

Fisheries Management Scotland Enforcement Committee

Freshwater Fisheries Laboratory, Faskally

24 August 2017



Members:

Alison Baker
Chris Conroy
Simon McKelvey
Bill Whyte
Richard Whyte

In attendance:

Brian Davidson
Edward Rush
Alan Wells

Apologies:

Eddie Weatherly

Minute

1. Introduction

AW provided an introduction. The purpose of the FMS committee will be to coordinate and agree a range of policy and operational matters in relation to fisheries enforcement, including training and recommending updates to the IFM bailiff examination. The Committee will have a key role in informing FMS policy aimed at proactively influencing the development any future legislation.

2. Chair of Committee

At the request of the Committee, AW agreed to take the Chair for 1st meeting.

3. Adoption of key principles around warranting

A paper was circulated prior to the meeting which sets out who does what in relation to appointment of bailiffs and the relevant procedures in relation to training and vetting prior to warranting. This is essentially an update of a previous protocol agreed by ASFB. It was clarified that FMS do not 'warrant' individuals, but provide cards on request to DSFBs and Scottish Government who are the warranting authorities. There was discussion around the potential to issue warrant cards with restricted powers, however this is not possible under the terms of the legislation. Warranting bodies, could however, issue cards with additional instructions about their use from an employer/warranting perspective. This touched on agenda item 4, and ideas for more flexible warranting arrangements should be considered as part of a wider suite of future legislative requirements. The Committee were generally content with the paper, and agreed that FMS should approach Scottish Government to suggest that they formally adopt the same principles when warranting water bailiffs. **ACTION: BD to contact Scottish Government.**

4. Legislative priorities & providing a steer for Regulatory & Enforcement Working Group

The Committee considered the list of future legislative requirements initially identified by the Regulatory & Enforcement Working Group, and it was agreed to review this and provide comments. Everyone appreciated the need to consider any requirements 'afresh' and not to be constrained by current legal provisions and operational practices. It was acknowledged that that there is uncertainty at this stage about the timing of a bill, however, at the very minimum, the Committee will have a 6 month – 1 year lead in time and opportunity to develop ideas and identify requirements.

It was agreed to consider the existing list, and determine if there are any further priorities not already identified. It was agreed to ensure in all cases that the rationale/ policy intention must be provided for changes and articulate clearly why these are needed. **ACTION: All – within 3 weeks.**

5. Associated protocols

There are a number of operational protocols developed and in use by some Boards. It was agreed that it would be sensible to review what exists within the network and itemise these. At the same time, the Committee should consider what Marine Scotland and Police Scotland use, and consider whether there is anything that might have relevance to fisheries enforcement. It was agreed to identify what is required and ensure that these are available in a consistent format and adopted where necessary. This should also be extended to other tools and resources, such as the standardised bailiff notebook and other guidance prepared by FMS and IFM. CC indicated that he had developed guidance on surveillance, and agreed to share this with the Committee. **ACTION: CC BD would produce a list of current protocols and guidance and share this with the Committee. ACTION: BD**

6. Training programme for bailiffs

The Committee recognised that further development of training for bailiffs is a substantive issue with significant work involved. Everyone agreed that the IFM bailiff training course provides a basic demonstration of competence, and that this course should form one component of a wider programme of training and CPD. For example, the following specific knowledge and key skills have been identified by the Training and CPD Working Group:

- Conducting fishery patrols
- Conflict resolution and tactical communications
- Digital surveillance techniques
- Gathering of evidence
- Knowledge of relevant legislation & policy framework
- Preparation and presentation of evidence & court procedures
- Record keeping, collection and secure storage of data and information
- Specialist Report Writing
- Surveillance training
- Understanding of coastal netting techniques
- Understanding of rod and line angling techniques
- Use of notebook

It was agreed that some of these elements require further thought in terms of more specific training – as well as other areas. Consistent delivery of training was agreed as a priority, and to this end training any future trainers should be a priority. All recognised the need to have a suite of other training initiatives delivered in different ways if necessary. Such a programme should reflect the needs of the sector, have their support and also have wider buy-in from Police Scotland, COPFS and other agencies where appropriate.

Marine Scotland Compliance use a standardised training record for enforcement staff. This approach was discussed, and it was agreed that there is merit in looking at a similar approach for possible future use.

It was agreed that the committee would consider the relevant enforcement training entries from the CPD matrix (above) and consider whether there are any gaps, scope out the work required to plug current gaps in training provision and consider how this might be resourced. **ACTION: ALL to provide feedback on the identified knowledge and skills. BD to scope out future training provision. AB to circulate thinking on a suggested approach to training and warranting.**

7. Annual Bailiffs seminar – future planning and other events

It was agreed that the seminar will provide a good opportunity to develop some scenario-based training. This should be considered as part of the overall planning for the 2018 event.

8. AOB

Committee membership - It was agreed it would be useful to consider other input to the Committee from the network, in terms of ensuring appropriate expertise and national coverage. This will be considered. **ACTION: BD/AW**

Legal advice on employment of bailiffs – AB wishes to seek advice on the risks and liabilities which might relate to the appointment of bailiffs who were not directly employed and how they might be 'contracted'. A note of the advice requirements will be sent to FMS for advice via Fishlegal. **ACTION: AB**