



Constitution of the Scottish Fisheries Co-ordination Centre

1. The Scottish Fisheries Co-ordination Centre

The Scottish Fisheries Co-ordination Centre (SFCC) is an association of District Salmon Fishery Boards, Fisheries Trusts, Scottish Government and others interested in the sound management of salmon and freshwater fisheries in Scotland and directly involved in the collection, use and dissemination of information on the fisheries, the fish and their habitat.

2. Purpose

The objects and aims of the SFCC are to help its members and others to collect, collate, use, and provide information on salmon and freshwater fish, their habitats and fisheries, in an effective and co-operative way.

To these ends it:

- a) provides a mechanism for local fisheries managers and biologists to standardise aspects of data collection,
- b) promotes the development of specialist software in a cost-effective way,
- c) co-ordinates spatial data relevant to the freshwater environment in a way that can assist informed discussion and decision making,
- d) provides a facility for balanced scientific analysis of the available information for further debate and policy development,
- e) provides a mechanism for pooling resources,
- f) encourages discussion of fisheries science and management in a forum informed by the best available information,
- g) provides national fisheries data to inform policy decisions.

3. Membership

1. There shall be three classes of member:

Full member	Organisations that meet the criteria described in article 1 and such additional criteria as are or may be established under this article
Associate member	Organisations that meet the criteria in article 1 and aspire to be members but do not yet meet all the criteria established under this article
Honorary member	Organisations or persons who, in the opinion of the SFCC, have rendered signal service to the Centre or to the objects in which it is interested

Appendix A lists current members and contains further membership details.

2. Any organisation that meets the criteria described in article 1 and any additional criteria set by the SFCC may be considered for Full or Associate membership. New members will be subject to approval by the management committee and will normally join as Associate members. A person or organisation may be elected an honorary member at any annual or special general meeting.
3. Full and Associate members will be entitled to the services listed in Appendix B. The SFCC may, by resolution passed at any annual or special general meeting, add to or amend the list of services.
4. Members shall, so far as they are able, cooperate among themselves and with others in the collection, use and provision of information on salmon and freshwater fish, their habitats and fisheries as provided for in article 4 and in the spirit of the constitution of the SFCC.

4. Submission of and access to data stored in SFCC databases

The following principles shall apply to the submission of, access to, and use of data in the SFCC databases.

- a) Data entered in any SFCC database shall ordinarily have been collected to standards set or approved by SFCC; such standards shall ordinarily include provisions that the information must have been collected by a person accredited by the SFCC.
- b) Data entered in any local SFCC database shall be submitted to the central SFCC database by such dates as may be agreed by the SFCC.
- c) Data submitted to the SFCC by a member shall remain the exclusive property of that member, for its use only, unless otherwise agreed in writing between it and the SFCC. Each member shall agree that data from its electro-fishing and habitat surveys may be used by Marine Scotland in analyses for the purpose of advising Scottish Government on the management and conservation of stocks of fish and fisheries. Before completing or reporting on any analyses of such data, Marine Scotland shall inform the member which of its data are being used, and the context of the analysis, and give it the opportunity to comment; and the member may prevent use of the data in that context, but this proviso shall not be unreasonably invoked. Any dispute on reasonableness shall be determined by the Management Committee.
- d) If a member resigns or otherwise ceases to be a member of the SFCC:
 - i. data that have been submitted to a central database by that member shall remain on that database and may be used by the SFCC according to the conditions of use agreed when the data were submitted or subsequently agreed in writing between the member and the SFCC;
 - ii. should that member transfer use of its database to another organisation, SFCC shall be consulted beforehand and informed in writing of the arrangements.
- e) The SFCC shall obtain the prior permission in writing from a member, or a previous member, before transferring data submitted by that member or previous member to any other person or using it in any publication otherwise than as previously agreed under the provisions of subparagraphs (c) and (d)(i) of this section.
- f) Any member intending to publish data as being accredited by the SFCC, or using the SFCC name or logo in any publication, shall obtain permission from the management committee before such publication or use.

Further details are in Appendix C.

5. Access to and use of spatial data supplied by or through SFCC to its members

The following principles shall apply to spatial data supplied by or through SFCC to its members, including those listed in Appendix B, Section 3.

- a) SFCC shall provide information on copyright and licence requirements for spatial datasets as necessary.
- b) Any member holding SFCC supplied spatial datasets shall adhere to any licensing and copyright requirements for the dataset.
 - i. In relation to access and use of datasets, members shall not pass copies of spatial data or derived data to third parties, including other SFCC members. In the event of a third party requiring access to a dataset, the member shall consult the SFCC and obtain prior permission in writing before any access is provided.
 - ii. In relation to copyright of datasets, members shall include appropriate acknowledgement text on any hard copy or electronically distributed maps produced for internal or, where permissible under licence requirements, external use.
- c) If a member resigns or otherwise ceases to be a member of the SFCC, that member shall cease to have the use of any spatial datasets (or data derived from such datasets) provided by or through the SFCC, as listed in Appendix B section 3. The member shall also cease to be included in SFCC agreements with any supplier of geographic datasets.

6. Subscriptions

1. Each Full and Associate member shall make an annual subscription to the SFCC.
2. The annual subscription for each Full and Associate member shall be agreed for each class at the annual general meeting of the SFCC. The subscription shall be payable on joining the SFCC and annually thereafter on or before the 6 April or such other date as may be decided at any general meeting.
3. The SFCC, in recognition of large extraordinary support in kind by a member may, by resolution at any annual or special general meeting, waive, in full or in part, the requirement of that member to make an annual subscription.
4. Member organisations should pay their subscriptions within 30 calendar days from the date of invoice. A member organisation failing to pay their subscription within this time period shall be issued with a reminder, whereupon a review period of 30 days shall be initiated. During this review period, the SFCC Chairman will seek to establish the reason for delayed payment, and when and if appropriate, initiate grievance proceedings (Section 17).
5. An organisation failing to pay their subscription within 30 calendar days from the date of the reminder shall cease to be a member of the SFCC, and the SFCC will withdraw its services from them. Such services include, but are not limited to, the use of computer software and digital datasets supplied under SFCC licence arrangements. This withdrawal of membership shall apply unless a grievance process is initiated whereby membership shall be retained in the interim and until the grievance procedure is concluded.
6. Organisations wishing to rejoin the SFCC following a period of lapsed membership will be subject to the current annual subscription fee. Additionally, organisations that had their membership terminated by the SFCC Management Committee shall pay a rejoining fee charged at 25 % of the current annual subscription fee.

7. Representation

1. There shall be an annual general meeting of members at a time and place decided by the Management Committee. A special general meeting may be called by the Management Committee at any time and shall be called by the Secretariat within 30 days of a written request signed by at least four Full members. Each Full and Associate member shall be entitled to send one representative and two additional delegates to any general meetings; each honorary member shall be entitled to send one delegate.
2. At any general meeting, each representative of a member shall have one vote. Associate and honorary members may speak but not vote at such meetings. The chairman shall have a casting vote and, if he is also a representative, a deliberative vote. The quorum shall be four.

8. Chairman

There shall be a Chairman who shall be elected annually at the annual general meeting. The Chairman will normally preside at general meetings of the SFCC and at meetings of the Management Committee. In the absence of the Chairman, the representatives at the meeting shall elect a person from amongst themselves to take the chair.

9. Management Committee

1. There shall be a Management Committee which will be responsible to the membership for the development and management of the SFCC. A schedule outlining those responsibilities is in Appendix D.
2. The members will, at the annual general meeting, elect six persons (each a representative of a different member) to be members of the Management Committee for the ensuing year. Of these, at least one shall be a representative of a District Salmon Fishery Board, one who is representative of a Fisheries Trust, one who is representative of Marine Scotland Science and one who is representative of Marine Scotland Aquaculture, Freshwater Fisheries and Licensing Division. At least one of the elected persons shall be representative of a DSFB or Trust from the west coast and one from the east coast. The Committee shall appoint a Chairman, who need not be one of the elected members. If so, he or she shall be an ex officio member of the Committee. Any member who is not represented on the committee shall be entitled to send a person to attend its meetings, but the Committee may conduct some of its business in a session restricted to elected members only if, in its view, the circumstances warrant it. The Manager will ordinarily attend meetings of the Committee. The Committee may invite any person to attend a Committee meeting. The Management Committee will meet four times a year or as it may otherwise decide.
3. At any meeting of the Management Committee the elected representatives shall each have one vote; the chairman of the meeting shall have a casting vote. The quorum shall be four.

10. Sub-committees

The Management Committee may appoint sub-committees to manage specific aspects of the SFCC's work or for any other purpose. Membership of any sub-committee is not restricted to members of the Management Committee.

11. Secretariat

A person or organisation shall be appointed by the Management Committee to serve as the secretary to the SFCC. The appointment and other arrangements for the secretary shall be reviewed annually by the Committee.

12. Accounts/Treasurer

1. There shall be a Treasurer who shall be appointed by resolution at the annual general meeting. The Treasurer shall present a budget to the Management Committee for approval before the beginning of each financial year. The Treasurer shall produce quarterly reports to the Management Committee and prepare an annual statement of accounts.
2. The financial year shall commence on 6 April or such other date as is agreed at any general meeting.

13. Staff

The SFCC may employ or otherwise engage the services of a Manager to develop and progress the work of the SFCC, and may engage such other staff or services as it considers appropriate. Management of any employee or service arrangement shall be the responsibility of the Management Committee and may be delegated by it to another person.

14. Collaborators

The Management Committee may negotiate agreements with potential collaborators but shall not conclude any such agreement without the approval of the majority of the members.

15. Location of SFCC

The operational headquarters of the SFCC shall be at Marine Scotland Freshwater Laboratory, Faskally, Pitlochry. The secretariat or any other specified function of the SFCC may be sited at such other place as the members decide.

16. Alteration to the Constitution and Rules

This constitution may be rescinded or amended by resolution passed by a two-thirds majority of the members present and voting at any general meeting of the SFCC; the rules in Appendix C (referred to in article 4) are deemed to be part of the constitution but may be rescinded or amended by a simple majority vote at any such meeting.

17. Grievance Proceedings

1. Any member organisation having a grievance with the SFCC should bring the matter to the attention of the SFCC Chairman in the first instance. This must be in writing and dated to provide a record of the grievance. After such notification, steps will be taken to resolve the grievance as quickly as possible to the mutual satisfaction of the SFCC and the member in dispute.
2. While it is hoped that dialogue between the SFCC Chairman and the member organisation concerned shall resolve the grievance satisfactorily, it is acknowledged that this will not always be possible. In such cases, and given that there may be several months between meetings of the Management Committee, the aggrieved party may request a meeting with the Chairman and any two members of the current Management Committee with the intention of resolving the grievance. The Management Committee members shall be determined by committee member availability and the need to hold such a meeting quickly. If an acceptable agreement cannot be reached within 30 days, then the matter will be escalated to the next available Management Committee meeting, whereat a representative of the member organisation shall be given the opportunity to express their grievance in person to the Management Committee.
3. The aggrieved party shall remain a member of the SFCC until the outcome has been decided. Upon termination of SFCC membership, either *via* the organisation actively deciding to leave the SFCC or having their membership terminated by the SFCC Management Committee, the SFCC will withdraw its services from that organisation. Such services include, but are not limited to, the use of computer software and digital datasets supplied under SFCC licence arrangements. The withholding of the annual subscription payment will not be viewed as a satisfactory means by which to express a grievance with the SFCC.
4. If the grievance is found in favour of the aggrieved party, the Management Committee and the aggrieved party shall take all reasonable steps to resolve the grievance satisfactorily and to the mutual satisfaction of all parties.

18. Liability

The SFCC will aim to provide high quality information and analyses but will not be liable for any errors in the data or analyses it provides nor for any costs or damages incurred as a result of the use of any data or analysis it provides for any purpose whatsoever.

APPENDIX A

Current membership of the SFCC (as on 18/2/10)

- | | |
|----------------------|---|
| 1. Full Members | Annan DSFB
Argyll Fisheries Trust
Aryshire Rivers Trust
Clyde River Foundation
Cromarty Firth Fisheries Trust
Deveron, Bogie & Isla Rivers Trust
Findhorn DSFB
Galloway Fisheries Trust
Kyle of Sutherland DSFB
Lochaber Fisheries Trust
Loch Lomond Fisheries Trust
Ness & Beaully Fisheries Trust
Outer Hebrides Fisheries Trust
River Dee Trust
Spey Research Trust
Tay DSFB
Tweed Foundation
Wester Ross Fisheries Trust
West Sutherland Fisheries Trust
Marine Scotland Science
Marine Scotland Aquaculture,
Freshwater Fisheries and Licensing
Division |
| 2. Associate Members | Don Fisheries Trust
Esk DSFB
Helmsdale DSFB |
| 3. Honorary Members | Association of Salmon Fishery Boards
Scottish & Southern Energy
University of Durham |
- a) Organisations are entitled to be Full members if they employ SFCC accredited staff, or have an arrangement for data collection with an accredited person, and are entering data into their own copy of the SFCC databases.
- b) Associate members may become Full members when at least one member of staff has successfully completed SFCC training courses, the SFCC databases are being used, and data are being collected to SFCC standards.
- c) If a Full member has a change of senior staff and the replacement is not SFCC accredited, there will be a period of grace to allow training to be completed. This period will normally be approximately one year. If training is not completed within this time, the member will become an Associate member until such time as accreditation is complete.
- d) If a Full member has a change of staff and there is no replacement, the member can remain a Full member if they have an arrangement for data collection with an accredited person, and continue to enter data into their own copy of the SFCC databases. Otherwise the member will become an Associate member until such time as accredited staff are employed or contracted.

APPENDIX B

Entitlements of membership (as on 18/2/10)

1. Training:

- a) SFCC training courses will be made available in Electrofishing and Habitat Surveying for Full members and Associate members.
- b) SFCC courses will include manuals and provide sufficient practical experience for those accredited to carry out their own surveys.
- c) SFCC Electrofishing Teamleader and Habitat Surveying courses will include an introduction to the SFCC databases.
- d) Costs of places to Full members and Associate members on SFCC Electrofishing and Habitat courses will be confirmed at the beginning of each calendar year.
- e) First Aid courses will be arranged to run with Electrofishing courses where required.
- f) SFCC will assist training in ESRI GIS for all Full members and Associate members as required.

2. Technical support:

The following will be provided without any additional charges.

- a) SFCC will provide technical support and advice on SFCC databases and ESRI GIS to Full members and Associate members as required.
- b) SFCC will co-ordinate database upgrade requirements, upgrade testing and supply to Full members and Associate members.

3. Datasets:

SFCC will provide the following spatial datasets for use with the Full or Associate member's own geographical information system without any additional charges being made:

- a) Data derived from Ordnance Survey 1:50,000 Panorama DTM by catchment:
Catchment boundary, Rivers, Contours, Altitude, DTM image, Slope image
- b) Data from 1:25,000 Land Cover of Scotland by catchment
- c) Scottish coastline
- d) Trust / Board boundary
- e) OS grids – 100km (Scottish extent), 10km (Trust / Board extent), 1km (catchment extent)
- f) Other licensed datasets where possible

4. Staff days:

The SFCC will provide up to 3 days of the Manager's time per year to Full members and Associate members. A charge may be made for travelling costs or additional individual time allocated to Full members or Associate members.

APPENDIX C

Effective implementation of article 4.

Para. 4 a) Training and accreditation of staff

All staff involved in the collection of information for entry into SFCC databases shall be trained to the following standards:

a) Electrofishing team leaders:

Successful completion the SFCC Electrofishing Teamleader course / Scottish Vocational Qualification course.

b) Electrofishing operatives:

Successful completion of the SFCC Introduction to Electrofishing / Scottish Vocational Qualification course.

All habitat surveyors:

Successful completion of the SFCC Habitat Surveying course.

Para. 4 c) Use and publication of data by SFCC

Regular routine analyses by SFCC or Marine Scotland Science of submitted electrofishing or habitat data in relation to specific subjects shall be covered in a single informing arrangement through the SFCC Manager. 'Informing' will be either on an annual basis, or until curtailed or altered, or any other appropriate arrangement.

There will be a period allowed for making comments, which may be extended if required.

Where SFCC and its members agree to undertake contracts for external organisations which involve use or analyses of submitted electrofishing or habitat data, SFCC will establish copyright issues for contract data and reports as part of the formal contract arrangements.

APPENDIX D

Responsibilities of the Management Committee

General responsibilities:

- a) Recruitment, management and dismissal of staff.
- b) Financial administration.
- c) Ensuring the SFCC is properly funded.
- d) Development of SFCC initiatives.
- e) Development of SFCC training programmes.
- f) Development of strategic alliances with collaborators.
- g) Recruitment of new members and Associate members.

Reporting Responsibilities:

- a) A copy of the agreed minutes of meetings of the Management Committee will be sent to the biologist and secretariat of each Full and Associate member. A copy of draft minutes will be sent to each member of the Management Committee and to any representatives of members of the SFCC present at the meeting.
- b) Significant information, advances, or problems will be reported to the members from time to time.
- c) A copy of any SFCC document intended for publication will be sent for comment to Full and Associate members, as appropriate, prior to publication.
- d) The SFCC will publish an annual report. A copy of the draft of the Report will be sent to each member for comment prior to publication.