

CYDWEITHIO YN ERBYN
troseddau bywyd gwylt



PARTNERSHIP FOR ACTION AGAINST
wildlife crime



ENGLISH
NATURE

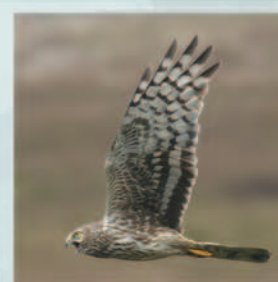


Cyngor Cefn Gwlad Cymru
Countryside Council for Wales



A Joint Statement of Intent

between English Nature,
Countryside Council for Wales
& the Association of Chief Police Officers



A Joint Statement of Intent

on the investigation of

Wildlife Crime

between

English Nature

Countryside Council for Wales

and

The Association of Chief Police Officers of England, Wales and
Northern Ireland



Purpose

This Joint Statement of Intent and Action Plan is intended to serve as a general guide fostering co-operation between the respective parties and to allow the necessary flexibility in activities that are undertaken between them in relation to wildlife crime. It defines the roles and responsibilities of the parties in the enforcement of wildlife crime. It should be used as basis for regional protocols between English Nature, Countryside Council for Wales and Police forces. Such protocols will form the basis of working arrangements with those involved at regional and force level.

Roles and responsibilities

English Nature is the Government's statutory adviser that promotes the conservation of wildlife and geology throughout England. It is responsible for the enhancement and protection of nationally important nature conservation sites, Sites of Special Scientific Interest (SSSIs). There are over 4,100 SSSIs in England covering over one million hectares or about 7% of the land area. English Nature's mission is to ensure that future generations benefit from a wealth of wildlife and geology as a major part of their quality of life.

Following publication of the draft Natural Environment and Rural Communities Bill in February 2005, English Nature, the Rural Development Service and the Countryside Agency's Landscape, Access and Recreation division are working towards integration as a single body: *Natural England*. It will work for people, places and nature with responsibility for enhancing biodiversity, landscapes and wildlife in rural, urban, coastal and marine areas; promoting access, recreation and public well being, and contributing to the way natural resources are managed - so they can be enjoyed now and for future generations. *Natural England* will be created (subject to Parliamentary approval) on 1 October 2006.

Although English Nature will (subject to Parliamentary approval) cease to exist after 1 October 2006, its work with respect to wildlife crime will continue within *Natural England*. It is therefore anticipated that *Natural England* will wish to enter into a similar agreement to this one, rolling forward with English Nature's wildlife crime agenda and also embracing relevant wildlife and landscape/access/recreation agendas of the Rural Development Service and the Countryside Agency's Landscape, Access and Recreation division. English Nature has undertaken to explore how this agreement might usefully be broadened as part of the 2005-06 Action Plan which forms part of this Joint Agreement.

The **Countryside Council for Wales** is the Government's statutory adviser on sustaining natural beauty, wildlife and the opportunity for outdoor enjoyment in Wales and its inshore waters. There are over 1,000 SSSIs in Wales covering a quarter of a million hectares and 12% of the land area.

English Nature and the **Countryside Council for Wales** have the power to take prosecutions where offences have been committed on SSSIs where legal obligations have not been met. Prosecution is one of the enforcement mechanisms that English Nature and the Countryside Council for Wales uses appropriately, effectively and expediently to address offences.

The **Association of Chief Police Officers of England, Wales and Northern Ireland** works on behalf of the police service to develop policing policy and for the purposes of this Joint Statement of Intent is a signatory on behalf of Police forces in England and Wales.

The **Police** have a duty to preserve life, protect property and to prevent and detect crime. They have a role in preventing wildlife offences and are the lead agency for the investigation of offences relating to protected species.

The **Partnership for Action against Wildlife Crime** brings together the Police, HM Customs and Revenue, and representatives of Government Departments and voluntary bodies, with an interest in wildlife law enforcement. It provides a strategic overview of enforcement activity; considers and develops responses to strategic problems; and looks at issues of strategic concern.

Legal action

The decision whether to commence criminal proceedings rests with the appropriate enforcement body.

Nonetheless, enforcement action taken by one organisation does not preclude another taking action if considered appropriate.

Where ever possible all Partnership for Action against Wildlife Crime partners contributing to an investigation will be consulted on the decisions relating to the disposal of cases.

Sites of Special Scientific Interest (SSSIs)

SSSIs are given legal protection under Part II Section 28 of the Wildlife and Countryside Act 1981 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000 referred to hereafter as 'Part II of the 1981 Act'.

English Nature and the Countryside Council for Wales are responsible for taking enforcement action for these offences including undertaking their own prosecutions.

The Police will provide appropriate assistance to English Nature and the Countryside Council for Wales, in relation to matters falling under Part II of the 1981 Act. The Police will provide witness statements, any other appropriate information and other services that they can reasonably and lawfully provide in relation to any action or proceedings that English Nature or the Countryside Council for Wales may be considering or taking in relation to SSSI's under Part II of the 1981 Act. When offences occur on SSSIs that are in contravention of other legislation that the Police are normally responsible for investigating, for example the Road Traffic Act 1988 (as amended), they will do so in an appropriate manner.

Species

Species are given legal protection under a number of statutes including (but not exclusively):

Part I of the Wildlife and Countryside Act 1981 (as amended) referred to hereafter as 'Part I of the 1981 Act'.

Part III of The Conservation (Natural Habitats, &c.) Regulations 1994 (known as the 'Habitats Regulations').

The Police are responsible for the prevention and investigation of species offences. The Crown Prosecution Service is responsible for prosecuting such offences in line with their policies and procedures. Local authorities may also institute proceedings for any offence under Part I of the 1981 Act.

The Crown Prosecution Service may prosecute species offences initiated by the Police in line with codes of practice. They may also implement proceedings for offences under Part II of the 1981 Act or Part III of the Habitats Regulations but it is anticipated that they would normally only do so after consultation with either English Nature or the Countryside Council for Wales.

English Nature and the Countryside Council for Wales have a duty to assist and advise the Police investigating offences under Part I of the Wildlife and Countryside Act 1981. Both agencies will provide witness statements and any other relevant information and services that they can reasonably and lawfully provide. The agencies will support any action that the Police and/or the Crown Prosecution Service may take.

Joint action on SSSI and species offences

Where an offence occurs which affects both species and a SSSI, then a decision will be made by nationally by English Nature or the Countryside Council for Wales and locally by the Police and the Crown Prosecution Service as to whether a joint investigation and prosecution is undertaken. Proceedings for offences in these circumstances will only proceed with the agreement of the appropriate parties.

Data Exchange

Data exchange between the organisations is encouraged but will only take place in appropriate circumstances and in compliance with legislation, in particular data protection legislation.

Nothing in this Joint Statement of Intent permits the exchange of information subject to the provisions of data protection legislation. A separate data protection protocol between the parties will be implemented to facilitate exchange of data.

English Nature, the Countryside Council of Wales and the Police will submit details of offences to each other via designated officers for inclusion on Incident Recording Systems in line with data protection legislation.

Detection of crime

There will be a reciprocal arrangement between English Nature, the Countryside Council for Wales and the Police in seeking assistance, where practicable and wherever resources allow, when offences occur on SSSIs or involving protected species. Should officers from either English Nature, the Countryside Council for Wales or the Police not be able to attend the scene of an offence, or where assistance is required, then they can request that the other attend the scene to investigate the offence or assist and take the necessary action as their powers allow.

English Nature and the Countryside Council for Wales will seek the assistance of the Police, when required, when exercising access powers under section 51 of Part II of the 1981 Act as amended by section 80 of the Countryside and Rights of Way Act 2000. The Police will provide such assistance where possible and as resources allow.

The Police may seek the assistance of English Nature or Countryside Council for Wales when exercising powers under statute. This may include the identification of protected species. Such assistance will be provided wherever possible and as resources permit.

Partnership working

Partnership working plays a fundamental role in tackling wildlife crime both at a local operational level and nationally at a strategic level. Partnership working will enable all parties to focus resources and efforts towards English Nature's and the Countryside Council for Wales' wildlife crime conservation priorities.

In England regional partnerships will be a means to achieving a more formal strategic approach to enable English Nature and the Police to tackle wildlife crime more effectively and expediently. Regional partnerships will identify operational roles and responsibilities and set out effective working arrangements between both bodies. This will ensure, amongst other issues, that the body with the most appropriate enforcement powers can take the primary enforcement action.

Partners will proactively support each other's activities where they are directed at gaining compliance with wildlife law. Such support may extend to the provision of information, guidance and training.

In Wales the partnership between the Countryside Council for Wales and the Welsh Police forces is progressed through the secondment of Police Officers.

All parties within this Joint Statement of Intent will work closely with the Partnership for Action against Wildlife Crime. This will enable the Partnership for Action against Wildlife Crime to provide a strategic overview of enforcement activity, consider and develop responses to strategic problems, look at issues of strategic concern in order to meet its objective to draw attention to the growing problem of wildlife crime and raise awareness of the need for enforcement action.

Costs and charging

Each body will be responsible for recovering their own costs in relation to investigations and prosecutions. Each will endeavour to obtain costs incurred by witnesses by inviting courts to impose those costs, and any other costs, on defendants.

It is anticipated that services provided by all parties will be without charge. No charges will be levied without prior agreement.

Guidance

English Nature and the Countryside Council for Wales will produce information and guidance on the legislation covering SSSI and species. This will be made available to every Police force in England and Wales and will be updated as required.

Training

In the spirit of partnership working all parties believe that the sharing of knowledge and working practices is beneficial in tackling wildlife crime. All parties will provide appropriate training, dependent upon requirements, where practical and where resources permit.

Communication

Contacts

For the purposes of this Joint Statement of Intent the following are lead contact points:

In **English Nature** the main lead is Alison Flowers, Enforcement Officer. Regional partnerships in England will also establish designated officers in both English Nature and the Police who will act as contact points for wildlife crime issues within their respective organisations.

In **Wales** Sgt Pete Charleston and Sgt Ian Guildford will act as points of contact between the **Police** and the **Countryside Council for Wales**.


Both English Nature's and the Countryside Council for Wales contact details are available on both organisations websites: www.english-nature.org.uk and www.ccw.gov.uk.

Publicity

All parties will endeavour to raise awareness of wildlife crime through highlighting key issues and prosecution cases.

Review

This Joint Statement of Intent and its implementation will be reviewed by all parties after October 2006 with an expectation that *Natural England* will wish to enter into a new and broadened agreement (building upon this one) as soon as practical after that date.

Signed on behalf of English Nature.  (Director)

Signed on behalf of the Countryside Council for Wales  (Director)

Signed on behalf of the Association of Chief Police Officers



Chief Constable, North Wales Police.

Action Plan October 2005 – October 2006

This Action Plan identifies actions for English Nature, the Countryside Council for Wales and the Police to deliver over the period October 2005 – October 2006 in accordance with this Joint Statement of Intent.

This annual Action Plan is designed to translate good intentions into positive proposals for action within the agreed timescales.

- In England, regional partnerships will be identified and initially established with English Nature and the Police. Representatives from English Nature and the Police will form a Steering Group to take forward regional partnerships and work within the parameters of an agreed protocol to deliver a strategic focussed approach to tackle wildlife crime conservation priorities in an effective manner.
- English Nature and the Countryside Council for Wales will review their national wildlife crime conservation objectives annually through the Joint Nature Conservation Committee. In England any regional priorities will be reviewed through the regional Steering Groups.
- English Nature and the Countryside Council for Wales will aim to provide information to Police forces and the Crown Prosecution Service on SSSI and species legislation.
- All parties will work towards having an agreed data exchange protocol in place.
- English Nature and the lead for the Association of Chief Police Officers will write to Chief Constables in England to raise awareness of wildlife crime and encourage participation in regional partnerships.
- All parties will make officers within their respective organisations aware of this Joint Statement of Intent.
- English Nature will work with the Rural Development Service and the Countryside Agency's Landscape, Access and Recreation division in order to explore how their respective powers and responsibilities in relation to wildlife and environmental crime might be captured and assisted through a modified form of this Joint Statement of Intent after October 2006.
- All parties will make arrangements to review this Joint Statement of Intent its effectiveness and identify any changes required in order to review it after October 2006.