

# Fisheries Management Scotland Enforcement Committee

## Minute

24 January 2019



### **Present:**

Alison Baker  
Craig Duncan  
Karl Ferguson  
Bill Whyte  
Richard Whyte  
Jamie Urquhart  
Diarmid Hawkins

### **In attendance:**

Brian Davidson  
Alan Wells

### **Apologies:**

Chris Conroy

### **1. Welcome and Introductions**

Jamie Urquhart and Diarmid Hawkins were both welcomed from the River Dee. Diarmid would attend future meetings to bring his Dee experience to the committee.

### **2. Simon Mckelvey**

The committee members were very saddened by the recent death of Simon Mckelvey, and condolences were expressed by all present. All recognised the huge amount of work Simon had led in relation to developing training for enforcement staff over many years. The Fisheries Management Scotland Board will be considering ideas for a memorial to recognise Simon's contribution, following discussion with Lynn McKelvey.

### **3. Enforcement priorities**

Brian Davidson provided a summary of the paper produced on priorities for change to improve enforcement. The key elements and questions were summarised as follows:

- There is a need to bring pink salmon within the legislative framework. At present, pink salmon do not fall under the 2003 Act and therefore it might be possible for an angler fishing for Atlantic salmon without permission to use the excuse of fishing for pink salmon thereby creating enforcement difficulties.
- The Act has been examined in detail to assess whether the various definitions remain fit for purpose. In particular, it was felt that the current definitions of salmon and sea trout, including different life-stages and specific definitions (ie 'unclean' and 'unseasonable') could be better defined.
- Much of the legislation is historically framed around 'taking' fish but does not fully take account of contemporary activities which can impact on fish and habitats, such as contractors working in and

around rivers. There is therefore a need to look at different pieces of legislation (including wider environmental legislation) which covers these elements – for example Controlled Activities Regulations. Scope may also exist for developing protocols to improve communication with other agencies on enforcement – i.e. SEPA in relation to water quality, quantity and working in rivers.

- Changes in legitimate angling practices may present new enforcement challenges. For example, there is now a trend for increased winter fishing for grayling, and whilst this is lawful and legitimate, it does create potential for increased enforcement requirements and potential for disturbance to other spawning fish.

The Committee felt that the paper was comprehensive and reflected the current gaps and identified where improvements could be made. It was recognised that the legislation had, over time, not kept pace with contemporary developments and activities. The paper would be shared more widely with the members of Fisheries Management Scotland and then discussed with Scottish Government to consider how it fits with their legislative priorities and where progress might be made. Whilst there is no bill currently timetabled, it is proposed that these ideas be developed as much as they can so that there is a clear case and strategy for changes to the legislation when the opportunity arises.

#### **4. Bailiffs seminar 2019**

The committee discussed the overall approach to delivering the seminar. The following points were agreed:

- The aims of the event would be defined and clearly expressed so that our members are clear on the overall objective of the event;
- There would be a greater emphasis on workshops to deliver specific and relevant training. This would be part of a defined, but flexible programme of training leading on from the examination. This will provide a more structured framework within which skills and best practice can be shared and developed and will provide greater assurance for authorities who issue warrant cards;
- We would emphasise the benefits and value of the event to members in order that DSFBs see the value of the event to their staff;
- The event would be reframed as an ‘enforcement seminar’ – the current event is focussed very specifically around bailiffs, and it is recognised that many of the non-bailiff roles within the sector include enforcement as an element of their job;
- To maintain the focus on training, it was agreed to keep the event separate from the IFM examination. The rationale for this would be discussed with IFM;

All members agreed to speak to their respective DSFB employers/management board in terms of supporting the above principles. **ACTION: ALL**

It was agreed to deliver the seminar later in 2019 (possibly late November/early December), due to constraints on current staff resources and to allow planning time to deliver a re-focussed event. It was also agreed to look at convening it at a central location in Perthshire, to suit the majority of attendees. **ACTION: ALL** to consider ideas and **BD** to develop an outline programme and scope the potential for providers to deliver training.

To improve knowledge on current enforcement activity, it was also agreed to seek basic information from the DSFBs on who holds a current warrant card – this would be introduced into the members annual survey which will be launched in February. **ACTION: BD**

#### **5. Crown Office Procurator Fiscal Service (COPFS): training day 2019**

Brian Davidson had been in contact with the Head of the Wildlife Crime Team within COPFS to discuss the delivery of a fish crime training day to procurator fiscals. COPFS are enthusiastic about participating in this, and dates in March are presently being agreed to deliver this event. It is likely that Police Scotland will also

be represented at the event from a Wildlife Crime Liaison Officer perspective. Everyone agreed that this would be a very valuable opportunity, and fully supported the event. BD will develop an outline programme for comment and discussion, and the committee agreed to support the day by some members attending and delivering content. The Tay DSFB had agreed to make their office and facilities available for the day at Almondbank. This site has an office, room for practical demonstrations and a river for possible scenarios to be delivered. **ACTION: BD to develop a programme and identify contributors for the day**

## **6. Resources under development**

Brian Davidson presented a paper outlining a number of guidance/best practice documents which are at various stages of preparation. Some of these areas may need legal input and possibly external input (i.e. from Police Scotland). It was agreed that these resources would be useful, and the committee members agreed to provide feedback on specific documents as and when they are developed. **ACTION: BD/ALL**

## **7. AOB**

Alan Wells reported that a strategy meeting has been organised with Scottish Government, SEPA and SNH to discuss a plan for dealing with the possibility of pink salmon appearing in Scotland in 2019. Issues around enforcement, discussed earlier, would be raised at the meeting, with a view to considering possible solutions. **ACTION:AW/BD**