

## **NESS DISTRICT SALMON FISHERY BOARD MINUTES FROM BOARD MEETING**

**Time:** 14:00

**Date:** 19<sup>th</sup> March 2015

**Location:** Ness Castle Lodges

### **Present:**

Michael Martin: Dochfour, Mandate (MM) - *Chairman*  
Andrew Duncan: Ness Castle, Mandate (AD) - *Vice Chairman*  
Annie Girvan: River Moriston, Mandate  
Ryan Rutherford: Ness Side, Mandate (RR)  
Alan Scott: Angling Club, Co Option (ASc)  
Angus MacGruer: Co-Option (AMcG)  
Alexander Patience: Netsman, Co Option (AP)  
Graham MacKenzie: Co-Option (GMcK)  
Neil Cameron: Ness & Beaully Fisheries Trust (N&BFT), Co-option (NC)

### **In Attendance:**

April Conroy: Board Secretary  
Chris Conroy: Chief Executive/Clerk (CC)  
John MacColl: Head Bailiff (JMCC)

### **Apologies:**

Ben Leyshon: Scottish Natural Heritage (BL)  
Councillor Ken Gowans: Highland Council, Mandate (KG)  
Bob Morgan: River Gary, Mandate/Alternate (BM)  
Alastair Stephen: SSE (ASt)  
Nick Barker: (N&BFT), (NB)  
William Armstrong: River Oich, Mandate (WA)

## **1. APOLOGIES**

The Chairman, Michael Martin (MM) welcomed the board and noted apologies from Cllr Ken Gowans, Bob Morgan, William Armstrong, Alistair Stephen, Nick Barker and Ben Leyshon.

## **2. APPROVAL OF MINUTES FROM PREVIOUS MEETING**

The minutes from the previous meeting were circulated and MM invited comments. MM reviewed each set of minutes page by page. There were no comments raised against the previous Board Meeting Minutes, the Annual Public Meeting Minutes, or the Minutes from the Qualified Proprietors Meeting. The meeting minutes were approved. All agreed.

## **3. ACTIONS LOG**

CC provided an update on the open actions.

- Awaiting one final 'declaration of interest' to be signed – CC will follow-up with individual;
- Action relating to ownership of netting rights in relation to the issue of sea trout permits still outstanding;



- CC drafted and circulated a response to the statutory spring conservation measures consultation. New regulations now in force;
- CC has investigated use of discrete body worn cameras– will be discussed in H&S section;
- Complaints procedure to be discussed in Good governance section;
- Ben Leyshon from Scottish Natural Heritage has been invited to attend our next meeting on the 18<sup>th</sup> of June to discuss predator control;
- CC has drafted and circulated a response to the Scottish Government’s kill license consultation; and
- Paper on smolt rearing was released on our website and Facebook, well received with no adverse comments;

## 4. H & S REPORT

CC reported that three sets of tailor made protective body armour had been purchased and issued to full time and seasonal water bailiffs. The NDSFB, together with the Dee DSFB, were the first to order them. After the Water Bailiff Conference in February, the Stirling Council Fisheries team have now also expressed an interest.

Full-time Bailiffs have been advised that the armour will be for particular use at high risk sites (based on local knowledge and intelligence) and during high risk tasks or activities such as lone working, night patrols or high impact enforcement operations. MM advised that if the risk assessment states they ‘must be worn’ then it is essential that this is always followed without fail.

***ACTION 6.01:*** CC to revise wording of enforcement risk assessment to clarify whether the intention is to allow the water bailiff to determine appropriate use in line with a risk assessment of the situation.

The protection of part-time bailiffs was discussed in detail. At this stage the body armour has only been issued to full time and seasonal staff and not volunteers. This decision is based on the fact that the full members of staff have a greater number of interactions with the public, regularly works alone in remote areas and are involved in high impact enforcement operations. The probability of encountering a hostile situation is therefore significant higher. The voluntary team generally act as a ‘second man’ to a full time bailiff on a relatively infrequent basis.

The two part-time bailiffs present, RR and GM, were asked for their view. Both agreed that they would be willing to wear one.

JM commented that with or without protective clothing, it is essential the bailiff risk assesses the situation and must choose to leave the situation where it is too volatile. It is impossible to predict where the dangerous situation will occur.

AS commented that those bailiffs are likely to be called into a volatile situation should have them.

MM concluded that there is a consensus that we will provide body armour for those who will be most commonly called out. It was formally agreed that water bailiffs should also actively choose to walk away from a dangerous situation rather than seek arrest.

***ACTION 6.02:*** CC to order body armour for voluntary water bailiffs Graham Mackenzie, Gordon Armstrong and Ryan Rutherford.

### **Video recording badge**

CC explained he had investigated body worn video recording badges and found a viable product. He explained the cost, how the camera functioned and he passed an example around the table. All agreed that this is an excellent addition.

JM commented that it can be an excellent addition, particularly where there are two bailiffs present. However, it should be understood that in some situations turning the camera on can escalate the situation and so the bailiff must apply judgement as the most appropriate use.

MM proposed that 2 be purchased. All agreed.

***ACTION 6.03:*** CC to purchase two Edesix Video Badges.

### **Lone Working.**

CC reported that he contacted a local security firm who could not provide lone worker monitoring, together with two national firms and that did provide a service. This service required an alternative device to be purchased and a monthly fee for the monitoring. The device allowed the user to notify the call centre where there was an 'Amber alert' prior to entering a potentially dangerous situation. The user could also set 'Red alert' status which started a live feed and voice recording as well as notifying the call centre of the user's position.

JM was asked for views. John commented that following the bailiff manual he stands back and assesses a situation prior to entering. Where a higher risk is anticipated he notifies others, such as the police or CC, so they are aware and are awaiting confirmation of the outcome.

MM concluded that, given the number of additional measures that have now been taken, it may be impractical to add this measure at this time. Instead, water bailiffs should be encouraged to risk assess situations and ensure they have both the 'Spot' device and a fully charged phone.

## **5. GOOD GOVERNANCE**

### **Complaints Policy**

AP reported that, following legal advice, he was satisfied that DRAFT Version 1.3 - 05/12/14 of the NDSFB Complaints Procedure provides appropriate protection for the accused individual and that he was happy to agree to the policy as it stands.

### **Register of Interest**

All members encouraged to keep their entries in the Register of Interests up to date.

### **Voting procedures**

The quorum was revised from 7 to 6, as requested.

***ACTION 6.04:*** CC to publish the latest agreed versions of the Complaints Procedure, Register of Interests and voting procedures on the NDSFB website and send to Marine Scotland.

## **6. FINANCE REPORT**

AD introduced the financial report. AD noted the main variance was due to the Garry Project running behind plan. CC reported that progress is being made and reported that expenditure would follow in the next quarter.

AD reported there are two outstanding payments of over £2k, with all other outstanding payments being significantly smaller.

NC requested that the budget should be laid out in such a way that it still showed two separate transactions for the donation from the Board and the deduction related to payment for loan of the Director.

AD asked for CC/AS to confirm the budget for next year for the Garry Project.

**ACTION 6.05:** *CC/AS to confirm the budget for next year's Garry Project.*

## **7. DIRECTOR/CLERK'S REPORT**

CC gave a summary of the paper circulated to the board.

### **NASCO Rod Tool**

The matter was discussed in great detail. CC explained that despite voluntary conservation measures already being in place with both netmen and anglers, serious consideration should be given to whether further restrictions on the exploitation of summer (and autumn) salmon are required. The issues were fully considered and it was agreed that current conservation measures should be continued, with further measures not required at this point. AP noted the impact that predation from seals and dolphins was having.

### **Meetings and presentations:**

CC noted that Nick Barker had given a particularly good presentation at the Public Meeting.

CC reported that the 2015 Water Bailiff Conference, hosted by the NDSFB in Inverness, had been well attended. He also noted that John McColl had given a presentation after much preparation and hard work and that this had been very well received.

CC gave an update on the breach of the Caledonian Canal. He circulated a hand-out with further detail on the potential impacts of the repairs on salmon smolt migration, together with potential mitigation measures. He explained that this was a good opportunity to raise the issue of smolt migration and look for support for monitoring losses of smolts in the canal. MM/AD advised not to raise this just now. AD noted that the British Waterways have a statutory duty to provide protection and that this is not being met.

AD noted that 'the smolt paper' is an excellent piece of work from CC and advised that all members should read it. MM volunteered to write a letter to conclude the matter with the British Waterways.



With regards to recent proposals for the provision of a compensation flow for the Holm Burn, the Board expressed considerable concern about further extraction of water from Loch Ness and asked the clerk to seek other compensatory measures. MM asked that CC keep him up to date as the issue is progressed.

## Atlantic Salmon Stock Assessments

CC introduced that conservation limits are a key topic of discussion in relation to the Scottish Government's kill licence proposals and the focus of the ASFB workshop the day before this meeting. The criteria for assessing conservation limits and subsequent 'quotas' for licences is a fundamental to the proposed licensing scheme.

He introduced Professor Eric Verspoor from the Rivers and Lochs Institute in Inverness, who gave a presentation on their 'Assessment of Salmon Stocks in Scotland: Integrating Genetics' project. This is an integrated genetic and demographic tool for salmon stock assessment, i.e. using genetic samples taken from salmon fry and parr to determine the number of spawning adults in a system. The project will be delivered through a number of PHD and MSc studentships and is an excellent example of applied science with real management applications.

The project will cost approximately £150k over three years and the RLI are hoping to secure some of this funding from fishery boards and trust. MM asked whether the NDSFB wish to support this programme. All agreed. It was decided that a decision regarding the level of support should be taken at the next meeting.

***ACTION 6.06:*** AD to review the budget with regards to the level of financial support that the board can provide.

## 8. HEAD BAILIFF'S REPORT

MM invited questions or comments on the paper. None were raised.

JM (supported by CC) raised a proposal to start the seasonal bailiff earlier this year, from the 1<sup>st</sup> of April, instead of 1<sup>st</sup> June, on the same terms and basis as in previous years but two months early. All supported the proposal. MM concluded that the seasonal bailiff should be taken on from the 1<sup>st</sup> April pending confirmation from AD that the budget will allow it.

***ACTION 6.07:*** AD to confirm budget can allow for extending the seasonal bailiff position starting from the 1<sup>st</sup> of April 2015.

## 9. NBFT SENIOR BIOLOGIST REPORT

CC invited questions on the paper in NB's absence.

AP asked whether there might be a possibility of running a similar demonstration netting as was carried out at Rosemarkie last year, but between the lighthouse and the west side of Chanonry Point and over a longer period than one day. This would be the best location to catch the most fish.

MM suggested that this should be taken away and considered including any legal implications. CC highlighted that in the past it has been challenging to get the appropriate permissions. CC suggested that if it proved too difficult to get a response at this time, an alternative location be used.

AP provided an update on the 'Static Gear Fishermen's Recording Scheme Project', with the NBFT to monitor catch data and by-catch by creel fisherman. AP described the project and the role of the NBFT. There have been some issues including the MCA certification of the boats. It is hoped that the project will start in May and that two boat visits per month will be carried out, recording the types of fish caught and other relevant information. All agreed this was a valuable project and a credit to all parties involved.

AP commented that it might be useful to use the camera badges. All agreed a mounted camera would add value but that a go-pro or similar might be better suited to the task than the proposed enforcement cameras.

***ACTION 6.08:*** NB to investigate use of camera's on the NBFT catch monitoring project.

## **10. WILD FISHERIES REVIEW – UPDATE**

CC provided an update and summarised the paper.

CC reported on the handling of questions raised at the ASFB. In summary, key issues raised revolved around conservation limits: How you would administer, how quotas would be assigned, and during the interim what would be done, would tagging be consistent across netsman and anglers.

## **11. NETTING CONSERVATION AGREEMENT**

This matter was discussed in private.

## **12. SEASONAL WATER BAILIFF**

This matter was discussed in Item 8 (Head Bailiffs Report).

At this point JM, CC and AC were asked to leave the room whilst board members discussed staff remuneration in private.

## **13. AOCB**

Dougie MacDougal (Alturlie Netsman) had contacted AP and raised the point that the area around the Inner Moray Firth was not designated for the protection of salmon and that this should be raised. AP commented that if it was designated, the water quality would need to be inspected on a regular basis in order to meet European Standards.

CC advised that the area at sea is not included in the Moriston SAC despite the Moriston fish migrating through it. CC had raised Mr MacDougal's concerns about water quality as any other business at the Public Meeting in January. The NDSFB have taken a view that water quality issues fall within the remit of SEPA and that they do not consider there to be a problem. MM confirmed that this falls outside of the remit of the Board and that they have no powers to intervene. CC suggested

that he might be able to meet with Dougie and facilitate a further meeting with SEPA in an effort to encourage the issue be revisited.

***ACTION 6.09:*** *CC to try to arrange and facilitate a meeting between Mr MacDougal and SEPA discuss water quality in the IMF.*

AG raised the issue of planned works on Dundreggan dam and a general lack of communication regarding such issue by SSE. She explained that they had raised the issue with AS/BM who suggested the work may take place in June. She requested that where planned works are taking place that they are consulted in advance.

***ACTION 6.10:*** *CC to consult with AS about putting a process in place to ensure forewarning and consultation from SSE takes place.*

MM noted that net fishing rights in the Dornoch Firth were being marketed for sale and circulated the particulars. He expressed surprise that a net fishery was being offered for sale on the open market by the Highland Council, particularly with current conservation measures being introduced by the Scottish Government. It was agreed that the sale, of what is believed to be a currently dormant netting station, in a neighbouring district has the potential to negate the benefits of our own conservation agreements. CC was asked to seek further information regarding the background to the sale from Keith Williams (Kyle Fisheries) and Cllr Ken Gowans (highland Council).

***ACTION 6.11:*** *CC to consult with Keith Williams (Kyle Fisheries) and Cllr Ken Gowans (Highland Council).*

MM invited AOCB. No further items were raised.

**THE MEETING CLOSED AT 17:14**