future.

On enquiry from Toby Metcalfe, Alasdair Laing confirmed there was not final clarity on the two tier structure as yet, but it was vital that this was set out clearly before consultation. Alasdair Laing also advised Board Members that there was a possibility of a slot in the Parliamentary legislative timetable to progress with Land Reform Legislation before the 2016 Scottish Elections and the Wild Fisheries review may be carried along with this. The current system of River Boards could therefore come to an end sooner than expected.

Q Angus Gordon Lennox enquired as to the situation in the marine environment and whether this was taken into account.

A Alasdair Laing indicated that this was not part of the remit of the Wild Fisheries Review which was concentrating on inland waters only.

Q & A In response to enquiry from Toby Metcalfe, Alasdair Laing confirmed that the ASFB would certainly seek to be involved in the consultation of the establishment of the lower tier of management structure. However, if the Boards were abolished, then the role of the ASFB would also disappear.

## **Summary**

Alan Williams enquired regarding the remaining assets and liabilities of Boards if they were abolished. Alasdair Laing noted the point but indicated that this was not an aspect that had yet been looked at, but would require further detailed advice.

Alan Williams then thanked Alasdair Laing for his very informative talk. It was noted that it would be very important for the Association to continue to be involved in the open committee forum and to maintain a clear explanation of action by those Boards who have clearly demonstrated good science and good management over many years.

## **5. DIRECTOR'S REPORT**

The Director's Report was annexed to the Minute and the following additional issues arose using the numbering in the Director's Report:-

- 5.1.3 Peter Graham noted the attitude of Scottish Water towards the Scottish and Southern Energy position which appeared to be moving in a more favourable direction. This would be debated further in the closed session.
- 5.1 Angus Gordon Lennox enquired whether the acoustic deterrents referred to had any proof of effectiveness and enquired whether they affected other marine life. The Director replied that they appeared to be effective, but it was necessary that trials continue. This was supported by Brian Shaw.

Questions were then invited on the Director's Report and the following was noted:-

- 1. Grahame Newman reported that SEPA were now working closely with the Wildlife Protection Officers of the Police and this was working well.
- 2. In response to enquiry by Brian Shaw on whether isotope analysis of Sawbill's feathers was effective, Roger Knight advised that according to SNH it was effective in determining whether birds had been feeding in the marine or riverine environments and that this had been confirmed by a Professor from Glasgow University.

## **6. SPEY FOUNDATION REPORT**

### **6.1 Biological Report**

It was reported that there needed to be closer liaison between the principal water abstractors and Alistair Steven (SSE) was to set up a meeting with Rio Tinto.

### **6.2 Redd Counts**

It had been determined that these had proved not to be particularly useful and may be discontinued.

### **6.3 Action Plan**

Following various consultations an Action Plan had been produced to demonstrate precisely what the Foundation were planning to achieve going forwards.

#### **6.4 Constitution of the Spey Foundation**

It was noted that this may require a substantial review and James Carr and Roger Knight would assist Edward Mountain in progressing this.

#### **6.5 Finance**

It was noted that the figures appeared to be broadly on budget with receipt of additional income during the year. A discussion then followed on whether the Board had considered any contingent liability to the Foundation in the event the Foundation were not in a position to meet their liabilities. Considerable debate followed and the principal issue was that within the Action Plan there appeared to be a commitment to undertake certain projects which could result in a deficit for the Foundation if the funding for those projects was not realised. After discussion, it was suggested that a new paragraph be added to the Action Plan to make it absolutely clear that the Plan was what the Foundation hoped to achieve over the next five years, but that it was an aspirational plan and implementation would be subject to appropriate funding being secured. In this way the Foundation would be in a position to demonstrate that they would not undertake any financial commitment without being in a position to secure funding initially. The proposed adjustment satisfied Board Members.

### **7. PUBLICITY**

#### **Public Meetings**

7.1 Sir Edward Mountain reported that the Public Meetings were to be held in London and on the Spey but would like a commitment for those meetings to definitely take place. All Board Members supported this aim.

#### **7.2 Open Day 2015**

Sir Edward Mountain reported a very successful opening day in the current year, the success of which he would like to repeat in 2015. He noted that briefing for the invited guest had been a very important part of that success.

7.3 As far as the website was concerned, he would like to encourage more use from proprietors, owners and anglers. It was very useful and informative and those

Proprietors who had their own website should consider linking their own websites to the Board's.

## **8. ELECTION OF CHAIRMAN**

A number of initial points were considered by the Board prior to the commencement of the process for the election of the new Chairman and these were as follows:-

### **8.1 Ballot procedure.**

The Clerk reported that he had circulated a Minute outlining the procedure for Election to proceed by ballot and asked whether all Board Members supported this procedure. This was agreed.

### **8.2 Conduct of Election**

It was suggested that the Clerk would assume responsibility for the election process and the relevant part of the meeting would be minuted by the Director. This was agreed.

### **8.3 Candidates voting for themselves.**

The Clerk reported that whilst there was in fact no prohibition against Candidates voting for themselves in the election process, the Clerk felt that this would still appear to run contrary to the fairness and transparency that the Board sought to demonstrate. Board Members agreed that Candidates would not therefore vote for themselves.

### **8.4 Election in open session.**

It was agreed that the Election would continue as part of the open session of the meeting.

### **8.5 Scrutineers**

It was proposed and agreed by the Board Members present that Mel MacDonald and Grant Mortimer, as the Co-Optees to the Board, would act as scrutineers to the vote which would be conducted by the Clerk.

### **8.6 Timings of Appointment**

After debate it was agreed that the new Chairman would assume responsibility immediately after the Election, rather than at the close of the Closed Session.

#### 8.7 Election of New Chairman

The Clerk reaffirmed that the procedure previously circulated would be followed and then introduced the two candidates, before allowing them to draw to decide who would make their presentation first. The Clerk confirmed that voting would be conducted by secret ballot and that questions to the candidates could be asked by both elected and co-opted members.

Sir Edward Mountain then withdrew and Brian Doran made a presentation to the Board, answering a number of questions afterwards. Brian Doran then withdrew and Sir Edward Mountain made his presentation to the Board, answering a number of questions afterwards also.

The Clerk then presented a motion that the Board proceed to ballot, which was agreed unanimously. He then confirmed that he would not announce the numbers of votes cast for each candidate, or whether a casting vote had been considered; rather, he would simply announce the decision. The Co-Opted Members distributed the ballot papers and the Clerk withdrew whilst voting took place. The Co-Opted Members then collected the voting papers and withdrew to join the Clerk, who counted the votes which was witnessed by the Co-Opted Members.

The Clerk subsequently declared that Brian Doran had been elected as Chairman.

Brian Doran then proposed a vote of thanks to Alan Williams for all of his work. Oliver Russell endorsed this and remarked that Alan's involvement had been significant, for which the Board were enormously grateful.

#### 11. **AOCB**

There were no matters arising.

#### 12. **Date of next meeting**

The date of the next meeting would be Friday, 15<sup>th</sup> August, 2014 at a location to be determined but within the lower river catchment. The Open Session then closed.