

## Written submission from the Scottish Countryside Alliance

Dear Member

Published papers in relation to the next Environment, Climate Change and Land Reform Committee Meeting Date: 15th Meeting, Tuesday 23 May 2017 outlines the intention to revisit the PE1615: State regulated licensing system for gamebird hunting in Scotland.

It is our understanding that the committee first considered the petition at its meeting on 31 January 2017 where it agreed to:

- write to the Cabinet Secretary for Environment, Climate Change and Land Reform seeking information on the operation of current legislation in this area; and
- request more details on when the SNH commissioned research on gamebird licensing systems in selected other countries might be published.

The SNH report compared game bird hunting regulations in 14 European countries. It focused on the legal controls on game bird hunting, including licensing and permitting arrangements, as well as on the requirements for monitoring, protecting and managing game birds. However useful this exercise was, it wasn't a direct like for like analysis and ultimately fails to offer an objective outcome.

In the Cabinet Secretary's letter of 7 March, Ms Cunningham wrote that a licensing regime for shooting businesses "remains an option that we may pursue if and when we think it is required." Since that letter was written, the judicial review ECCLR/S5/17/15/3 2 challenging the removal of General Licenses was unsuccessful, thus allowing such management limiting restrictions to be imposed.

The Cabinet Secretary further concluding that our experience in this area is that there is no short cut to securing hard evidence of criminal behaviour. Changes to the law can only go so far, and always will need to be accompanied by effective, professional law enforcement. A licensing scheme may be a useful addition to the toolbox, but it will still depend on someone gathering evidence of wrong-doing in order to justify removal of a licence to operate a business.

While we believe that current Scottish legislation to be some of the best in Europe offering protection to wildlife, we recognise the public concern about raptor crime and vigorously seek to resolve these concerns.

We actively engage and support Police Scotland in relation to evidence gathering and detection of wildlife crime incidents across the sector. Our frustrations are well documented where we believe that we have been purposefully excluded from the

investigation of allegations of wildlife crimes by bird charities, raptor support groups and animal rights extremists.

The Countryside Alliance (SCA) are committed members of PAW Scotland and standing chair of the Code of Good Shooting Practice committee. The SCA and members thereof are committed to working with the Scottish Government, Police Scotland and the *Crown Office* and Procurator *Fiscal Service* (COPFS) to eradicate crimes against wildlife wherever possible.

It is our understanding that following its evidence on the petition, a number of options are available to the Committee. While we would advocate that the ECCLR committee chose to support **option one**:

**Conclude that the current legislation and regulation in this area is working effectively. If cases of raptor persecution are found, these should be dealt with appropriately by Police Scotland and the Crown Office.**

We do however wish to be part of an ongoing, open and honest dialogue to increase public confidence in the sector. We therefore offer our support and inclusion for a wider discussion on a range of sector promoted checks and safeguards.

Attached as annexe 1

## **ANNEX 1**

Measures the shooting sector supports include:

### **A more effective PAWS Partnership**

The strengthening of regional PAWS groups would provide the more detailed local focus which is what will help prevent raptor crime at “shop floor” level, leaving a revised national PAWS body to cover its other functions. This local approach is working in the Highland region where there is good cooperation and regular meetings run by the police. We understand that the police favour prevention where possible as the most effective way to deal with this issue. Regional PAWS group effort could be focused in geographical such as intensive grouse moors where raptor crime remains a concern.

### **A new warning sanction for shoots under suspicion.**

A new partnership protocol could be developed under PAWS quickly where a ‘yellow card’ could be issued to estates where there is suspicion of bad practice but insufficient evidence to warrant a criminal investigation. Where an estate has been told it is being monitored it has in the past led to changes and improvement in practices and therefore prevention. For example, where RSPB are alerted to a problem which the police are not treating as a crime, a protocol can be developed among organisations which can then take action on the ground and effect change. For example, cases of non-functioning sat tags. In time this would build up a partnership, as has already been developed on national raptor surveys (protocol). There would be a central PAWS role to supervise adherence to the protocol(s).

### **Adoption by Scottish Government of the Poustie report**

Adoption of revised “tariff” for wildlife crime sentences would also help prevent raptor crime by being a deterrent, and we urge that it should be implemented soon.

### **A “due diligence” package which shoots would be expected to adopt**

“Due diligence” encouraged by the WANE Act is an effective preventative measure that many shoots already have in place and more could adopt. BASC are already working on a vicarious liability self-assessment tool for smaller shoots and the SGA have offered a shoot Inspection service for some years to help compliance with all aspects of the law.

A formal due diligence dossier – which would be agreed as a standard across the industry and signed up to by all organisations - is a reminder of all the regulation, it prevents misunderstandings between employer/owner and employee/agent, it provides for training and legal updating and clarifies employment terms and what parties expect of each other. The pack of documents could be checked by police or an independent assessor and would be available if problems occur.

The above measures would complement both Wildlife Estates Scotland accreditation, and the Code of Good Shooting Practice which has been adopted by the sector for many years and is being updated/relaunched this year. We would respectfully suggest that the very substantial efforts that have been made to tackle wildlife crime are bearing fruit and whichever course of action is chosen the outcome does not undermine the very considerable progress that has been made.