



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

Wednesday 21 May 2014



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**RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE**  
**15<sup>th</sup> Meeting 2014, Session 4**

**CONVENER**

\*Rob Gibson (Caithness, Sutherland and Ross) (SNP)

**DEPUTY CONVENER**

\*Graeme Dey (Angus South) (SNP)

**COMMITTEE MEMBERS**

\*Claudia Beamish (South Scotland) (Lab)

\*Nigel Don (Angus North and Mearns) (SNP)

\*Alex Fergusson (Galloway and West Dumfries) (Con)

\*Cara Hilton (Dunfermline) (Lab)

\*Jim Hume (South Scotland) (LD)

\*Angus MacDonald (Falkirk East) (SNP)

\*Dave Thompson (Skye, Lochaber and Badenoch) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Jane Hope (Wild Fisheries Review)

Richard Lochhead (Cabinet Secretary for Rural Affairs and the Environment)

Peter Stapleton (Scottish Government)

Andrew Thin (Wild Fisheries Review)

**CLERK TO THE COMMITTEE**

Lynn Tullis

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



# Scottish Parliament

## Rural Affairs, Climate Change and Environment Committee

*Wednesday 21 May 2014*

[The Convener *opened the meeting at 10:01*]

### Subordinate Legislation

#### Marketing of Vegetable Plant Material Amendment (Scotland) Regulations 2014 (SSI 2014/111)

**The Convener (Rob Gibson):** Good morning, and welcome to the 15th meeting this year of the Rural Affairs, Climate Change and Environment Committee. I remind everybody to switch off electronic devices, which can interfere with the sound system. I note that some committee members may consult tablets during the meeting, as we provide meeting papers in digital format for the younger generation.

Agenda item 1 is a piece of subordinate legislation—a negative Scottish statutory instrument. Members should note that no motion to annul has been received in relation to the instrument. I refer members to the paper that has been provided. Who knows the Latin for “tomato” now?

As there are no questions or comments, are members agreed that the committee does not wish to make any recommendations in relation to the instrument?

**Members** *indicated agreement.*

**The Convener:** We note the regulations.

#### Single Use Carrier Bags Charge (Scotland) Regulations 2014 [Draft]

**The Convener:** Agenda item 2 is a further item of subordinate legislation. This item is for members to take evidence from the Cabinet Secretary for Rural Affairs and the Environment on the draft regulations. The regulations have been laid under the affirmative procedure, which means that the Parliament must approve the draft before the provisions may come into force. Following this evidence session, the committee will be invited to consider the motion to recommend approval of the instrument, under agenda item 3.

I welcome the cabinet secretary, Richard Lochhead, and Peter Stapleton, policy manager for waste prevention in the Scottish Government. I invite the cabinet secretary to speak to the draft regulations.

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** Good morning and thank you, convener. It is good to see that you are wearing the same Enable Scotland tie as many other committee members, to celebrate Scottish learning disability awareness week.

I am pleased to be here to discuss a very important issue for Scotland’s environment. I believe that the introduction of a charge for single-use carrier bags will be one of the Parliament’s highest-profile environmental measures since it was founded. The measure will affect everyone in Scotland, and it will show that Parliament is ready and willing to take a lead to tackle Scotland’s litter problem.

Believe it or not, Scotland uses around 750 million single-use carrier bags a year from supermarkets alone, which is more per head than anywhere else on these islands. It is the equivalent of 12 bags per person for each month of the year. To help tackle the blight of litter on our streets, in our countryside and in our waterways, we want to reduce the number of bags that are given out. Such bags can form a highly visible and damaging component of litter, and they have a particular impact on Scotland’s seas. The measure should be viewed as part of our wider work on tackling Scotland’s litter problem—particularly in 2014, the year of the Commonwealth games and the Ryder cup, when we are inviting many people to visit our shores and we wish to ensure that our country is looking beautiful.

Single-use bags are a symbol of a throwaway society. The policy is all about attaching a value to something to which many people have perhaps not attached a value in the past, because it is free. It is also about engaging the widest possible range of people in environmental behaviour and encouraging everyone who will be affected by the policy to consider their impact on Scotland’s environment, particularly with respect to Scotland’s litter problem.

By placing a value on these items, we want to encourage people to reuse their bags and to consider switching to alternatives. Beyond that, we are promoting the reuse of other items to help get the most out of our increasingly limited resources and to cut carbon emissions at the same time.

The draft regulations are designed to offer a proportionate response to the issue. We have been careful to ensure that the administration of the regulations will be as light touch as possible, particularly for smaller businesses. The measure is a requirement to charge, not a tax. Although the purpose is to influence behaviour, rather than fundraising, we are encouraging retailers to donate the net proceeds to good causes. We have every reason to believe that the majority will do the right thing.

It is clear that there is support for the measure from many retailers, from their customers, from environmental non-governmental organisations and, I hope, from Parliament. Last year's consultation saw a strong response in favour of the charge, and we have had a constructive dialogue with stakeholders during the whole process.

There is a growing international appetite for action—it is not just here in Scotland. Many countries, regions and cities around the world have introduced measures to tackle bag use. As far as policies in these islands are concerned, similar charges are working well in Wales and Northern Ireland, with even the United Kingdom Government now set to introduce a charge in England. Indeed, it seems likely that action will be required across the whole of the European Union in the next few years.

It is clearly time for Scotland to act, and I ask the committee to support the regulations.

**The Convener:** We now move to questions from members.

**Graeme Dey (Angus South) (SNP):** Good morning, cabinet secretary. I wish to clarify something. In section 88 of the Climate Change (Scotland) Act 2009, there is a reference to “the net proceeds” from the measure being used for “environmental protection or improvement” or similar.

At the weekend, Zero Waste Scotland discussed the commitment

“To donate the net proceeds from the charge to good causes”.

Indeed, the cabinet secretary has used the phrase “good causes”. Zero Waste Scotland added:

“that may include environmental causes”.

We seem to have moved away from the original idea. Have we done so and, if so, why?

**Richard Lochhead:** As I said in my opening remarks, the measure is not intended simply to raise funds; it is to cut down the use of bags in society. The more people who reuse bags—which is already happening—the fewer charges there will be and the less funds will be raised over time. The objective is not to raise the funds per se; it is to reduce the use of bags in society to help address the litter problem.

We have been in discussion with retailers, and we expect environmental causes to benefit from the funds that are raised. The agreement that we have with the retailers is that the funds that are raised will go towards good causes, which may include environmental causes. Why are we not simply saying that they should go to environmental causes? Some retailers already charge for bags

and give the money to good causes, which could be local hospices or other local good causes that are not necessarily directly related to the environment. Rather than make a firm demand for the money to go to environmental causes, which might cut across the existing benefit to charities, we are encouraging the retailers that will be introducing a charge to include environmental causes among the beneficiaries of the funds that are raised.

**Graeme Dey:** Given that good dialogue seems to be going on, can we be assured that the funds that are raised—accepting that raising funds is not the main purpose of the policy—will be spent and redeployed in Scotland, and that they will not go outwith the borders of this country?

**Richard Lochhead:** I have every confidence that the funds that are raised will be spent in Scotland. That is the tone of the agreement that we have with the retailers. Scotland's carrier bag commitment is the agreement that we will sign if the regulations are passed by the committee and Parliament. If the green light is given, we will seek signatures for the commitment. The commitment lays out various aspects of the agreement involving retailers. We expect that the majority of, if not all, retailers will sign the commitment. We will certainly urge them to do so. Within that commitment will be various criteria for how they report and publish the information on the money that they are raising and where it is going. Ultimately, that information will be put in the public domain. Given that transparency, the public, Parliament and everyone else with an interest will be able to see where the funds that are raised are going. Based on the experience elsewhere, particularly in Wales, we believe that the approach will work well and that the funds that are raised will go towards good causes.

**Alex Fergusson (Galloway and West Dumfries) (Con):** Cabinet secretary, I hope that you will bear with me, as I have a number of questions about the measure—because, to be perfectly honest, I have a number of concerns about it. They all stem from the fact that I think that there is a public perception that the levy refers specifically to plastic bags. I would have much less difficulty with it if it did, but it does not; it includes paper bags.

My understanding is that evidence from Wales suggests that paper bag usage is now back to almost exactly the same level as before the legislation came in. Why did you choose to include paper bags, particularly in relation to food-to-go or fast food outlets, which is a particular focus of my concern? There is evidence that providing a bag along with the various containers that come with a carry-out meal enables the litter-disposal aspect to be rather better managed, because people can put

all the stuff back in the bag and stick it in the bin, rather than chuck the various containers out the car window. What was the thinking behind including paper bags in the legislation?

**Richard Lochhead:** A number of objectives lie behind the policy, and we have learned from the experience of other countries on that. The objectives include cutting down on waste in society, tackling behaviour in the throwaway society that we have at the moment and encouraging people to think more about their environmental behaviour. We are in the habit of accepting single-use bags from shops. Thankfully, more and more people are taking bags that can be reused and bags for life, but the statistics show that 750 million single-use carrier bags are still being given out by our big supermarket chains. If we can encourage people to think twice about their environmental behaviour, that would be a huge step forward. It is about cutting carbon emissions and waste but, importantly, it is also about influencing behaviour and trying to encourage people to think twice about their environmental behaviour.

Plastic bags are clearly a major nuisance in society through litter, but other bags are, too. We are trying to encourage environmental behaviour, which relates to all single-use bags. Before I travelled to Parliament this week, I was out on my bike for a cycle near my home and of course I saw paper bags from some well-known fast food chains littering the road side and the countryside, which annoyed me greatly. I expect many people throughout our communities in Scotland are familiar with that sight. The measure is about tackling that culture and behaviour. If we can at least engage with the greatest number of people in society, which this policy will certainly do, I hope that that will have a positive impact.

**Alex Fergusson:** Thank you—I appreciate the explanation.

It is interesting that you continue to use the term “single-use carrier bags”, because I understand that, on 6 January 2009, on the basis of figures from WRAP, which indicated that approximately 74 per cent of carrier bags were reused, you agreed that the term “single-use carrier bags” was inappropriate. As I said, I understand that the evidence from Wales shows that paper bag usage is back to pre-legislation levels. Will educating the public about litter make our experience different from the Welsh experience?

10:15

**Richard Lochhead:** The Welsh experience has been a dramatic fall in the number of single-use bags given out. I hope that the policy will have a similar impact in Scotland and that the figure of

750 million bags, to which I referred, will be dramatically reduced in the years ahead once the charge comes into force.

You mentioned food in your earlier question, and perhaps I did not address that issue adequately. We decided to include fast food outlets because other countries have done that and we have looked at their experience in that regard. There are regulations that set out the circumstances under which charges are exempt. For example, uncovered hot food can be put in a bag and that bag does not have to be charged for, but if food that is bought from a fast food outlet is covered and then put in a bag, a charge should apply. The guidance that we will issue over the next few weeks will go out to all the outlets and retailers and will set out where the exemptions apply and where they do not.

As I say, we have been looking at other countries' experience. Indeed, when the European Parliament considered legislation, it threw out an amendment that would have widened the exemptions to include all fast food outlets. Therefore, it, too, decided to include fast food outlets and hot food in its legislation.

We must strike a balance. We want to be light touch, we want to be sensible and we want to move forward. A lot of education will be involved to make people aware of when they will have to pay a charge. The net impact of the policy will be really good for Scotland's environment and its litter problem.

**Alex Fergusson:** Could I have one final question, convener?

**The Convener:** That depends on whether it is a supplementary, in which case I will allow you to do so.

**Alex Fergusson:** It is my intended final question at this point.

The cabinet secretary mentioned in his opening statement that he has had highly constructive dialogue with all stakeholders. I suspect that he will be aware of a company called Smith Anderson in Kirkcaldy that manufactures paper bags and is a major supplier to McDonald's and Burger King. Smith Anderson says that the measure will cost it 40 jobs. What is your reaction to that?

**Richard Lochhead:** We have looked into the impact of the policy. Some of the companies involved produce a wide range of bags, including single-use bags, so they will have to adapt as the policy comes into force.

We have looked at the impact on employment in Scotland. As you know, it is estimated that the wider economy will see an increase of 53 jobs versus an estimated reduction of between 18 and 84 jobs in the carrier bag sector. Those are our

best estimates. In recent months, we have spoken to the enterprise agencies to ensure that they are speaking to the companies involved to see whether any help can be given to them. We will ensure that that happens.

It has been very difficult to identify any job losses in other countries that have put in place similar policies. I am not saying that no jobs would be impacted on; I am just saying that, in looking at other countries' experience, it is quite difficult to come up with exact figures on how jobs have been affected. We will pay close attention to the matter and we will work with the companies concerned to see whether we can do anything constructive to help them adapt.

**Alex Fergusson:** Thank you for answering my questions. I absolutely share a detestation of litter, as I am sure that everyone does. Were I convinced that the legislative measures that referred to paper bags would reduce litter, I would be more in favour of the proposals. As it is, I am afraid that I will have to choose to disagree with you on this occasion, cabinet secretary, and I am likely to oppose the motion when it comes to a vote.

**Jim Hume (South Scotland) (LD):** Good morning, cabinet secretary. It is appropriate at this time that we recognise the work of Mike Pringle, the former MSP who, two sessions ago, initiated a member's bill on this very subject.

You mentioned encouraging retailers and your belief that the majority of retailers will go ahead and do the charging. How will you review and keep an eye on whether the majority do that? What instruments will be in place to encourage the majority—or perhaps even more than that—to take up the new measures?

**Richard Lochhead:** We will certainly keep an eye on the situation. Zero Waste Scotland is creating a central portal. A positive dimension to our policy in Scotland as compared with what other countries are doing is that we will collate the information that we get from retailers in a central point. Zero Waste Scotland will host a website so that the public, environmental organisations and anyone else with an interest will be able to see the information. That is a helpful contribution from the retailers and will, of course, lend a lot of transparency to the process. That, in itself, will help the monitoring, because members of the public and bodies that have a specific interest in the matter will, no doubt, pay close attention to it.

If need be, we will return to the regulations at some future date. We are taking a light-touch approach just now and have no reason to believe that it will not work, because we have examined other countries' good experience. We are confident that the approach will work. The Climate

Change (Scotland) Act 2009, which we are using as the vehicle for the regulations, allows us to do certain things but, should the need to put more regulation in place arise in future, we would have to consider how to do that.

**Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** Much as I hate to disagree with my colleague Alex Fergusson, I suggest that if paper bags were excluded, surely all that would happen is that everybody would stop using plastic bags and switch instead to paper bags, which would mean that we would have to cut down an awful lot more trees to supply all the extra paper bags that we would have to use.

**Richard Lochhead:** Yes. It will also be difficult to change culture and behaviour in society if we do not take a much more holistic approach.

I gently point out that it is UK Government policy to introduce a similar charge, so there appears to be cross-party support for the approach throughout the United Kingdom. However, we await the detail from the Conservative-Lib Dem coalition Government in London.

**Dave Thompson:** To go back to the discussion about good causes, have you had any discussions with the retailers about a proportion of the funds that they raise going to environmental causes? If you just leave it that the proceeds will go to good causes, and that they may go to environmental causes, the retailers could give 100 per cent of the proceeds to good causes, which would be a good thing in itself, but given that addressing littering is an important part of the policy objectives, perhaps 30 per cent, 40 per cent or 50 per cent should go to environmental causes.

**Richard Lochhead:** We have discussed with retailers the fact that we are keen for environmental causes to be supported, but as I said earlier, we are not stipulating that the money go only to environmental causes because that would cut across existing relationships between some retailers and good causes. I am sure that we are all familiar with such relationships from our constituencies and would not want to interfere with them.

We will keep a close eye on the matter. We are confident that environmental causes will benefit, but if that turns out not to be the case, we will return to the issue and keep up the dialogue with the retailers. However, having looked at the experience elsewhere, I think that there is no reason to believe that they will not benefit. The carrier bag commitment stipulates that money that is raised through the charge and which is given to good causes is additional to existing donations to good causes, so we are confident that it will not displace donations to good causes.



**Graeme Dey:** I will explore the interaction with the retailers a little further. From the discussions that you have had, are you confident that, when the funds are disbursed to environmental causes, they will go to some small-scale local projects and not be given just in large sums to single organisations or projects?

**Richard Lochhead:** I do not pretend to be an expert on all the relationships that retailers have with their local causes, but it is safe to say from my experience and our investigations into the issue that many retailers have local relationships. The supermarket tends to support good causes in its locality; we anticipate that being the case with the funds that will be raised through the charge.

**Alex Fergusson:** I note from written evidence that one supermarket chain—perhaps more—in Wales chose to give the proceeds of the levy to a specific NGO. We could be talking about considerable amounts of money being given to organisations, which would be fine, if it were to happen. When the Government is considering funding an NGO that might have received a considerable amount of money through the levy, will it take that into account when determining how much money to distribute to the organisation?

**Richard Lochhead:** In general, when the Government supports NGO activity it does so to support a specific project. Everything depends on the nature of the project. In the past, we have worked with retailers on joint environmental projects. There are different models, and circumstances vary, so I will not say that we would definitely take account of an organisation's having received money through the levy.

The more successful the policy is, the less money it will raise, but the key point is that in the short term we have the opportunity to raise several million pounds for good causes, which would not otherwise be raised. That is good news for local campaigns and charitable causes in all our communities.

**Claudia Beamish (South Scotland) (Lab):** The policy is a step forward in the context of our climate change commitments and the dreadful littering that we see in rural and urban areas.

What is the Scottish Government doing to raise public awareness of the measure? Are there concerns about local authorities' ability to enforce it? Will you clarify local authorities' responsibilities?

**Richard Lochhead:** We have a communications plan, which will be important. We plan a three-week campaign in the run-up to 20 October, when the charge comes into force, with a two-week campaign thereafter. During that period we will work with retailers and the media to raise awareness of the policy, and I hope that we will

generate a lot of publicity and get the message across to lots of people.

As I understand it, there is a lot of public support for the policy—I hope that members share that view. I think that people will engage.

**Claudia Beamish:** Will you say something about local authorities and enforcement?

**Richard Lochhead:** I am sorry—yes. We have to work with our local authorities, and we are looking for a light-touch approach. Trading standards officers in local authorities will be responsible for doing checks and following up intelligence that they receive. I do not anticipate that there will be lots of inspections. If the approach is intelligence led, and people report to their local trading standards office that someone is not adhering to the policy, officers might have grounds for looking at the situation and perhaps giving advice, in the first instance. As I said, there will be a light-touch approach.

**Nigel Don (Angus North and Mearns) (SNP):** I am slightly surprised that the regulations do not appear to make separate provision for biodegradable material. I think that an observer might say, "Well, surely we should treat a biodegradable bag differently." I heard what you said; litter is litter, whether or not it is biodegradable, but of course biodegradable litter eventually goes away, unlike non-biodegradable plastic, which I think is what we are really worried about. Am I right in saying that the material does not matter in this context? What is your thinking on that? In time, might we want to modify the regulations, perhaps as the marketplace adapts to using different materials?

**Richard Lochhead:** Visible litter is visible litter, whether or not it is biodegradable. It is a social nuisance and it spoils our lovely environment, countryside and communities. That is why we took the view that we will focus on single-use bags by attaching a value to their use in an attempt to influence environmental behaviour in society.

We had to consider all the issues. We looked at international experience and thought about what approach would be suitable for Scotland. To tackle our litter problem and our throwaway society, we decided to go for single-use bags, irrespective of the material. Peter Stapleton may want to elaborate on the thoughts that we had at the beginning of the process.

10:30

**Peter Stapleton (Scottish Government):** A couple of key points have already been made. On Dave Thompson's point about switching, we would, if we did not make the policy material-neutral, automatically create an incentive for

retailers just to switch from one material to another. The overall aim of the policy is to reduce the number of bags.

One point that has not been mentioned is the carbon impact of bags. All bags have a litter impact, but paper and biodegradable bags actually have a significantly higher carbon impact than plastic bags. That is another reason for not wanting to do something that would simply mean that people would switch to other types of materials. When the Westminster Environmental Audit Committee considered the UK Government's proposals, it was quite critical of that aspect in particular.

**Nigel Don:** Thank you. That was a very interesting input. The fact that biodegradable materials have their own down side is a significant part of the argument. I presume, however, that we would seek in the longer term to ensure that the bags that we do need—some things need to be thrown away—should be biodegradable so that we finish up with zero non-biodegradable waste. I am not quite sure what the timetable would be—decades, probably—but I presume that that is where we would want to finish.

**Richard Lochhead:** That is an issue for future policy debates. There are much wider debates linked to the debate specifically on bags—for example, the debates about resources and society, and biodegradable materials going to landfill. There are separate regulations that address such issues.

**Cara Hilton (Dunfermline) (Lab):** Good morning, cabinet secretary. I welcome the proposals—litter is a big problem in my constituency, and I hope that the measure will address the eyesores that we all see on the way to work every morning.

My question relates somewhat to what Claudia Beamish said earlier about public awareness. The submission from the Scottish Retail Consortium mentioned the possible impact on retail employees. At present, shop workers are subject to a lot of threats and abuse in doing their jobs. How will you work with retailers to ensure that the carrier bag charge does not open up another avenue for attacks on shop workers by angry customers?

**Richard Lochhead:** I would be very concerned if that were to happen, and I hope that we can avoid that by ensuring that there is the widest possible publicity throughout Scotland prior to the policy's implementation on 20 October.

As I said, it is safe to say that there is a lot of public support for the measure. Keep Scotland Beautiful published its own opinion poll in the past few days, which shows significant public support for the policy.

I have no reason to anticipate hostility from the public. I am not saying that everyone will support the measure, but I am hopeful that people who are going about their daily shopping will get behind the policy, especially as there will be an awareness campaign prior to its coming into force.

I would also point out that many stores already charge for bags, and I am not aware of any such incidents having happened in those stores. I am not saying that such things do not happen—Cara Hilton has just mentioned the evidence—but at present a range of outlets in Scotland charge for bags, so the measure is not wholly new. We are making it national policy, but some retailers have gone down that road voluntarily. The scheme has been tried and tested, and it works for many retailers.

**Cara Hilton:** I accept that. You say that there is a lot of public awareness, but most people are not aware at this point that the charges will be coming in, so I welcome the publicity campaign.

There is also a great deal of cynicism with regard to supermarkets and where they spend the money. Quite a lot of people will think that the charge is just another way of boosting supermarkets' profits. From that point of view, I am concerned about the impact on shop workers, but I appreciate the points that you have made.

**Richard Lochhead:** It is a very good point, and that is why the awareness campaign is so important, and why we are putting a great deal of effort into ensuring that there is transparency around the moneys that are raised and where they are going. Scotland is slightly ahead of the game because we are going down the road of having a central website portal, hosted by Zero Waste Scotland, so that people can see where the money is going. That rests on the assumption that retailers will sign up to the commitment; we will know more about that in the next few months.

I remember the Welsh minister chatting to me about the policy. I do not want to put words in his mouth, but I am sure that I remember him saying that, although there was some reluctance from some retailers prior to the introduction of the charge, they now go to great lengths to advertise in-store how much they are raising and which good causes the money is going to. Customers are able to see the information in their local stores and retailers are making a virtue of the fact that they are raising money and giving it to charities.

**The Convener:** Mention has been made of the Environmental Levy on Plastic Bags (Scotland) Bill, which was introduced in a previous session. The cabinet secretary and I were both party to some of the discussions on that bill, as committee members. Can you remind members of this

committee what has changed since those days, and tell us where we are now?

**Richard Lochhead:** Yes, I remember that bill well, having been involved in the debate at the time. There are a couple of key differences between the situations now and then. First, we are introducing a charge as opposed to a tax. Much less administration is required for what we are doing than would have been the case for the system that was previously proposed.

I do not think anyone argues with the notion that the previous proposal was well-intentioned. It certainly helped to spark the debate in Scotland, and we had a good debate in Parliament all those years ago.

The other change is that the previous bill proposed a measure on plastic bags; our regulations—as we have just discussed—cover single-use bags, irrespective of whether they are plastic or paper.

**The Convener:** Thank you for that. If there are no further questions, we will move to item 3, which is consideration of motion S4M-10052, which is to ask the committee to recommend approval of an affirmative instrument on the draft Single Use Carrier Bags Charge (Scotland) Regulations 2014. The motion will be moved, and there will be an opportunity for formal debate on the Scottish statutory instrument, which can last up to 90 minutes. Most issues have—I hope—already been covered, so any remarks will be brief.

I invite the cabinet secretary to speak to and move the motion.

**Richard Lochhead:** I will make my remarks very brief, as we covered good ground in our previous discussion. As I said, I think that the regulations will be a landmark piece of legislation for the Scottish Parliament to adopt. If they are passed, they will make a strong environmental statement, to the effect that we in Scotland want to tackle the throwaway society and our litter problem.

The Government has gone to great lengths to ensure that we can work in partnership with retailers and the business community in implementing the policy, which is why we have favoured a light-touch approach. Although the policy will be law, and we expect a charge to be introduced for single-use bags that have previously been free in our country, our approach will be to keep the regulation as light-touch as possible.

The benefits will include a cleaner and more beautiful environment. We will be using our resources more wisely by creating less waste, while raising—potentially—millions of pounds for

environmental and other good causes in communities.

The policy is a big step forward for Scotland's environment, and we have gone to great lengths to learn from other countries that have made a success of such a policy. I am very confident that we will make a success of the policy here, and that the people of Scotland will get behind us, as a way of cleaning up their country.

I move,

That the Rural Affairs, Climate Change and Environment Committee recommends that the Single Use Carrier Bags Charge (Scotland) Regulations 2014 [draft] be approved.

**Alex Fergusson:** I will not rehearse my earlier arguments, but I record my disappointment that the round table of retailers with which we hope to engage chose just last week not to come before the committee. Such a discussion would have given committee members—certainly me—an opportunity to tease out some of the issues that I have spoken about today. However, that decision was taken, and we are where we are. It has slightly reduced our ability to go into some of the details of the policy in depth, as I would like to have done. There is quite a lot of conflicting evidence in the written submissions.

I remain unconvinced that the legislation will achieve the aim. I hope that I am wrong—I mean that quite sincerely—but I could not help but notice that, in the Republic of Ireland, which supposedly achieved a 90 per cent reduction in plastic carrier bag use, the total use of plastic film actually increased by 33 per cent, because people found other ways of using different forms of plastic.

As I said, I hope that I am wrong, but I think that there is evidence to suggest that we have not really thought things through quite as we should have done, especially with regard to the food-to-go sector's use of paper bags. I think that we really have a problem with that, and I hope that Dave Thompson will recognise that I was focusing not just on total use of paper bags instead of plastic, but on their use in that sector in particular.

I do not want to go over the whole argument again, but I am unconvinced that the legislation is as rigorous as it needs to be, so I will oppose it in the vote. I repeat that I hope that I am wrong.

**Graeme Dey:** The regulations are about helping to bring about attitudinal and behavioural change in relation to the environment, which is something that this committee has explored in detail and supported. If there was to be a charge for the wee bag into which your pie or pastry is put when you purchase it from the baker, I would perhaps have some sympathy with Alex Fergusson's point about the food-to-go sector, but the regulations are about the carrier into which those are then put.

I also recognise the cabinet secretary's description of what he has encountered in his constituency on the verges of rural roads. It seems that there are now people who considerately bag the receptacles for drinks and burgers and then toss those bags out of the window and litter our countryside, so I absolutely support the measures that are before us.

**Nigel Don:** I endorse everything that Graeme Dey has said about verges. It is really quite appalling and anything that can improve the situation has got to be a good idea.

I would also like to comment on the fact that the cabinet secretary has made a lot of references to experiences elsewhere, and it is absolutely right that he should do that, but I cannot help but feel that, once we have introduced the regulations, as I am sure we will, there will be a few years of our own experience, and we need to be prepared to revisit the issue at some point to look at how it has worked. We must recognise the real objective, which I think we all endorse, and ask whether we need to tweak it. There is nothing wrong with it at this stage; we just need to go with what is in front of us. However, we should be alert to the fact that, in time, we may feel that the regulations need to be modified a bit. That should not worry us; that is what Parliaments do.

**The Convener:** If those are all the comments from members, I would like to say one or two words.

I welcome the discussion, because it throws up all sorts of potential means of improving people's behaviour. We are not perfect in how we do that, but we make steps forward and respect local decisions by supermarkets and shops about how they support good causes. The evidence from Wales points to the environmental nature of many of the good causes that are supported in that way, which I would encourage.

The regulations also put on bags a value that was not there before. In a throwaway society, people just take them and throw them away, and we have to move away from being a throwaway society to one that puts value on each of the items that we are talking about. I welcome the national standards that have been set, but the importance of local delivery is one of the major messages that I hope will come out of today's discussion. It is often said that Governments interfere, but this is a good example of an issue on which national standards can be applied and delivered locally with responsibility being taken locally.

With regard to the remarks that were made by Nigel Don, it is clearly in the committee's remit to suggest for future work programmes that we look at how the regulations have worked. Indeed, when we write our legacy paper at the end of this

session, we can flag up the issue for future committees, if members agree to do that.

We should come to a vote now. I therefore invite the cabinet secretary to wind up, if he feels that he needs to, before we vote.

**Richard Lochhead:** All I have to say is that I agree with Alex Fergusson, in that I, too, hope that he is wrong.

**Alex Fergusson:** It would not be the first time.

**Richard Lochhead:** It would certainly not be the first time.

**Alex Fergusson:** I should clarify, minister, that it would not be the first time that you think that I might have been wrong. [*Laughter.*]

**Richard Lochhead:** I accept the clarification.

I very much welcome the committee's constructive approach. The purpose of the Parliament's committee system is, of course, to return to issues and to scrutinise legislation after it has been enacted to see whether it is working appropriately. The Government will do that as well, but I am sure that any advice that the committee can offer in future years will be welcomed by the Government of the day.

**The Convener:** The question is, that motion S4M-10052, in the name of Richard Lochhead, be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Beamish, Claudia (South Scotland) (Lab)  
Dey, Graeme (Angus South) (SNP)  
Don, Nigel (Angus North and Mearns) (SNP)  
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
Hilton, Cara (Dunfermline) (Lab)  
Hume, Jim (South Scotland) (LD)  
MacDonald, Angus (Falkirk East) (SNP)  
Thompson, Dave (Skye, Lochaber and Badenock) (SNP)

**Against**

Fergusson, Alex (Galloway and West Dumfries) (Con)

**The Convener:** The result of the division is: For 8, Against 1, Abstentions 0.

*Motion agreed to,*

That the Rural Affairs, Climate Change and Environment Committee recommends that the Single Use Carrier Bags Charge (Scotland) Regulations 2014 [draft] be approved.

**The Convener:** I thank everyone for their involvement in the debate, and I thank the cabinet secretary.

10:46

*Meeting suspended.*

10:49

*On resuming—*

## Wild Fisheries Review

**The Convener:** Agenda item 4 is on the Scottish Government's wild fisheries review. We will take evidence from Andrew Thin, the chair of the review, and Jane Hope, one of the review's panel members. I welcome them to the meeting and invite Andrew Thin to make an opening statement.

**Andrew Thin (Wild Fisheries Review):** We are here to respond to the committee's questions. As the convener said, Jane Hope is here with me; the other member of the review panel is Michelle Francis.

We are still in the early stages of the review. Our terms of reference are in the committee's papers. The review is about modernising the structures and systems whereby we manage wild fisheries in Scotland. Since the 1960s, various reviews have suggested that those structures need to be modernised, but no one has ever fully got round to it. We have been asked to produce recommendations that will fully modernise those structures and that is what we are doing.

We are operating through an open and collaborative process. At the last count, we had held 29 meetings with stakeholders—I was in Ayr last night—and a great many more meetings are still to happen. That is terribly important because of the nature of the sector. An awful lot of people are involved in it and there are a lot of strong feelings and different issues.

So far, we have managed to get from Dumfries to Orkney, Stornoway and Montrose, so we are covering the country. There is also a website and, importantly, we are issuing monthly progress bulletins through the website. Anyone can join our email mailing list, so that everybody knows how the group's thinking is developing. That is hugely important to ensuring that people feel part of the review and feel able to contribute through the meetings, the website and so on. As far as one can make such a review collaborative, we are doing so.

I do not want to take the committee through the terms of reference—that would be somewhat boring—but there are five themes that are probably worth summarising. The first concerns accountability. In so far as they are anybody's property, wild fish are public property. The whole business of accountability for how they are managed—nationally and locally—is the central theme of the review, in particular so that democratically elected structures can lead and

direct the management of wild fisheries in a strategic manner.

The second theme is transparency. We are clear that the people of Scotland need to be able to see how and why things are being done to manage their fisheries and need to see the performance of those actions. Transparency is highly important.

The third theme is local empowerment. The vast majority of the management of the sector needs to be done at a local level. The sector already has a colossal voluntary resource and voluntary enthusiasm, which we need to harness. It would be completely daft to turn the sector into some sort of centralised bureaucracy.

The fourth theme is doing things in an evidence-based manner. Everybody and his dog appears to have a view on how best to manage fish. At the end of the day, that is about democratic accountability, but that must be on the basis of good and robust scientific advice.

A theme that those who are already involved in the sector forget is that there should be increased participation and public value. As a result of our recommendations, the people of Scotland should get greater public value from their wild fish and their wild fisheries. That is fundamental to the review. It is fairly early days in the review—we have been going since March—but we have had a reasonably clear beginning.

We are fairly clear that there needs to be national leadership in the system, which is not the case now, as the system is driven locally. I emphasise the importance of local commitment, enthusiasm and so on, but the elected Government of the day needs to be able to fulfil national policy priorities and international obligations and agreements. We are clear that there needs to be a small—I emphasise “small”—national strategic function to ensure that national priorities are delivered through the system, that the quality of delivery is consistent across the country and that science, research and data collection are consistent across the country. However, I emphasise that that does not mean that that has to be done by a central function, although it has to be led by a central function.

The second thing that we are clear about is that we will need to recommend that there is a really effective network of local fisheries management organisations. We have a system that involves 60 or 70 local organisations, so we are not starting from scratch, but the challenge is to make the system fit for purpose in the modern world in a way that is inclusive but also accountable and transparent. We have a lot more thinking to do on that, although we have some ideas.

The third thing that I emphasise is the importance of finance. The system is currently financed by a number of means, many of which are derived locally and are not entirely transparent. In so far as the system needs to deliver national policy priorities, we think that it needs to be funded through a system that provides a degree of national control over the funding, because that ensures that national priorities are being delivered. However, that does not mean that all funding should be national. On the contrary, we need to pull off the trick of having a central system with modest finance—raised in an appropriate manner—that can deliver national priorities and which is greatly enhanced by local delivery bodies that can raise local resource, which includes financial resources, volunteers and all sorts of other resources.

Some species of wild fish in Scotland are under threat. We need to ensure that the way in which they are harvested—if that is a fair word in the context of recreational fishing; it also includes netting of some species—is sustainable. We are doing serious thinking about the possibility of legislative change, including the use of quotas and licensing, to ensure that fishing is sustainable and at the same time delivers greater public benefit.

That is where we have got to. That was a quick gallop, but I wanted to set the scene.

**The Convener:** Your comments are helpful. Two members already have questions.

**Graeme Dey:** Good morning. My question will also help to set the scene. The review is referred to as a wild fisheries review, yet the remit states that

“The review will look forward, not backward ... It will not reassess how well the current system operates or how it might be amended”.

It strikes me that, at least in the terminology, there is a contradiction. How can you look to improve things if you do not consider where we are now or best-practice examples in Scotland? Maybe you are doing that and the issue is just the terminology that is used.

I presume that, as you go around the country—I am thinking in particular of Montrose—you will hear about live current issues and how people think that they might be dealt with, if nothing else. Will you give us a bit of clarity on the approach that is being taken?

**Andrew Thin:** What you say is absolute common sense. I do not disagree with anything that you said and I think that the issue is terminology rather than anything else.

Clearly, we have to understand very well how things are operating, what the current challenges are and what the current system's strengths are.

We have got a pretty good grasp of that from the 20 or 30-odd meetings that we have held. An issue such as netting in Montrose is highly visible politically. You will not be surprised to learn that we have been to Montrose.

Nevertheless, the point that is made in the remit is important. I do not think that the review should look simply at how we could meddle with the current system to make it better. There have been calls since the Hunter report in the 1960s to replace the current system with something that is more fit for purpose, but that does not mean that that should be done on the basis of completely failing to understand where we are now.

11:00

**Graeme Dey:** That is reassuring. The committee made a trip to the River Dee and saw a lot of good things happening there. I would like to be assured—and I think that I am by what you have said—that good practice is being taken account of in the work that you will be doing.

**Alex Fergusson:** I welcome the review's recognition of the importance of local management. I am sure that you agree that there is a good argument that every river catchment is individual and has differences. We cannot generalise about how to manage a river catchment. I very much welcome that approach.

I want to tie something down that I am not certain about. In your submission, under the heading “Remit”, the first bullet point starts:

“To consider from first principles the challenges and opportunities facing Scotland's wild fisheries”.

I am aware from no less a journal than May's edition of *Fly Fishing & Fly Tying* that you have been sent a letter from Dr Richard Shelton, the former head of the Government freshwater fisheries laboratory at Pitlochry, in which he states:

“My colleagues and I at the Freshwater Laboratory and our opposite numbers in the Irish Republic have known since 1989 that the collapse of sea trout populations in west highland Scotland was being driven by the large number of sea lice associated with the cage rearing of salmon. It is a problem that continues to get worse and greatly depletes salmon populations in fjordic systems.”

You talked about the importance of looking at the sustainability of some species. To cut to the chase, will you look at the impact of aquaculture on wild fish stocks?

**Andrew Thin:** I have two or three points to make on that. The review is very much about the systems and structures that will enable us to manage all the different challenges, such as aquaculture, the climate and a heap of others, so it is important that we focus on getting the system right.

In my experience, no two scientists ever seem to agree on anything. I seem to get conflicting advice on the issue that you raise as much as on many others. However, I am clear that the review's outcome will be a system that can collect, collate and analyse data and evidence so that we can be certain that we understand the impact of sea lice on the populations and we can deal with it.

**Alex Fergusson:** You consider that to be one of the challenges that wild fisheries face.

**Andrew Thin:** Yes. We will not review the science; we have not been asked to do that.

**Alex Fergusson:** I appreciate that.

**Andrew Thin:** We are reviewing systems, but the system will not be fit for purpose if it cannot address all those major challenges.

**Alex Fergusson:** That is useful.

**Claudia Beamish:** I will ask about the development of skills for the future, which you highlighted in the scope of your remit. The committee has visited a number of places, including a hatchery and a marine science centre in the north of Scotland. To what degree will you be able to focus on what will be a changing picture? You have mentioned climate change, but there is a range of issues in relation to fish stocks and so on. I would like to know how you are getting evidence about that.

**Andrew Thin:** The evidence on skill requirements is being collected primarily through meetings with local fisheries boards and so on, in much the same way as the committee has done that, although we probably have the time to do more meetings. I am satisfied that we are getting good evidence.

There are two key priorities for the system. First, we have to ensure that it delivers consistent competence across Scotland. It is not reasonable that the people of one bit of Scotland should not have access to the same competence as people whose fisheries are in another part. Consistency is an issue, because we are clear that skill levels vary around the country. That is partly a resourcing issue.

The second issue is that it is increasingly clear that skill levels tend to be a bit static. The industry does not have a particularly good continuing professional development system. I do not want people to think, "Gosh—they're obviously not up to the mark," because that would be wrong, but we need to build into our recommendations clarity about national consistency and we need a national CPD system that ensures that skills stay up to the mark and adapt to changing circumstances. Good examples of where that is needed involve aquaculture, climate change and invasive species.

We simply do not know what will happen over the next 20 or 30 years, so we need people to adapt their skills so that, even if someone who manages a river is 55 or 60, their skills are still competent. I am comfortable that we will get that right, but we are not there at the moment.

**Jim Hume:** Good morning. I am aware of some of the good work in my region, including work that the River Tweed Commission and the Tweed Foundation have done on not just the Tweed but its tributaries and the increase in numbers of fish as well as those of other vertebrates and invertebrates.

You talked about national policies and how there should be a central system, albeit that you want to keep localness. I would be concerned if decision making on our wild fish and fisheries was centralised. Concerns about the Nith and the Solway and concerns in the Borders can be quite different from concerns in Montrose and concerns about the River Dee, for example.

What body should look after the national policies centrally? What changes do you foresee that would not throw the baby out with the bath water but ensure that decisions are made locally? That will help people to adapt, as you said, and bring more speedy answers to problems in different parts of Scotland.

**Andrew Thin:** I draw a clear and important distinction between central strategic leadership and centralisation. It is right that the elected Government of the day has the ability to provide central leadership to the system in the public interest, in relation to legitimate national priorities, which might involve international agreements or national policy priorities. That seems reasonable, but that is about leadership, not centralisation. I draw that clear distinction and I will continue to emphasise, particularly given experience south of the border, the importance of local delivery and central leadership.

We have some thoughts about what we might do, involving some kind of central thing. However, I do not want people to say, "Oh, they have decided that," because we have genuinely not decided yet. Jane Hope will sketch out some of our ideas.

**Jane Hope (Wild Fisheries Review):** As Andrew Thin said, it is early days, so I am a bit nervous about saying too much, too soon. However, I have been struck by the number of questions that keep coming back to the central question of how we balance local ownership, and all the good input that we can get locally, with the national oversight that we need on some functions.

I am reminded of a bit of work that somebody did for the review panel about experience

elsewhere. I should add that I am no expert on fisheries; I come to this with a completely open mind, which has its uses. Interestingly, Ireland completely reorganised its wild fisheries system and reduced the network to seven regional fishery boards, co-ordinated by a central fishery board. I get the impression that everything was fine for a while, as the system provided a regional focus and retained stakeholder involvement, but it started to go wrong when the central fishery board started expanding its role rather than providing support to the regions.

That is typical of what we must avoid. There is a place for the local and a place for the national, but we must ensure that the two roles are well understood so that, after a more centralised, very small structure is created, it does not grow over time and expand its powers. That is a lesson from Ireland.

I was struck by what was said about sea lice at one of the open meetings that I went to. That provides a good example of how the critical mass of expertise at a local level is simply not enough to deal with the really big challenges. Although management is best delivered locally, we still have to provide for some access to central expertise on the really important issues. Sea lice may be one of those. We will have to get that balance right all the time.

I would rather let Andrew Thin talk about what the models might be.

**Andrew Thin:** Let me give a brief sketch. Central leadership could be achieved by a single commissioner—I use that word loosely; to be frank, we could come up with any old title—who has been appointed by the Scottish ministers through open competition to give democratic accountability, with a very small secretariat. They could draw on existing people, resources and expertise in Marine Scotland, Scottish Natural Heritage and the Scottish Environment Protection Agency. That would not add costs; it would simply draw on what already exists. That function could be delivered with something as small and tight as that, and that would still give national accountability, which is really important.

The commissioner would agree with local delivery bodies annual fisheries management plans or perhaps five-yearly fisheries management plans in which they set out how they intend to deliver a range of national and local priorities that they wish to pursue. There would need to be a mechanism through which the commissioner could core fund some of that, and the rest of the funding and resource—I emphasise that this is not just about money; a lot of it is about volunteering resource—could be raised locally, as it currently is.

There would probably be quite a few of those local bodies—I do not know exactly how many there would be—to get localism really working. They would probably have charitable status, as that is hugely helpful in all sorts of ways for raising resource, and they would probably adhere directly to a model constitution, or at least have a constitution that had been agreed with the commissioner to ensure inclusivity. Inclusivity at a local level is important. At the moment, I am not persuaded that a fully democratic structure at a local level is needed if there is a constitution that ensures inclusivity.

**Jim Hume:** That is useful.

**Dave Thompson:** Good morning to Jane Hope and Andrew Thin.

Following on from the previous comments, I have to say that I like the idea and principle of national leadership and things being done on the ground locally. It is the right way to go. However, how would we ensure that the commissioner had enough power to do what he or she needed to do, while preventing them from expanding that power and becoming overbearing? The danger and, indeed, tendency with any central body is that, over time, it might want to expand. I know that we are getting into details and that you will not have thought all of this through, but we need someone with the central power and authority to lead and direct, especially on issues such as sea lice and the stand-off between aquaculture and angling. We need to try to get a resolution to an issue that has rumbled on for far too long, and we need someone who can get a grip of it and ensure that it is dealt with.

11:15

Do you think, for instance, that the commissioner's powers should include the power to compel regulators to report to him or her? I do not think that a purely voluntary approach would work. If the commissioner is to be effective, he or she will need the power to say to enforcement and other bodies, "I require you to report to me on what you are doing about such and such." You would need to draw up a pretty clear list of powers and responsibilities.

That is one issue; the other is how to ensure that the commissioner's role would not expand. I like the model that you have outlined, and I can see it being effective in a lot of other areas of work where we need a lead from Government on the broad standards but a lot of delegated authority on the ground.

**Andrew Thin:** Again, I emphasise that I am sketching out preliminary thinking. I think that the offices of the commissioner will need to be established by statute, with clear statutory powers



and duties, perhaps including something that delineates and therefore limits the commissioner's role. I think that that can be done through statute, but I do not have the detail yet. We need to work on that.

If the commissioner has the power to raise money and provide some core funding to the delivery bodies, he will be able—because he controls the money, to some extent—to ensure that national priorities are delivered by the local bodies. However, local bodies must be free to pursue local priorities, for which they can raise local money. We need to work out a system for doing that. In short, the commissioner's ability to core fund the delivery of national priorities would create the control mechanism. I need to think through the detail, but that seems to work.

The question that remains is what happens if a local body is just useless and fails, which can happen. To deal with such cases, we would need to build in some reserve powers for the commissioner. I do not yet have a clear view on how to do that, but the sort of thing that we are thinking about is a reserve power to invite an adjacent local body to deliver national functions in an area, if necessary.

The statute could also contain significant provision whereby the commissioner could do certain things on the authority of the Scottish ministers. That would keep the Scottish ministers in control.

I am sorry that I have not been able to give you a detailed answer. Jane Hope will add a few comments.

**Jane Hope:** I was going to add just one further thought. As Andrew Thin has said, funding is a big driver; it seems to me that the other big driver is data. There is a remarkably poor amount of good information about fish stocks. It therefore seems to me that the proposed commissioner must have the power to require information about stocks.

Currently, district salmon fishery boards may collect information in different ways, but they do not have to share it with anyone, so our knowledge of stocks is pretty poor. It seems to me that the whole issue of collecting and collating information and then making it publicly available is crucial; indeed, a lot of decisions that are linked to the national strategy must hang on that. Currently, we do not seem to have the basic information.

**Dave Thompson:** Although the model would not fit perfectly in this context, you might want to have a wee look at how the Office of Fair Trading, which was recently done away with, used to operate. The OFT operated UK-wide, but the enforcement of trading standards legislation was carried out by local authorities, and there were clear demarcation lines between the two. That

kind of model might give you a starting point, although it would not be the solution.

**Graeme Dey:** You have provided half the answer to my question in your comments on the collation of data and the difficulty of finding out what is happening out there.

On sustainable management and the conservation of stocks, you will be well aware that, in an angling context, there is considerable variation in catch and release practices on rivers across Scotland. Have you come to a view on whether we need a more consistent approach to catch and release across the country if we are to get to where we need to be?

**Andrew Thin:** Every river is different, which is why localism is important in this equation. It is unlikely that it will be necessary to have a standard catch and release policy for Scotland. More generally, however, and to focus specifically on salmon for a moment, we are clear that we are going to have to come up with a system that enables control, right across Scotland, of the number of salmon killed in any given system, particularly in the first six months of the year. Although not so many spring salmon come back, they have a high value to local economies, hotels and so on because people come to fish for them in a period of the year when there is not much else doing in terms of business. They are economically and socially very important to Scotland.

For that particular first six-month period, we will come up with, say, a quota system or something—I am not certain what at the moment. We might propose that it is illegal to kill a salmon in the first six months of the year unless a person has a licence to do so, and licences could be issued to netting stations, if scientists think that that is safe. However, I want to do a lot more detailed work on that issue.

**The Convener:** In 2005, the Scottish Executive said, in a document that led eventually to the Aquaculture and Fisheries (Scotland) Act 2013, that it favoured a unitary authority model for salmon, trout and coarse fish. At the moment, we have district salmon fishery boards and foundations or trusts. What is your take on the way forward with regard to those two separate entities?

**Andrew Thin:** I think that we are already clear on that. Whatever they are called—let us call them local fisheries management organisations—they will be all-fisheries management organisations.

**The Convener:** The reason why I ask is that, on our visit to the Dee, we saw how the River Dee Trust had been able to access considerable funds from the Scotland rural development programme in order to plant trees to create dappled shade and encourage salmon to spawn far up the river.

You talked about central funds and funds that can be raised locally. How does the SRDP match up with those two concepts?

**Andrew Thin:** I would expect that, as happens in some ways at the moment, a local fisheries management organisation would wish to apply to the SRDP for habitat management measures. I do not think that we would be proposing any change there. Many of the trusts are doing first-class work—you can see excellent work being done in the Tweed, for example.

**The Convener:** Have you done any calculations to show how much SRDP money has been accessed by trusts? Is it possible to do so?

**Andrew Thin:** We could do that but, given that we are trying to look forward and given that the SRDP is changing, it will be difficult to relate that. The important thing is that we set up a structure that can access the SRDP in whatever form it takes, and our recommendation is that such a structure be fit for purpose for some decades. Part of what is driving our thinking is the question of how we design a system that is sufficiently flexible to cope with change. There might not be an SRDP in 10 years' time, and we need a system that is sufficiently flexible to deal with whatever opportunities come along next.

**The Convener:** That is interesting. I have various salmon fishery boards in my constituency. Inevitably, there is the view of the riparian owners on the one hand and, on the other, the view of angling clubs, which might be seeking more access to rivers, and issues about the economic value for the local area are perhaps tied up with more access for more popular fishing. Have you encountered that so far in your evidence taking?

**Andrew Thin:** Although there are significant access issues in some parts of the country, I do not want members to go away with the impression that they are universal; they are not. There are some very good examples around the country where access, including access for salmon fishing, is available to anybody at very low cost.

However, there are significant issues that the review needs to address. If we are serious about increasing participation in Scotland and, in particular, about bringing more young people into the sport, we need to address access issues, which are about not just geography but particular days of the week. Addressing those issues is very much in our sights.

I will not give you any answers at the moment because I do not have them. We are picking up a lot of really good suggestions, some of which are quite radical, and we need to work through their unforeseen consequences before we come to recommendations.

**Nigel Don:** As the MSP who represents the aforementioned Montrose, I have some knowledge of the difficulties there, but I want to come back to the structural issues. One issue about netting anywhere is that the fish that are caught are going not just up the river that happens to be nearest but along the whole coast for what might be a considerable period. Much of that is not happening in my constituency, but that is not really the point.

I suggest that there is a problem in structural terms because it does not follow that any netting operation anywhere around our coast is automatically particularly relevant to the local fisheries board. Have you given any thought as to how, structurally, you might deal with those two perhaps orthogonal issues?

**Andrew Thin:** You are absolutely correct—the mixed-stock fisheries are a particular challenge and we do not really have enough science at the moment to manage them well. That said, Marine Scotland is already doing some very good science nationally on mixed-stock genetic sampling to try to understand what is happening.

I do not think that the structural issue conflicts with that because, nationally, the Government already undertakes research into aspects of salmon, particularly offshore, and local mechanisms already undertake research and data collection locally. That system works and it does not need particularly to change.

The challenge will come when we want to set quotas on licences for those sorts of fisheries—as we will probably need to do. If we do not know exactly where the fish are going or where they are from, how will we know what quota to set? Clearly, one of the strategic priorities for ministers will be to get that science done so that we can deliver that. I think that that is already happening and that ministers have already made it clear to Marine Scotland that that is a priority. As the science gets better, we will get better at setting quotas.

There is always a tendency among scientists to say, “You can’t do it until it’s perfect.” I am not persuaded of that argument. I think that we can do something that is not perfect but is better than the current situation. Our recommendations will be couched in those terms, setting out what we could do for the next five years and what we could do over the next two decades.

**Nigel Don:** As a scientist who became an engineer, I agree with your view of science. You have to work with tolerances. Often, your data is not very accurate and you just have to live with that, unless you can improve it.

I am still interested in the structural issue of how you manage operations in which—if I can describe it diagrammatically—the fish that are being netted anywhere are going up the coast whereas the fish

that are being angled are going up a river. Those are different stocks and different operations, which, as you say, are mixed. How do you manage that?

11:30

**Andrew Thin:** I do not think that there is a big structural challenge there. If we are going to go down a road of controlling culls and then issuing licences or quotas to cull salmon or any other kind of fish, it is almost certain that those licences or quotas will have to be issued nationally. If they were not, we would get into all sorts of conflict of interest issues, quite apart from anything else. Issuing quotas as part of the national structure is doable. SNH, Marine Scotland and SEPA already perform licensing functions for all sorts of other issues. If we already have the science, the marginal cost of adding a licence is not that great.

**Claudia Beamish:** I identify myself with the convener's remarks on participation in fisheries. That was going to be one of my questions, but I am pleased that the convener has raised it. In relation to that, what opportunities have you had, or will you be able to make, to connect with local communities beyond the fisheries boards to find out what the interest is? I take your point that there is good practice as well as some exclusive practice.

That was my first question; I suppose that my other question is about inclusion of fish.

When the committee considered the Aquaculture and Fisheries (Scotland) Bill, I was a bit embarrassed to find that I had not really thought very much about the coarse fishing aspect of the bill. That is from the people point of view but also in relation to the protection of fish beyond salmon and sea trout. I am species champion for sea trout, and I am worried about that species as well. I am just wondering about the broader issue.

**Andrew Thin:** We are heavily involved in consulting assorted industry bodies. There are lots of different bodies in this sport. There are coarse fish bodies, bodies devoted to pike and bodies devoted to grayling. I have found them very effective at articulating local interests in different parts of the country. That has worked fairly well. We have not yet engaged that well with local authorities and even community councils, but in so far as we have time we will try to do that as well. However, my impression is that those lead bodies do a pretty good job.

There is no question in my mind that a big part of the increased participation will originate with bodies such as Scottish Canals, of which I happen to be chairman—I will just declare that. Scottish Canals has just launched a new programme with the coarse angling body to promote getting kids

out on the canals to fish for coarse fish. That is leading to trouble because there are parts of our community that like to eat carp and so on, so they go out on the canal with nets, which is illegal.

We then get into issues about policing—albeit not in the sense of Police Scotland. How do we deal with that? One of the workstreams that we are pursuing at the moment is the business of how we ensure adherence to wild fisheries legislation with very modest resource, for example with bailiffing and so on. I was in Ayr last night and Strathclyde the night before and there are fantastic examples there of voluntary bailiffing. If we can get that better co-ordinated, with proper national licensing and national training, we can feed into other agendas, such as employability. That can potentially take us into a lot of really interesting areas.

**Claudia Beamish:** In relation to concerns about issues of conflict—between different groups such as netsmen and anglers, for example—some quite interesting models have been proposed in relation to agriculture and mediation. Under your national structures and leadership, are you considering opportunities for mediation and positive resolution?

**Andrew Thin:** Not yet. I am not persuaded that it will be needed—fingers crossed. However, I am involved in the tenant farming review so I am aware of that and of what the opportunities could be. I am also very aware of the potential cost.

**Alex Fergusson:** I have two brief points and one question.

First, I think it was Jane Hope who talked about the need to gather better data and information in some regards. It is particularly relevant to the sea lice issue that I raised earlier, as access to the data is extremely important. A lot of the work that previous committees have done suggests that getting access to the existing detailed data on sea lice in particular populations is not that easy for some of the bodies that would benefit hugely from it.

Secondly, in your opening statement, you mentioned alien invasive species. This is a rather parochial point, but in Loch Ken in my area a very strong and thriving coarse fishery that was very important to the local economy has virtually been wiped out by American signal crayfish. I can see you nodding so you are obviously aware of the issue. The best advice available from SNH seems to be in the pamphlets it is handing out that advise coarse fishermen to make sure that they wash their gear out thoroughly before they go home while those animals spread up to two miles every night. I hope that you will be able to give considerable thought to the impact of alien species on our coarse fisheries in particular.

My question is simply this: how do you envisage guaranteeing the independence of a single commissioner who is appointed by and answerable to the Scottish ministers? I assume that such independence will be quite important.

**Andrew Thin:** We have a workstream to try to define more clearly the legal status, duties, powers and so on of such a commissioner. The extent to which that commissioner needs to be fully independent of the Government of the day needs quite a lot of thought. This is about democratically elected Governments having the tools to ensure that their priorities, whether they be about international agreements or policies, can be delivered.

For example, I was chairman of SNH for many years. It is an arm's-length body and it gives good and robust independent advice. People do not always like it, but that is what it does. However, I was appointed by the Scottish ministers, I reported to the Scottish ministers, and I could be dismissed by the Scottish ministers at the drop of a hat. That seemed to me to be an entirely reasonable position because I was not elected and the ministers were.

I anticipate that the commissioner will be something fairly similar. They will operate at arm's length but they will not be independent in the sense that the commissioner can go and do something that a democratically elected Government feels is not a priority.

**Alex Fergusson:** I will follow that up with one thought. Would it be worth considering a model in which the commissioner is democratically elected by the local boards over which he or she would have authority to deliver the national priorities? I do not argue with the need for some organisation to be able to deliver national priorities and international commitments—I can absolutely understand that—but I wonder whether it might be worth considering the model I have just suggested.

**Andrew Thin:** We would certainly consider it. It is a very interesting idea, and it had not occurred to me.

**Alex Fergusson:** You heard it here first.

**Andrew Thin:** I heard it here first; I will certainly consider it. I can just hear voices saying, "That is not democratic—what about all the people who are not involved in these local boards?" But, yes, let us think about it.

**Alex Fergusson:** I will leave it with you.

**The Convener:** We have experienced rivers that restock salmon and others that do not, and it is important to see the variable geographic impacts. How much do you take that into account when you think about the way in which the rivers

should be managed? Science suggests that such approaches are possible and that they have been successful in some places. Do you envisage a place for remarks about restocking in your recommendations?

**Andrew Thin:** No. It would not be wise for the review to go into the detail of how to manage fisheries at a local level. We need to set up structures that are capable of deriving good, robust science and then making evidence-based decisions. That is important.

As you will be well aware, there is conflicting advice from scientists in relation to restocking. The important thing is that local delivery bodies can be free to set their priorities, raise money and get on and do things on the basis of decent advice. If they choose to stock, they should be free to do so subject to licences under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 and other regulations; if they choose not to stock, they should be free not to do so. We should not dictate that.

**The Convener:** Jane Hope explained a little bit about international comparators of management. Does she have any international comparators on stocking?

**Jane Hope:** I am afraid that I do not—I do not have enough knowledge myself. We asked some of the advisers to the panel to examine experience elsewhere, but we were particularly interested in structures and funding, so I am afraid that we do not have any international comparators on the details of how stocking is managed. However, the arguments are much the same in Ireland, New Zealand and Canada. They seem to boil down to how we get the balance between the local and national, what the role of Government is and how we raise the funds. I assume that you do not want to get into that now, but those are the sorts of issues that we have been considering.

**Alex Fergusson:** I will expand a little on the restocking issue that the convener raised and, again, I will be rather parochial in the example that I use.

It might be going a bit far to say that the local fisheries trust in my constituency and a particular angling association on the River Cree were in open warfare, but there was considerable disagreement about the restocking policy that the angling association was following. There was bad feeling between two organisations that should have been working to the same end—we would all be a lot better off if they were—although I think that the situation is beginning to calm down.

It is right that there should not be a national policy on which rivers should be stocked; that should be the sort of decision that is made locally. However, do the witnesses envisage a

commissioner having a role of arbitration in a circumstance such as the one that I described?

**Andrew Thin:** That takes us back to the point about mediation. I hope that, if we can come up with a structure of local delivery organisations that are constituted in a properly inclusive manner, the level of disagreement will tend to die down because people will have confidence that they have a voice in those bodies and that the organisations are, if not fully democratic, at least led inclusively.

That would mean that the situation of a fisheries board and a trust trying to do different things in the same piece of water would not arise. There would be one delivery body with a board that, by and large, people would be confident was inclusive and representative. The challenge for us is to make that happen.

I will think about whether the commissioner needs powers to mediate. It is a useful point, although we can easily envisage squabbles becoming easier in a way—people would decide to have a squabble about something and then hand it to the commissioner. It is sometimes quite good if people have to sort out their own problems.

**Alex Fergusson:** It will be an interesting measure of your success if, in five years' time, the situation on the Cree is looked upon as part of history.

**Andrew Thin:** We will put that down as a marker.

**The Convener:** We have a final question—I am hopeful, but other members' memories may have been jogged—from Graeme Dey.

**Graeme Dey:** I do not really have a question; it is an observation. Alex Fergusson suggested that the commissioner could be elected by the local organisations. I suggest that, if that were the case, there could be a risk of considerable turnover in commissioners. The witnesses might wish to consider that.

**Andrew Thin:** It is an interesting suggestion. I have not thought about it but I certainly will think about it. From day 1, my instinct has been to consider a model in which democratically elected Governments have a mechanism. That is the democratic channel.

**The Convener:** That was a good introduction to the subject. I thank Andrew Thin and Jane Hope for their thoughts. There are developing issues.

With that, I close the meeting. Next week, on 28 May, the committee will take evidence from the land reform review group on its final report, and we will also consider the committee's annual report.

*Meeting closed at 11:45.*



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