



House of Commons  
Environmental Audit  
Committee

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**Government Response  
to the Committee's  
Twelfth Report of  
Session 2003–04, on  
Environmental Crime:  
Wildlife Crime**

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**First Special Report of Session  
2004–05**

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## The Environmental Audit Committee

The Environmental Audit Committee is appointed by the House of Commons to consider to what extent the policies and programmes of government departments and non-departmental public bodies contribute to environmental protection and sustainable development; to audit their performance against such targets as may be set for them by Her Majesty's Ministers; and to report thereon to the House.

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A list of Reports of the Committee in the present Parliament is at the back of this volume.

### Committee staff

The current staff of the Committee are: Mike Hennessy (Clerk); Lynne Spiers (Second Clerk); Eric Lewis (Committee Specialist); Elena Ares (Committee Specialist); Louise Combs (Committee Assistant); Caroline McElwee (Secretary); and Robert Long (Senior Office Clerk).

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### References

In the footnotes of this Report, references to oral evidence are indicated by 'Q' followed by the question number. References to written evidence are indicated by page number as in 'Ev12'. number HC \*-II

# First Special Report

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## **Environmental Crime: Wildlife Crime—Government Response**

1. The Environmental Audit Committee published its report on *Environmental Crime: Wildlife Crime* on Thursday 7 October 2004 as HC 605.
2. The Government's Response to the Committee's Report was received on Tuesday 1 March 2005 in the form of a memorandum to the Committee. It is reproduced as an Appendix to this Special Report.

## Appendix

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### **Government Response to Environmental Audit Committee Report: Environmental Crime: Wildlife Crime (Twelfth Report of Session 2003-04)**

#### **Introduction**

1. The Government welcomes the Twelfth Report of the Environmental Audit Committee, the latest in its series of reports on environmental crime. It highlights many of the issues facing Government and the wider wildlife law enforcement community, and makes helpful recommendations and conclusions.
2. The breadth of the recommendations and conclusions and the variety of issues and subjects they cover is indicative of the challenges facing the wildlife law enforcement community. There is a huge range of international, European and national instruments relating to wildlife. Some support conservation objectives, others arise from animal welfare issues, and some relate to the regulation of the use of wildlife specimens (including game) etc. There is also a very large number of non-Government organisations with an interest in wildlife issues, including groups working at the international level, national organisations concerned with the legal and sustainable wildlife trade—or organisations with recreational or sporting interests, through for example to local badger groups and wildlife trusts. The Government continues to be keen to harness the enthusiasm and commitment of all these groups, principally through the Partnership for Action Against Wildlife Crime (PAW), to support wildlife law enforcement activity.
3. Progress has already been made against a number of the Committee's recommendations and conclusions. Details are set out in the Government's Response below.

**Recommendation 1: The absence of an accepted definition of wildlife crime has, we believe, had a direct and negative impact on the public's perception of wildlife crime. (Paragraph 6)**

**Recommendation 2: It is unacceptable that those entrusted with the enforcement of our current legislation do not have a clear and agreed definition of the crime they are to police. Without an agreed definition of wildlife crime, which is shared and acted upon by all of those who work in the wildlife arena, we believe it is impossible for any real headway to be made in the fight to reduce the incidence of such crime. We call upon Defra, through the Partnership for Action against Wildlife Crime (PAW), to lead a cross Government group to establish an agreed definition of wildlife crime, reporting back within the next twelve months. (Paragraph 8)**

4. Accepted in part. The Government accepts the basis of the Committee's assessment and acknowledges that a clear definition of wildlife crime would have potential benefits.

5. But this is not a straightforward issue. The Committee rightly recognises the types of activities which might impact on wildlife, and recognises their breadth. This issue was addressed by Wolverhampton University in its 2001 report "Wildlife Crime in the UK: Towards a National Wildlife Crime Unit", which was commissioned by Defra. It concluded that "...definitions of what constitutes wildlife crime are problematic ..." and "any working definition ... needs to be inclusive, so that both the offence-related and the impact-related significance of wildlife crimes—national and international—can be fully addressed."

6. The Government has sympathy with this view. However any definition which is fully inclusive is likely to be so broad that it will have little practical use. Similarly, any definition which seeks to limit what is to be regarded as a wildlife crime runs the risk of being seen as downplaying the importance of the excluded aspects.

7. The Government takes the view that in general, definitions of wildlife crime should continue to be drawn up and agreed according to the purpose to which they are to be put. For example discussions are underway into the options for wildlife incident recording and the use of fixed penalty notices for wildlife offences and whilst consistency will be sought, there may be genuine reasons why such definitions may not match.

8. This more flexible approach will also allow priorities to be drawn up to ensure that finite resources are targeted as effectively as possible.

**Recommendation 3: The Government must re-state its commitment to tackling wildlife crime. (Paragraph 9)**

**Recommendation 4: We see this refusal to accept wildlife crime as an issue deserving of committed police resources as especially short-sighted given the many links made between wildlife crime and serious and organised crime. (Paragraph 10)**

9. Accepted in part. One of the Government's key commitments is to tackle crime and disorder. As part of that, the Government has announced its intention to tackle serious and organised crime by the establishment of a new Agency (Serious Organised Crime Agency) that is currently in the SOCAP Bill being considered by Parliament. The establishment of

the Agency provides an appropriate point at which to assess the priority and resources required to tackle wildlife crime at national, regional and local levels.

**Recommendation 5: Wildlife crime must be classified as recordable by the Home Office so that police forces across England and Wales know that sufficient priority needs to be given to tackling wildlife crime and so that they can allocate the necessary resources to this work. We accept that within this classification system there will probably need to be some form of grading of wildlife crimes to reflect the level of gravity of each crime. (Paragraph 11)**

**Recommendation 6: We believe that a centrally managed, national database which records all incidents of wildlife crime, as well as the details of all successful and unsuccessful prosecutions mounted, must be established as a matter of priority. The location of the database would seem to most naturally sit in the National Wildlife Crime Intelligence Unit (NWC IU) within NCIS. (Paragraph 13)**

**Recommendation 7: We understand that, at the present time, the NWC IU does not have sufficient staff or funding to allow them to take on responsibility for the creation and maintenance of a national database of wildlife crime. This must be reviewed by the Home Office and Defra as a matter of urgency. (Paragraph 14)**

10. Most wildlife offences are triable summarily only. This means that Police forces are not required to notify the majority of wildlife offences for inclusion in the crime statistics, as only offences which are triable either way or indictable are notifiable. There are no plans at present to re-classify these offences as notifiable.

11. The Government accepts that the absence of comprehensive information about wildlife crime can make it difficult to assess the scale and nature of this crime, which can in turn make decisions about the resources to be devoted to it difficult. It does not agree that the creation of a new, separate database is the way forward, but it has given a commitment that wildlife offences will be recorded under the National Standard for Incident Recording (NSIR), which is due to go live in April 2005.

**Recommendation 8: Given the advent of illegal internet trade, the links to serious and organised crime, and the threat posed by those who use this method to trade in endangered species, we believe that the level of resource allocated to this work by Defra is simply not sufficient and must be reviewed as a matter of urgency. At the same time resources within the NWC IU must also be reviewed and the monitoring of the illegal internet trade in endangered species must be central to the tasking for this unit. (Paragraph 18)**

12. Accepted in part. The Government accepts that the internet is becoming one of the major areas for wildlife trade. There are many websites dedicated to the sale of wildlife items (both live specimens and parts and derivatives) set up by legitimate traders. However we are aware of the potential for similar sites to be used to sell or launder illegally obtained specimens. Internet auction sites also have a huge potential to provide for illegal sales of wildlife items.

13. Government officials are working with the NWCIU and other enforcers to identify ways of sharpening the response to internet-based wildlife crime, including through building up an intelligence picture and through that to identify systematic illegal activity. It is impractical to attempt to comprehensively screen the internet for potential wildlife offences – this would be too labour intensive. However a risk assessment in this area has already begun to ensure that the enforcement response is proportionate and effective.

14. The NWCIU is also working with internet service providers, advising them on the controls affecting the trade in wildlife items, and those providers have responded by providing information on sellers which enables the NWCIU to develop and forward intelligence packages to the relevant law enforcement agency for further investigation.

15. Whilst we accept that internet auction sites can be used to sell illegal items, it is also our view that part of the problem is a level of ignorance of the relevant controls and the documentation that is required before many wildlife items can be offered for sale. The Government is therefore considering what more it can do to raise awareness amongst specialist traders and the public on the relevant controls applicable to the trade in wildlife.

16. Scrutinising the internet is just one of the activities the NWCIU carries out in order to gather information about wildlife crime, and such information will continue to be an important part of its wildlife crime reduction activities. The Committee's recommendation will be taken into account in considering the future tasking of the NWCIU, in the context of NCIS' own analysis of the threat of serious organised wildlife crime to the UK (see response to paragraph 29 below) and its recommendations for the way forward.

**Recommendation 9: The damage that mechanically propelled vehicles (MPVs), including 4x4s, can cause is not insignificant and we would encourage Defra to move quickly to close any loopholes created by the CRoW Act, either by amending CRoW or by means of new legislation. (Paragraph 22)**

17. Accepted in part. The notion that the Countryside and Rights of Way Act 2000 created a loophole which enables motor vehicular rights to be claimed on the basis of historic use by non-mechanically propelled vehicles is inaccurate. The relevant legislation has been in place without much question for many years, long before the Countryside and Rights of Way Act. What the 2000 Act did do was to introduce a cut-off date, after which it will no longer be possible to establish rights of way based on historic (pre-1949) evidence. The cut-off date is tending to trigger an increase in the number of claims to have historic rights of way recorded, before they are lost as a consequence of the cut-off date.

18. Defra issued a consultation paper in December 2003 about the wider issue of motorised vehicles in the countryside. The response to this consultation, entitled "Use of mechanically propelled vehicles on Rights of Way—The Government's framework for action", was published on 20 January 2005.

19. The Welsh Assembly Government Minister has recently launched the Welsh Nature Conservation objectives for law enforcement—which included combating damage to SSSIs by illegal off-roading.

**Recommendation 10: The Environment Agency and Defra are working towards publication of a contingency plan to tackle any outbreak of disease within the fisheries environment, and we welcome their stated vigilance with regard to fish imports and movements. We would like to see a firm commitment to publication of the plan as quickly as possible, at the latest by the end of this year. (Paragraph 24)**

20. Accepted in part. The Government already has contingency arrangements in place for combating the most serious fish diseases, including Gyrodactylosis (caused by the parasite *Gyrodactylus salaricus*). We keep these arrangements and risk analysis on the pathways of disease transmission under regular review and discuss them with aquaculture and environmental interests.

21. We supplement the plans where appropriate with Codes of Practice and publicity material on how best to avoid introduction of disease.

22. We are in the process of reviewing the contingency arrangements for Gyrodactylosis in order to devise a more comprehensive and extensive set of Contingency Plans which could serve as a model for all fish diseases. Work is at an advanced stage but it will be necessary to conduct further consultations with stakeholders during 2005 and the project is unlikely to be finalised until late in that year.

**Recommendation 11: Any central record of wildlife crimes will only be as good as the information fed into it. It is vital, therefore, that all those who contribute to that database do so using consistent and comparable data. (Paragraph 26)**

23. Accepted. Inclusion of wildlife offences in the National Standard for Incident Recording should ensure the consistency and comparability of the data.

**Recommendation 12: We support the work of the Environment Agency and Defra seeking long overdue amendments to current legislation which will enable the Agency to police waterways far more effectively. We urge the Government to ensure that sufficient parliamentary time is made available for these amendments. (Paragraph 27)**

24. Accepted. The Government intends to put forward a Bill that will consolidate and modernise legislation on the control of salmon and freshwater fish and fisheries. The Bill will also implement those recommendations that the Government accepted from the March 2000 independent Salmon and Freshwater Fisheries Review Group report, that require primary legislation. In particular, the Bill will enable the modernisation and updating of the powers of Environment Agency enforcement officers to bring them into line with those of others engaged in similar activities, enabling the Agency to police waterways far more effectively. Parliamentary time is being sought, but has yet to be granted. However, Instructions to Counsel have been prepared and will be ready to go forward as soon as drafting authority is obtained.

**Recommendation 13: We believe it is essential that Defra, again working through PAW, and in conjunction with key partners across government, should establish clear**

**and agreed definitions for those phrases in current legislation whose lack of clarity hinders effective policing and enforcement action. (Paragraph 28)**

25. Accepted in part. The development of guidelines on the interpretation of terms is an important means of seeking clarity, although ultimately interpretation is a matter for the Courts. Nor is it easy to be categorical. We take some heart however from the work already underway, through the EC Habitats Committee, to provide guidance on the interpretation of Article 12 of the Habitats Directive, and will consider where similar guidance on domestic legislation would be valuable.

**Recommendation 14: The number and variety of the suggested amendments to both the Wildlife and Countryside Act 1981, and other pieces of current legislation and regulation, prohibits us from referring to all of them in this report but we expect Defra to use the evidence provided to this inquiry in their review. (Paragraph 29)**

26. Accepted. Defra has already undertaken extensive pre-consultation with a range of organisations in England and Wales on possible amendments to Part 1 of the 1981 Act. The Consultation paper was published on 30 December 2004, but Defra will of course take full and appropriate account of the evidence provided to the inquiry in considering responses and developing firm proposals.

**Recommendation 15: Defra should re-examine all those sections of Part 1 of the Wildlife and Countryside Act 1981 which currently require intent to be proven and consider whether the word "reckless" can be applied when the Act is amended (Paragraph 30)**

27. Accepted. The arguments concerning the further extension of the concept of recklessness in Part 1 of the 1981 Act have been carefully considered in the review, and are addressed in the proposals put forward in the public consultation.

**Recommendation 16: We would encourage Defra to include consideration of the issue of incidental killing or injury in the course of a lawful operation when it reviews Part 1 of the Wildlife and Countryside Act 1981. (Paragraph 31)**

28. Accepted in part. Judicial proceedings concerning the interpretation of a similar defence against incidental killing, in the Habitats Regulations, are on-going. Defra will consider this issue further when the outcome of the case is known. In relation to the bycatch of small cetaceans, Defra's draft UK small cetacean bycatch response strategy recommended measures which industry should take to mitigate the effect of their activities on marine biodiversity, including measures now included in EC Regulation 812/2004 on cetacean bycatch. Taking constructive measures to reduce the effect of industry on the environment, rather than simply increasing criminal offences, should achieve beneficial results.

**Recommendation 17: We look forward to seeing the draft UK Marine Bill currently being prepared by WWF-UK and would encourage Defra to work closely with WWF-UK on fine-tuning the draft and securing parliamentary time to take the Bill forward. (Paragraph 32)**



29. Accepted in part. Both WWF-UK and the RSPB are campaigning for a package of measures, including comprehensive new laws, to protect the UK's seas in order to improve the management and protection of marine species and habitats. The Prime Minister has confirmed there are strong arguments for a new approach to managing our seas, including a new Marine Bill. A number of reviews whose conclusions would be relevant to a new approach have recently concluded, and the Government will respond to these shortly. This includes the Review of Marine Nature Conservation, which undertook a full review of the current system for marine nature conservation, including (but not limited to) the legislative framework. The content of any Bill will need to reflect Government conclusions, including the Devolved Administrations, but it will also take account of the views of stakeholders, including the environmental organisations.

**Recommendation 18: This failure to recognise the true impact of a wildlife crime, and then apply a punishment commensurate with that impact, simply reinforces the notion that wildlife crime is "low risk and high reward" for offenders. (Paragraph 33)**

30. Accepted in part. We note the Committee's concerns. However, at present the case law from the Court of Appeal directs the courts to deal with each case on a case-by-case basis, and legislation requires courts to take account of a defendant's means when assessing the level of any fine.

31. Courts can only sentence on the facts presented to them. It is, therefore, incumbent upon prosecutors to ensure that the full facts of the case, including the level of environmental damage, are put before a court to enable it to reach a considered decision.

32. The Magistrates' Courts Sentencing Guidelines, prepared by the Magistrates' Association and issued in January 2004, include expanded and more detailed guidelines for sentencing for environmental offences. The guidelines direct sentencers to base sentences for environmental offences on the culpability of the offender with reference to the environmental impact.

33. Providing the court with full details of the environmental impact and economic gain made by the offender will assist the court in setting an appropriate fine. The guidelines state that:

"The fine to a company should be substantial enough to have a real economic impact, which together with attendant bad publicity would pressure both management and shareholders to tighten their regulatory compliance'.

In the Crown Court sentencers are expected to follow any guidelines that may have been laid down by the Court of Appeal.

The Sentencing Guidelines Council is expected to consider developing guidelines for environmental offences in its programme of work for 2006.

**Recommendation 19: We would support a review of the powers available to English Nature, and, at the very least, feel that it is vital that English Nature's officers should be able to stop and check vehicles they find on SSSI land. (Paragraph 35)**

**Recommendation 20: The move to an integrated agency provides an excellent opportunity for an essential review of the role, responsibilities and powers that at the moment sit with English Nature. (Paragraph 35)**

34. Accepted in part. The Government agrees that the establishment of the Integrated Agency provides an opportunity to consider the enforcement powers that English Nature currently possesses in respect of SSSIs. However, it will be important to consider any future enforcement role in the context of a new body with a single identity and a wider range of functions and powers available to it. This new body will also inherit functions and powers from the Countryside Agency and the Rural Development Service who will also have views on such issues.

35. The significant SSSI improvements provided via the Countryside and Rights of Way Act 2000 have been welcomed and have proved to be effective as noted in English Nature's evidence to the Committee. In framing our proposals for the new Agency, we have had extensive discussions with English Nature, the Welsh Assembly Government and the Countryside Council for Wales about possible improvements to the SSSI legislation. Our intentions are set out in the draft Natural Environment and Rural Communities Bill and the accompanying documents that we published on 10 February. This now provides an opportunity for stakeholders to engage and comment on such matters.

36. Transparency and consistency in the enforcement functions of the Agency will be important considerations and the costs, benefits, risks and alternatives to adding significant new powers within one particular regulatory role or another require careful consideration. In particular, a number of other pieces of relatively recent wildlife related legislation in which the new Agency will have an enforcement interest, already provide that the police should exercise powers of stop and search. Furthermore, the SSSI legislation is common to Wales and the Countryside Council for Wales operate the same SSSI legislative regime.

37. Our current view is that the existing regulatory powers that the new Agency in England will inherit from its constituent bodies do not require significant extension though we are of course fully prepared to consider any views put forward during this period of scrutiny of the Bill.

38. In addition to using such powers on its own, we consider that opportunities for joint working between the new Agency and others like the police or the Environment Agency, for example involving national or local hotspot joint initiatives or campaigns, would also help to better raise the profile of enforcement and reinforce the gravity of wildlife crime.

**Recommendation 21: The rate of disappearance of ponds from our countryside is a matter for concern and we would urge Defra to work with the ODPM and local authorities to halt this decline and, if necessary, provide adequate protection through new legislation. (Paragraph 36)**

39. Accepted in part. The Government's planning policies for countryside protection and development in the countryside are set out in Planning Policy Statement 7 (PPS7): *Sustainable Development in Rural Areas* (August 2004), whose theme is that planning policies should provide a positive framework for facilitating sustainable development. It elaborates on ways in which local planning authorities in preparing policies for local development documents and determining planning applications for development in the countryside should take account of the need to protect natural resources.

40. Planning policies for nature conservation are set out in Planning Policy Guidance Note 9 (PPG9): *Nature Conservation* which was published in 1994. Protection under the planning system is linked to the designation of sites for their nature conservation value. These policies will help local planning authorities to decide planning applications, including those which affect ponds of nature conservation interest whether designated or not. Where nature conservation issues arise outside designated sites, nature conservation may be taken into account as a material consideration in determining planning applications.

41. PPG9 is to be revised and replaced by PPS9: Biodiversity and Geological Conservation in due course, along with a joint ODPM/Defra Government Circular. The ODPM have liaised closely with Defra in the process of revising PPG9. Draft PPS9 and the accompanying draft Circular were published for public consultation on 8 September 2004. The consultation period expired on 9 December 2004. Good Practice Guidance will accompany the PPS.

42. Paragraph 11 of draft PPS9 recognises networks of natural habitats which are of principal importance for the conservation of biodiversity in England. Local planning authorities should seek to conserve these habitats and consider opportunities to enhance and add to them. Local planning authorities should avoid increasing, and where possible seek to reduce, the fragmentation and isolation of natural habitats. They can do this by identifying networks of natural habitats that provide, or could provide, a valuable resource by linking sites of biodiversity importance and providing routes or stepping stones for the migration, dispersal and genetic exchange of species in the wider environment.

43. The draft Circular deals with protections under the Habitats Directive for nature conservation interests outside Designated sites. This legislation covers the landscape features of major importance for wild flora and fauna. Examples of such features given in the Directive are rivers with their banks, traditional field boundary systems (such as hedgerows), ponds and small woods.

**Recommendation 22: We believe that Local Authorities have a duty to ensure that any work they undertake is carried out only after due care and consideration has been given both to the possible impact on local flora and fauna, and in full compliance with their own legal responsibilities. (Paragraph 36)**

44. Accepted. Where a local authority carries out any activity which falls within the definition of development, a planning application would be necessary. Consideration of the planning application would mean that any biodiversity considerations would be taken into account in the planning decision.

**Recommendation 23: Whilst we can appreciate the value of setting targets for the consideration of planning applications, they should not be so unrealistic as to rule out the possibility of proper consideration of all the pertinent facts, including environmental impact. The targets set for local authorities are now almost ten years old. The ODPM, in conjunction with local planning authorities, should revisit these targets and ensure that they allow sufficient time for all necessary checks to be made. (Paragraph 37)**

45. Accepted in part. There is general consensus that the planning system is in need of reform and the Government is committed to transforming the planning system to ensure that it meets the needs of users. A key part of that strategy is to increase the speed with which planning decisions are determined to ensure that an efficient and transparent system delivering sensible decisions in reasonable timeframes operates across the country. Therefore the government has introduced realistic targets for determination of applications. Local authorities are required to determine:

60% of major applications in 13 weeks;

65% of minor applications in 8 weeks; and

80% of other applications in 8 weeks.

46. The Government requires all local authorities to meet these targets by 2006/07. The targets were revised from the previous target of 80% of applications determined within 8 weeks following a consultation in December 2001 and are based on the performance of the top 20% of authorities, whose performance could be matched by all authorities.

47. However, the Government recognises that speed is not the only indicator of a quality planning system and through the Planning and Compulsory Purchase Act 2004, will introduce important changes to the forward planning system to put in place a strong 'plan led' planning system. In 2004 the Government also introduced two new Best Value Performance Indicators, one measuring the number of appeals allowed against an authority's decision to refuse a planning application and the other a quality of service checklist which measures whether quality systems are in place that can lead to quality outcomes.

**Recommendation 24: The lack of resources to enable local authorities to fulfil their own statutory duties and responsibilities, in terms of conservation, preservation, planning and in tackling wildlife crime reflects at best a woeful ignorance on the part of those in charge and, at worst, neglect or absolute disdain. Local authorities still have a considerable amount of work to do to educate and train their own workforce on their roles and responsibilities. (Paragraph 38)**

48. Through the Planning Delivery Grant (PDG), which is providing £350 million over three years (2003-2006) in England, we are ensuring that authorities are adequately resourced to meet the Government's planning targets. An additional £255 million of PDG has been secured until 2008, to continue this process. An extra £5k is given to local planning authorities with designated 'Enterprise Areas' in their jurisdiction.

49. PDG has also funded 144 postgraduate bursaries for planning students, to help alleviate the shortage of qualified planners in the UK at present.

**Recommendation 25: We urge Defra to ensure that no further time is lost and that the necessary amendments are made to COTES to allow the Police to deploy the additional powers provided by the Criminal Justice Act 2003. (Paragraph 39)**

50. Accepted. The Government published draft COTES Regulations for consultation on 4 January 2005.

**Recommendation 26: The absence of any clear, national view of the scale of wildlife crime has a direct impact on the ability of those charged with enforcing current legislation. If the scale and nature of the problem is not known it is unlikely that the correct level of resources can ever be allocated to deal with it. (Paragraph 41)**

51. Accepted (see our response to recommendations 4, 5, 6 and 7).

**Recommendation 27: We believe that there must be at least one full-time Wildlife Crime Officer for each Police force. These officers must be fully trained in intelligence gathering. (Paragraph 42)**

52. Accepted in part. The Government commends those police forces that have appointed full-time Wildlife Crime Officers, and encourages others to follow suit. However, the use of resources is a matter for the chief officer in each force based on operational demands and priorities. The Government is concerned however that there should be an effective response to wildlife crime, and believes that through better recording of incidents, and continued emphasis on training in intelligence gathering and recording, enforcement can be further improved. The strategy proposed by NCIS for reducing the threat to the UK of serious organised wildlife crime (see response to Recommendation 29 below) is an important driver in assessing how best to deliver an effective wildlife law enforcement response and will inform the assessment being undertaken as set out in the response to recommendation 4.

**Recommendation 28: We would encourage Police Forces and those with enforcement responsibilities to consider developing Memoranda of Understanding (MOUs) to enable them to work together for one off operations, identified through the use of intelligence, which will allow them to better target their limited resources. (Paragraph 43)**

53. Accepted. The Government recognises that there are already excellent working relationships between many wildlife enforcers (and non-Government organisations) and commends those officers for their professionalism. It agrees with the Committee that the scope for others to draw up MOUs should be explored.

**Recommendation 29: The apparent failure of the Police Service to take advantage of the NWCIU's work must be addressed by the Home Office and Defra. It is a nonsense to have the NWCIU expending time and resources on developing intelligence packages for police forces who have no intention of devoting any real resources to the crime themselves. This only serves to emphasise the need for wildlife crime to be re-classified**

**as recordable so that police forces feel compelled to address these crimes. (Paragraph 44)**

54. Accepted in part. The Government is currently reviewing its response to wildlife law enforcement following the publication, in November 2004, of NCIS' assessment of "The Threat to the United Kingdom from Serious and Organised Wildlife Crime". NCIS recommend that a high-level multi-agency group be formed to manage and co-ordinate a strategy to reduce this threat, through defining areas of work to direct activity, to optimise harm reduction. Possible themes include the development of intelligence management, the prioritisation and coordination of enforcement activity, and a co-ordinated response to education and prevention measures.

55. The Government is sympathetic to this recommendation and is discussing how best to take it forward. It is confident that an approach of this type will improve the wildlife law enforcement response, particularly by improved communication and integration between the organisations concerned, better prioritisation and targeting of effort, and a more cohesive approach.

**Recommendation 30: Whilst we accept that intelligence is the way forward if there is to be any hope of matching resources to activity, we are concerned that the move to an intelligence led approach is not being sufficiently well monitored to demonstrate the benefits of such a move. We would, therefore, like to see a much more robust method of measuring outcomes being devised by HM Customs (Paragraph 46)**

56. Accepted in part. At present Customs record the number of seizures made by their officers. In the financial year 2003/4 there were 410 seizures of specimens of endangered species (including derivatives) regulated under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

57. A new computer system, Centaur, was introduced by Customs this year to replace the Customs and Excise Departmental Reference and Information Computer (CEDRIC). This new system is being developed and a management information system will be added next year. This will enable Customs to monitor the total number of interceptions made against positive results. However Customs detections are only one aspect of a wider picture. Their impact on wildlife crime, whether a genuine reduction or displacement to other avenues, would need to be reviewed in the context of an over-arching enforcement strategy to tackle wildlife crime negotiated by the policy holders and defining the outcomes required from all enforcement agencies.

**Recommendation 31: We are concerned that Defra do not have sufficient resources allocated to the proposed review of Part 1 of the Wildlife and Countryside Act 1981, which is due to commence with the publication of a consultation document later this year (2004). As a result, there is a risk that it will extend far beyond a timescale that would be reasonably acceptable to those who depend on this legislation. Defra must review the resources assigned to the review and also look beyond the review to securing sufficient Parliamentary time to take through the necessary amendments. (Paragraph 47)**

58. Accepted in part. Defra acknowledges that other priorities have prevented more substantive work being undertaken on the review until now. It will consider carefully the allocation of resources to this work, particularly in the light of responses to public consultation. The allocation of Parliamentary time for legislation is of course a matter for Ministers to consider in due course.

**Recommendation 32: Although the UK is not a source country for most of this illegal trade, we are one of the key transit and recipient countries, which makes the international focus of the work of HM Customs, NWCIU and organisations like TRAFFIC, WWF and IFAW of as much value to the UK as it is to the source country. (Paragraph 48)**

59. Accepted. The Government is committed to playing its part in tackling international wildlife crime. The Government welcomes the contribution made by non-Government organisations especially where their views are supported by demonstrable and accurate evidence.

**Recommendation 33: We commend the work of both the North and South Wales Police Forces and the Countryside Council for Wales as an exceptionally good example of how joint working can benefit both parties and better tackle wildlife crime. More secondments of this nature should be considered. (Paragraph 51)**

60. Accepted.

**Recommendation 34: The role of the Home Office has been shown to be absolutely crucial in the fight against wildlife crime but their commitment has been sadly lacking. The Home Office must re-engage with wildlife crime. (Paragraph 53)**

61. Accepted in part. Responsibility for tackling wildlife crime lies across government departments and across agencies. Lead policy responsibility lies with Defra's Global Wildlife Division. The Home Office is actively engaged with Defra and other agencies in helping ensure that sufficient enforcement powers and wildlife-related offences are in place to provide a sound basis on which to tackle wildlife crime effectively. Government policy on tackling wildlife crime is developed by Defra through its joint chairmanship with ACPO of PAW with the support of the Home Office, and implemented through PAW and its working arrangements with police forces, ACPO and NCIS. To assist still further, the Home Office has established a single point of contact to represent its interests in wildlife law enforcement issues. We believe these are appropriate and proportionate arrangements.

**Recommendation 35: The very fact that PAW has a membership of around ninety we believe can be problematic and suggests to us that there is a need to review and perhaps rationalise the number of agencies, bodies and organisations involved in this area of work. (Paragraph 53)**

62. The Partnership for Action Against Wildlife Crime was subject to a comprehensive review in 2002. The conclusion was that no significant changes were needed, but that some refinements would improve communication and aid transparency. Non-Government organisations are encouraged to join PAW and to contribute in whatever way they can, however small, and may include anything from educating their members and encouraging them to comply with the law, through to actively engaging with and supporting

enforcement officers carrying out investigations. The Government believes that the range of organisations supporting PAW is one of its strengths, and sees no benefit in carrying out a further review at this stage.

63. The Government is confident that with the development of a strengthened strategic response to wildlife law enforcement, through the process recommended by NCIS (see recommendation 29), the role of PAW will continue to be important and will be enhanced.

**Recommendation 36: We believe that dialogue with the general public has been rather hit and miss and, for the most part, the Government and, to a certain extent, those working in the wildlife community, has failed to achieve effective communication. (Paragraph 54)**

64. Paragraph 54 of the Committee's report refers to RSPB criticism of the Campaign Against Illegal Poisoning of Wildlife. In fact the RSPB said in their written evidence to the Committee that the Campaign "raised the profile of illegal poisoning and encouraged reporting by the public" and in oral evidence said that "The campaign has been very good at being a publicity campaign". The RSPB's concerns do not appear to focus on the Campaign but on the enforcement of laws to protect wildlife.

65. The deliberate poisoning of birds of prey is clearly illegal and unacceptable. However, the Government does not accept the suggestion by the RSPB that poisoning of birds of prey has doubled in recent years. It is true that this conclusion can be drawn by comparing 1997 and 2002 figures in isolation. However, the number of reported incidents in 1997 was unusually low - comparing 1996 and 2002 would suggest no change in incidents. The Government's view is that the incidents reported to the Wildlife Incident Investigation Scheme show only a slight increase over the past few years. This increase is the result of more reported incidents of poisoning of red kites and this appears to be a result of very close monitoring of red kites covered by recent release programmes.

**Recommendation 37: We cannot accept the travel industry argument that to hand out leaflets warning their customers of the consequences of purchasing illegal products whilst on holiday will somehow reflect badly on the travel industry itself. This is clearly nonsense. The Department for Trade and Industry should engage the travel industry in discussing how best to get this, and possibly other important campaign leaflets, into the hands of the travelling public. (Paragraph 55)**

66. Defra has certainly not experienced the problems referred to in the WWF evidence. Indeed our main problem has been printing sufficient leaflets, baggage labels etc in order to keep up with demand. There is a question however, as yet unaddressed, as how to assess the effects of publicity and where best to target education and publicity. Defra, in its role as the UK CITES Management Authority, has concentrated a lot of its educational and information material at the known customer market (those who have made or are likely to be making applications for permits and certificates) Every indication is that there has been a great deal of success in terms of better informed customers and better informed industries (bird keepers, pet shops, zoos, antiques dealers etc).



67. HM Customs and Excise is working with airlines to publicise Products of Animal Origin legislation and will continue to work actively in this area to educate the travelling public.

68. Defra will be discussing the scope for its existing publicity campaigns to be assessed to ensure the greatest benefits are gained from its publicity budget. It may well be that more could be spent on informing school children etc in order to permanently change the culture and that this would be a more effective method of achieving our aim.

**Recommendation 38: We were encouraged by Defra's willingness to consider using the popular media as a means of communicating with and educating the public and would urge them to encourage programme makers to include useful information about relevant current legislation and the possible impact of certain behaviour within the body of their programmes. (Paragraph 57)**

69. Accepted. The Government will continue to explore the scope for working with programme makers to include relevant information, but recognises that this will be at the programme makers' discretion.

**Recommendation 39: We urge Defra to ensure that the Code of Practice for the horticultural sector is not simply an information leaflet to be ignored but that it has some requirement for compliance built into it which is then backed up by a proper monitoring process. (Paragraph 58)**

70. Accepted in part. The use of non-native species in horticulture is widely recognised as a potential pathway into the wild for invasive species which threaten native biodiversity—although by no means all non-native plants are invasive. Good practice has the potential to deliver significant benefits in terms of preventing the spread of invasive non-native plants. Defra considers the use of Codes of Practice to be a sensible and proportionate way to proceed, and also strongly believes that the engagement and participation of stakeholders in the development of Codes of Practice is crucial to their success. The horticultural industry was keen to help develop a Code of Practice, and to ensure that it proves successful. The Code will of course be carefully monitored following its introduction (which will be well-publicised) to judge its effectiveness, including levels of compliance, and to consider whether further sectors would benefit from this approach.

**Recommendation 40: We believe the "Get Hooked on Fishing" campaign has benefits to both the environment, the individuals concerned and the community at large. We would encourage other local authorities and police forces to emulate this campaign in their own areas and to use the same principles for other areas of wildlife crime. We commend the Durham Constabulary for their excellent work. (Paragraph 60)**

71. Accepted.

**Recommendation 41: We believe that the link between wildlife crime and other serious crimes, the clear and growing involvement of organised crime, and the increased reliance on the internet for illegal trade in protected species makes the argument for spending time and resources on this area of crime compelling. (Paragraph 61)**

72. Accepted in part. The Government's response to organised crime is geared towards the threats and harms of most consequence to the UK. The priorities at the moment include class A drugs trafficking, people smuggling, high-tech crime, and gun crime. However it agrees that wildlife crime is matter of significant concern and is committed to doing what it can to reduce it. It is important to ensure that resources are being targeted to maximise their effectiveness; and that this—together with sharpening the wildlife law enforcement response through an improved tasking process to which all parties are signed up, and supported by improved recording systems—will ensure that wildlife law enforcement is robust. The assessment review referred to in response to recommendation 4 will address these issues.

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### 1998-99 Session

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First	The Pre-Budget Report, HC 547 ( <i>Reply, HC 985</i> )
Second	The Greening Government Initiative, HC 517 ( <i>Reply, HC 426, Session 1998-99</i> )
Third	The Pre-Budget Report: Government response and follow-up, HC 985
Fourth	Climate Change: UK Emission Reduction Targets and Audit Arrangements, HC 899 ( <i>Reply, HC 88, Session 1998-99</i> )