

Fisheries Management Scotland Enforcement Committee

Minute

2 September 2019



Present:

Alison Baker
Craig Duncan
Karl Ferguson
Bill Whyte
Richard Whyte
Jamie Urquhart
Diarmid Hawkins
Keith Williams

Edward Rush

In attendance:

Brian Davidson
Alan Wells

Apologies:

Chris Conroy
Bill Whyte

1. Welcome and Introductions

Keith Williams and Edward Rush were welcomed to the Committee.

2. Draft Enforcement Strategy

The draft enforcement strategy was circulated - the objective of the strategy is to capture the enforcement priorities for the organisation and to inform the work of the committee. It consolidates current activities and the committee were asked to highlight any gaps and express comments.

It was agreed that it would be useful to include reference to the value of amenity and recreation in addition to the wider economic value; This is an important element in many areas, and AB emphasised the relevance of this aspect in relation to the Forth fisheries. Some of the most significant issues relate to enforcement of regulations relating to man-made barriers and fish poaching at these sites.

ACTION: BD to reflect changes discussed and re-circulate. It was agreed to review the strategy annually.

3. Enforcement seminar 2019

The Birnam Institute has been reserved for 3 and 4 December, and it was agreed to encourage external stakeholders' input to the event, including Police Scotland, Marine Scotland, COPFS and others as appropriate. The focus should be on delivering an event with training as the primary objective, using workshop sessions.

It was agreed that the seminar should form part of a continued professional development (CPD) process for bailiffs, and managers should recognise the value of this to their staff and organisations. Appropriate training with appropriate certification will ultimately help organisations manage and reduce risk.

It was agreed to consider the following areas within the scope of the event:

- Collection of evidence
- Preparation for court
- Conflict management

- Understanding the different issues that bailiffs face between districts

It was agreed that the event should be designed around making it attractive to employers and of relevance to employees in their day to day activities. Part of this process will involve consideration of the liabilities to organisations and how training can help address these. It was agreed that it would be useful to consider a certificate of attendance for the event and relating to the nature of workshops attended. It was agreed that further provision of CPD materials such as consistent course/workshop design, identifying relevant training areas with employers/employees and providing certification/proof of attendance are all sound principles. Having a documented record such as this should help provide confidence in appointment of bailiffs and the subsequent renewal process.

It was agreed to use the seminar to pilot some of these ideas, and the programme will be developed on this basis and build some initial training around this. Advice to DSFBs on a CPD framework should be prepared after some of these areas had been discussed and feedback received.

ACTION: BD to work up the programme and circulate.

4. Training priorities

Bailiff training course - It was agreed that the core bailiff training course requires review. Some of the content is out of date and there is a need to revisit the structure of the course and examination. It was recognised that the IFM are currently reviewing their activities and the course materials will be reviewed as part of this process. To ensure that the course continues to meet the needs of the sector, it was recognised that it will be essential to involve Fisheries Management Scotland in reviewing the materials, and this was agreed.

It was generally felt that the DSFBs are well positioned to be part of the support structure for the course, primarily via co-ordination of local exams, invigilation and liaising with IFM on the annual delivery of the course/exam. This should be considered as part of the review of delivery of the course.

Key points of discussion included:

- The scope for limiting bailiffs' powers until (for example) a year of CPD had been completed;
- Structuring the course into two parts – legal and practical;
- More specific and in-depth training on key areas within the course manual i.e. recording information, statement preparation, offence reports, evidence etc.;
- The adoption of a refresher course – an online refresher had been tested and it was agreed that this should play a part. This should be considered as part of the review.

ACTION: IFM will, with input from the Committee, review the training manual and exam and consider training scenarios which will add practical value to the course. This will include an annual legal refresher; provision of CPD add-ons such as specific training workshops on relevant topics and this will identify training providers – i.e. the Fisheries Management Scotland network, IFM and external providers.

Additional training resources – the use of video for delivering training was agreed as worth pursuing. This would lend itself very well in demonstrating scenarios, and it was agreed that Fisheries Management Scotland should explore this further. The development of professional quality video material will ultimately save time and ensure consistent delivery. Whilst there are some training days in the pipeline which could provide some potential for filming, it was agreed that the best value would be derived from designing a training day specifically around filming to maximise the opportunity.

As a first step, it was agreed that a review should be undertaken of any existing video material – members were asked to highlight what material existed and for this to be considered for potential editing.

ACTION: ALL

It was agreed that, subject to what might already be available, that scenarios and video material covering the following key areas could be relevant:

- conflict management scenario
- common poaching incidents, i.e. rod and line – foul hooking, ripping etc.
- Netting scenarios
- Visual ID of fish, unclean, gravid etc

ACTION: ALL to identify priorities

ACTION: BD to develop one-pagers to set out what the scenario training might look like.

Regional police/DSFB training – update – a draft delivery plan was circulated. A course had already been delivered in March and two further events are being held on the River Tweed in September and November. This plan sets out the relevant police divisions with DSFBs and identified the key personnel in Police Scotland and where events had been delivered and gaps in delivery. It is proposed that the plan will be delivered locally by DSFBs, who will co-ordinate closely with the police contacts identified within each division. Brian Davidson will help facilitate this, liaising with Police Scotland as appropriate. It was agreed that it is important to ensure that there is capacity for local delivery prior to Brian contacting wildlife crime officers.

ACTION: BD/ALL

5. Resources under development

Official warning process – a draft written warning process has been developed through local discussions with Police Scotland and the River Tweed Commission. The objective of this was to ensure there is an option to deal with minor infringements without having to resort to a full offence report and report to the Police/PF. This had been shared with the committee and it was noted that some other DSFBs had similar approaches. It was agreed that it would be useful to compare these and ultimately ensure that there is a consistent approach across Scotland.

A key part of any warning process is the recording of incidents, storage of information and accessing/sharing that information, with the emphasis on data protection, data security and ease of access. It was agreed that the thinking on this should be developed further in advance of issuing the template more widely.

ACTION: BD/ALL

6. AOB

It was recognised that it was very difficult to access information on the outcomes of individual court cases. It was agreed to approach the Crown Office to ask what the best approach is for accessing such information.

ACTION: BD