

## **Kyle of Sutherland District Salmon Fishery Board**

### **Minutes of Ordinary Board Meeting**

**Friday 20<sup>th</sup> June 2014, 9.30am**  
**Invershin Hall, Invershin**

#### **Present**

Robbie Douglas Miller, Chair (RDM)  
John Green (JG)  
Nicky Griffiths (NG)  
Michael Hassan (MH)  
Jonathan Mason (JM)  
Richard Sankey (RS)

#### **Apologies**

Anthony Fraser  
James Hall  
Richard Fyfe, SEPA  
Anthony Watkins, SEPA

#### **Attending**

Keith Williams, Director (KW)  
Tom Inglis, KSFT (TI)  
Steven Mackenzie, KSFT (SM)  
Audrey Campbell, Administrator

#### **Absent**

William Paterson

#### **Welcome**

The Chair welcomed those present and noted apologies.

#### **Minutes of Meeting held 28<sup>th</sup> March 2014**

Minutes were approved as accurate and signed by the Chair.

#### **Matters Arising**

KW has been in contact with Mark Coulson regarding the outstanding work on farmed/wild genetics. This is still being analysed and Mark expects this to take another couple of weeks. KW has stressed the need for this to be completed as quickly as possible in light of the planning application by SSF on Loch Shin. KW will forward FASMOP genetics report to AC.

The sawbill count was carried out and thanks are due to all the proprietors and river workers involved. Although the count went well, the weather was poor on the day so very few birds were spotted. More counts will be organised in due course, hopefully to coincide with peak times when smolts are most vulnerable. KW will investigate whether a licence, if granted, would allow birds to be shot in the estuary.

RDM reported that James Hall has advised he is stepping down as chair of the Carron Proprietor Group. Although he will remain until September election, as he is not available for any further Board meetings he has effectively resigned with immediate effect. NG advised that Alex Hunter has indicated he would be prepared to replace James as the Carron representative in funding negotiations with SSE. RDM asked NG to formally confirm this as soon as possible. Mr Hunter has suggested he may take part via video conference, however actual attendance will be vitally important in order to properly engage in the process.

RS reported JM's confirmation that the Corriemulzie Trustees have agreed to divide the final netting payment in half, the first in September 2014 and the second in September 2015.

All other actions completed.

## **Declarations of Interest**

JM indicated he has an additional interest to declare. He will complete a new form and forward to AC.

## **Complaints**

None reported.

## **Director's Report**

It was agreed that Health and Safety be added to all meeting agendas as a standing item.

### Staff

Both seasonal staff members have left, leaving Phil as the only dedicated bailiff. Iain Gollan does not start until 4<sup>th</sup> August. KW and Hugh Mackenzie are filling in the gaps, making sure that there is daily cover of at least two staff. KW, AC, Hugh and Phil are actively seeking additional staff. It was noted that it is increasingly difficult to source seasonal staff at all. RDM suggested that KW contact members of the ghillie community to request assistance. KW will also contact Bert Wallace and Harry MacNeill to ask if they would be interested in a short term job. KW will also contact the local Wildlife Crime Officer to ask if he would be able to assist. It was noted that existing staff are doing additional unpaid hours in order to ease the problem.

### Pearls In Peril

Earlier in the week KW, AC and Hugh Mackenzie met with PIP staff and Neil McInnes of FCS to discuss Kyle Board project actions and to try to establish whether they are within our physical and financial capabilities. Most project actions can be carried out as part of normal activities; however the action to fell 44ha of forestry on the Oykel is causing considerable concern.

KW has stressed to PIP project staff that the Kyle Board are making every effort to find solutions in order to deliver on their responsibilities in the most efficient way possible, but with the current lack of trained staff and finance there is a limit to what can be achieved. PIP staff are also trying very hard to assist the Board to find a solution.

In order to guide decisions, KW has asked FCS to consult contractors in order to provide information on the costs they would expect to incur for the felling action.

RDM stressed that he signed the MOA against his better judgement following a considerable amount of pressure to do so by SNH. KW will request Iain Sime, SNH to attend an urgent meeting with KW, Board members and FCS to discuss further.

KW and RDM will also put together a briefing paper for the Board. AC will post copy of the MOA in Dropbox for information.

### RCP

KW took part in a teleconference meeting with members of the River Carron Proprietor group. He felt this had been very useful and that the meeting had gone well. He has asked the proprietors for ideas and suggestions for actions they wish to see on their river, these will then be considered for inclusion in a management plan.

### Communication

KW suggested at the last JMG meeting that he produce a brief newsletter to be circulated to the proprietors and river-workers in order to improve communication and awareness of Board activities. This is in progress and is hoped to be repeated at bi-monthly intervals for the majority of the year, less frequently in the winter. TI will add this to the communications policy.

## **Finance & Budget for 2014/15**

RDM and RS felt that the new budget format was much improved. The greater level of clarity provided will better inform future financial decisions. RDM summarised the headline figures but stressed that as starting figures and PIP forestry costs are not yet clear the budget is very much a work in progress.

Board members should scrutinise the spreadsheet carefully and submit any comments via email to AC.

## **Asset Register**

RDM stressed the importance of creating an asset register so that the Board is fully aware of what they own and how any depreciation is calculated. It is also important to be aware of whether equipment is or is not in use, its condition and whether it is necessary to Board operations.

KW intends to assess current equipment and present a plan at the next meeting to dispose of and replace equipment where necessary.

In terms of land, there is a need to establish who holds the title deeds and where copies of these can be accessed.

Copies should also be obtained of planning permission granted for house plots at the Hatchery and requirements and timeframes should be established. The Local Development Plan should be checked.

JM will assist in creating an index of titles and documents. KW, AC and JM will meet to sort through a number of document boxes delivered to the hatchery by Gordon Robertson to establish what they contain. JM will also provide an index of documents passed from Bell Ingram to Iain McMyn.

Following on from the recent review and restructuring process, decisions will now have to be made on where assets should sit. The Trust would seem to be a natural home for many of the assets currently held by the Board. For example, as the Trust will now carry out all scientific work, the hatchery would be more suitably owned and run by KSFT.

Once a register is created and there is a clear picture of all assets further discussions will take place.

Professional advice may need to be sought on the best solution for the netting rights acquired by the Board. It will be important to retain these locally with the option of carrying out occasional netting for scientific purposes. All agreed that RDM should start discussion with Gillespie McAndrew to identify options.

RS suggested that future opportunities for proprietors to gift netting rights to the Trust should be explored, creating the right vehicle to ensure that these are absolutely safe.

If any assets are to be gifted to the Trust, Trustees will have to discuss whether they wish to accept them and on what terms.

It is vitally important that the Board remains in good shape, fully operational and fit for purpose and any restructuring of assets must not affect its ability to function.

## **Governance**

TI summarised the process to date and stressed the importance of Kyle Fisheries having a robust set of governance documents. Since the March meeting a further 17 documents were created and added to Dropbox for Board Members comments. No comments or amendments were received prior to the meeting.

Views were sought on three key points.

KSF/POL/21 Pay Benefits and Pensions – Sick Pay

Suggested conditions approved. The word 'continuous' should be added to employment.

KSF/POL/22 Leaving Kyle Fisheries

Suggested notice arrangements agreed.

KSF/POL/32 Jury Duty Policy

Suggested condition agreed in principle, to be flexible as the individual situation demands. KW pointed out that Water Bailiffs are exempt from jury duty.

TI will amend as appropriate. AC will publish approved documents as previously. Board members should consider and advise AC if they think there is anything else that should be covered. All documents will be amended and enhanced as KF develops.

Some of the policy documents will also be collated into a handbook which will be made available to staff.

KW asked if a procedure should be created detailing the staff appraisal process. RDM agreed to send a basic guide on the review process to KW. RS will also provide a copy of the procedure the Oykel follow.

All again expressed appreciation for TI's work in creating a phenomenal template to be followed, demonstrating that Kyle Fisheries is fully functional and up to speed.

**New Office**

RS explained that the Trust has been unable to gain entry due to a number of planning complexities. The sellers have now appointed Bell Ingram to sort out these issues. Once they are resolved the purchase will proceed.

The ongoing delay is very unfortunate. Staff remain disconnected and certain work continues to be put off until the situation is resolved. JM suspects that once architects reports are obtained the planning will take a further 6 weeks to be processed by the Council. RDM asked for clarification on when entry could be obtained if the Trust agreed to carry the risk. JM confirmed that if the Trust agreed to purchase immediately and take on the planning issues, the price would be reduced and immediate entry secured.

The situation will be further discussed at this afternoon's Trustee meeting.

**SSE – Proposed Funding Alterations**

It is imperative that the process to renegotiate arrangements with SSE is started without delay. NG will brief Alex Hunter and formally report to RDM whether he will represent the Carron Proprietor Group in negotiations.

KW will contact Alastair Stephen and Bob Olivant to ask who will represent SSE in negotiations.

NG will ask Alex Hunter to advise when he may be available to meet with Alastair Stephen, in order to start the Carron's participation in the process.

It is vitally important that all parties are fully engaged.

**Wild Fisheries Review**

RDM, KW, TI and SM recently held a meeting with Andrew Thin, Chair of the Wild Fisheries Review. All found it very helpful although not hugely informative. It is clear that although some decisions

have been made regarding parameters, he has yet to form a clear view on the direction of travel. Mr Thin was clearly impressed by Kyle Fisheries new structure. He was at pains to point out that the review is designed to be a process of 'evolution not revolution'.

It is apparent that the most significant changes will be to funding and to the level of proprietor interest in whatever new fisheries management organisation is created.

Mr Thin sees community involvement as vital in any new organisation and was reassured that angling in the Kyle catchment is available at low cost to the general public.

TI summarised his notes on the meeting to Board members as below:

- The recently introduced Kyle model is not far from the model being considered by Andrew.
- Likely to suggest a group of geographically based Trusts for local management of wild fisheries instead of a statutory body. Membership to be grouped to represent wide range of interests including public interest.
- Trust will continue to be employers in terms of bailiffing and other staff.
- Local delivery will not be thrown out.
- Envisages 20-30 non statutory "local" bodies delivering on the ground management but is unlikely to recommend the exact number.
- Trust to be run in public interest.
- Each local body tailored to local needs and with its own governance arrangements within a national model.
- Accountability and transparency are paramount.
- Trust report to a Commissioner of Fisheries type individual with a "small" central staff and statutory responsibility to coordinate local management Trusts.
- Existing government organisations and NDPBs to continue to deliver existing functions but perhaps steered by Commissioner.
- On funding he didn't appear to support rod licensing but was actively considering a fish kill licence to be applicable to anglers and netsmen alike. He had thoughts on the exiting levy being collected centrally perhaps at a more uniform rate and then divvied out to the local Trusts. The levy might include a small surcharge, 5-10%, which could be distributed to those Trusts that could demonstrate that they were in greater need on a national basis. He may have to reconsider this funding mechanism at the last moment if the government decide to levy a local authority rate on fishings.
- He mentioned possibility of asking government to fund the role of Fisheries Commissioner but wasn't holding out much hope that he would be successful so the question arises to where the funds come for running the national unit, other than from a fish kill licence.

Mr Thin is keen that everyone is fully involved in the process and pointed out the next deadline for responses is July 15<sup>th</sup>.

### **Netting Buyout Appeal**

RS reported that fundraising is on track. The Corriemulzie Trustees have agreed to split the final payment in two, half to be paid in September 2014 and the final half in September 2015. There is an expected shortfall of between 10 and 30K as some have agreed to pay their donations in tranches, some of which will not be paid until after the final settlement date.

RS has been impressed at many people who have donated significantly regardless of their own circumstances. However there are a disappointing few who, although well placed to do so, have not contributed anything to the appeal.

### **Loch Shin Aquaculture**

There has been a recent exchange of emails between KW, RDM and Charles Allan, MSS, although RDM expressed his frustration over how difficult it has been to contact Mr Allan since he attended the September 2013 Board meeting.

KW confirmed that all farmed escapees caught in the smolt traps have been killed, recorded and sent to MSS for scale analysis. Mr Allan is trying to procure internal MSS funding in order to carry out additional DNA analysis.

KW will contact Mr Allan to request an indicative timescale for the decision on available funding, stressing the importance to the Board of having evidence available in order to respond to the EIA for the SSF planning application. RDM requested that KW also invite Mr Allen to the September Board meeting.

### **AOB**

KW noticed an announcement in the local paper regarding the proposed hydro scheme on the Garbh Allt burn by Glencalvie Estate. AC has contacted SEPA to request that the Board be added as a formal consultee as no correspondence had been received.

RS stated he had requested some time ago that the previous clerk create a register of developments on catchment in order to track stages and responses. This would be made available at Board meetings and ultimately published on the website in order to demonstrate that the Board is fulfilling its statutory duties correctly. TI offered to create a spreadsheet and will liaise with KW in order to do so.

RDM, speaking as an Upper Shin proprietor, wished to find out how to engage in the RBMP in order to move from phase 3 to phase 2. KW will identify the process and what is required to participate.

### **Meeting Closed**

<b>ACTION POINTS – carried forward</b>		
<b>Who</b>	<b>Action</b>	<b>Completed By:</b>
AC/KW/HM	Review H&S and insurances with NFU	September meeting
AC	Circulate SEPA guidance notes	When received
AC	Circulate ASFB biosecurity advice	When received
RS/RDM/KW/AH?	Draw up process, TOR, costs and timeframe for review of SSE funding arrangements	September meeting

<b>ACTION POINTS – from this meeting</b>			
<b>No</b>	<b>Who</b>	<b>Action</b>	<b>Completed by</b>
1	KW	Forward FASMOP report to AC	Immediate
2	KW	Investigate whether sawbills could be shot in the estuary under the terms of a licence.	By next meeting

3	NG	Brief Alex Hunter and formally confirm to the Board whether he will represent the RCP in negotiations with SSE. Advise when Mr Hunter would be available for a meeting with Alastair Stephen, SSE	Immediate
4	JM	Complete new declaration of interest form	By next meeting
5	AC	Add H&S to all meeting agendas in future	Immediate
6	KW	Contact Ghillies to request assistance re bailiffing. Contact Bet Wallace, Harry McNeill, Wildlife Crime Officer.	Immediate
7	AC	Post copy of PIP MOA in dropbox	Immediate
8	KW	Arrange meeting with Iain Sime, SNH re PIP. Also include FCS and Board members is possible.	Immediate
9	KW/RDM	Write briefing paper on PIP for Board Members	As soon as possible
10	TI	Make suggested amendments to draft policies. Add regular newsletter detail to communications policy	As soon as possible
11	All	Scrutinise budget spreadsheet and email comments to AC	By end July
12	KW	Prepare a plan of equipment for disposal and replacement	By next meeting
13	KW/JM/AC	Establish index of titles and documents, obtain copies of deeds and planning documents. Check Local Development Plan.	By next meeting
14	JM	Forward index of documents passed to Iain McMyn to AC/KW	As soon as possible
15	RDM	Contact Gillespie McAndrew for advice on netting rights	As soon as possible
16	AC	Publish approved policy documents. Collate relevant policies into a staff handbook.	As soon as possible
17	RDM/RS	Forward appraisal formats to KW/AC	As soon as possible
18	KW	Contact Alastair Stephen and Bob Olivant to determine who will represent SSE in funding negotiations	Immediate
19	KW	Contact Charles Allan, MSS to obtain indicative timescale for a decision on funding. Invite Mr Allan to the September 2014 meeting	Immediate
20	TI/KW	Create developments register	By next meeting
21	KW	Identify how Shin proprietors can participate in the RMBP process	Immediate