TAY DISTRICT SALMON FISHERIES BOARD

Minutes of Annual Public Meeting held
Via "Zoom" Tuesday, 15th March 2022 at 7pm

Board Members Present	Toby Metcalfe (Convener) David Godfrey (DG) Calum Innes (CI) Claire Mercer Nairne (CMN) John Nevin (JN) Jerry Saunders (JS) Mike A W Smith (MAWS) Nicola Thompson (NT) Bobby White (BW)
In attendance	David Summers (Fisheries Director) DS) Inga MacGillivray (Clerk to the Board) (IMacG) Mike Brown (Operations Manager) (MB) Alan Wells (Fisheries Management Scotland) (AW) Mark Purrmann Charles (SISI Officer) (MPC) Ross Pirie, Fisheries Officer (RP) Davie Ross, Fisheries Officer (DR) Marek Wolf, Fisheries Officer (MW) 35 members of the public
Apologies	Thomas Steuart Fothringham Andrew Parrott Duncan Twigg Anne Woodcock Ian Wotherspoon

Prior to the meeting, the Accounts for the year ending 31 December 2020 and the Annual Report 2020/21 were available on the website and had been distributed in hard copy form to all proprietors and interested parties. The agenda was also available on the website prior to the meeting, as well as Minutes from the last Annual Public Meeting held 23rd March 2020.

Opening Statement from the Convener

The Convener opened the ninth Annual Public Meeting by welcoming all attendees and introducing himself.

He began the meeting by making a short statement. He noted that those who had attended the December 2021 AGM would be aware that a Board member had been temporarily suspended from the Board under sanction. He had hoped to report that the matter was resolved but despite the best efforts of the Board, the matter had not yet been concluded. Furthermore, he stated that addressing the issue had taken up a huge amount of Board and staff time and had been and remained a major distraction from the work the Board wanted to do.

He explained the Board had decided to instruct an independent review of all relevant issues and this would be undertaken by a suitably qualified expert individual under the auspices of one of the Law Society for Scotland's dispute resolution services. The Board hoped that all parties would willingly take part in the process.

He noted the remit would be to review the history of the issues faced by the Board; the actions taken by the current Board; and all complaints and issues made or raised against the Board with a view to finding a stable solution going forward which allowed the Board to focus on its statutory remit in the future.

He acknowledged the Board recognised that this review would require funding and that the Board was in close discussion with Marine Scotland. He added that the Board had been invited to submit a formal funding support application under the Aquaculture and Fisheries Scotland Act 2007. Marine Scotland have agreed to review this as a matter of urgency.

The Convener then explained that a draft case had already been prepared

Finally, he stated that for those who had written or raised questions on the Board's letter to proprietors, it would be appropriate for those questions and concerns to be answered through this process. The Convener ended the statement.

The Convener explained that the purpose of the Open Meeting was to focus on work that the Board engaged in to deliver their statutory remit under the Act and that this was what the Board was looking forward to doing.

The Convener then stated there would be presentations, and at the end of each there would be a short Q&A session, with a general Q&A at the end

2020 Annual Accounts Presentation:

IMacG presented the 2020 audited financials, highlighting the main areas of income and expenditure and their relationship to prior years. She explained that the accounts were audited every year by an independent auditor with a view to showing a true and fair view of the Board's accounts. She noted that the Board accounts were all available in the public domain within the Annual reports on the website and could be inspected at any time.

She explained how the audit process worked, with its main concerns being checking for fraud and going concern issues. She explained the Board accounts had been audited every year and had never had an issue. She then explained the reports given to Board members.

She stated that the 2021 accounts had been audited by an independent forensic accountant following a claim from a Board member that the financial reports to the board were "in theory" and were "not an honest statement". The forensic accountants report concluded that no dishonest reporting had taken place.

She explained how income was generated and how the rateable value was generated as well as what impact COVID had placed on the 2020 accounts.

She then presented the various expenditure categories and variances.

MAWS asked the Convener why some serious concerns he had voiced pertaining to the accounts which he had raised in July and September had not been answered and why the debtors list had taken so long to produce. He stated that if these items had been addressed promptly then the distraction could have been avoided.
The Convener stated there was a lot more to the issue than the answer MAWS sought and the independent review would address this.

Scottish Wild Salmon Strategy

Alan Wells of Fisheries Management Scotland presented the recently released Scottish Government Salmon Strategy.
AW gave a brief history of the Wild Salmon Strategy Advisory Group which was established in 2020 and details of its members. He explained that the strategy was high-level and the next step would be to produce an implementation plan.
AW outlined a number of objectives including achieving water framework directive goals, optimising number and quality of salmon, improving climate resilience of rivers, preventing and mitigating invasives, reviewing fish eating bird policy and enforcement powers, amongst others.
He explained that the strategy included the marine and coastal environment, concerning itself with safeguarding salmon, protecting the marine biodiversity and implementing the UK Marine Strategy.
He stressed that international collaborations would be important, as would the development and modernisation of fit for purpose policy frameworks and the building of evidence-based scientific research and monitoring.
He explained that the implementation phase would be key and stated that the predators issue was already being investigated. Fisheries managers had contributed greatly and funding issues had been recognised.

Michael Campbell thanked AW for his presentation and asked whether the group was working with the Atlantic Salmon Trust, and that he thought tree planting was important and that beavers were an issue, and also queried river closure times.
AW replied that FMS was a member of the Salmon Alliance along with the AST and that they were therefore working together on the issues. He explained they were also involved with the West Coast salmon tracking project to protect salmon. As to the closing times of rivers, he

explained this was a Government strategy and that FMS would engage on this topic. Finally, he stated that both he and DS sat on the Beaver Forum.

Stuart Voce voiced his concern regarding beaver damage to elderly trees and in particular trees situated on an island on the Taymount beat. He noted that beavers had not been felling trees but had stripped the base of bark on some trees, leaving them susceptible to disease.
AW replied this was a big issue across a whole range of issues and had been noted in the strategy.

Iain Wood asked if the strategy had included a prey/predator balance and asked if FMS would support action on seals and piscivorous birds. He also raised his concern regarding SEPA controlled activities regulations (CAR) licences as he had discovered that CAR licences had been lost by SEPA during their cyber attack, making them difficult to review.
AW answered that FMS were working with Marine Scotland to restructure the seal licencing process and that piscivorous bird issues were being investigated. In relation to CAR licences, AW agreed many licences had been lost but they could be retrieved through the receivers of the licences and indeed he was pushing SEPA to forward this action.

Angus Crow remarked that seals and deer appeared to be an issue, but he wondered what action was being taken against cormorants and goosanders. He also expressed his concern that sand eels and sea trout appeared to be disappearing due to European fishing practices.
AW replied that bird predation was being taken seriously by Scottish Government and this had been included in the strategy.
Angus Crow expressed his belief that it was "all words and no action", to which AW replied he understood the frustration but FMS was pushing for action.
AW explained that sand eels required to be dealt with on an international level.

The Convener asked that Angus Crow forward any data on sand eels to AW and thanked AW for his presentation, before introducing DS.

DS gave an overview of his presentation highlighting recent catches; highlights from the Board's work over the last year and looking at the Board's activities for 2022 and beyond.

Recent Catch Statistics

DS stated that catches had been low in 2021, down to 4,000-5,000 but this number was high compared to most other rivers' catches which had fallen too.
He added that spring catches on the Tay catchment had been down, so far in 2022, as with other rivers. The plus side was that, generally speaking, the calibre of fish caught had been excellent, with 2 fish having been caught being over 30lbs in Loch Tay and Dunkeld, and a report of a third caught on Loch Tay earlier in the day.
He hadn't seen this in 20 years and thought there may be a possibility of 40lb plus fish in June.
He explained that the mean weight of salmon had been rising since 2004/5 and they appeared to be staying at sea for longer periods. This appeared to be backed up by a recent paper produced by the Norwegian Institute.

Board Work during 2021

DS explained a new Board was elected in December 2020 and a river plan was put in place shortly thereafter. This was recognised to be an interim plan to be followed by a 3-year plan which would give the next Board some continuity. He stressed that this was the first Board produced plan which had been put out for consultation.

He thanked Board members JS and NT for their input to governance and in particular updating policies and housekeeping.

He explained that enforcement had been a big issue and that MB would present more on this later.

DS noted that the Hatchery had also been a major part of the Board's work since 2011 when it was taken over by the Board. He explained that broodstock numbers had been down in 2021 due largely to the effects of COVID and broodstock collecting weather conditions.

He stated that the Hatchery had been renamed the Summerhill Hatchery to commemorate the generous donations from John Apthorp, without which the hatchery may not have existed.

He added that the River Garry stocking had also been a major factor, with flow to the Garry being restored in 2017 having been led by SEPA. He explained the stocking studies and outcomes of the project.

DS then highlighted the fact the website had been revamped for both the Board and Trust jointly, and social media was vastly improved thanks to Anne Woodcock.

DS expressed his gratitude to Board member BW who had drummed up a small army of volunteers to help with bird counts. This would hopefully lead to better information and perhaps a better quota.

He stated that the River Ericht abstraction was an ongoing issue and that the Board was working on it in conjunction with other parties.

He also mentioned the National Adult Salmon Sampling Project initiative.

Board Work 2022 and beyond

DS explained that the Tay Rivers Trust and the Board now had an improved relationship which meant a lot of scientific work could be badged under the TRT.

He announced the Board were about to embark upon a 3-year river management plan.

He stated that the Wild Salmon Strategy also presented a unique opportunity

DS described the abstraction issue on the River Lochay and noted that the Board were keen to push this project, with the salmon strategy potentially strengthening the case.

He explained that on the Upper Garry, salmon couldn't get above the dam and the Board were keen to see SEPA review the licence to allow fish passage, which was one of their stated objectives in the third River Basin Management Plan.

DS stated that the River Lyon also had an issue with water being discharged below the dam where its chemistry appeared to be altered. He stated this affected a long area of river but the issue fell between the regulatory cracks. He was keen to put together a case to take to Marine Scotland.

Lastly, the Board intended to look at habitat improvement projects, including fencing riverbanks and removal of trees in the Lunan.

Operations Manager Presentation

MB gave a presentation on the work of the Fisheries Officer team through the use of maps, slides and photographs of enforcement, broodstock fishing, hatchery and stocking out activities completed by the team in the year.

Scottish Invasive Species Initiative (SISI) Presentation

MPC (SISI Officer) explained the project had been tackling Japanese Knotweed, skunk cabbage, Giant Hogweed and Himalayan Balsam in the Tay catchment in a controlled and precise manner and this had shown incredible results over time.

He noted the project was funded to October 2022 and had been extended to March 2023 with the hope that more funding would become available to keep the project momentum going. He stated that free training would be available on 11th and 13th April 2022.

Marketing Presentation

IMacG stated that Anne Woodcock offered her apologies and gave a brief presentation on marketing and media activities for the Catchment. Amongst the highlights were the Opening Day coverage in January, the upcoming Open days on the river in March and events throughout the year including a Gala Dinner on Friday, 7th October 2022 to mark the centenary of Georgina Ballantine's amazing and unbeaten catch.

The Convener then opened up the Question and Answer session.

Independent Enquiry

Michael Campbell thanked the Convener and the Board and commented that he thought it a wise decision to invoke an independent inquiry although the terms of reference would require clarification to ensure the process was worthwhile.

He then expressed his anger that the Clerk to the Board had allegedly made derogatory comments about Board members and insinuated that vote rigging had taken place at the last election. He demanded an answer from the Clerk. The Clerk declined to comment.

The Convener thanked MC for his query and asked that he use the independent review to air his grievance.

Michael Campbell stated he wished to be involved with the independent review and the Convener explained the remit again, stating it would be referred to the Law Society of Scotland.

Hatchery and Science Funding

Iain Wood asked on behalf of a proprietor whether the cost of the hatchery could be moved to the TRT and indeed any scientific work carried out by DS.

CI (Chairman of Tay Rivers Trust) replied that the TRT provided an opportunity for fundraising but the projects undertaken were reliant on funds and stocking projects may be more aligned to TRT remit.

Iain Wood suggested it was not the Board's remit to undertake science and that the proprietors wanted to know that the science was being funded properly.

DS replied that the Act states the Board can do what it deems expedient for the protection and improvement of salmon fisheries and that using science was necessary to influence others we needed to influence to improve salmon fisheries.

Michael Smith stated that he had employed DS and wanted to enforce Iain Wood's point that science was only one tool available to the Board and that he had been a levy payer since 1976 and no longer saw why he should cooperate with a Board who did not preserve or protect salmon. He commented that he thought the Convener had "lost it".
The Convener thanked Mr. Smith for his comment and that it had been noted.

Duncan Twigg expressed his appreciation of MB's presentation.

Braan and smolt trapping Projects Update

Iain McLaren asked two questions of DS, namely whether the Braan trap and truck project was to be implemented and secondly if the smolt trap project was to continue.
DS replied that the organisations approached had not been keen on the Braan project but it was still on the list and would be put to Marine Scotland for consideration as part of the Wild Salmon Strategy. As for trapping, he stated that he had hoped it would be started in spring but that the Board remained understaffed.

Independent Enquiry

William Jackson expressed his concern at the prospect of an independent review, stating he thought it would be expensive and would delay decisions. He was hugely concerned over the number of Board resignations and found it very worrying.
On a positive note, he appreciated the presentations, although he stated again he was concerned that he had written to the Convener with six questions which had remained unanswered and thought the proprietors should be made aware of the timescale and cost of the independent enquiry.
The Convener noted Mr. Jackson's points and assured him that the cost was firmly in the Board's mind. The Board had been in discussion with Marine Scotland regarding funding through a clause in the 2007 Act.
William Jackson pressed for a timescale and a budget. The convener replied the budget and timescale had yet to be agreed but the Board would work as quickly as they could.
William Jackson asked that it be noted on behalf of proprietors that there was extreme concern over no budget or timescale.
The Convener replied that he hadn't said there was no budget or timescale, merely that they had not been agreed, but agreed to note Mr. Jackson's point.
William Jackson asked for a simple answer to his written questions and the Convener stated that this too had been noted.

Michael Campbell expressed his ire that the two letters he had sent to the Convener had generated no acknowledgement nor reply, and the Convener noted his sentiment.

JS assured the attendees that nobody wanted to resolve the issues more quickly than the Board. The Convener stated that all parties could be involved in the process.

MAWS asked for a simple answer to his queries and the Convener pointed him in the direction of the review.

MAWS then asked about personal declarations from Board members and the fact they were not displayed on the website and questioned whether the Convener's employment at Savills gave rise to conflict of interests and indeed data transfers of confidential Board business. He stated that the Convener used Savills emails for Board business.
The Convener stated that he was not aware of any data transfer issues between his employer and the Board but if Mr. Smith knew of any such issues, he should flag these up.

IMacG stated that there was no reason why declarations could not go on the website and DS added that the Act did not specify declarations should be published, merely kept on record by the Clerk to the Board.

Tay Liaison Committee

IMacG had received and read out the correspondence from Rob Stubbs who had expressed his concern at the lack of contact detail for the Tay Liaison Committee. She stated he had been trying unsuccessfully to contact the TLC and had failed due to incorrect email addresses. She added he wished to thank the Board for their help in resolving the matter.

Declaration of Interest

Stuart Voce stated that declarations could be found at Companies House and that the Spey Board displayed their declarations on their website. IMacG stated that the Board was not registered at Companies House as it did not meet the requirements.
The Convener noted the point.

Tay Gala Dinner

The Convener drew the attendees attention to the forthcoming Tay dinner to celebrate the centenary of Georgina Ballantine's catch. He urged all to participate and encouraged all to come and enjoy the river.
He thanked all those who had joined the meeting and thanked all who had presented during the evening.

Queries to the Board

Iain Wood asked if any unresolved question could be directed to DS and IMacG and the Convener confirmed this would be appropriate.

JS urged anyone with a complaint to use the Board's complaints process. Iain Wood stated he did not have a complaint and JS should go "back in his box".
The Convener noted this and brought the meeting to a close.

The meeting ended at 10:09pm