

MINUTES OF WRASFB BOARD MEETING

By Conference Call	PRESENT:	
DATE: 10 September 2020	Bill Whyte (BW) Chair	Stephen Bate (SB)
OPENED AT: 10.30 CLOSED AT: 12.15	Neil Morrison (NM)	Hugh Whittle (HW)
IN ATTENDANCE: Peter Jarosz (PJ)	Gordon Crawford (GC)	Rosie Nicoll (RN)
	Donald Rice (DR)	Ray Dingwall (RD)
	Stuart Allison (SA)	
	APOLOGIES:	
	Ala Mackenzie (AM)	

1. Apologies

Apologies were received from Ala Mackenzie.

2. Approval of the minutes of the 30th March 2020 Meeting

The minutes of the 30th March 2020 were accepted as an accurate record of the meeting being proposed by GC and seconded by RN.

3. Matters Arising

There were no matters arising.

4. Construct a response letter to the SWRFT letter that addresses the procedures for this “divorce”, including the preservation of original Wester Ross Fisheries Trust assets

There was some initial discussion regarding the content of the SWRFT which clearly now leaves Wester Ross without a Fisheries Trust. This in itself presents a problem for transfer of the former WRFT assets back to a new entity as this new entity will have to be a charity in order to take receipt of the transfer of assets. SB asked if there were any trustees willing to set up a new WRFT and were they willing to engage Peter C as their biologist. PJ said that he had spoken with Alasdair MacDonald, James Close and Mark Williams who were all willing to stand as trustees of a new WRFT and who were keen to re-engage Peter C as biologist. PJ went on to say that he had spoken to Bob Younger who had agreed to construct a draft response letter to SWRFT and, once received, PJ would circulate it round the Board for comments and/or amendments. SB asked if the Board’s response letter to SWRFT should also go to OSCR who will be administering the split. SB said that once our response letter goes to SWRFT one would hope that there will be agreement as to what the assets are. HW said that he understood that the issue was pretty uncontentious SWRFT intend to give up the office, with the contents of the office coming back to Wester Ross and that it remained just the division of the working capital that needed to be agreed. GC said that surely the SWRFT were likely to present a document detailing the unrestricted funds and showing their view of the likely split of these funds. At that point, if we had any issues with the calculations, we could ask for clarification and/or challenge any of the details. HW said that, with new aquaculture regulations coming in next year, he did not see why there was a need for a new WRFT and that the WRASFB could undertake the work that the trust usually does. BW said that his concern was that with no new WRFT (set up as a charity) in place, transfer of these assets from SWRFT might not occur as, to his knowledge, transfer of assets from one charity could only go to another charity. SB asked whether a fisheries trust that can do work on, for example, habitat improvement was able to access funding for this type of work that the Board would find difficult, if not impossible, to get funding for. BW said that a fisheries trust (as a charity) has access to funding from sources that

will only grant funding to charities and he quoted the Herring Project as an example. We need to respond to the SWRFT letter and will ask Bob Younger to draft an initial version.

5. What (if any) steps should the Board take to promote or assist in, the setting up of a new fisheries trust for the Board area?

This item and items 6) and 7) are dealt with below.

6. What (if any) steps should be taken by the Board to identify, prioritize and measure the work that it requires any new trust to do so as to fit with the objectives of any new trust?

7. What steps (if any) are required for the Board to continue to be able to carry out its functions; e.g. as to the services of a biologist (PC)?

PJ asked if the Board had decided that the setting up of a new WRFT (as a charity) should now proceed or was there still doubt on whether this was a route to take? DR said that, whilst he was conscious of the attraction of cutting out a layer of administration and trustees, he was concerned that, if funding for the likes of the Herring Project could only be available to a charitable trust, then we should be careful that we don't throw out the baby with the bath water. SB pointed out the objectives of a new WRFT will be set by the trustees and that the WRASFB will be interested in an alignment with our own purposes. GC said that there are various finite pots of money and if some of those pots are only available to a charity then it would make sense for a new trust, as much as possible, to share costs and facilities with the Board – share office and administration so that we are not setting up a different cost centre – achieving a distinct Board status and Trust status but with shared operation cost base because there just isn't the funding. HW said that the Board was already running at a loss so the Board should not be proposing to donate the usual £22.6K to the new Trust. Whilst discussing costs, SB asked if it was necessary to have an office for which we have to pay rent. Could the functions be performed remotely with a good IT structure with meetings taking place on an ad hoc basis in a room somewhere? BW pointed out that where he is moving to just now has what used to be the portable dental surgery along side. This unit is the size of a static caravan with two rooms in it, has internet connection and is big enough for Peter C to work in it. The garage that BW has could be used to store the returned WRFT assets so there is no need for the office that we currently occupy. BW confirmed that there would be no charge for these facilities. GC added that for Board meetings Eilean Darach could host meeting and suggested that others could also offer that facility. DR asked if we knew how many hours Peter C spent in the office working as he would need a comfortable environment to do such work. PJ said that he estimated that during the winter months Peter C spent most of his time in the office. BW said that the dental unit had electricity and heating and would be quite comfortable for working in during the winter time. BW said that in the winter Peter C's time is spent writing up the reports on the work that he has done throughout the fieldwork season. There followed some discussion on the need for a new trust to have in place a realistic budget with the WRASFB unable, at this time, to commit to donating £22.6K to a new trust next year. A new WRFT does have an opportunity for applying for a "start up" grant as it will be a new entity. RN asked if there is no new WRFT started up what will happen to the assets that used to belong to WRFT – can they come over to the Board? BW answered that it is his understanding that assets/finance from one charitable trust can only go to another charitable trust but we will check that out with OSCR. Discussion on the merits of a new

trust that would be a charity with potential access to charitable funding followed with examples of projects (SISI and Rhododendron for example) that bring in no benefit for fish or fisheries that a new trust might be better to avoid. Whereas funding for possible habitat restoration/improvement would be worthwhile seeking funding for. BW said that an example for this type of restoration has occurred on the River Dee. There they have a Dee Fishery Board and a Dee Foundation. The Dee Foundation is a charity (equivalent to a fisheries trust) and the monies for trees and the planting costs was sourced through the charitable foundation. The work though was of direct benefit to the proprietors of the Dee and would have made it impossible for the Dee Board itself to source that funding. SB asked if we could confirm that this type of funding would only be available to a charitable trust and not be available to a district fishery board as this was an important factor in deciding on the promotion of setting up of a new charitable trust. HW suggested that money from aquaculture is likely to become a major source of funding over the coming years for work on monitoring EMPs and he pointed out that this is already the case on Skye. RN asked if the money from aquaculture for this work would be directed through FMS. PJ said that this is definitely not going to be the case – the money is for the monitoring of EMPs paid by the relevant fish farm owner to the wild fish entity that is performing the monitoring work. SB said that whilst the Board is involved with the structure and content of the EMPs prior to their agreement, it needs to be the trust that performs the monitoring work. Does this expose the trust to being “captured” by aquaculture? BW pointed out that the monitoring work performed by trusts is for the monitoring of EMPs set as a condition of planning consent and as such the monitoring data is reported to both the Board and to HC and is not able to be influenced by the aquaculture company who is paying for the monitoring. HW thought that a new trust should focus on a new regulatory framework under SEPA licensing that should come into being in the immediate future. BW said that until any new regulatory framework comes in we have to work with the current EMP system and whilst it is not perfect it is the best that we have. SB thought that if habitat restoration work (which is an important consideration for any fishery board) could best be funded from charitable sources and if there really is no chance of a trust that is performing monitoring of EMPs being captured by aquaculture then the setting up of a new trust is a sensible thing to do. DR said that after listening to all the points that have been raised in the meeting it still seems to him that the setting up of a new trust is a sensible thing to be doing and that the new trust will need to adapt to a changing and variable future situation. PJ pointed out that changes to the regulatory framework in the future will not simply be the concern of a new fishery trust but will be the concern of all the fishery trusts along the west coast of Scotland. Whatever changes that do come in will affect all the trusts on the west coast and not just the new WRFT so if the existing trusts can adapt to new regimes then the new WRFT can also adapt.

RN asked why cannot the Board contract Peter C to do the work so that a new trust is therefore not required. SB said that not all proprietors would contribute by choice to this system whereas the levy allows the Board to raise monies that it can donate to a trust. BW said that there is no board in Scotland that operates with its own biologist. PJ asked if we are now saying that the Board should encourage the setting up of a new fisheries trust? GC said that we should 1) validate that there are sources of funding that are available to just charitable entities and that would therefore not otherwise be available to us 2) how can we achieve board and trust status with minimal additional expenditure. Establishing the validity of these two points should be sought before we move forward. GC asked can we have two legal entities that are effectively under the same “umbrella” keeping expenditure costs down to a minimum yet clearly having two quite distinct legal entities? SB asked should a letter go out to proprietors explaining what is being contemplated and if it is not from the Board could it be from the trustees who are hoping

to set up a new WRFT? From the proposed trustees would probably be better along with the reasons for why this new trust is necessary. SB still had some concerns about a new WRFT being “captured” by aquaculture but integrity is required for any fisheries trust including a new one. BW pointed out that for example the Ness Fisheries Trust receives around £90K per annum from SSE because of water extraction (and the impact that has on the river) but no one can say that the Ness Fisheries Trust is in the pocket of SSE because it is Chris Conroy and not Alastair Stephen who directs exactly how that money is spent each year. GC pointed out that you can get “hung up” on governance between the Board and the Trust and as there just isn’t the money there for corporate lawyers to review governance (as in a large corporation) it is down to having people who care for what the Board and Trust do and who have the integrity to operate these entities with good governance. DR said that he accepts that we should be mindful of GC’s points regarding due diligence about aspects of expenditure and savings but he believes that we should proceed and encourage the setting up of a new WRFT.

8. Results of the Proposals voting

PJ said that he had circulated the voting results of the six proposals from our August meeting but that Proposal 3 was voted on the then current status of the SWRFT. That status has now changed and PJ asked if Board Members wished to revote on that proposal.

9. In your opinion should the SWRFT manage any Loch Maree project?

BW made the point that since Loch Maree is outwith the geographic are of the revised SWRFT then SWRFT should have no part in it but that the project is up to the Loch Maree proprietors to take forward.

10. AOCB

GC added that from his point of view the aids to us moving forward are to get:

- 1) a listing from SWRFT of the assets of both “sides” and see if we are happy that it is non contentious and fair.
- 2) validate our assumptions that there are additional streams of income available for a charity that would not be available to a new WRFT that did not have charitable status.
- 3) validate what we have to do to have a trust which is running “alongside” a board.

We should be able to get back to members on all these points in advance of our intended October meeting.

One final point raised was that the trustees of a new WRFT need to look carefully at the SISI and Rhododendron projects and let SWRFT know what they decide regarding these projects. HW also pointed out that SWRFT intended to run the Herring Project in its first “scoping” year and then hand it back to a new WRFT to run the defined issues of the project in subsequent years. BW said that he was uncomfortable with this proposal of SWRFT running year one of the project and then handing it over to a new WRFT but that is for the trustees of the new WRFT to decide with possible guidance/advice from the Board.

12. Date of Next Meeting

Normally we would be looking for a date later in the year but in these unprecedented times we may have to call a similar (to today's) meeting following the relaxation of lockdown to decide just what the Board may wish to do about a possible second levy invoice for this year.