



# Association of Salmon Fishery Boards

## Evidence presented to the Finance Committee on the Aquaculture and Fisheries (Scotland) Bill November 2012

### Introduction

The Association of Salmon Fishery Boards is the representative body for Scotland's 41 District Salmon Fishery Boards (DSFBs) including the River Tweed Commission (RTC), which have a statutory responsibility to protect and improve salmon and sea trout fisheries.

We welcome the opportunity to present evidence on the cost implications of the Aquaculture and Fisheries (Scotland) Bill. Unless otherwise stated, we limit our comments to Part 2 of the Bill.

### Consultation

**1. Did you take part in either of the Scottish Government consultation exercises which preceded the Bill and, if so, did you comment on the financial assumptions made?**

ASFB responded to the consultation on the Aquaculture and Fisheries Bill and the associated BRIA. Whilst we made passing reference to some of the financial assumptions made, this was not the prime focus of our response. However, we would highlight that some aspects of the approach which has been adopted in Part 2 of the Bill were not specifically consulted upon and had we been aware that such a prescriptive approach would be adopted, we would have made a more detailed submission to the BRIA.

**2. Do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum?**

Not applicable

**3. Did you have sufficient time to contribute to the consultation exercise?**

Yes

### Costs

**4. If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the Financial Memorandum? If not, please provide details?**

We believe that there are a number of unintended consequences arising from the approach adopted in Part 2 of the Aquaculture and Fisheries (Scotland) Bill, and indeed we are concerned that opinions on many of the specific provisions in the Bill were not sought during the consultation.

- The Bill requires that all meetings of District salmon Fishery Boards must be held in public, unless there is a *good reason* to conduct the meeting in private. The cost of moving these meetings to a venue with sufficient capacity for members of the public, would involve a significant expense, (venue hire could be in the order to £100-400 per meeting) which may prove disproportionate for many of the smaller DSFBs. In addition, some DSFBs operate over considerable geographical areas. For example, if the Argyll DSFB (total income through privately-funded levy system - £58,000) was required to advertise 4 meetings a year in all three local papers within that district, the annual cost of such advertisement would be £3,200. This would involve a diversion of funds away from managing the fisheries. We would emphasise that the consultation exercise did not specifically consult on whether meetings should be held in public. Rather, the consultation asked whether there should be a Code of Good Practice, which *could* include recommendations for Boards to hold meetings in public.

- The Bill also requires that DSFBs must maintain and keep under review arrangements for dealing with complaints. Again, this provision was **not** consulted on, or even mentioned in the consultation document, and indeed, there is a fundamental question as to why such a statutory provision is necessary. It should be noted that the processing of such complaints will usually be undertaken by the clerk to the Board. In the case of smaller DSFBs, many employ clerks who are paid at an hourly/daily rate. If processing complaints (which may be ill-founded or arise from single-issue 'campaigns') becomes arduous, this will result in resources being diverted from other areas of operation.
- Section 21 includes a duty to consult and report before making certain applications. We have no difficulty with this provision in principle, but we are concerned that there appears to be a requirement to publish details in a newspaper on three occasions during the process. This again would appear to be an unnecessary expense, particularly in areas where more than one newspaper would have to be used.
- Fisheries Trusts are charitable organisations which are set up to protect and develop our native fish stocks and populations by undertaking a range of activities including river habitat restoration, fish and fisheries monitoring and research and education programmes. DSFB donations to Fishery Trusts totalled £610K in 2010 reflecting the close partnership working between many DSFBs and Trusts. Should significant DSFB resources have to be diverted to meeting the good governance requirements in the Bill, this could have a significant negative effect on the core funding of fishery trusts across Scotland.

On the basis of the above points, we do not agree that the costs of delivery are 'negligible', as set out in the financial memorandum.

**5. Do you consider that the estimated costs and savings set out in the Financial Memorandum, and the timescale over which they are projected, are reasonable and accurate?**

With the exception of the points made above on good governance, we are content that the costs set out in the financial memorandum for the other provisions contained in Part 2 are accurate.

**6. If relevant, are you content that your organisation can meet the financial costs associated with the Bill which your organisation will incur? If not, how do you think these costs should be met?**

In the case of smaller DSFBs we believe that some of the costs relating to good governance may be disproportionate and indeed may threaten the existence of some of these organisations.

**7. Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?**

No specific comment

**Wider Issues**

**8. Do you believe that the Financial Memorandum reasonably captures costs associated with the Bill? If not, which other costs might be incurred and by whom?**

See comments above

**9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?**

We believe that the Financial Memorandum accurately reflects such costs, such as those set out for carcass tagging, introductions etc.