

MINUTES OF THE MEETING OF THE  
SPEY DISTRICT FISHERY BOARD held  
at the Fochabers Institute and online,  
commencing at 9.30 am on Friday 22<sup>nd</sup>  
November 2024

**Present: -**

<b>Chair</b>	Dr Alexander Scott	Craigellachie Fishings
<b>Proprietors</b>	Angus Gordon Lennox *(AGL)	The G.C. Gordon Lennox Estate Company Ltd
	William Mountain (WM)*	Delfur Fishings
	Callum Robertson (CR)*	Easter Elchies
	Peter Graham (PG)	Roths & Aikenway
	Toby Metcalfe (TM)	Crown Estates
	David Greer (DG)	Seafield Estates
	George Wills* (GW)	Knockando
	Guy Macpherson-Grant * (GMG)	Ballindalloch

<b>In Attendance</b>	Phil Williams	Interim Director
	Atticus Albright	Biologist
	Paul Hughes*	Digital Marketing & Communications Manager
	Neil Torrance	Clerk
	Peter Austin	River Spey Anglers Association
	Edward Mountain*	
	Harry Mountain*	
	Tom Mountain	
	Ian Ogden	
	Helen Knowles	
	Tony Smith	
	Alexander Miller	
	Ben Graves*	

\*Attending via video conference

**WELCOME, INTRODUCTIONS AND CONFLICTS**

The Chair noting that the meeting is in fact a blended meeting with some attendees (\*) participating by video conference as well as guests attending in person.

### **1. APOLOGIES and CONFLICT**

No apologies had been received but noted that Grant Mortimer, Peter Austin and Jennifer Heatley were neither in attendance in person or online. Jennifer Heatley had informed the Interim Director previously that she would not attend this Board Meeting.

The Chair then asked those present to record any conflict of interest they may have and there were none.

### **2. MINUTES OF THE OPEN SESSION OF THE MEETING ON 24<sup>TH</sup> MAY 2024 FOR APPROVAL**

The Chair seeking confirmation that all members had read the minutes and requested any comments on the minutes.

No comments or questions raised, and as such the Chair noting the Minutes are therefore approved.

### **REVIEW OF RAG REPORT and ACTION POINTS**

Noting that the RAG report had been circulated to the Board by the Director in advance of today's meeting. On being queried by the Chair as to whether he had any points to highlight the Director commenting that he was of the view that the issues on the RAG report had not moved very much and there were a couple to be discussed as part of the Directors Report to be discussed this morning and in relation to the 2025 assessment discussions otherwise nothing further to highlight at this stage.

The Chair then requested any comments on the RAG report from the members in attendance in person or online. No comments or questions raised

### **3. RIVER DIRECTOR APPOINTMENT**

The Chair inviting TM to address the board as Chairman of the Nominations Committee. TM advising that Dr Stuart Reay had decided that extracting himself from life in the south was too complicated and after a considerable period of time he decided not to take up the post. Appropriate advice was taken from the Clerk and the required process to terminate the contract was undertaken. The Chair added his own comment as to the events that has unfolded since Dr Reay had accepted the offer and the contract, leading to his breach of contract.

Before moving on in the Agenda the Chair seeking confirmation from the Director as to his intention re his report (no 4 on the list) and the Income and Expenditure/Budget & discussions on the Patrol Boat (no 6 on the list). Clarified that discussion on the income & expenditure, budget and 2025 assessment were matters to be discussed by the board in private given their sensitive nature but the discussions on the Patrol Board did not fall into the same category.

#### **4. RIVER DIRECTOR'S REPORT/INTRODUCTORY PRESENTATION.**

The Chair inviting the Director to proceed with his report/presentation. The director thereafter referring to the extensive report produced to the Board in advance of today's meeting headed "The (Draft) Plan - From Lax to Lax Aeterna" (11 page document), commencing with detail of what we'll discuss and work on, highlighting that what he is working on at present goes way beyond the quarterly board meeting and as such he wished to bring clarity to the time lines that he is working on as part of the Board's strategic review and focus on the directors report as to what the current plan is to support the board in its private discussions on the income & expenditure/Budget and 2025 assessment issues. The Director also highlighted the further surrounding issues of the change in valuations since last year and the upcoming triennial elections in February.

He commented that he is looking to finalise some of the issues so highlighted on draft plan before the February meeting.

The director thereafter taking the Board through the draft document and the work undertaken by him since taking post on 15 October 2024, highlighting the discussions he had had with Board members as to what our agreed intent could be in terms of how the Board works, the changes the Board want to see, how those are implemented and how those/the Board is funded.

The Chair thanking the Director and commenting that all members appreciate the amount of work undertaken in five short weeks. Short discussion on the issue of taking questions and that certain aspects need to be discussed in private as previously indicated. As such the Chair, referring to the several attendees both in the room and online, proposing that while it is not normal to open the floor to non-board members that any questions by the attendees at this stage could be considered. The proposal was supported by the board generally. Noting thereafter that there were no questions from those in attendance either online or in person at this stage.

The Chair noting that further to the Board discussions to come and the formulation of an agreed plan the intention would be for the Director to hold a further meeting to advise all interested parties as to the details of that agreed plan.

Edward Mountain advising that in the next few months there will be a Bill in Parliament called the Natural Environment Bill which could affect fisheries and fishery boards although the details are unknown at present.

## **5. STOREGGA CORRESPONDENCE FOR NOTING**

While appearing on the agenda noted that no papers had been provided in advance of the meeting and no discussion had occurred during the meeting. In August a paper was circulated by the Chair to all Board Members.

## **6. INCOME AND EXPENDITURE/BUDGET & DISCUSSIONS ON PATROL BOAT**

As regards to the Patrol Boat the Chair referring to the details on this provided in the papers and summarising the same. The Chair's proposal as noted in the papers was to fix the gearbox and then sell the boat. Discussions then occurred

- as to the potential consequences of doing that which would entail not replacing the boat.
- the economics of just selling the boat without the cost of repair
- maintaining patrols at a lower cost – rental of a boat or rental of service – to keep the deterrent

Director to investigate further the various options.

Despite the prior comment that this section was to be restricted to the patrol boat only the Director then referring to the details of the current financial position highlighting that they were the figures available at or around 22<sup>nd</sup> October 2024 but there is a separate slide with the accounts to 7<sup>th</sup> November 2024 and that he had had a 2-hour meeting with the accountants on the full year unaudited accounts. The result of that is that all three sets of data are different and that in itself is an issue. While the board will discuss aspects later in detail from the info shared there is a feel of what the position means in relation to the budget. The Chair clarifying that all 3 sets of data are only to the end of the financial year i.e. to the end of September 2024 but prepared as at the later dates mentioned. Referring to income and prior cost structures. Results were that expenses incurred were better than had been budgeted for, but contract income had been less, and assessment income paid also less with some assessments not paid. Overall, that resulted in a deficit for the year. PG referring to the assessments that are currently under appeal, with the assessor not likely to look at those until next year and the potential that there may be refunds to be made on assessments already paid. TM noting that in terms of cashflow management the Board may wish to consider other options rather than payment of refunds – such as resetting of the next assessment/True-ups. On the Chair querying

the number and extent of the outstanding assessments the Director confirming that there are between four and six of low value and two of high value that had been outstanding at the financial year end with one - the Macallan one - now paid. Confirmed that the one of high value outstanding is more than six months old and that affects the Board's debtor days.

## **7. TRIENNIAL ELECTIONS**

The Chair requesting the Clerk to address this matter. The Clerk advising re the formalities that have to be undertaken such as the advertising in the local press and which he and other Directors will need to deal with in the next couple of months. Thereafter advising that the Board needs to make a decision as to whether they are sticking with the same number of seats on the board as currently exists, with the usual information to be issued to the proprietors as to their nominees and then the assessment as to whether it will be a contested or uncontested election.

The Chair commented that from the information he has it would appear that we will be dealing with a contested election, also commenting that

- he will not be standing again for election having done 6 years on the board
- that he is aware of at least one other board member who is not to stand again
- that Christion Marr the new owner of Knockando & Phones has stated that he is likely to stand
- that Chas Jamieson the estate manager at Macallan is definitely to stand
- Laura Irwin of Tulchan is likely to stand
- another lady further up river may be standing
- and he is unaware whether Jonathon Ellerbeck who would be the mandatory for Craigellachie will or will not stand

PG querying the timeline for this as he recognises that there is a lot of work to be undertaken by the director before the next quarterly - never mind the AGM and elections – with reference to putting a plan together which has to be put before the board for consideration before then. The clerk confirming that the latest time should be 3 years from the date of the last election back in February 2019 and that it cannot be extended to March or April if that was to be the proposal.

The Director commenting that without accurate and timely financial accounting data he had had some difficulties and had to take longer to maintain the standard he felt was needed but also he had to bring that to the Board in a shorter timescale than it would normally take i.e. three to five months. Through discussions with Frame Kennedy, the end of year unaudited accounts had now been brought forward during this work by two months compared to previous years.

## **8. BIOLOGIST'S REPORT**

In line with the normal process the Biologist report has been produced in advance for review and discussion The Chair commenting that it was essential to note the

worst ever electrofishing results for fry in the main stem and the fourth worst for parr, which he commented fits with the observation of Edward mountain at the last meeting that floods of more than seven feet have had an impact on juveniles and the river relies now on the main stem for fish.

The Chair inviting comment or questions for the Biologist in relation to his report.

The Biologist highlighting some of the issues from the written text on

- The fry and parr count results
- Spey dam and smolt tagging
- Pink salmon
- Smolt to adult supplementation
- Invertebrate sampling
- Perch in Loch Inch
- Beavers
- Sea trout
- the monitoring of water quality

and then inviting questions.

WM raising a query as to whether we were still monitoring the quality of the water down the river and whether there have been any incidents that we should be aware of. The Biologist confirming that monitoring has been going ahead by the water chemist, but he has not had the opportunity to discuss any recent findings. CR advising that the specialist has some interesting findings that he suggests be the subject of a separate meeting, and confirming to the point made by WM re the Board seeing the results that we are just in the last of the four seasons previously mentioned as necessary for a complete picture. It was proposed that CR and the Biologist liaise re the results with him in due course to present a summary of the findings to the Board. CR suggesting that they will aim to have that available for the February Board meeting.

The Biologist then addressed TM query re the invertebrate findings above Spey Dam and the possible reasons for that.

Attendee Tony Smith commented on his concern re the lack of fly life on the lower river. The Chair advising as to the date held on this over the last 40 years and the consistency/comparative results between today and 40 years ago, with ongoing monitoring. The Chair advising that to be put into the report next time around.

Ian Ogden raising issuing a question re the smolt to adult facility at Fort William and whether it is a similar process to that underway on the Dee. The Biologist advising as to the process and the difference – reared in freshwater rather than salt water. The Chair advising as to the other rivers who are or have done so as well. Confirmation that there are no disease problems.

## 9. CONSERVATION POLICY FOR SALMON AND SEA TROUT

The Chair advising that he had to put this on the agenda as recently at the FMS AGM two motions were passed which had the support of 18 of the district salmon fishery boards and trusts – the Spey and Ness dissenting – for a recommendation to boards of a 100% catch and release with no deliberate killing of fish whatsoever. The Chair highlighting that the Spey has for a number of years operated a voluntary scheme which results in a 98% success rate of salmon being returned to the river. The Chair commenting that he suspects that a 100% scheme would probably not achieve better numbers, but it certainly would anger a number of anglers.

Chair commenting that the Spey's policy works, that it is not a policy for killing fish (it is in fact the contrary) but the one aspect of the policy that concerns him is for sea trout. Reference was made to the low sea trout results and the possible reasons from that. As such he raised the issue of whether the Board's policy on that should be reviewed. He also raised the issue of where in political spheres the FMs stance has come from.

EM advised that there is no chatter in political circles – out with that directed to the Aquaculture enquiry which is due to conclude before Christmas as a follow up to the 2018 enquiry. He commented that FMS has done the boards no service politically, in that he cannot see any point of it, and he doesn't think anyone will notice it. He also was not of the view that the Board push the same on the sea trout, as once it is there it is very difficult to come back from it – politicians will leap on it and say if you did it then why not the same in the future and why not for salmon. AGL confirming his agreement that we should leave sleeping dogs lie and not highlight in any way, while being happy to ask fishers to be careful about sea trout.

The Chair confirming when queried that the proposal is that Board is to maintain its policy as is, in defiance of FMS as commented by PG.

The Chair commenting that FMS itself is a bigger issue and the board's interaction/engagement with the same in the future is a matter to be discussed in private in connection with the other issues to be discussed.

## 10. AOCB

- a) PG mentioning that due to the technology issues created by today's venue and experienced by those online consideration should be given as to where our meetings should be run from in the future.
- b) AGL querying whether in advance of the private discussions on FMS whether those attendees have any views. Edward Mountain querying what value we are getting – especially when viewed in the light of the shortness of income and the cost of being part of FMS – but commenting that he does not know the solution (and that is why he is not on the board and other are).
- c) The Chair commenting that the government's progress on the Wild Salmon Strategy is glacial and many of the groups appear to have done very little, and marine Directorate who used to have 8 people in this area now only has 1. He highlighted that one area of relevance to our strategy review etc., is how Salmon Fishery Boards are funded going forward in a world of declining catches and where the whole assessment model is viewed by many as being broken. PG commented that the governing act itself can be viewed in the same light. The Director provided his own views in that regards – with the act giving the proprietors a say through the board via their voting rights – with those raising issue of both accountability and the source of conflict.
- d) The Chair noting that there is legal obligation on the Board in terms of the governing Act for there to be an open meeting held. His proposal - given the pressure the Director is under – is that the 2024 meeting is held in early 2025 once the board has a plan that it can reveal to the world. Furthermore, he proposed that that is put on social media so that it is clearly known what we are doing. That proposal was accepted.

The Chair noting that there was no other business.

## **11. DATE OF NEXT MEETING**

The date of the next quarterly meeting in February 2025 will be determined with reference to the AGM and the elections. On the last aspect it was noted that the last elections occurred on 4/2/19 and as such if we were to conclude the election before the expiry of 3 years the date for the elections would fall to be Friday 31 January 2025.

However, it was identified there may be a need for a further extraordinary meeting of the Board in December further to the intended private discussion to discuss the Directors proposed plan.

As such both the date and venue of the next meetings TBC.

The Chair thanking the non-board members for their attendance.

The meeting then closed at 11.20 a.m.

DRAFT