

Consultation on wild fisheries reform in Scotland RESPONDENT INFORMATION FORM

Please complete the form below to ensure that we handle your response appropriately

SECTION 1: complete this section if you are responding as an individual

Personal details

Name:

Title:

Surname:

Forename:

Postal address (including post code):

Contact details (telephone number/email address):

Handling your response

Q1: Do you agree to your response being made available to the public?

A:

Q2: If you have agreed to your response being made public can we publish:

- your response including name and address?
- your response and name but not your address?
- your response only?

A:

SECTION 2: Complete this section if you are responding on behalf of a group or organisation

Group/Organisation details

Name: River Annan District Salmon Fishery Board and River Annan Trust

Postal address (including post code): Fisheries Office, St Ann's, Lockerbie DG11 1HQ

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Handling your response

N.B. the name and address of your group/organisation will be published

Q: Are you also content for your response to being published?

A: Yes

As a preamble and to put into context our reply we need to describe what as an organisations the River Annan Trust and the River Annan DSFB are. It would be fair to say, a number of years ago, that Fisheries Management needed 'professionalization' and in the mid-90s the River Annan DSFB grasped this concept with enthusiasm. Geographically the catchment is obviously smaller than many in Scotland and whilst in some eyes this is seen as a disadvantage we have not found this to be the case. We have delivered significant works that have focused on the wellbeing of the fishery. These works have been carried out with the overwhelming support of all of the users on the river. As early as 1997 we recognised that single species management in a catchment was incongruous to good fishery management and instead decided to concentrate our efforts on restoring habitats and opening barriers. Whilst the DSFB model explicitly refers to the management of salmon (and sea trout) we delivered our 'all species' management policy with 100% support of all the stakeholders and in a transparent manner. Indeed we co-opted onto the Fishery Board a representative from the freshwater fishing community who actively engages. Many years ago we invited Dumfries and Galloway Council, SEPA and SNH to our Board and they attended almost all meetings, reductions in staff in those organisations have reduced their attendance but they are still invited and they receive all of the papers.

As well as recognising the importance of the habitats in the river and all of the species in the river we have actively driven forward an open policy for all species fishing, as long as it can be demonstrated to be sustainable. We were the first river in Scotland to ask the proprietors to stay open all year round so local and travelling anglers could pursue their sport for whatever species were in season at that time. We firmly believe that the job of fisheries management is not just to regulate and to improve but to also seek all opportunities (providing this is done via a sustainable model).to maximise the economic potential of the river system for the wider local economy.

As an organisation we are not afraid of reform, indeed we have consistently reformed ourselves over the last couple of decades. That reform has not be driven by government policy but by the need to ensure that sensible decisions are made for the long term future of the river. In the late 90s we made all of our meetings public and have always published audited accounts and plans (long before there was a requirement to do so). We are supportive of many elements of the review but do find ourselves increasingly concerned by the rhetoric which seems to indicate that you

have to cover a huge catchment area to achieve economies of scale. We firmly believe in localism as by this route we can harness the support and engagement of the majority of the stakeholders. Regarding economies of scale we would like to ask the question of the government about what economy are they talking about. The Annan has been the recipient of significant government sourced grants (SNH, EU etc) in the past but these grants have been given to help deliver core government objectives as defined in the rules for each grant. When we talk about economies of scale it should be noted that for every government grant we have received we have typically added a multiplier effect of 3-4 times that which was given. The Annan demonstrates that with strong leadership and sensible management that small organisations can deliver huge benefits to the environment, the local and the national economy. If the policy of localism is abandoned, i.e. by merging already competent bodies with rafts of others we will lose that ability. We are not wholly wedded to the idea that management has to come from a DSFB, indeed we recognise there are faults in the system but would plead that common sense is used when allocating the future sizes of 'FMOs'.

To sum up whilst we are pleased to continue to engage in the reform process we must caution that great care is taken as there is every chance that if handled wrong instead of reform being progressive it will be regressive and damage the quality of fisheries management in Scotland for several generations. Scotland has some of the finest fisheries in the world and the damage poorly resourced fisheries management would have on the income generated for Scotland will be catastrophic.

CONSULTATION QUESTIONS – RESPONSE TEMPLATE

Q1. Do you agree with the balance of functions as set out in Table 1?

Yes

Comments:

The functions are broadly right but perhaps concentrating too much on national issues and not enough on local delivery.

Q2. Do you consider that any main functions are missing? If so, please state what these are. Do you think that any of these functions might be best fulfilled at a different level?

Comments:

It is difficult to disagree with these functions but no mention is made of improving the 'fishery' potential for Scotland in terms of the tourism aspect. This can be a function from the centre but delivered locally. Scotland's fisheries are still world class despite the issues that currently beset them. We should talk them up more and make the most of them. It should be one of the tasks of a fishery management organisation to do this.

We believe the national functions should, in general be strategic in their aims and can ensure that local organisations make appropriate decisions. One area that is not

mentioned as a national function is the recognition of training needs. A good workforce is a well trained workforce and whilst the needs of training can be recognised at a local level the standards are best set at a national level.

Another area that is not explicitly mentioned is the question of data management and sharing. Currently the Scottish Freshwater Fisheries Co-ordination Centre does this. This model has proven to be successful and workable. It does need better buy in from all of the government sectors but this has improved dramatically in the past few years and should continue. The SFCC itself should remain a separate national organisation that is not driven by policy but purely ensures that the quality of the data (produced by local bodies and national bodies) is of the highest consistent standards and defensible. High quality data is essential for making good decisions at all levels.

At a local level nothing is said about the regulation of the fisheries, it is a keystone of fisheries management that proportionate and professional enforcement decisions are made.

Also whilst the function of a local management body should include delivery of national priorities it should also deliver local priorities, these will often be the same but not always. The function 'Raising resources other than those provided by Scottish Ministers' is ominous. At the moment Trusts and to a lesser extent Boards do this already, and do it very successfully, the process and uncertainty generated by the WFR has already damaged this and the new system must be flexible enough to ensure that imaginative top up fishery management funding can take place.

Q3. Do you agree that FMOs should be charitable bodies?

Yes

Comments:

In principle this sounds fine but it is also important that some enforcement of regulations is undertaken by the FMO. Whilst it is true that some charities have pseudo enforcement roles (SSPCA) the powers are nowhere near those of a water bailiff which is more akin to a policing roll. One of the criticisms of the current system is that it is often two tier, charity and DSFB. This has been a pragmatic solution. Charities are generally not statutory consultees (although some are treated as such). Boards on the other hand have some regulatory powers it would be important that the new FMO is either a statutory consultee or that there is method developed that treats them almost as such. Whether this is possible as a charity or not needs development. On balance a charity would probably be the best form but only if it can discharge its functions.

Q4. Do you have any comments about the WFR's view that FMOs should be Scottish Charitable Incorporated Organisations rather than charitable companies?

Comments:

We think it is irrelevant and unnecessary to tie the FMO into a particular type of charity (if in the fullness of time it can be demonstrated that a charity is the best way forward). The reality is that the **function** of the body has to be more important than the form. If the potential trustees of an FMO are given legal advice that it is better to be an SCIO then that is what they should be. If on the other hand the advice for another set of trustees for a different FMO area states that in their case, they would be better off creating another form of charitable organisation why should the government propose that they can't, if they can demonstrate that they are fit for purpose and capable of delivering good fishery management.

Q5. Do you agree that in order to ensure appropriate governance and fitness for purpose, FMOs should operate to a model constitution?

Yes

Comments:

As long as the model constitution does not bar the organisation from carrying out additional types of works that may not be analogous to the governments national strategy but do deliver tangible local benefits. There needs to be a great deal of flexibility within the system to make sure that local differences are taken into account. In some areas priorities will be different and for very good reasons.

Q6. What do you consider is an appropriate balance of interests on the board and wider membership of FMOs?

Comments:

The management board of an FMO should not be so large that it hinders decision making but it must also represent a wide cross section of interests. It is likely that proprietors will provide a significant amount of the income in the future as they do now so there does need to be room on the Board for a number of proprietors or their representatives. Also as the main users are fishermen, then there needs to be representation from these groups as well although finding a democratic way of appointing them is difficult. The fishermen appointed to a Board must represent as wide a cross section of the interests in the given area. It is also understandable that statutory interests should be on the Board if, as is suggested a form of national proprietor taxation is brought in to replace the current system. Tax is after all *public* money. Our experience though is that despite keeping the public sector informed and inviting them to every meeting that their resources are spread too thin already.

Q7. Do you agree that bodies wishing to become FMOs should do so through seeking approved body status from Scottish Ministers?

Yes

Comments:

Yes but with provisions in place that enable as much flexibility as possible (within boundaries) that allow FMOs to reflect the area they manage, not just government priorities.

Q8. Do you agree that the cornerstone of the relationship between national and local management bodies should be the proposed plan-led approach? If not, why not?

Yes

Comments:

The creation of deliverable fishery management plans is a cornerstone of good fishery management. There is an issue though that government spending plans tend to be on three year cycles, plans for fisheries management have to work on longer time scales to recognise the biology of the creatures we seek to manage. Perhaps a pragmatic solution would be to create rolling six year plans that are reviewed every three years for a further six. There needs however to be clarity in the elements that are national priorities and local priorities, not all national priorities will be relevant in all FMO areas. The plans should be locally led first and foremost, if not they will fail to get the buy in from the local users of the resource.

Q9. Do you agree that the proposed package of measures in terms of constitution, governance and a plan-based approach provides an appropriate framework for decentralised delivery of fishery management functions?

Yes

Comments:

Only if the correct weight is given in each area to specific local needs, if we are not careful we will end up in a situation where management is centralised away from the area that it serves.

Q10. Do you agree that the FMO network should cover the whole of Scotland?

Yes

Comments:

Currently there are gaps in the Trust/DSFB network and these gaps do need to be filled. If there is no appetite to form them for an area thought must be given as to how this is made to happen. There needs to be some form of incentivisation to get people involved, as has been said elsewhere in this document, localism and the ability to help to make decisions in your own area creates the incentive. Large multi catchment FMOs will struggle to achieve this and will fail to harness the volunteer input that is needed on all fisheries.

Q11. Do you agree that Scottish Ministers, following discussion with stakeholders, should set out the boundaries of FMO areas?

No

Comments:

Whilst there is some weaknesses in the current situation the strength is that it has formed coalitions of people who wish and can work together. Sometimes this is a cluster of smaller rivers forming a Trust (Galloway Fisheries Trust is the oldest example of this in Scotland) in other instances larger groups have got together. If this issue is forced, and the indications keep being thrown at us that it may be, there will be a mass disenfranchisement of the river users with the FMOs. FMOs that can demonstrate that they can function in an area and fulfil all the requirements of being an FMO should be able to operate no matter what the scale.

We understand that there may be consideration towards a Solway FMO or even larger. Whilst there may be some sense in this we would caution that a system must be created within that, that still finds a way to harness the local 'river specific' volunteer forces that have helped so much in the past.

Q12. What factors should be considered in determining the number and optimal coverage of FMOs?

Comments:

The optimal number of FMOs is the number that wish to form and this needs to be driven from the bottom up. They need to demonstrate that they can fulfil basic objectives but one FMO area should not be measured against another purely on this as the needs of different areas can be vastly different. Function is far more important than form.

Q13. Do you agree that bodies designated as FMOs should be able to deliver analogous work on behalf of local or national interests?

Yes

Comments:

The priorities set out by the fishery management (or FMO management plan?) should be the first order of work for the FMO. However other analogous work could be carried out but it must be shown that it can be properly resourced by the interests it serves. In other words whilst there may be additional national interest, non-fisheries, work that an FMO could do the additional resource must be given if it is required and the FMO must have the right to refuse to do it should it not be resourced.

Q14. Are there any potential conflicts of interest in this approach?

Comments:

Only if the FMO plan is not the lead priority and additional work is adequately resourced.

Q15. Do you agree that funding raised from proprietors should continue to provide the core strand of revenue for local fishery management?

Yes

Comments:

In principle this is correct as the primary beneficiary, the proprietor, is obtaining the resource.

Q16. Do you agree that we should explore the potential for extending the responsibility for paying the levy to the owners of all fishing rights?

No

Comments:

In principle this seems to be straightforward but is symptomatic of the woolly thinking that has gone on through this process. If a proprietor is gaining a financial reward this could be assessed but in general the financial rewards for wild fish other than salmon and sea trout are meagre to say the least. There are many proprietors that do not enforce their right to recompense and where they do the fees are often in small denomination notes. Assessing these fisheries could have the effect of pushing up the price of freshwater fishing and reducing the access to the river/loch for some. We remain to be convinced that a meaningful amount of resource could be raised in this manner. We are pretty convinced that even working this out could be very expensive and outweigh any advantages.

Q17. Do you agree that responsibility for collecting and distributing resources from fisheries proprietors for the purpose of delivering the national strategy at a local level should rest with the national unit?

No

DSFBs have the most up to date directories of fisheries in their areas, they have the contacts and they have developed cost effective ways of ensuring that assessments are paid promptly. FMOs should have the same power, it is a power which actually increases the responsibility of the FMO to act in accordance to the wishes of its 'electorate'.

Comments:

Q18. Do you agree that we should explore the recommendation that redistribution of funds should form part of the new management system?

Yes

Comments:

There are opportunities to recover small amounts of money from local levies that could then be redistributed to areas that are struggling. One of the anomalies of the current system is that the healthier the fishery is the greater the rateable value and the easier it is to raise money. In areas where the stock is particularly unhealthy it is far harder to raise the investment to take restorative action where appropriate.

Q19. If not, what other means might be used for funding local fisheries management at appropriate levels across the country?

Comments:

Q20. Do you agree that we should explore the recommendation for a two-tier levy system?

No

Comments:

There is little point in having a two tier system if local collection is retained. If local collection is not forthcoming then it will be a requirement to have a two tier system. It would be far better to have budgets checked and agreed at a local and then national level and the appropriate assessment then applied to the fishery. At the moment the average assessment is nearly £1/£1 of rateable value but the range is huge, from a few pennies to over £2. There is nothing intrinsically wrong with this as long as the FMO is demonstrating that it is fit for purpose.

Q21. Do you agree that Ministers should have powers to control harvesting of all fish species on the grounds of conservation and be able to do so in line with the precautionary principle?

Yes

Comments:

The Scottish Government signed up to the precautionary principle many years ago and in the absence of good data sometimes it is all that we have, we should however seek to improve the quality of the data at all times. Ordinarily however an FMO should be in the position to advise when it believes that a Scottish Minister should

take such a decision at a local level. It should be pointed out that it appears that many of these powers are already in place, hence the no kill policy on early spring salmon that came into force recently and the eel regulations which have been in place for a some time now.

Q22. If not, what other mechanisms should exist in order to ensure a flexible regulatory system which can ensure delivery of legal obligations and policy priorities for management of species and is capable of responding to future changes?

Comments:

Q23. Do you agree that, in the context of the wider proposals in this paper, the creation of an offence of reckless or irresponsible exercise of fishing rights should not be pursued?

Yes

Q24. Do you agree that data collection priorities and processes for fisheries management at a local and national level should be predicated on a consistent approach and that this should be via a national research and data strategy?

Yes

Comments:

Yes an organisation already exists which has set standards across much of the industry, the SFCC, and it would be good if government departments also conformed with and sat the exams required of SFCC members. The consistency of data collection is key to understanding fishery needs.

Q25. Do you have any suggestions for additional means to ensure that evidence-based decision making is embedded within the fisheries management system?

Comments:

Enshrine the principles of organisations such as the SFCC into the new system, the SFCC should remain an independent partner that is supported both by the FMOs and Government but is not driven by policy, instead it should have clear and simple principles to seek best practice in data collection and interpretation.

Q26. Do you have any suggestions for additional skills areas which might usefully be covered in training and CPD programmes?

Comments:

A well trained workforce is a well-motivated workforce but we should not be too prescriptive. The list seems fairly complete but other things may well be added to it in due course. There should be additional CPD areas that are essential though, good training of water bailiffs in fisheries law, conflict resolution and chain of evidence rules are essential.

Q27. Do you agree that annual and weekly close times should remain a key part of the management system for wild fisheries?

Yes

Comments:

However as catch and release is now well established, and may be compulsory on many rivers after the licence to kill has been introduced we believe that the no fishing rule on a Sunday is incongruous to a modern system. The fishing economy is a hugely important revenue driver for many rural parts of Scotland and denying the income from 'long weekend' breaks is madness. Annual close times are essential to control exploitation at times when fish are vulnerable but need reforming so that changes can be made more easily should stocks collapse or change characteristics such as run timing.

Q28. Do you agree that the proposed local management organisations should have responsibility for considering such close times in line with the national strategy and the local fisheries management plan?

Yes

Comments:

Each FMO area needs the flexibility to choose the appropriate close times for their fisheries, but they should be doing this in a way that demonstrates that their decisions look after the sustainability of the fishery.

Q29. Do you agree that the purpose behind Protection Orders can be achieved via the design of the new management system in line with the fundamental principles set out in chapter 2?

Yes

Comments:

The Annan looked at the concept of protection orders a number of years ago but felt that in our case it would add another layer of management into the system. We have however demonstrably fulfilled the access for all and for all types of fishing requirements that would underpin a protection order. This has been a risk as we do not have the protection by regulation of stopping unlawful access. This has caused a few issues which have been dealt with diplomatically but it is essential that fishing without legal right and written permission in Scotland is a criminal offence regardless

of the species otherwise it is very difficult to regulate the behaviour of a minority who wish to over exploit.

Q30. Do you agree that the principles of the existing bailiffing system should be retained, but with amendment to set compliance within an appropriate framework of accountability with warrants issued by the national unit?

Yes

Comments:

In principle the Annan agrees with all of this

Q31. Are there other mechanisms for enforcing fisheries legislation that should be considered?

Comments:

Q32. Do you consider that there are advantages in the bodies involved in recreational fishing being able to come together to speak through one lead body?

Yes

Comments:

Whilst in principle we agree with this it has been tried in some respects before and proved problematical.

Q33. If so, do you have views on how this could be facilitated and in what timescale?

Comments:

There must be incentives for this or the various organisations involved will go their own separate ways. Incentives should include being given a stronger and more effective voice in policy making and systems put in place which co-ordinate more people getting involved with the sport.

Q34. Do you agree that promotion of opportunities and access should be a central theme for the strategy?

Yes

Comments:

Many organisations do this already, at a local level on the Annan we have engaged a lot in this type of work. It should be a function of the national body but can often be best delivered at a local level.

Q35. We are interested to hear views on how increasing opportunities and access to fishing can be embedded within the fisheries management system.

Comments:

Access is already far better than many people realise, promotion of this access is the biggest issue in some areas. Better co-ordination of this and support and advice to fisheries would help.

Q36. Do you support the concept of the angling sector coming together to develop a programme for development of angling (Angling for All), including an emphasis on opportunities for young people and promoting social and economic benefits?

Yes

Comments:

Angling is a sport that is well recognised as a tool for engaging young people in environmental issues. We need to recognise this and encourage (and fund) organisations to deliver better information and training in this sector. Most of the building blocks for this are in place through a variety of organisations but at the moment it is piece meal and disjointed. Co-ordination of this to maximise benefits would be a worthwhile aim.

Q37. Should funding for Angling for All come from a rod licence? If not, where should resources be found to support the programme?

Comments:

There is deep distrust of a Rod licence in many parts of the angling community. Indeed a rod licence may put people off rather than encourage them to engage. It would be possible to bring a rod licence into Scotland but the price would have to be very reasonable and there would have to be a very clear objective that is deliverable otherwise we could end up spending valuable resource enforcing it. In other countries a rod licence is the sole form of income to the fisheries management sector, perhaps if a rod licence was brought into Scotland this should be the system that is used to cover the whole costs.

Q38. Do you agree that a rod licence should only be used to fund Angling for All, rather than also being used to support wider management activity

Comments:

See comments on question 37. The rod licence in itself is a big hurdle, whilst they are present in many countries there is significant cultural objection to this in many sectors.