

MINUTES
of the Meeting of the
River Cree District Salmon Fishery Board
Held at Bruce Hotel, Newton Stewart
On Wednesday 15th July 2015 at 5.30pm

Present

(a) Board Members

Terence Flanagan – Chairman
Jim Davidson
Dougal Evans
John Galloway
Jonathan Haley
Tom Kenyon
George McShane
Steve Smith

(b) Attendee

Matthew Pumphrey - Clerk

(c) Members of the Public

There were six members of the public also in attendance.

1. Apologies for absence

Apologies had been received from Duncan Baillie, John Gorman, Peter Jones, Norrie McIntosh and Jamie Ribbens.

2. Minutes of the Meeting of 17th June 2015

These had been tabled at the meeting and two minutes were allowed for the Board to study these. They were then approved without demur.

3. Reasons and format for this evening's meeting

(a) Notice

The Chairman apologised for the short notice given to members for the meeting but was unwilling to reply to the letter he had received from Mary Nicholson (a copy of which had been circulated with the agenda) without the opportunity for other Board Members to air their views orally at a meeting convened for that purpose.

Dougal Evans disagreed with this. He mentioned that all the other Boards had managed to seek views and make representations on the basis of exchange of emails. No other Boards had had special meetings. In his view the RCDSFB could and should have done the same.

(b) Mandatories.

Duncan Baillie had intimated that he was going to appoint a mandatory. However having studied the Salmon and Freshwater Fisheries Etc. (Scotland) Act 2003 it was clear that a co-opted member could not appoint a mandatory. This had been clarified by the Clerk.

(c) Declaration of Interests and eligibility to vote.

The Chairman said that it was his opinion that the 2013 Act disallowed the participation in discussion and the eligibility to vote of members who had a material conflict of interest. This was pertinent to Jim Davidson, Dougal Evans and Jonathan Haley because they were all Trustees of the Galloway Fisheries Trust. He felt that there was a distinction between Jim Davidson and Jonathan Haley on the one hand and Dougal Evans on the other because Dougal Evans was not acting in his own right but rather as mandatory and thus there could be a relaxation for Dougal Evans but not for Jim Davidson nor Jonathan Haley.

Dougal Evans disagreed with this analysis and felt that having been called to the meeting he should be allowed not only to speak but also to vote. Both Jim Davidson and Duncan Baillie expressed similar views.

The Chairman then turned to the Clerk and asked what his opinion was. The Clerk said whatever the strict legal position might be, it seemed churlish to invite members to a meeting and then deny them the right to participate in the discussion. The Chairman said that he disagreed with the Clerk's view but would nevertheless allow all attendees to participate in the discussion and vote at the end of it.

(d) New Structure

John Galloway said that the Government had already decided that FMO's should replace the current Board structure and thus there would be little point in trying to assert that there should be no change from the present structure. This was echoed by all present. Dougal Evans said that it was a pity that the present structure should not remain as he felt that notwithstanding the various ups and downs that the RCDSFB had experienced over the years, the Board had served riparian proprietors and fishermen well and the benefits of the Board's activities had extended also to Hotels and local tourism. No-one demurred from this view.

(e) The Alternative Proposal.

The question for the Board was whether it should be recommending an FMO just consisting of the Rivers west of the Nith or whether all the Solway rivers including the Nith and the Annan should be included in the Solway FMO's.

The Chairman indicated that after considerable thought he believed that an FMO containing all the Rivers in the Solway would be preferable. He gave some statistics which showed that the total income of the West Galloway Rivers amounted to little more than £40,000 (he was guessing at the Dee and Urr income as figures had not been published for those two Boards). Of this £40,000 the Cree's was by far the largest amounting to £17,000. It was still small fry compared to the Nith and the Annan where the total was in the region of £400,000. He felt that access to this money could potentially be a great advantage to the River Cree particularly in the area of bailiffing though there would be other spin-offs as well.

This view was supported by Steve Smith and Jock Galloway. It was opposed by Dougal Evans and Jonathan Haley. Both of these persons said that it was not in the Cree's interests to be subsumed by the Nith and the Annan both of whom would be almost certain to take over and would not be interested in and therefore not listen to any views expressed by the Galloway Boards. He felt that there should be an FMO covering the area served by the GFT and that would enable the Galloway Boards to have a voice independent of the Nith and Annan.

The Chairman thought that if there was an FMO covering all Solway Rivers there could be a federated structure which would involve sub-FMO's consisting of members of the Cree as well as other Rivers west of the River Nith. He accepted that this was somewhat speculative but considered that it would nevertheless be reasonable that in any FMO such a structure could be reasonably imposed for the benefit of the smaller rivers.

(f) Members of the Public.

Two members of the public spoke in favour of the proposed new structure for an FMO to cover all the Solway Rivers. There would be financial benefit and no obvious disadvantage.

(g) The Vote.

The Chairman felt that there had been an adequate and wide ranging discussion and invited members to vote on the proposal that the Board would support an FMO covering the Rivers west of the Nith i.e. the Luce, Bladnoch, Cree, Fleet, Dee and Urr. Members voted the proposal was not carried. The RCDSFB would accordingly favour an FMO covering all the Solway rivers. In answer to a question from Steve Smith the Chairman confirmed that this would be just the Solway rivers situated in Scotland and not on the English side. The Chairman would reply to the letter from Mary Nicholson accordingly.

4. Draft Response

The Chairman reminded members that they had seen the draft response to the consultation and wanted to be sure that members were happy with it. He particularly referred to questions 1, 12 and 18. After some discussion members approved the draft response with an amendment to the answer to question 12. There was a concern however expressed by Steve Smith about the encouragement of volunteers and the difficulties that had been experienced in England and Wales.

5. AOCB

There was none.

6. Date of Next Meeting

As indicated in the previous Minutes the date of the next meeting would be 9th September 2015.

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Chairman