



Northern Ireland  
Assembly

Committee for Culture, Arts and Leisure

# OFFICIAL REPORT (Hansard)

SL1 Fishing (Amendment) Regulations 2012

25 October 2012

# NORTHERN IRELAND ASSEMBLY

## Committee for Culture, Arts and Leisure

### SL1 Fishing (Amendment) Regulations 2012

25 October 2012

**Members present for all or part of the proceedings:**

Miss Michelle McIlveen (Chairperson)  
Mr David Hilditch  
Mr William Humphrey  
Ms Rosaleen McCorley  
Mr Robin Swann

**Witnesses:**

Mr Aidan Cassidy	Department of Culture, Arts and Leisure
Mr Seamus Connor	Department of Culture, Arts and Leisure
Mr Liam Devlin	Department of Culture, Arts and Leisure

**The Chairperson:** I welcome Aidan Cassidy, head of policy and administration in the inland fisheries group (IFG), Seamus Connor, deputy chief fisheries officer, and Liam Devlin, a Department of Culture, Arts and Leisure (DCAL) official. You are very welcome. I invite you to make an opening statement, which we will follow with questions.

**Mr Aidan Cassidy (Department of Culture, Arts and Leisure):** Thank you very much indeed, Madam Chair, for the opportunity to brief the Committee on the proposed legislative amendments on the change of the pike-fishing season in Lough Erne and the designation of a new rainbow trout water in Crossgar. I am Aidan Cassidy, head of policy and administration at inland fisheries. I am joined by Seamus Connor, who, as I would like the Committee to note, has recently been appointed as chief fisheries officer. I am also joined and by Liam Devlin from DCAL, who is my deputy on the legislation side.

We are obviously aware of the Committee's very keen interest in fisheries issues. That was particularly evident in your consideration of the conservation and protection of salmon stocks at our previous briefing session on 2 October. Today's briefing focuses on an entirely different issue but one that we certainly believe demonstrates the wide range of policy issues that are under the responsibility of the fisheries group, the value of stakeholder input to that process and how we can respond positively to changes in policy to meet local needs. With your agreement, I will pass over to Liam, who is responsible for the legislation programme on the inland fisheries group. He will take the Committee through the detail of this process.

**Mr Liam Devlin (Department of Culture, Arts and Leisure):** Thanks, Aidan. As Aidan mentioned, there are two legislative proposals for the Committee to consider today, both of which require amendment to the Fisheries Regulations (Northern Ireland) 2003. That is the principal set of regulations for the conservation and protection of salmon and inland fisheries, and they provide for the closed seasons for various species of fish, including commercial pike and rainbow trout.

I will start with the pike-fishing proposal. Currently, the commercial pike-fishing season on the Erne lasts from 18 December until 16 March. Our stakeholder group, the Salmon Inland Fisheries Forum (SIFF), received representations from a commercial Erne fisherman seeking a change to the commercial pike season on the lough. The proposal was to bring the start of the season forward to 1 December and to end it earlier, on the last day in February. It was argued that that would reduce conflict with other fishing activity on the lough, including game fishing, which starts on 1 March. Forum members were content to endorse the proposal, and the Department accepted the recommendation.

Before moving forward with the legislative amendments that are required to amend the pike-fishing season, officials wrote to all permitted commercial fishermen on the Erne to ensure that they were all content with the proposal. All those who replied were supportive, with some commenting that, as the pike market is better before Christmas, the earlier start to the pike season would be beneficial. As part of the consultation process, the Department sought scientific advice from the Agri-Food and Biosciences Institute (AFBI), which also viewed the early season as a positive conservation measure. Any further restriction of pike fishing to the winter months would help to reduce the by-catch of trout by those fishing for pike as there is very little habitat overlap between pike and trout during that period. On the basis of the scientific and stakeholder input, the Department is now seeking the Committee's consideration of the legislation to amend the pike season.

I will now move to the proposed designation of Cleland's lake, Crossgar, as a rainbow trout water. The 2003 regulations provide for a closed season for rainbow trout and other game fish, generally from March to November, except for those fisheries that are granted an exemption under schedule 4 to the regulations. A designation under schedule 4 effectively allows such fisheries to remain open all year. Following an approach from Crossgar Angling Club, the Department has approved the designation of Cleland's lake as a rainbow trout water, which can remain open all year long. Before doing so, the Department sought the views of the stakeholder forum, which was in agreement with the legislation. Fishery officers have also inspected the fishery to ensure that it has sufficient safeguards to prevent rainbow trout from escaping into the wild. Officials also ensured that all interested surrounding landowners were content with the proposal. With all those safeguards and agreements in place, the Department was content to recommend the designation to the Minister. Again, it is seeking the Committee's consideration of the required legislative amendment.

We are now happy to take members' questions.

**The Chairperson:** Thank you very much. Liam, you mentioned that all those who replied to the letter that you wrote to them were supportive. How many actually responded?

**Mr Devlin:** We have seven commercial netmen who are eligible for permits. Only six are actively fishing and have made returns in the past year. Three of those replied to our consultation, so the number was three out of seven.

**The Chairperson:** Do you plan to contact them again about this?

**Mr Devlin:** Absolutely. That will allow them to make adequate preparations. Once all the approvals are in place, we will write to them as early as we can to say that the legislation is in progress and that it should be in place by 1 December. They can then make preparations accordingly.

**The Chairperson:** How is this policed at the end of the season?

**Mr Seamus Connor (Department of Culture, Arts and Leisure):** We have DCAL fishery protection officers on the Erne who carry out regular patrols. They will visit those commercial fishermen when they are actively fishing and check the catch to make sure that they are fishing for the species that they are allowed to fish for. To make sure that everybody is fully compliant with the regulations, we will also carry out other patrols along the shoreline for other commercial dealers who are taking fish stocks.

**Mr Swann:** Thank you for your presentation, gentlemen. Congratulations, Seamus, on your promotion. I wish you well in that post. It will not be an easy one, as I am sure you appreciate.

Following on from the Chair's question about the enforcement of the change, can you tell us what penalties are in place? Are they changing at all?

**Mr Connor:** A whole range of penalties are available under the Fisheries Act. Ultimately, any penalty that is given is up to the magistrate on the day. Our case in court is to prove that the person is guilty of the offence. The magistrate then has a wide range of penalties available to them. In some cases, a minimum statutory fine is available. In other cases, the magistrate can show flexibility.

**Mr Swann:** As well as working with commercial fishermen, did you have any consultation or outworkings with the Loughs Agency on that? I suppose that that would apply to those on Lough Erne as well.

**Mr Connor:** That water is not connected to the Loughs Agency per se. So, there would be no direct consultation on pike. However, on the general issue of the availability of and surplus stocks of pike, we rely very much on scientific evidence from AFBI. It is content that there is a surplus of pike to be taken. Obviously, we have to measure and balance the interests both of the anglers and commercial fishermen. Angling is obviously a very big part of the activity on Lough Erne. So, we are satisfied that there is sufficient capacity for both to co-operate side by side.

**Mr Hilditch:** My question is probably for Seamus to answer. Due to a couple of incidents, I raised this issue previously. There has been an increase in the number of foreign nationals fishing in Northern Ireland. There have been a few incidents, such as the bailiffs being on the ground and, perhaps, some language issues. Are you trying to overcome that in any way? How would you normally deal with a situation like that?

**Mr Connor:** We have a number of options. For a start, all fisheries protection officers carry a caution card in several languages. If there are any clear communication issues that we can put on hold, we can get a translator in place. We can then interview the people concerned with a translator beside them so that they understand completely the full implications of the law. They can then respond, and we can, essentially, take it from there. So, we have a number of ways to circumvent those issues so that people are clear and understand the issues fully.

**The Chairperson:** The background to this is that some commercial fishermen have wanted to look at diversifying in and around Lough Erne. Can you give us an update on that?

**Mr Connor:** The Department recognises that there is a need for us to have some sort of strategy or plan in place for Lough Erne that will cover all fish stocks. As part of that, we obviously have a good knowledge of salmon stocks on Lough Erne, and we have a good knowledge of eels. AFBI is in the process of completing a stock-status report for trout. We have a number of netting surveys taking place that will give us evidence of some of our course-fish issues. So, it is our intention to provide a five- to 10-year plan for the Erne to cover all fish stocks and to look at all stakeholders, including commercial vis-à-vis recreational angling, etc, and to hopefully cover all the issues. To me, that is the best way to address them all, as it is clear and written down. As I say, stakeholders will also have input into it.

**Mr Cassidy:** Yesterday, we met two commercial fishermen on Lough Erne who were involved in the trap-and-truck arrangements for eels. They had four specific issues in their proposal on that, and we mentioned that we were appearing before the Committee to pick up on that point. Obviously, they were very keen to get the Committee's early approval so that they could proceed on it. They make quite a compelling case for the need to maintain their heritage and rights to fish on the lough. As Seamus said, we want to pick up on that now in a broader management strategy for the lake that will look at how we can accommodate the various interests.

**The Chairperson:** It is probably quite timely that we have received the correspondence that the Minister is forwarding to Diane Dodds MEP. In that correspondence, she states that:

*"Eel fishing cannot resume on Lough Erne until it is clear that the 40% escapement target as outlined in the Eel Management Plan is being achieved. The current review is with the EU for consideration and it is expected that the EU will give their findings based on the submitted review in 2013."*

Do you have any information about that review or on what your submission to it was?

**Mr Connor:** Nothing as of yet. As far as I am aware, it is still with the EU for consideration. One of the problems with Lough Erne is, obviously, that we are not meeting the escapement target on the lough. That is unlikely to be the case for some years, to be perfectly honest. We are not aware of the EU having reviewed it yet. So, we are essentially waiting for the review as well and for the EU to come back to us.

**The Chairperson:** OK. Do you have a timetable for when you intend to lay the statutory rules?

**Mr Devlin:** The statutory rules will be laid 21 days before 1 December, which is the proposed date that the pike season should start. So, as soon as we can, we will get it made in the Department. All the approvals are in place. We will do that as soon as we can, possibly this week or next week. That will give us plenty of time to meet the 21-day deadline for laying the rules in the Assembly.

**The Chairperson:** Thank you very much.

**The Chairperson:** Good morning. You are very welcome. If you wish to make your opening statement, we will follow it up with some questions.

**Mr Mick Cory (Department of Culture, Arts and Leisure):** Good morning. As you may know, I am the director of museums, libraries and recreation division. My colleague David Polley from museums and libraries branch has accompanied me.

Thank you for the opportunity to brief the Committee on the proposed work on reviewing the libraries policy framework that was published in 2006 in a document called 'Delivering Tomorrow's Libraries: Principles and priorities for the development of public libraries in Northern Ireland'. We sent you a number of copies and can provide more if you need them.

The Minister of Culture, Arts and Leisure wrote to the Committee on 11 July 2011 to say that she intended to undertake a review of 'Delivering Tomorrow's Libraries' in the Department's forward work programme. That commitment features in the Department's corporate plan for 2011-15.

As our work on the implementation plan for the museums policy draws to a close, it is now possible for the Department to turn its attention to this important commitment. The Minister has provided two written briefings to you, the first on 12 April this year and the second a few weeks ago on 10 October, outlining our proposed work. There are a number of contextual changes that make a review of 'Delivering Tomorrow's Libraries' timely and worthwhile. Those include that 'Delivering Tomorrow's Libraries' was researched and produced under direct rule in 2006. The most significant commitment in the document was to establish a single library authority. An arm's-length body has been created to run our public libraries. It is one service, as you know, called Libraries NI. That is different from the situation of public libraries elsewhere in Ireland, Scotland, England and Wales, where they are still run by local authorities. With that move, the organisational context has changed completely.

A further contextual factor for the review is the economic environment. It has changed considerably in the past four years, and there is now increased competition for available resources. That situation does not appear to be getting any better. Libraries NI has undertaken a number of strategic operational reviews of provision. Those involve widespread public consultation. The operational reviews produced a significant amount of information on the expectations and requirements that library users and the general public have. Furthermore, we have had advances in technology, which have gathered pace. In the past few years, there have been significant shifts in the way in which people access books and information. The evolving digital environment is changing the expectations of library users. Even though libraries are popular, the pattern of usage is changing. That was highlighted, as you will all know, in the responses to recent public consultations.

David will now talk you through the genesis of the policy framework, work that has taken place to implement it and the process of the review.

**Mr David Polley (Department of Culture, Arts and Leisure):** 'Delivering Tomorrow's Libraries' sets out the Department of Culture, Arts and Leisure's commitment to modernising and improving our public library services. It states that our vision for the public libraries service is to provide:

*"A flexible and responsive library service which provides a dynamic focal point in the community and assists people to fulfill their potential."*

We wanted a library service that could renew and reinvent itself to meet changing needs. We want libraries to be dynamic and active in how they meet those needs. We want libraries to reach out, form partnerships and find new ways of becoming relevant to their communities. We recognise that libraries help people to do things for themselves. They do not do things for or to people. In that way, they are not like a lot of other public services; people have to choose to use libraries. That is a strength and a challenge for them.

'Delivering Tomorrow's Libraries' contained the first set of library standards for the public library service here. The idea behind the standards was that they provided a means of encapsulating the statutory duty to provide a comprehensive and efficient public library service. The standards are now showing their age. For example, the reference to information and communication technology (ICT) provision does not take into account increased ownership of personal computers or the demand for wireless internet provision in libraries. It might also be appropriate to reconsider the stock target.

Significant investment was made in implementing 'Delivering Tomorrow's Libraries'. That work included changing how public libraries were managed by setting up Libraries NI, an extensive capital programme and moving resources to the front line, for example, by increasing spend on library stock and associated savings from administration and middle management. Libraries NI is an organisation that was created and has evolved entirely in the context of 'Delivering Tomorrow's Libraries'. The larger organisation is more able to focus attention on the areas that are identified in the policy.

Mick has outlined the potential drivers for review. More detail on how we plan to do that is set out on the written briefings that we have provided. I will outline some of the key steps for you now. The first step in the process will be an assessment of the success of the previous interventions in delivering the desired policy objectives. We need to see whether we have managed to bring about improvements in areas like spending on stock, opening hours, spreading good practice around Northern Ireland, more partnership and outreach work, and increasing the use of the library service. We will be looking at available research and statistical evidence to inform the review, supported by the Department's research and statistics branch. There will be an examination of what is happening elsewhere locally and internationally. We will undertake a high level and focused key stakeholder consultation to inform our review.

With that in mind, we have identified a number of key policy questions. The first relates to the purpose of the library service as set out in 'Delivering Tomorrow's Libraries'. It is clear from many of the responses to recent consultations on library closures and opening hours that libraries are seen as prized community assets. They contribute to community cohesion and provide a valued shared space, irrespective of the reading and information technology (IT) services that are provided in the libraries. We need to consider whether that is a core function of the library service. The second relates to the rapidly developing area of electronic library services. We need to be sure that we understand the challenges and opportunities from changes in the electronic delivery of books and information in the wider context of how the internet and the world wide web is changing the way in which we interact, communicate, do business and live.

The third relates to how library services are delivered in rural areas. In that instance, our work on the review has been taken forward in very close alignment with the ongoing Libraries NI review of mobile library services. The final question relates to targeting library services and outreach. We need to get our heads round why the people who stand to gain the most from using the library service are the ones who use it the least and what we can do to change that.

Clearly, the Committee for Culture, Arts and Leisure is a key stakeholder in the process. We are keen to include your views in our review. I ask you to consider the best way that we could do that.

**Mr Cory:** The Department has established a small steering group, which I chair, to oversee the work on the review. That group includes representation from Libraries Northern Ireland's senior management. We have held our first meeting already, and we will hold regular meetings over the next five months. That work will ultimately allow a view to be taken regarding the existing framework policy. At this stage, we see two possible outcomes. The first is that a full policy exercise is required to formulate a replacement policy. That process would include a full public and stakeholder consultation, equality impact assessment and rural impact assessment. The second is that the policy direction that is contained in the document is sufficient and only the public library standards require updating.

As the project plan sets out, the Minister should be in a position to make that decision early next year. You may wish to invite us to meet you again at that point. I hope that the presentation has been helpful. We are happy to answer any questions that you might have.

**The Chairperson:** Thank you very much. Mick, the current framework suggests that performance will be assessed against public library standards every year, a report will be placed on the departmental website and the standards will be reviewed every three years. I do not believe that that has been done. Could you tell us why?