





**Brighton & Hove  
City Council**

# Community Safety Forum

Title:	<b>Community Safety Forum</b>
Date:	<b>8 October 2012</b>
Time:	<b>4.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<p><b>Councillors:</b> Duncan (Chair), Barnett (Opposition Spokesperson), Morgan (Opposition Spokesperson), Bowden, Carden, Mac Cafferty, Meadows, Shanks, Pidgeon and Simson,</p> <p><b>Representatives from Communities of Interest</b></p>
Contact:	<p><b>Ross Keatley</b> Democratic Services Officer 01273 291064 ross.keatley@brighton-hove.gov.uk</p>

	<b>The Town Hall has facilities for wheelchair users, including lifts and toilets</b>
	<b>An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.</b>
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## COMMUNITY SAFETY FORUM

The following are requested to attend the meeting:

### Representatives from Statutory Services:

Brighton & Hove Primary Care Trust	Surrey and Sussex Probation Trust
British Transport Police	Youth Offending Team
East Sussex Fire and Rescue Service	Partnership Community Safety Team

### Representatives of Local Action Teams

Bevendean	Moulsecoomb
Brighton Old Town	North Laine Community Association
Bristol Estate Community Association	Patcham
Brunswick & Adelaide	Portland Road & Clarendon
Brunswick & Regency Neighbourhood Action Group	Portslade
Central Hove	Preston Park & Fiveways
Clarendon	Queens Park
Clifton, Montpelier & Powis Community Alliance	Queens Park & Craven Vale
Coldean	Rottingdean
Coombe Road	Saunders Park Partnership
Craven Vale	Seafront
Craven Vale Community Association & LAT	St James's Street
Elm Grove	Stanmer
Goldsmid	Stanmer & Coldean
Hangleton & Knoll Community Action Forum	Tarner
Hanover & Elm Grove	West Hove Forum
Hollingbury	West Saltdean
Hollingdean	Whitehawk
Kemptown Action Group & Tarner	Whitehawk Crime Prevention Forum
London Road	Withdean
Marina	Woodingdean
Meadowview & Tenantry	

### Other Co-opted Members

Age Concern	LGBT Community Safety Forum
Area Housing Panels	Sussex Central YMCA
Brighton & Hove Community and Voluntary Sector Forum	Neighbourhood Watch
Brighton and Hove Federation of Disabled People	Older People's Council
Brighton and Hove Mediation Service	Racial Harassment Forum
Business Crime Reduction Partnership	RISE
Independent Advisory Group Sussex Police	Victim Support
Domestic Violence Forum	Young People's Centre

## AGENDA

### 11. PROCEDURAL BUSINESS

- (a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) **Declarations of Interest:**
  - (a) Disclosable pecuniary interests not registered on the register of interests;
  - (b) Any other interests required to be registered under the local code;
  - (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (d) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the categories of exempt information is available for public inspection at Brighton and Hove Town Halls.*

### 12. WELCOME TO NEW CO-OPTED FORUM MEMBERS

### 13. MINUTES OF THE PREVIOUS MEETING

1 - 6

Minutes of the meeting held on 18 June 2012 (copy attached).

### 14. CHAIR'S COMMUNICATIONS

## COMMUNITY SAFETY FORUM

### 15. PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented by members of the public to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 1 October 2012;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 1 October 2012.

### 16. MEMBER INVOLVEMENT

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

### 17. COMMUNITY SAFETY ISSUES RAISED BY MEMBERS AND COMMUNITY REPRESENTATIVES

This standing item will provide an opportunity for relevant issues to be raised or updated.

**a) Contact Details for Community Safety**

Briefing note to follow.

**b) Dealing with Dangerous Dogs**

Verbal presentation from Sergeant James Davidson.

**c) Managing Nuisance from Seagulls**

Information for noting only (briefing note attached).

**d) Dealing with Theft from Person at Public Events**

Verbal presentation from Sergeant James Davidson.

## COMMUNITY SAFETY FORUM

### 18. NATIONAL COMMUNITY SAFETY INITIATIVES WHICH IMPACT LOCALLY: STANDING ITEM

- a) **Presentation on Youth Justice Plan** **53 - 78**  
Report of the Commissioner: Community Safety (copy attached).

### 19. LOCAL ISSUES: STANDING ITEM

- a) **Crime Trends and Performance Figures** **79 - 88**  
Report of the Commissioner: Community Safety (copy attached).

- b) **Update on Police & Crime Commissioner and Police & Crime Panel**  
Verbal update by Councillor Duncan (Chair) & Commissioner: Community Safety.

- c) **Hate Crime Service Offer** **89 - 96**  
Update from Community Safety Manager (copy attached).

- d) **Work of Community Safety Projects Team** **97 - 98**  
Verbal update and presentation (briefing note attached).

- e) **Safer Families, Safer Communities**  
Verbal update and presentation.

### 20. SUSSEX POLICE AUTHORITY: MINUTES OF THE MEETING HELD ON 19 JULY 2012 **99 - 100**

Copy attached.

### 21. EAST SUSSEX FIRE AUTHORITY: MINUTES OF THE MEETING HELD ON 13 SEPTEMBER 2012 **101 - 104**

Copy attached.

## DATES OF FUTURE MEETINGS

The remaining dates for the 2012/13 municipal year:

- Monday 10 December 2012
- Monday 25 February 2013

## COMMUNITY SAFETY FORUM

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Ross Keatley (01273 291064, email [ross.keatley@brighton-hove.gov.uk](mailto:ross.keatley@brighton-hove.gov.uk)).

Date of Publication - Friday, 28 September 2012

### BRIGHTON & HOVE CITY COUNCIL

### COMMUNITY SAFETY FORUM

4.00pm 18 JUNE 2012

### COUNCIL CHAMBER, HOVE TOWN HALL

### MINUTES

**Present:** Councillor Duncan (Chair); Barnett, Carden, Hawtree, Mac Cafferty, Meadows, Morgan, Pidgeon and Simson

**Sussex Police:** Sergeant Castleton

**Officers:** David Murray (Strategic Director, Communities), Linda Beanlands (Commissioner for Community Safety), Simon Court (Senior Solicitor) and Ross Keatley (Democratic Services Officer).

### PART ONE

#### 1. PROCEDURAL BUSINESS

##### 1a Declaration of Substitutes

1.1 Councillor Hawtree was present in substitution for Cllr. Shanks.

##### 1b Declarations of Interest

1.2 Councillor Carden declared a personal but non-prejudicial interest in Item 10, Minutes of the East Sussex Fire Authority Meeting held on 2 February by virtue of his Membership of the Fire Authority.

1.3 Councillor Duncan declared a personal but none prejudicial interest in Item 9, Minutes of the Sussex Police Authority held on 16 February 2012 by virtue of his Membership of the Police Authority.

##### 1c Exclusion of the Press and Public

1.4 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Community Safety Forum considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

1.5 **RESOLVED** - That the press and public not be excluded from the meeting.

## 2. MINUTES OF THE PREVIOUS MEETING

2.1 Councillor Barnett stated her view that the minutes did not reflect her understanding of events in relation to point 39.5, *Chair's Communications: Forum Meeting Held on 10 October 2011*, it was her view that the Chair had not responded to her and Cllr. Janio on both matters of concerned.

2.2 Councillor Simson noted that the minutes stated a report would be brought to this meeting on the Youth Justice Plans and it was explained that this item been deferred to the next meeting.

2.3 **RESOLVED** – That the minutes of the Community Safety Forum meeting held on 12 March 2012 be agreed and signed as a correct record.

## 3. CHAIR'S COMMUNICATIONS

3.1 The Chair noted it had been several months since the last LATS Chairs meeting, and it was hoped the next one could be held after the school summer holiday period.

## 4. PUBLIC INVOLVEMENT

4.1 There were no petitions, written questions or deputations.

## 5. ISSUES RAISED BY COUNCILLORS

5.1 The Chair stated he had received a late notice of motion from Derek Peacock, asking that the forum consider co-opting the chair or another member of the LGBT Community Safety Forum to work alongside the Community Safety Forum. Mr Peacock spoke to his motion and noted that the LGBT Community Safety Forum had recently reformed, and he felt their input would be useful; the Chair also agreed that this was a positive course of action.

5.2 There were no other petitions, written questions, letters or notices of motion.

5.3 **RESOLVED** – That the necessary arrangement be made to allow a member of the LGBT Community Safety Forum to be formally co-opted onto the Community Safety forum.

## 6. COMMUNITY SAFETY ISSUES RAISED BY MEMBERS AND COMMUNITY REPRESENTATIVES

6.1 Councillor Warren Morgan raised the issue of dangerous and uncontrolled dogs in the city' stating his concern that they could easily attack children and adults alike. It was agreed a report would be brought to the next meeting of the Forum.



6.2 Derek Peacock also raised the issue of dangerous seagulls; and Officers explained they would look into this issue outside of the meeting to consider if it fell within the remit of the Forum.

## **7. NATIONAL COMMUNITY SAFETY INITIATIVES WHICH IMPACT LOCALLY: STANDING ITEM**

7.1 Sergeant Castleton gave a presentation in relation to the recent Government proposals on *More Effective responses to Anti-Social Behaviour*. The four main strands of the proposals were highlighted: putting victims first; empowering communities; swift effective action and long-term solutions. In relation to putting victims first it was explained that officers would now have to go through a process to consider what harm was caused to ensure the right support was offered to victims. Residents would now be able to activate a trigger through 'community trigger' where they felt they were not getting the appropriate response; this could currently be done through the Council website, and would shortly be available on the Police website. Civil injunctions were due to replace ASBOs, although this work was still in the early stage, it was hoped this would lead to a swifter response process for the Police. Sergeant Castleton also highlighted amendments to closure orders and Section 27 notices, and a recognition that the five big issues for anti-social behaviour related to drink, drugs, troubled families, mental health and dog ownership.

7.2 The Forum discussion the Community Trigger scheme, and the Chair highlighted Brighton & Hove would be one of the pilots for the national scheme. Councillor Morgan noted his concern that the name of the scheme could be better phrased, and went on to note that he could see little difference between community trigger and community call for action. The Commissioner for Community Safety, Linda Beanlands, said that feedback could be provided about the name of the scheme, and she wished to stress the scheme would sit alongside existing arrangements, and not replace them.

7.3 Councillor Morgan expressed his concern in relation to civil injunctions replacing ASBOs as the proceedings would be through the civil court, rather than the criminal court, and consequently the order would no longer be backed up by prison sentences. The Senior Lawyer, Simon Court, confirmed that there would no longer be custodial sentences for under 18s, and there was ongoing work to help the court sbridge this gap.

## **8. LOCAL ISSUES: STANDING ITEM**

### **8 a) Crime Trends and Performance Figures**

8.1 The forum considered a report of the Commissioner for Community Safety describing recent activities and progress relating to priority areas in the Brighton & Hove Community Safety, Crime Reduction and Drugs Strategy 2011-14; statistical updates relating to 2011/12 April 2011 to March 2012 were also highlighted. Graphs showing monthly crime data from April 2008 to April 2012 were provided which set recent data in the context of both longer term trends and seasonal crime cycles.

8.2 Councillor Mac Cafferty congratulated partners on active steps taken to combat crime in the city; he went on to ask specific question in relation to alcohol misuse funding and the

length of the pilot scheme for Community Trigger. In response it was explained that the funding could not be confirmed, and the length of the pilot scheme would be 12 months.

8.3 Councillor Simson queried some of the data in relation in the fall in recorded criminal damage; she went on to ask about theft from person at large organised events. It was explained that the fall was accurate as Brighton & Hove had started from a higher point, and secondly there was a great deal of work already being undertaken to tackle and raise awareness of theft from person through social media.

8.4 **RESOLVED** – That the forum notes the information contained in the report.

#### **8 b) Sussex Police Plan 2012/13**

8.5 Sergeant Castleton gave a presentation in relation to the Sussex Police Plan 2012/13 and highlighted that there was not a divisional policing plan; but the countywide plan reflected the needs of the city, and the full plan could be accessed online. The Chair also noted that currently the plan was adopted by the Sussex Police Authority, but this process would change next year with the emergence of the directly elected Police Commissioner.

8.6 Councillor Morgan noted that the plan did not provide targets to measure against; and highlighted his view that it missed out the impact of the fear of crime against vulnerable groups. The Chair echoed these comments and felt that issues relating to the fear of crime could be fed back to the Police Commissioner after they had been elected later in the year.

8.7 The Forum also raised and discussed the following themes which were noted by the Chair and Sergeant Castleton: safety of foreign students studying in the city; the implications of the proposed 20 mph speed limit in the city; priorities in relation to domestic violence and sexual abuse and vulnerable older people.

8.8 **RESOLVED** – That the content of the presentation be noted.

#### **8 c) Update on Police and Crime Commissioner**

8.9 The Commissioner for Community Safety gave a presentation updating the Forum on the arrangements for the Police and Crime Commissioners, and highlighted that there were still areas of concerns in relation to budget setting, but no definitive information had been released yet. The formal regulations for the Joint Police and crime Panel had been published very recently, and the role of the Panel would be to hold the Commissioner to account. The Panel for Sussex was currently being lead by West Sussex County Council and would consist of 15 members representing each of the local authorities. The Chair went on to add that there was some concern about the disproportionate representation on the panel in relation to population size, and concern this would detrimentally impact Brighton & Hove.

8.10 Councillor Morgan reiterated that it was the view of his group that the Commissioner model was not the right way forward; and preferred the alternative proposals put forward by the LGA. He noted further concerns in relation to procedures and scrutiny. Officers highlighted that an EIA had been undertaken and the shadow panel had accepted the

findings; there was still further work to be done to ensure that issues affecting the city would be firmly placed on the agenda for the Commissioner.

8.11 **RESOLVED** – That the content of the presentation be noted.

**8 d) Results of the Big Alcohol Debate**

8.12 The Forum viewed a video on the findings of the Big Alcohol Debate, and raised the following points in general discussion: a process of billing drunk individuals who used emergency services could be investigated; the video should be shown at the Shadow Health & Wellbeing Board for their consideration and further work needed to be undertaken to provide alternative options to drinking for young people.

8.13 **RESOLVED** – That the content of the video be noted.

**9. SUSSEX POLICE AUTHORITY: MINUTES OF THE MEETING HELD ON 16 FEBRUARY 2012**

9.1 **RESOLVED** – That the contents of the minutes be noted.

**10. EAST SUSSEX FIRE AUTHORITY: MINUTES OF THE MEETING HELD ON 2 FEBRUARY 2012**

10.1 **RESOLVED** – That the contents of the minutes be noted.

The meeting concluded at 6.34pm

Signed

Chairman

Dated this

day of



### Advice on Seagulls Nuisance

We received numerous enquiries about this issue each year especially during the mating season, when seagull nuisance increases.

The growth in the seagull population is a national problem. Urban gulls are protected under the Wildlife and Countryside Act. Culling can only be carried out where there is a threat to public health & safety, or to aircraft. Nuisance alone is not considered to be a reasonable justification for culling.

Additionally local culling may not be a solution, as gulls are not confined to a single centre of activity. They move widely and are capable of making a round trip of 100km in search of food in only a few hours. Secondly they are considerably more intelligent than most and despite the best efforts of pest control agencies to deter or remove them colonies have continued to expand.

Traditional culling methods all have their disadvantages. Plastic owls/birds of prey and distress calls do not work as the gulls soon get used to them. The discharging of firearms in built up areas will have safety implications. The poisoning of birds will engage the minds of the health & safety executive, not only for operatives, but also for passers by, when the moribund fall into the street.

Egg oiling may be a solution, however this runs into legal problems, as the Council will need permission from all householders who have nests, to access their property. Without permission the Council may be accused of trespass.

By far the most difficult situation to deal with would be public reaction. Britain it is said is a nation of animal lovers and trying to resolve the problem at this level would almost certainly result in heated debate, and possibly direct action. One local authority in the north of England was unable to renew their culling licence due to the efforts of a strong willed and articulate lobby of town residents.

With all this in mind Brighton & Hove City Councils strategy for dealing with the seagull problem is to concentrate on the seagull food sources. Our Highways Enforcement Team issue fixed penalty fines on business that litter the streets with commercial food waste. Our Environmental Health Teams ensure business have adequate waste storage facilities and will get remove noxious food waste from private land. The Council has piloted communal bins in the City centre, which is reducing the amount of domestic food waste in our streets. The City domestic refuse services have also been piloting collapsible bins for households, seagull proof bin sacks and wheelie bins. I understand these pilots are soon to be rolled out across the city, along with curb recycling schemes. Our pest control section will give advice on how to pest proof properties to stop gulls from nesting.

In conclusion, the seagull problem is a complex national problem, which has no easy solutions. In Brighton & Hove we target the food sources to keep the population restrained. The public, business as well as the Council has a part to play to ensure that food waste is properly stored and disposed.





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# Wild birds and the law

## ENGLAND AND WALES

A PLAIN GUIDE TO BIRD PROTECTION TODAY



# **Wild birds and the law – the RSPB’s guide to bird protection in England and Wales**

From time to time, members of the public want to know about the laws relating to wild birds. It may be that someone has been shooting or trapping birds and it is uncertain if they have been breaking the law; it is not always easy to be sure without a simple reference to help. That is what this booklet provides. It is a summary of parts of the Wildlife and Countryside Act 1981 and related legislation, which relate to bird protection in England and Wales and has been updated to take account of legislative changes. There have been significant changes to the legislation protecting wild birds in Scotland and this is now covered by a separate publication, *Wild Birds and the Law Scotland*, available from the RSPB’s headquarters in Scotland (see page 40 for contact details). An outline of the legislation in Northern Ireland can be obtained from the Northern Ireland Environment Agency (see page 39 for contact details).

We have put into plain language the basic information contained in the Wildlife and Countryside Act 1981 and related legislation. This allows anyone to check the legal status of a bird, whether or not an offence has been committed, or if a proposed action would be against the law, without being overwhelmed by ‘legal language’. Inevitably, there are long lists of birds, which must be carefully checked to make sure of the exact position relating to a particular species.

We have arranged these alphabetically, for ease of reference, but urge that you use them with care. **The essential fact to remember is that *all* wild birds, their nests and their eggs are protected by law** unless a special exception is made in the Act. Remember that many of the rarer birds have additional protection, which means that they may not be disturbed at or around the nest during the breeding season.

We have also listed and answered some of the most frequent questions that people ask about birds and their legal status, so that most of what you want to know should be easily found within this booklet. It is not intended to be a substitute for the actual legislation nor the definitive listing of relevant licences. For further information, please consult the relevant government department or agency. Contact details and useful websites can be found on page 38.

## **Import and export**

This booklet does not cover the regulations on the import and export of birds. Animal Health should be consulted for further information on licences to allow the import of birds. Certain species will require documentation under the Convention on International Trade in Endangered Species (CITES) for entry into the EU and Animal Health will be able to provide the necessary assistance. E-mail [wildlife.licensing@animalhealth.gsi.gov.uk](mailto:wildlife.licensing@animalhealth.gsi.gov.uk)

NB Since 2007, the importation of all wild-caught birds from outside the EU has been banned with very limited exceptions under EU health regulations (Commission Regulation (EC) No 318/2007).



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## Introduction

The primary legislation protecting wild birds in England and Wales is the Wildlife and Countryside Act 1981, hereafter referred to as 'the Act' (subject to a number of amendments, including the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities (NERC) Act 2006). The basic principle of this Act is that all wild birds, their nests, and eggs are protected by law and some rare species are afforded additional protection from disturbance during the breeding season. There are certain exceptions to this, notably in respect of wildfowl, game birds and various species that may cause damage.

The following serves to provide a straightforward means of checking the legality of any activity affecting wild birds. Before taking any action, you should check that the information presented here is up to date by going to the actual legislation or consulting the relevant government department agency. Copies of the Wildlife and Countryside Act 1981 (not updated) can be obtained from The Stationery Office (see 'Useful addresses', page 38). An updated version of the legislation can be found at [www.statutelaw.gov.uk](http://www.statutelaw.gov.uk) (although please note that this may not include the most recent amendments).

The Police have the prime responsibility for enforcing this legislation and every Police Force now has at least one Wildlife Crime Officer (WCO) whose duties include dealing with wildlife issues.

If you have difficulty in interpreting any part of the Act or believe you have

witnessed an offence, then contact the RSPB's Investigations Section, The RSPB, The Lodge, Sandy, Bedfordshire SG19 2DL (Tel: 01767 680551; Fax: 01767 682795). The RSPB's Investigations Section has extensive experience of investigating offences against wild birds and regularly assists the Police and other agencies with these matters. The RSPB's Investigations Section also maintains a unique database of crimes against wild birds and would be grateful to receive any information of offences against wild birds (see more information on reporting offences on page 11). Alternatively offences can be reported via the RSPB website ([www.rspb.org.uk/birdlaw](http://www.rspb.org.uk/birdlaw)).

### Abbreviations

The following are used regularly throughout the text:

<b>CCW</b>	Countryside Council for Wales
<b>Defra</b>	Department for Environment, Food and Rural Affairs
<b>NE</b>	Natural England
<b>SSSI</b>	Site of Special Scientific Interest
<b>WAG</b>	Welsh Assembly Government
<b>WCO</b>	Wildlife Crime Officer

### Definitions

The following list gives an outline of definitions included in the Act (1–3) and others (4–14), which may be helpful:

- 1 Wild bird:** means any bird of a species which is resident in or a visitor to the European territory of any Member State, in a wild state but does not include poultry, or any game bird (except in certain sections

- dealing with prohibited methods and the issue of licences). Game birds include pheasant, partridges, black grouse, red grouse and ptarmigan. These species are covered by the Game Acts but details of their close seasons can be found in the checklist of legal status on pages 17–26.
- 2 **Occupier** (see Authorised person): includes any person having the right of hunting, shooting or fishing on any land other than the foreshore.
  - 3 **Authorised person:** the owner or occupier of any land on which the action takes place or any person authorised by the owner or occupier. It can also be someone authorised in writing by a local authority, NE, CCW or local fisheries committee, a water authority or any other statutory water undertakers. Because such a person is authorised under the Act, this does not confer right of entry on any land.
  - 4 **Close season:** inclusive dates of a period when a bird is fully protected; outside that period it may be killed or taken.
  - 5 **Licence:** issued by one of a number of authorities, including NE, CCW, WAG to permit an otherwise illegal act. The licence will specify precisely what action is permitted (see page 27).
  - 6 **General Licence:** issued by NE or WAG to permit authorised persons to carry out an otherwise illegal act. Such licences need not be applied for (details on page 27).
  - 7 **Schedule 1 birds:** rare species afforded additional protection, which cannot be intentionally or recklessly disturbed when nesting (see page 14).
  - 8 **Schedule 2, Part I birds:** sporting or quasi-sporting birds which may be shot for a limited period in the winter (see page 15).
  - 9 **Schedule 2, Part II has now been deleted from the Act.** Control of some of the 13 species previously listed is now covered by General Licences (see page 27).
  - 10 **Schedule 3, Part I birds:** species which may be sold alive at all times if ringed with an approved ring and bred in captivity (see page 15). The sale of most other captive-bred species is covered by General Licences (see page 27).
  - 11 **Schedule 3, Part II birds:** species which may be sold dead at all times (see page 15).
  - 12 **Schedule 3, Part III birds:** species which may be sold dead from 1 September to 28 February (see page 15).
  - 13 **Schedule 4 birds:** birds which must be registered if kept in captivity (see page 16).
  - 14 **Schedule 9 birds:** birds which are established in the wild in Britain and which cannot be released or allowed to escape from captivity (see page 16).
- There are over 600 species of wild bird recorded in the European Union (EU) but the Schedules only deal with a small number of these. Please remember that all birds except those listed on Schedule 2, Part I and game birds are fully protected throughout the year unless catered for by a licence.**

## Birds

### Basic protection given to wild birds

All birds, their nests and eggs are protected by law and it is an offence, with certain exceptions, to:

- a) intentionally kill, injure or take any wild bird
- b) intentionally take, damage or destroy the nest of any wild bird while it is in use or being built (NB: The nests of white-tailed eagles, ospreys and golden eagles are protected all year round)
- c) intentionally take or destroy the egg of any wild bird
- d) have in one's possession or control any wild bird (dead or alive), part of a wild bird or egg of a wild bird which has been taken in contravention of the Act, the Protection of Birds Act 1954 or the law of any EU Member State (which implements the EU Birds Directive 1979)
- e) intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building or is in, on or near a nest with eggs or young; or disturb the dependent young of such a bird
- f) have in one's possession or control any birds of a species listed on Schedule 4 of the Act (see page 16) unless registered in accordance with the Secretary of State's regulations (contact Defra for details).

### Sale of live wild birds and their eggs

It is an offence to sell, offer for sale, possess for sale, transport for sale or

advertise for sale any live wild bird, or the egg of any wild bird. Exceptions include:

- a) live wild birds listed on Schedule 3 Part I providing they are captive-bred and fitted with an approved close-ring in accordance with Statutory Instrument (SI) 1982/1220 and issued by the British Bird Council (BBC) or the International Ornithological Association (IOA)
- b) most other live wild birds providing they are captive-bred and covered by a General Licence, which will specify a number of conditions which must be complied with.

### Sale of dead wild birds

The sale of most dead wild birds, other than those listed on Schedule 3, Part II or III, is permitted under the terms of General Licences (see page 27). These will usually require documentary evidence to accompany the sale to show that the bird was lawfully removed from the wild or bred in captivity. The seller must keep certain records concerning the sale of the bird, including the cause of death, and submit a report to the specified agency by 31 December each year. Birds listed on Schedule 3, Part III may be sold dead from 1 September to 28 February. Game birds may only be sold dead during the open season and for a period of up to 10 days immediately after the end of that season. See checklist of legal status (pages 17–26) for details.

### Exhibition of wild birds

It is an offence to show at any competition, or in premises in which a

competition is being held, any live wild bird unless listed on Schedule 3 Part I if captive-bred and fitted with an approved close-ring as defined by SI 1982/1220; or covered by a General Licence.

### **Prohibited methods of killing and taking wild birds**

The following methods of killing, injuring or taking wild birds are normally prohibited, except under licence: any springe, trap, gin, snare, hook and line, electrical device, poisonous or stupefying substance, net, gas or smoke, baited board, bird lime or similar substance or chemical wetting agent.

The use of any sound recording or live bird as a decoy if tethered, blinded or maimed is illegal as is the use of bows, crossbows, explosives (other than ammunition for firearms), automatic or semi-automatic weapons, guns with an internal muzzle diameter greater than 1¼ inches, artificial lights or dazzling devices and sights for night-shooting.

It is also illegal to use any mechanically propelled vehicle in immediate pursuit of a wild bird for the purpose of killing or capture. It is an offence to 'cause' or 'permit' any such prohibited method. This applies where a person directs another to commit an offence or knowingly allows it to happen.

It is illegal to have any part in any activity involving the release of birds as immediate targets for shooting.

### **Captive birds: size of cage**

In addition to the registration requirements for certain Schedule 4 species (see page 16) it is illegal to keep any bird (excluding poultry) in a cage or other receptacle which is not of sufficient size to permit the bird to

stretch its wings freely. Exceptions to this are if the bird is undergoing veterinary treatment, is in the course of conveyance or is being exhibited; in the latter case the time the bird is so confined should not exceed a total of 72 hours.

### **Deliberate release of species into the wild**

It is an offence to release or allow to escape into the wild any bird which (a) is not ordinarily resident in, or a regular visitor to, Great Britain in a wild state, or (b) is listed in Schedule 9 (see page 16). This is to prevent possible threats to native wildlife by introduced species. Some native species are listed on Schedule 9 to ensure re-introduction and translocation programmes are undertaken appropriately.

### **Attempting to commit an offence**

It is an offence to attempt to commit any offence or have in one's possession anything capable of being used to commit an offence.

### **Exceptions**

- a) **Sale and competitive exhibition**  
Birds listed on Schedule 3, Part I may be sold or exhibited competitively provided they have been bred in captivity and ringed in accordance with SI 1982/1220. The sale and exhibition of most other captive-bred species are now covered by General Licences (see page 29).
- b) **Control of birds classed as problem species**  
These were previously listed on Schedule 2, Part II which has now been deleted from the Act. Those

species are now afforded full protection under the Act. Control of some species is now under the terms of General Licences (see page 27).

**c) Killing of sporting or quasi-sporting birds**

Any person may take, kill or injure in attempting to kill a bird listed on Schedule 2, Part I provided this is done outside the close season (for dates see page 15), not in an Area of Special Protection (see pages 8 and 34) or in a prescribed area on Sunday (see page 33). Areas designated as SSSIs may also have restrictions on the killing of species on Schedule 2, Part I.

**d) Preserving public health or safety or preventing serious damage**

An authorised person (see page 3) may kill or injure a protected bird (except one on Schedule 1) if they can show that their action was necessary for the purposes of preserving public health or public or air safety or preventing spread of disease.

For the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters, the killing or injuring of protected birds (except those on Schedule 1) by authorised persons is permitted provided that:

- i) they can show that there was no other satisfactory solution
- ii) if the killing or injuring was foreseeable a licence had been applied for as soon as practicable or an application for such a licence had not yet been determined

iii) as soon as reasonably practical after the killing or injuring Defra or WAG had been notified.

**e) Treatment of injured birds**

A person may take a wild bird if they can show that the bird was injured other than by their own hand and that their sole purpose was to tend it and then release it when no longer disabled; or he may kill it if he can prove it was so seriously disabled as to be beyond recovery (eg a badly oiled seabird). Sick and injured birds listed on Schedule 4 (see page 16) should be registered with Animal Health immediately or passed to a licensed person who may keep such a bird, under the terms of a General Licence, for up to 15 days without registering it providing that Animal Health or WAG is notified, in writing, within four days of the bird coming into their possession.

**f) Incidental destruction**

It is not illegal to destroy a bird, nest or egg if it can be shown that such an action was the incidental result of a lawful operation and could not reasonably have been avoided.

**g) Trapping birds**

An authorised person may legally use cage-traps or nets to take certain species as defined in the General Licences (see page 27). They may also be used for taking game birds for the purpose of breeding. A net may also be used to take wild ducks at certain decoys. The Larsen cage-trap has become very popular for trapping corvids, often using a decoy bird. These are legal for certain purposes providing the decoy birds are given

adequate food, water, shelter and a perch. All cage traps, including Larsen traps, must be checked daily and any non-target birds released. When not in use, they must be rendered incapable of catching birds or other animals. A licensed person may catch wild birds, normally using nets, to fit rings for scientific monitoring.

### **Registration of birds kept in captivity**

The main aim of registration is to monitor certain rare species, listed on Schedule 4 of the Act, when kept in captivity to try to prevent them being unlawfully taken from the wild. In 2008 and 2009, the number of species required to be registered in England and Wales was reduced to just nine. All species listed on Schedule 4 of the Act must be registered if kept in captivity, and are usually subject to marking conditions, such as a close ring or microchip. Birds will usually be issued with a Bird Registration Document by Animal Health. However, in the case of peregrines and merlins, they are now considered registered if accompanied by a valid Article 10 Certificate EC Regulation No. 338/97 (see page 31). Provision is made in the Act for inspection of premises and registered birds. Full details of registration requirements may be obtained from Animal Health (see page 38).

### **Powers of the Secretary of State and Welsh Assembly Government**

The Secretary of State or WAG has powers to add any bird to, or remove any bird from, any part of Schedules 1 to 4 for any area of England or Wales. However, where a close season is prescribed it shall commence on a date

not later than 21 February and end on a date not earlier than 31 August. They may prescribe areas in England or Wales where the Sunday shooting of Schedule 2, Part I species is illegal (see page 15). They may also prescribe any period up to 14 days outside the close season where species on Part II Schedule 1 and Part I Schedule 2 cannot be killed; this is usually done during periods of extreme cold weather.

NB: Areas in which Sunday shooting is made illegal by orders under the Protection of Birds Act 1954 remain in force under the Wildlife and Countryside Act 1981.

### **Enforcement and penalties**

If a Constable suspects with reasonable cause that any person is committing or has committed an offence involving a wild bird, then the Constable may without warrant:

- a) stop and search that person if the Constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that person
- b) search or examine any thing which that person may be using or have in their possession if the Constable suspects with reasonable cause the evidence of the commission of the offence is to be found on that thing
- c) seize and detain for the purpose of proceedings any thing which may be evidence of the commission of the offence or may be liable to forfeiture.

If the Constable suspects with reasonable cause that any person is committing an offence relating to a wild bird, he may, for the purpose of exercising the powers listed above,

enter any premises other than a dwelling house. He may take other persons or equipment with him if needed.

Police and other persons authorised also have powers to request samples to be taken from birds in captivity to determine their identity or ancestry (eg samples for DNA testing to check claims of captive-breeding).

A police officer may arrest a person for any offence if certain conditions apply.

If a Justice of the Peace is satisfied there are reasonable grounds for suspecting offences under Part I of the Act have been committed, a warrant may be granted to any Constable to enter and search any premises for the purpose of obtaining that evidence.

Anyone found guilty of an offence is liable to a fine of up to £5,000 or to imprisonment for a term not exceeding six months, or both. For releasing non-native species (see page 5) a person shall be liable to a fine or two years imprisonment, or both.

Fines may be imposed in respect of each bird, nest, egg or thing. If more than one such item is involved then the total fine is determined as if the person had been convicted of a separate offence in respect of each bird, nest, egg or thing.

The Court shall order the confiscation of any bird, nest, egg or other thing involved in the offence, and may order the confiscation of any vehicle, animal, weapon or other thing which was used to commit the offence.

## Habitats

The damage or destruction of an area of habitat can have a severe impact on birds and other wildlife dependent upon it. This section describes the legislation for protecting habitats.

### Areas of Special Protection

The Secretary of State may establish Areas of Special Protection (known as Sanctuaries under the former Protection of Birds Act) to which access may be restricted and in which all wild birds and eggs are protected at all times and may also be given protection against intentional (or reckless, in England and Wales only) disturbance. All Sanctuary Areas established under the Protection of Birds Act remain in force under the Wildlife and Countryside Act (see page 34).

### Protection of Sites of Special Scientific Interest

Sites of Special Scientific Interest (SSSIs) in England and Wales are legally protected under Section 28 of the Act. There are over 5,000 SSSIs in England and Wales notified for their wildlife and geological features.

#### Offences

It is an offence:

- a) for an SSSI owner or occupier to carry out an operation listed within the SSSI notification without the written consent of NE or CCW
- b) for an SSSI owner or occupier not to comply with the terms of a management notice
- c) for a public body listed in the Act to carry out an activity on or affecting



an SSSI without giving notice to NE or CCW

- d) for a public body not to consult NE or CCW when permitting, authorising or giving consents (under legislation that they are responsible for regulating) to other parties to carry out operations which are on an SSSI
- e) for any person to intentionally or recklessly destroy or damage any of the special interest features (for which the site was designated) of the SSSI, or intentionally or recklessly disturb the fauna. Doing so in the knowledge that the site is an SSSI incurs a greater penalty
- f) to take down, damage, destroy or obscure a site notice or sign that has been placed on SSSI land by NE or CCW.

#### Reasonable excuse

It may be a reasonable excuse for not complying with the Act if:

- a) an operation is authorised by an appropriate planning permission or with certain consents which may be granted by some public bodies
- b) the operation was an emergency operation which was notified to NE or CCW as soon as practicable after the commencement of the operation.

#### Enforcement and penalties

NE and CCW are responsible for enforcing the Act when offences occur. Where they believe that an offence is being or has been committed, they can exercise a power of entry. In doing so a vehicle or a boat can be used to enter the land; a police constable can accompany them if they reasonably

believe that they are likely to be obstructed; take with them equipment and materials needed for the purpose for which they are exercising the power of entry; take samples of the land and anything on it. Any person who intentionally obstructs a person acting in the exercise of this power shall be liable to a fine.

Anyone found guilty of an offence listed above is liable to a fine ranging from £200 up to £20,000 at the Magistrates Court or an unlimited fine at the Crown Court (dependent on the offence).

#### Heather burning

The Heather and Grass etc Burning Regulations in England (2007) and Wales (2008) cover the basic legal requirements that those burning heather, rough grass, bracken, gorse and *Vaccinium* should meet. They establish a burning season and ensure that burning takes place safely and in ways which do not harm the environment. NE and WAG may issue licences for burning that would otherwise be in breach of the regulations, have powers to enter land to inspect if the regulations have been breached, and are responsible for enforcement. The maximum penalty is £1000. Further details are at [www.naturalengland.org.uk/ourwork/regulation/burning](http://www.naturalengland.org.uk/ourwork/regulation/burning) and <http://wales.gov.uk/topics/environment/countryside/farmingandcountryside/plantsseedsbiotechnology/heathergrassburning>

#### Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are intended to protect important countryside hedges from removal, ie uprooting or otherwise destroying a

hedgerow. They are administered by the district councils in England, county councils or county borough councils in Wales, and by National Park Authorities and the Broads Authority.

Consequently, suspected violation of the regulations needs to be reported to the appropriate authority.

It is illegal to remove most hedges without permission. Serious damage to the root system or over-maintenance resulting in the death of the hedgerow counts as removal. There are exceptions, including essential work carried out by the utility companies and emergency access. Proper maintenance, including drastic-looking measures such as coppicing, severe pruning and laying is allowed without specific permission. A landowner who wishes to remove a hedgerow must serve a Hedgerow Removal Notice in writing on their local planning authority, who should assess the status of the hedge and whether or not it is protected from removal. Where the regulations apply, it is an offence to intentionally or recklessly remove a hedgerow, or to cause or permit its removal without giving notice, without acting in accordance with the terms of the notice given or without either having approval from the authority or waiting 42 days from the date of the notice before starting work.

Landowners who are in receipt of agricultural subsidies will also have conditions regarding hedgerow protection put on them (see Cross compliance below).

For further information, visit Defra's website: [www.defra.gov.uk/foodfarm/landmanage/landscape/hedgerows.htm](http://www.defra.gov.uk/foodfarm/landmanage/landscape/hedgerows.htm)

## High hedges

Part 8 of the Anti-social Behaviour Act 2003 gives local authorities powers to deal with complaints about high hedges bordering residential properties. The role of the local authority is to adjudicate on whether the hedge is adversely affecting the complainant's reasonable enjoyment of their property. If the authority decides that action is necessary, a formal remedial notice will be issued to the hedge owner which will set out what they must do to remedy the problem, and by when. Failure to carry out the order is an offence which could result in a fine of up to £1,000.

Garden hedges provide important nesting habitat for breeding birds. Both the authority issuing the notice and the hedge owner subject to it need to be aware of the potential for conflict with the Wildlife and Countryside Act, should the compliance period for carrying out remedial work on a high hedge fall within the nesting season. It is an offence to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built (see page 4); therefore if a hedge owner is issued with a remedial notice concerning a high hedge that contains active nests, that person cannot comply with the notice without committing a criminal offence. In this situation, the hedge owner should remind the local authority of their obligations under the Wildlife and Countryside Act and seek an extension to the compliance period. The RSPB recommends hedge-cutting should be avoided between March and August, when birds are nesting. For further information, please e-mail

Communities and Local Government at [hedges@communities.gsi.gov.uk](mailto:hedges@communities.gsi.gov.uk)

### **Cross compliance**

Since January 2005, farmers have had to comply with a set of environmental standards known as cross compliance in order to receive subsidies. Cross compliance consists of Statutory Management Requirements (SMR) and Good Agricultural and Environmental Condition (GAEC). The SMR encompass existing legislation, and require compliance with articles from 19 EC Directives/Regulations which address environmental, public, animal and plant health and animal welfare.

The EU Birds Directive 1979 is one of these. Transposed into UK law, it

stipulates that, amongst other things, farmers must not deliberately kill, injure or take any wild bird, intentionally damage, destroy or take any wild bird's nest or disturb certain birds while nesting. For further information, go to [www.crosscompliance.org.uk/cms](http://www.crosscompliance.org.uk/cms) (England) or contact WAG on 029 2075 2222.

Any wildlife offence if subject to SMR controls could now result in loss of a subsidy payment in addition to legal action. In England, most inspections are carried out by the Rural Payments Agency (RPA) which can be contacted on 0856 603 7777. In Wales, inspections are carried out by the Rural Inspectorate Wales, which can be contacted on 01597 823777.

## **How to report crimes against wild birds**

What you should do when you suspect someone is breaking the law depends greatly on the circumstances. If an offence is ongoing and if you are near a telephone, call the police at once or, alternatively, the RSPB's Investigations Section or, in cases of animal cruelty, the RSPCA. For SSSI offences, contact NE/CCW. If a Police Wildlife Crime Officer (WCO) is not available to deal directly with an incident try to ensure they are made aware at some stage.

Incidents can also be reported on the RSPB website ([www.rspb.org.uk/birdlaw](http://www.rspb.org.uk/birdlaw)) but this should not be the only method used if an immediate response to an incident is needed. The RSPB's Investigations Section has extensive experience of speaking to people with sensitive information and who may wish to remain anonymous and we will

not pass your details to anyone without your consent. However, reporting information anonymously makes it significantly more difficult to investigate offences. If you wish to leave information on the website or on the RSPB out-of-hours answer phone, we would ask you to provide a point of contact in order that the matter can be discussed. If you still wish to remain anonymous or for your details to remain confidential with the RSPB, we will respect your wishes. If you wish to speak in confidence about the persecution of birds of prey, the RSPB has a confidential hotline on 0845 466 3636 [that's 0845 GOODMEN].

Where offences are ongoing, if you are alone and cannot call for immediate help, your actions should depend on the circumstances but it is important to

ensure you do not put yourself or others at risk. Incidents involving several possible offenders or the use of firearms will require particular care. If the person is being cruel or attempting to kill a bird illegally you could make them aware of your presence, which may be sufficient to stop them. If a bird appears seriously injured and no veterinary help is available consider trying to have it humanely killed. If safe, you could ask the offender for their name and address (however, they can refuse to give it to anyone except a Police Officer). If the person has a car it is very important to note the number plate and, if possible, the make. Note the person's description, paying attention to any distinctive characteristics about their appearance.

Try to record or collect any evidence to support your contention that an offence has been committed. If the offender has not seen you, it may be appropriate to watch them and record their actions to make certain that you have really seen an offence being committed. If you have a friend with you, you could send them for the Police while you stay and watch what is happening. Try to make a written note of anything you see and ensure you keep these notes in a safe place.

In the case of suspected poisoned birds or animals, such as those lying next to a possible bait, again record and if possible photograph what is present. Ensure you record the exact location and if possible try to cover the items, perhaps with vegetation, to make them safe. Do not handle anything as many poisons are extremely dangerous and can be absorbed through the skin. Defra has a freephone number for

such incidents: 0800 321600 (see also WIIS below).

Certain spring-traps may be used legally to kill rats and weasels etc. These traps have to be set under cover to prevent injury to other animals. If a spring-trap is set out in the open, particularly if mounted on a pole, then make it inoperative by tripping it with a stick, keeping your fingers well away from the jaws of the trap. If you come across a spring-trap of any sort with a dead bird in it, leave it that way. If you have a camera, take a photograph of it in position and call the Police or the RSPB as quickly as possible.

Remember that certain cage-traps may be used legally to trap certain 'problem species' (see General Licences, page 27). These are legal providing any specified conditions are complied with. This normally includes a requirement for any decoy bird to be supplied with adequate food, water, shelter and a perch plus the trap needs to be checked daily. You should not interfere with such traps, but if you are uncertain about their legality then contact the Police, NE/CCW or the RSPB's Investigations Section for advice.

Whatever the offence: armed with an accurate and detailed description of what you have seen, contact the Police or the RSPB. If you have contacted the Police in the first instance then please also inform the RSPB's Investigations Section at The Lodge, Sandy, Bedfordshire (01767 680551) or one of the RSPB's country or regional offices. The RSPB will willingly assist if you or the Police require help.

In the case of damage to SSSIs, incidents should be reported to the

local NE or CCW area team office (contact details available from [www.naturalengland.org.uk](http://www.naturalengland.org.uk) or [www.ccw.gov.uk](http://www.ccw.gov.uk)) or contact the NE Enquiry Service (0845 6003078) or CCW

(08451 306 229). You could also call the Police, who should pass the information to a WCO. When reporting the call ask for an incident number.

## **The Wildlife Incident Investigations Scheme (WIIS)**

The Wildlife Incident Investigation Scheme (WIIS) investigates the deaths of wildlife, including beneficial insects and some pets, throughout the UK where there is evidence that pesticide poisoning may be involved. The WIIS is used to monitor pesticide use after approval, so that product approvals can be revised if necessary. Evidence from the WIIS can also be used to enforce legislation on the use of pesticides and the protection of humans, food, the environment and animals. There is a freephone number to report suspected wildlife poisoning incidents: 0800 321600.

In England, the WIIS is co-ordinated by the Pesticide Safety Directorate. In Wales, WIIS is run by WAG. A Wildlife Adviser decides whether an investigation should be started; this permits the screening-out of incidents which may not involve pesticides. A field visit may be made to gather information to help in identifying the cause of the incident and to secure evidence.

After acceptance of an incident, and a field visit, any carcasses are taken to a local Veterinary Laboratories Agency (VLA) Centre where a post-mortem examination may be undertaken. This may result in bacteriological or virological tests being undertaken to determine whether disease contributed to the deaths. In cases where the VLA believe poisoning to have occurred, post-mortem findings and relevant

tissues from casualties are forwarded to the Wildlife Incident Unit at the Food and Environment Research Agency (FERA), York, where chemical analysis of the tissues is carried out. The results are collated and interpreted to assess the probable cause of the incident and whether any residues detected contributed to the death or illness of the animal.

## The Schedules

Any species not mentioned in Schedule 1 or Schedule 2 is fully protected throughout the year (see checklist of legal status, pages 17–26)

### Schedule 1 – Birds which are specially protected (see pages 3 & 6)

#### Schedule 1 – Part I

Avocet	Greenshank	Scaup
Bee-eater	Gull, Little	Scoter, Common
Bittern	Gull, Mediterranean	Scoter, Velvet
Bittern, Little	Harriers (all species)	Serin
Bluethroat	Heron, Purple	Shorelark
Brambling	Hobby	Shrike, Red-backed
Bunting, Cirl	Hoopoe	Spoonbill
Bunting, Lapland	Kingfisher	Stilt, Black-winged
Bunting, Snow	Kite, Red	Stint, Temminck's
Buzzard, Honey	Merlin	Stone-curlew
Chough	Oriole, Golden	Swan, Bewick's
Corncrake	Osprey	Swan, Whooper
Crake, Spotted	Owl, Barn	Tern, Black
Crossbills (all species)	Owl, Snowy	Tern, Little
Divers (all species)	Peregrine	Tern, Roseate
Dotterel	Petrel, Leach's	Tit, Bearded
Duck, Long-tailed	Phalarope, Red-necked	Tit, Crested
Eagle, Golden	Plover, Kentish	Treecreeper, Short-toed
Eagle, White-tailed	Plover, Little ringed	Warbler, Cetti's
Falcon, Gyr	Quail, Common	Warbler, Dartford
Fieldfare	Redstart, Black	Warbler, Marsh
Firecrest	Redwing	Warbler, Savi's
Garganey	Rosefinch, Scarlet	Whimbrel
Godwit, Black-tailed	Ruff	Woodlark
Goshawk	Sandpiper, Green	Wryneck
Grebe, Black-necked	Sandpiper, Purple	
Grebe, Slavonian	Sandpiper, Wood	

#### Schedule 1 – Part II

**Birds and their eggs specially protected during the close season, 1 February to 31 August (21 February to 31 August below high water mark) but which may be killed or taken at other times.**

Goldeneye  
 Greylag goose (*in Outer Hebrides, Caithness, Sutherland and Wester Ross*)  
 Pintail

## Schedule 2 – Birds which may be killed or taken

### Schedule 2 – Part I

**Birds which may be killed or taken outside the close season, 1 February to 31 August, except where indicated otherwise. NB: the close season for ducks and geese when below high water mark is 21 February to 31 August.**

Capercaillie ( <i>close season 1 February to 30 September</i> )	Goose, Pink-footed Goose, White-fronted Mallard	Snipe, Common ( <i>close season 1 February to 11 August</i> )
Coot	Moorhen	Teal
Duck, Tufted	Pintail	Wigeon
Gadwall	Plover, Golden	Woodcock ( <i>close season 1 February to 30 September</i> ).
Goldeneye	Pochard	
Goose, Canada	Shoveler	
Goose, Greylag		

## Schedule 3 – Birds which may be sold (see also General Licences, page 27)

### Schedule 3 – Part I

**Birds which may be sold alive at all times if ringed and bred in captivity**

Blackbird	Greenfinch	Siskin
Brambling	Jackdaw	Starling
Bullfinch	Jay	Thrush, Song
Bunting, Reed	Linnet	Twite
Chaffinch	Magpie	Yellowhammer
Dunnock	Owl, Barn	
Goldfinch	Redpoll	

NB: Most live birds can now be sold under the terms of General Licences (see page 27). Species on Schedule 4 are also required to be registered with Animal Health.

### Schedule 3 – Part II

**Birds which may be sold dead at all times.**

Woodpigeon

### Schedule 3 – Part III

**Birds which may be sold dead from 1 September to 28 February**

Capercaillie	Pintail	Snipe, Common
Coot	Plover, Golden	Teal
Duck, Tufted	Pochard	Wigeon
Mallard	Shoveler	Woodcock

Most dead birds can be sold (not for human consumption) under the terms of General Licences (see page 27).

NB: It is illegal to offer for sale at any time of the year any wild goose, moorhen, gadwall or goldeneye, although they are legitimate quarry species outside the close season.

#### **Schedule 4**

**Birds which must be registered if kept in captivity.**

Buzzard, Honey	Merlin
Eagle, Golden	Osprey
Eagle, White-tailed	Peregrine
Goshawk	
Harrier, Marsh	
Harrier, Montagu's	

Hybrids of these species are exempt. Note that peregrines and merlins are considered registered if accompanied by a valid Article 10 Certificate EC Regulation No. 338/97 (see page 31).

#### **Schedule 9**

**It is an offence to release or allow to escape into the wild any of the following species, or any bird which is not normally resident in or a regular visitor to Great Britain.**

Capercaillie	Goshawk*	Shelduck, Ruddy*
Chough*	Heron, Night	Swan, Black*
Corncrake*	Kite, Red*	
Crane*	Owl, Barn	*species included on the
Duck, Carolina Wood	Owl, Eagle*	Schedule from 6 April
Duck, Mandarin	Parakeet, Monk*	2010. Budgerigar and
Duck, Ruddy	Parakeet, Ring-necked	bobwhite quail were
Eagle, White-tailed	Partridge, Chukar	deleted from the
Goose, Bar-headed*	Partridge, Rock	Schedule: the release of
Goose, Barnacle*	Pheasant, Golden	these species is
Goose, Canada	Pheasant, Lady Amherst's	prohibited under Section
Goose, Egyptian	Pheasant, Reeves'	14 of the Act.
Goose, Emperor*	Pheasant, Silver	
Goose, Snow*	Pochard, Red-crested*	



## Checklist of legal status of selected British birds

This list indicates the legal status of all birds in the Schedules and many other common species of British birds. For a full checklist of British birds, please refer to *The Status of Birds in Britain and Ireland*, published by the Records Committee of the British Ornithologists' Union (Oxford 1971) and updated by reports in the BOU journal, *Ibis*.

Most of the species listed here may be sold dead or alive subject to the terms and conditions of relevant General Licences (see page 27)

### Guide to terms used below:

'Protected at all times': (see pages 2–3)

'Schedule 1' birds (see pages 3 and 14)

'Schedule 9' (see page 16)

'Must be registered if kept in captivity' (see page 16)

'General Licence': (see page 27)

'COTES 97': (see page 31)

<b>Auk, Little</b>	Protected at all times.
<b>Avocet</b>	Protected at all times, Schedule 1.
<b>Bee-eater</b>	Protected at all times, Schedule 1.
<b>Bittern</b>	Protected at all times, Schedule 1.
<b>Bittern, Little</b>	Protected at all times, Schedule 1.
<b>Blackbird</b>	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
<b>Blackcap</b>	Protected at all times.
<b>Bluethroat</b>	Protected at all times, Schedule 1.
<b>Brambling</b>	Protected at all times, Schedule 1. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
<b>Bullfinch</b>	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
<b>Bunting, Cirl</b>	Protected at all times, Schedule 1.
<b>Bunting, Corn</b>	Protected at all times.
<b>Bunting, Lapland</b>	Protected at all times, Schedule 1.
<b>Bunting, Reed</b>	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
<b>Bunting, Snow</b>	Protected at all times, Schedule 1.
<b>Buzzard</b>	Protected at all times. Subject to commercial use controls under COTES 97.
<b>Buzzard, Honey</b>	Protected at all times, Schedule 1. On Schedule 4 and must be registered if kept in captivity. Subject to commercial use controls under COTES 97.

<b>Buzzard, Rough-legged</b>	Protected at all times. Subject to commercial use controls under COTES 97.
<b>Capercaillie</b>	Protected in close season. May be shot from 1 Oct–31 Jan. May be sold (dead) from 1 Sept–28 Feb. Listed on Schedule 9.
<b>Chaffinch</b>	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with an approved close-ring.
<b>Chiffchaff</b>	Protected at all times.
<b>Chough</b>	Protected at all times, Schedule 1. Schedule 9.
<b>Coot</b>	Protected in close season. May be shot from 1 Sept–31 Jan. May be sold (dead) from 1 Sept–28 Feb.
<b>Cormorant</b>	Protected at all times.
<b>Corncrake</b>	Protected at all times, Schedule 1. Schedule 9.
<b>Crake, Spotted</b>	Protected at all times, Schedule 1.
<b>Crane</b>	Protected at all times. Listed on Schedule 9.
<b>Crossbill (all species)</b>	Protected at all times, Schedule 1.
<b>Crow, Carrion</b>	Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences.
<b>Crow, Hooded</b>	Protected at all times.
<b>Cuckoo</b>	Protected at all times.
<b>Curlew</b>	Protected at all times.
<b>Dipper</b>	Protected at all times.
<b>Divers (all species)</b>	Protected at all times, Schedule 1.
<b>Dotterel</b>	Protected at all times, Schedule 1.
<b>Dove, Collared</b>	Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences.
<b>Dove, (all other species)</b>	Protected at all times.
<b>Duck, Long-tailed</b>	Protected at all times, Schedule 1.
<b>Duck, Ruddy</b>	Non-native species listed on Schedule 9. Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of a General Licence.
<b>Duck, Tufted</b>	Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold (dead) 1 Sept–28 Feb.
<b>Dunlin</b>	Protected at all times.
<b>Dunnock</b>	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.

<b>Eagle, Golden</b>	Protected at all times, Schedule 1. Nests protected all year round. On Schedule 4 and must be registered if kept in captivity. Subject to commercial use controls under COTES 97.
<b>Eagle, White-tailed</b>	Protected at all times, Schedule 1. Schedule 9. Nests protected all year round. On Schedule 4 and must be registered if kept in captivity. Subject to commercial use controls under COTES 97.
<b>Egret, Little</b>	Protected at all times. Subject to commercial use controls under COTES 97.
<b>Eider</b>	Protected at all times.
<b>Falcon, Gyrfalcon</b>	Protected at all times, Schedule 1. Subject to commercial use controls under COTES 97.
<b>Fieldfare</b>	Protected at all times, Schedule 1.
<b>Firecrest</b>	Protected at all times, Schedule 1.
<b>Flycatcher (all species)</b>	Protected at all times.
<b>Fulmar</b>	Protected at all times.
<b>Gadwall</b>	Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). General Licence permits sale of captive-bred birds and their eggs.
<b>Gannet</b>	Protected at all times.
<b>Garganey</b>	Protected at all times, Schedule 1. Subject to commercial use controls under COTES 97.
<b>Godwit, Bar-tailed</b>	Protected at all times.
<b>Godwit, Black-tailed</b>	Protected at all times, Schedule 1.
<b>Goldcrest</b>	Protected at all times.
<b>Goldeneye</b>	Schedule 1, Part II. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark).
<b>Goldfinch</b>	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
<b>Goosander</b>	Protected at all times.
<b>Goose, Barnacle</b>	Protected at all times. Listed on Schedule 9.
<b>Goose, Bean</b>	Protected at all times.
<b>Goose, Brent</b>	Protected at all times.
<b>Goose, Canada</b>	Non-native species listed on Schedule 9. Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences.

<b>Goose, Egyptian</b>	Non-native species listed on Schedule 9. Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences.
<b>Goose, Greylag</b>	Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark).
<b>Goose, Lesser white-fronted</b>	Protected at all times.
<b>Goose, Pink-footed</b>	Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark).
<b>Goose, Snow</b>	Protected at all times. Listed on Schedule 9.
<b>Goose, White-fronted</b>	Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark).
<b>Goshawk</b>	Protected at all times, Schedule 1. On Schedule 4 and must be registered if kept in captivity. Subject to commercial use controls under COTES 97.
<b>Grebe, Black-necked</b>	Protected at all times, Schedule 1.
<b>Grebe, Slavonian</b>	Protected at all times, Schedule 1.
<b>Grebe, (all other species)</b>	Protected at all times.
<b>Greenfinch</b>	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
<b>Greenshank</b>	Protected at all times, Schedule 1.
<b>Grouse, Black</b>	Covered by Game Acts, which protect it in close season and allow it to be shot from 20 Aug–10 Dec.
<b>Guillemot (all species)</b>	Protected at all times.
<b>Gull, Black-headed</b>	Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of the air safety General Licences.
<b>Gull, Common</b>	Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of the air safety General Licences.
<b>Gull, Great black-backed</b>	Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences.
<b>Gull, Lesser black-backed</b>	Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences.
<b>Gull, Herring</b>	Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences.
<b>Gull, Yellow-legged</b>	Protected at all times.

<b>Gull, Little</b>	Protected at all times, Schedule 1.
<b>Gull, Mediterranean</b>	Protected at all times, Schedule 1.
<b>Harrier Marsh, Montagu's</b>	Protected at all times, Schedule 1. On Schedule 4 and must be registered if kept in captivity. Subject to commercial use controls under COTES 97.
<b>Harrier, Hen</b>	Protected at all times, Schedule 1. Subject to commercial use controls under COTES 97.
<b>Hawfinch</b>	Protected at all times.
<b>Heron, Grey</b>	Protected at all times.
<b>Heron, Purple</b>	Protected at all times, Schedule 1.
<b>Hobby</b>	Protected at all times, Schedule 1. Subject to commercial use controls under COTES 97.
<b>Hoopoe</b>	Protected at all times, Schedule 1.
<b>Jackdaw</b>	Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
<b>Jay</b>	Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
<b>Kestrel</b>	Protected at all times. Subject to commercial use controls under COTES 97.
<b>Kingfisher</b>	Protected at all times, Schedule 1.
<b>Kite, Red</b>	Protected at all times, Schedule 1. Schedule 9. Subject to commercial use controls under COTES 97.
<b>Kittiwake</b>	Protected at all times.
<b>Knot</b>	Protected at all times.
<b>Lapwing</b>	Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of the air safety General Licences. Provision exists for licence to be issued to permit the taking of eggs before 15 April for food for human consumption.
<b>Linnet</b>	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
<b>Magpie</b>	Protected at all times. May be killed or taken under the terms and conditions of some General licences. May be competitively exhibited or sold if captive-bred and fitted with an approved close ring.

<b>Mallard</b>	Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold (dead) 1 Sept–28 Feb. General Licences permit authorised persons to take eggs for incubation before 31 March.
<b>Martin (all species)</b>	Protected at all times.
<b>Merganser, Red-breasted</b>	Protected at all times.
<b>Merlin</b>	Protected at all times, Schedule 1. On Schedule 4 and must be registered if kept in captivity. Subject to commercial use controls under COTES 97.
<b>Moorhen</b>	Protected in close season. May be shot from 1 Sept–31 Jan.
<b>Nightingale</b>	Protected at all times.
<b>Nightjar</b>	Protected at all times.
<b>Nuthatch</b>	Protected at all times.
<b>Oriole, Golden</b>	Protected at all times, Schedule 1.
<b>Osprey</b>	Protected at all times, Schedule 1. Nests protected all year round. On Schedule 4 and must be registered if kept in captivity. Subject to commercial use controls under COTES 97.
<b>Ouzel, Ring</b>	Protected at all times.
<b>Owl, Barn</b>	Protected at all times, Schedule 1. Schedule 9 . May be competitively exhibited or sold if captive-bred and fitted with approved close-ring. Subject to commercial use controls under COTES 97.
<b>Owl, Eagle</b>	Non-native species listed on Schedule 9. Protected at all times.
<b>Owl, Little</b>	Protected at all times. Subject to commercial use controls under COTES 97.
<b>Owl, Long-eared</b>	Protected at all times. Subject to commercial use controls under COTES 97.
<b>Owl, Short-eared</b>	Protected at all times. Subject to commercial use controls under COTES 97.
<b>Owl, Snowy</b>	Protected at all times, Schedule 1. Subject to commercial use controls under COTES 97.
<b>Owl, Tawny</b>	Protected at all times. Subject to commercial use controls under COTES 97.
<b>Oystercatcher</b>	Protected at all times. General Licence permits authorised persons to kill or take birds and destroy their nests and eggs at certain aerodromes in England.

<b>Parakeet, Ring-necked</b>	Non-native species listed on Schedule 9. Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences
<b>Partridge (all species)</b>	Covered by Game Acts which give protection in close season and allow shooting from 1 Sept–1 Feb.
<b>Peregrine</b>	Protected at all times, Schedule 1. On Schedule 4 and must be registered if kept in captivity. Subject to commercial use controls under COTES 97.
<b>Petrel, Leach's</b>	Protected at all times, Schedule 1.
<b>Petrel, Storm</b>	Protected at all times.
<b>Phalarope, Grey</b>	Protected at all times.
<b>Phalarope, Red-necked</b>	Protected at all times, Schedule 1.
<b>Pheasant</b>	Covered by Game Acts which protect it in the close season and allow it to be shot from 1 Oct–1 Feb.
<b>Pigeon, Feral</b>	Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences.
<b>Pintail</b>	Schedule 1 Part II. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold (dead) from 1 Sept–28 Feb.
<b>Pipit (all species)</b>	Protected at all times.
<b>Plover, Golden</b>	Protected in close season. May be shot from 1 Sept–31 Jan. May be sold (dead) from 1 Sept–28 Feb.
<b>Plover, Grey</b>	Protected at all times.
<b>Plover, Kentish</b>	Protected at all times, Schedule 1.
<b>Plover, Little ringed</b>	Protected at all times, Schedule 1.
<b>Plover, Ringed</b>	Protected at all times.
<b>Pochard</b>	Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold (dead) from 1 Sept–28 Feb.
<b>Ptarmigan</b>	Covered by Game Acts which protect it at all times in England and Wales.
<b>Puffin</b>	Protected at all times.
<b>Quail, Common</b>	Protected at all times, Schedule 1.
<b>Rail, Water</b>	Protected at all times.
<b>Raven</b>	Protected at all times.
<b>Razorbill</b>	Protected at all times.
<b>Redpoll, Lesser</b>	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.

<b>Redpoll, Common (mealy)</b>	Protected at all times. May be competitively exhibited or sold under the terms and conditions of a General Licence if captive-bred and fitted with approved close-ring.
<b>Redshank</b>	Protected at all times.
<b>Redshank, Spotted</b>	Protected at all times.
<b>Redstart</b>	Protected at all times.
<b>Redstart, Black</b>	Protected at all times, Schedule 1.
<b>Redwing</b>	Protected at all times, Schedule 1.
<b>Robin</b>	Protected at all times.
<b>Rook</b>	Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences.
<b>Rosefinch, Scarlet</b>	Protected at all times, Schedule 1.
<b>Ruff</b>	Protected at all times, Schedule 1.
<b>Sanderling</b>	Protected at all times.
<b>Sandpiper, Common and Curlew</b>	Protected at all times.
<b>Sandpiper, Purple, Green and Wood</b>	Protected at all times, Schedule 1.
<b>Scaup</b>	Protected at all times, Schedule 1.
<b>Scoter, Common and Velvet</b>	Protected at all times, Schedule 1.
<b>Serin</b>	Protected at all times, Schedule 1.
<b>Shag</b>	Protected at all times.
<b>Shearwater (all species)</b>	Protected at all times.
<b>Shelduck</b>	Protected at all times.
<b>Shorelark</b>	Protected at all times, Schedule 1.
<b>Shoveler</b>	Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold (dead) from 1 Sept–28 Feb.
<b>Shrike, Great grey</b>	Protected at all times.
<b>Shrike, Red-backed</b>	Protected at all times, Schedule 1.
<b>Siskin</b>	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
<b>Skua (all species)</b>	Protected at all times.
<b>Skylark</b>	Protected at all times.
<b>Smew</b>	Protected at all times.
<b>Snipe, Common</b>	Protected in close season. May be shot from 12 Aug–31 Jan; may be sold (dead) from 1 Sept–28 Feb.
<b>Snipe, Jack</b>	Protected at all times.



<b>Sparrow, House</b>	Protected at all times. May be killed or taken (including destruction of nests/eggs) under terms and conditions of some General Licences in Wales.
<b>Sparrow, Tree</b>	Protected at all times.
<b>Sparrowhawk</b>	Protected at all times; subject to commercial use controls under COTES 97.
<b>Spoonbill</b>	Protected at all times, Schedule 1.
<b>Starling</b>	Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences in Wales. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.
<b>Stilt, Black-winged</b>	Protected at all times, Schedule 1.
<b>Stint, Little</b>	Protected at all times.
<b>Stint, Temminck's</b>	Protected at all times, Schedule 1.
<b>Stonechat</b>	Protected at all times.
<b>Stone-curlew</b>	Protected at all times, Schedule 1.
<b>Swallow</b>	Protected at all times.
<b>Swan, Bewick's</b>	Protected at all times, Schedule 1.
<b>Swan, Mute</b>	Protected at all times.
<b>Swan, Whooper</b>	Protected at all times, Schedule 1.
<b>Swift</b>	Protected at all times.
<b>Teal</b>	Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold (dead) from 1 Sept–28 Feb.
<b>Tern, Black</b>	Protected at all times, Schedule 1.
<b>Tern, Little</b>	Protected at all times, Schedule 1.
<b>Tern, Roseate</b>	Protected at all times, Schedule 1.
<b>Tern, (all other species)</b>	Protected at all times.
<b>Thrush, Mistle</b>	Protected at all times.
<b>Thrush, Song</b>	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close ring.
<b>Tit, Bearded</b>	Protected at all times, Schedule 1.
<b>Tit, Crested</b>	Protected at all times, Schedule 1.
<b>Tit (all other species)</b>	Protected at all times.
<b>Treecreeper</b>	Protected at all times.
<b>Treecreeper, Short-toed</b>	Protected at all times, Schedule 1.
<b>Turnstone</b>	Protected at all times.
<b>Twite</b>	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.

<b>Wagtail (all species)</b>	Protected at all times.
<b>Warbler, Cetti's</b>	Protected at all times, Schedule 1.
<b>Warbler, Dartford</b>	Protected at all times, Schedule 1.
<b>Warbler, Marsh</b>	Protected at all times, Schedule 1.
<b>Warbler, Savi's</b>	Protected at all times, Schedule 1.
<b>Warbler (all other species)</b>	Protected at all times.
<b>Waxwing</b>	Protected at all times.
<b>Wheatear</b>	Protected at all times.
<b>Whimbrel</b>	Protected at all times, Schedule 1.
<b>Whinchat</b>	Protected at all times.
<b>Whitethroat (all species)</b>	Protected at all times.
<b>Wigeon</b>	Protected in close season. May be shot from 1 Sept–31 Jan (to 20 Feb in areas below high water mark). May be sold (dead) from 1 Sept–28 Feb.
<b>Woodcock</b>	Protected in close season, may be shot from 1 Oct–31 Jan.
<b>Woodlark</b>	Protected at all times, Schedule 1.
<b>Woodpecker (all species)</b>	Protected at all times.
<b>Woodpigeon</b>	Protected at all times. May be killed or taken (including destruction of nests/eggs) under the terms and conditions of some General Licences. May be sold dead at any time.
<b>Wren</b>	Protected at all times.
<b>Wryneck</b>	Protected at all times, Schedule 1.
<b>Yellowhammer</b>	Protected at all times. May be competitively exhibited or sold if captive-bred and fitted with approved close-ring.

## Licences

Licences to permit an otherwise illegal act may be granted by one of a number of authorities.

**These may be granted to take, kill or disturb birds, for the following purposes:**

- Scientific, research or educational (NE, CCW)
- Ringing, marking or photography of Schedule 1 species (NE, CCW)
- Conserving wild birds, re-populating an area with, or the reintroduction into an area of, wild birds, or conserving flora or fauna (NE or WAG)
- Protecting any collection of wild birds (NE or WAG)
- Falconry or aviculture (NE or WAG)
- Preserving public health or public or air safety (NE or WAG)
- Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters (NE or WAG)
- Taking a gull's egg for food (NE or WAG)

Licences may also be granted for: the sale of dead birds or their parts (NE or WAG); the public exhibition or competition of birds not listed on Schedule 3, Part I (NE or WAG); taxidermy (NE or WAG).

**The appropriate authority shall not grant a licence for any of these purposes a) unless it is satisfied that there is no other satisfactory solution, and b) otherwise than on a selective basis and in respect of a small number of birds.**

Licences may be specific (case-by-case basis) or general; may be granted to persons of a class or to a particular

person; may be subject to compliance with any specified conditions; may be modified or revoked at any time and are valid for the period stated in the licence.

A licence which authorises any action in respect of wild birds must specify the species of wild birds in respect of which, the circumstances in which, and the conditions subject to which, the action may be taken; and must specify the methods, means or arrangements which are authorised or required for the taking of the action.

### **Guide to General Licences issued under the Act**

Only brief details are given – the actual licences should be consulted for details of the precise terms and conditions, and notes on use. Copies of the licences can be obtained from the Government department or agency responsible for their issue. Natural England is responsible for issuing General Licences in England; these are available at

[www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/generallicences.aspx](http://www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/generallicences.aspx)

To find out about licences issued by WAG, please contact the Nature Conservation and Biodiversity Branch on 0300 062 2251 or try their website at <http://wales.gov.uk/topics/environmentcountryside/consmanagement/conservationbiodiversity/wildlifelicences/wildlifelicences/?lang=en>

**General Licences which permit the killing of certain wild birds for the following reasons are issued by NE (England) and WAG (Wales):**

General Licences can only be relied on in circumstances where the authorised person is satisfied that appropriate non-lethal methods of control such as scaring are either ineffective or impracticable. The species to which these General Licences apply vary between England and Wales and are subject to change; the current licences should be consulted for the correct lists. Precise details of control methods are outlined in the licence terms and conditions.

- 1 **Killing of birds to prevent serious damage or disease:** permits the killing or taking of certain birds, including the taking, damaging or destruction of their eggs and nests by an authorised person for the purpose of preventing the spread of disease and for preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters.
- 2 **Killing of birds to preserve public health or safety:** permits the killing or taking of certain birds, including the taking, damaging or destruction of their nests or the taking or destruction of their eggs by an authorised person for the purpose of preserving public health or public safety.
- 3 **Killing of birds to preserve air safety:** permits the killing or taking of certain birds, including the taking, damaging or destruction of their nests or the taking or destruction of their eggs by an authorised person for the purpose of preserving air safety.
- 4 **Conserving wild birds:** (or 'conserving flora and fauna') permits the killing of certain birds including the taking, damaging or destruction of their nests and eggs by an authorised person for conservation purposes.

#### **Information on using and keeping of live birds in cage traps:**

Under the above General Licences, cage traps may be used with a certain live decoy bird in order to entice other birds into the trap. The situation regarding the use of these varies significantly between England and Wales – the licence terms and conditions must be consulted before use.

Common requirements include:

- the cage trap may only be used by an authorised person
- the trap must be physically inspected at intervals of no less than 24 hours
- when a cage trap is not in use it must be rendered incapable of catching or holding birds
- decoy birds must be provided with food, water, shelter and a perch
- the species that may be used as decoys vary between the two countries and the various licences so the current licences must be consulted prior to use.

Other General Licences include:

- 5 **Eggs in nest boxes, England (NE) and Wales (WAG):** permits the removal and destruction of eggs from nest boxes not in use by birds from 1 August to 31 January. Eggs removed may not be kept.
- 6 **Taking of mallard eggs, England (NE) and Wales (WAG):** in certain circumstances permits the taking of

mallard eggs for incubation before 31 March.

- 7 Sale of captive-bred wild birds, England (NE) and Wales (WAG):** licences permit the sale of most captive-bred wild birds other than birds on Part I Schedule 3 of the Act and certain species of wildfowl. Birds must be accompanied by documentary evidence of captive breeding and in most cases be fitted with a correct size close-ring. Species on Schedule 4 are also subject to registration controls. Species listed on Annex A of the European Regulations are also subject to controls under COTES (see page 31). General Licences also permit the competitive exhibition of certain captive birds, and the keeping of certain captive-bred birds in show cages (conditions on cage dimensions and duration of confinement apply).
- 8 Sale of dead birds and derivatives, England (NE) and Wales (WAG):** licences permit the sale of most species of dead wild birds (unless for human consumption) providing that such birds were bred in captivity, or had not been illegally taken from the wild. These licences relate mainly to taxidermy. Each sale must be accompanied by documentary evidence that the bird was captive-bred or legally removed from the wild. The seller is obliged to keep certain records. Species listed on Annex A of the European Regulations are also subject to controls under COTES (see page 31).

- 9 Keeping disabled Schedule 4 birds England (NE) and Wales (WAG):** permits vets to keep Schedule 4 species which are receiving treatment for up to six weeks, without the need to register them. A General Licence also permits authorised persons (subject to certain conditions) and RSPCA Inspectors to keep disabled Schedule 4 species (see page 16) for the purposes of rehabilitation for up to 15 days without the need to register them.

## Trade in Endangered Species

Worldwide trade in certain species of wild plants and animals is regulated by the Convention on International Trade in Endangered Species 1973 (CITES). The aim of CITES is to control and regulate trade (i.e. international movement) in species listed in the three Appendices to the Convention. Species are assigned to these Appendices according to the degree to which they are threatened with extinction. The trade in CITES listed species is regulated by a system of permits and certificates issued by the relevant CITES Management Authority. Over 175 countries, including the UK, are signatories to CITES.

The implementation of CITES in the UK is overseen by the Animal Health Wildlife Licensing and Registration Service (Animal Health is an executive agency of Defra), which is the UK CITES Management Authority. There are also two UK CITES Scientific Authorities: the Joint Nature Conservation Committee (JNCC) for animals and the Royal Botanic Gardens, Kew for plants.

### The EU CITES Regulations

CITES is implemented throughout the European Union by way of Council Regulation EC No. 338/1997 and Commission Regulation EC No.865/2006. These Regulations identify the CITES species by listing them in 4 Annexes (A-D) as follows:

- Annex A lists those species threatened with extinction plus species to which the EU has afforded stricter protection. Commercial trade is not permitted

in wild-taken Annex A species and imports and (re-) exports are only permitted for 'primarily non-commercial' purposes (although captive bred and artificially propagated specimens can, in certain circumstances, be treated as though they are listed in Annex B). All native European birds of prey and owls are included in Annex A, which means, for example, that a kestrel is afforded the same level of protection in trade as a tiger or a panda.

- Annex B lists those species not immediately threatened with extinction but which may become so unless trade is regulated.
- Annex C lists those species subject to regulation within the territory of a CITES party and for which the co-operation of other parties is needed to prevent or restrict their exploitation.
- Annex D lists non-CITES species which are imported into the EU in such numbers as to warrant monitoring.

The controls apply to all animals or plants listed in Annexes A to D, and apply to live and dead specimens and to any part or derivative unless these are specifically exempted from the provisions of the Regulations or from the provisions relating to the Annex in which the species concerned is listed. All the animals and plants controlled under the CITES Regulations are listed in Commission Regulation EC No 407/2009. This is subject to periodic updates.

The import into the UK of specimens of Annex A or B species requires the prior grant and presentation to the UK Border Agency (UKBA) of a CITES import permit issued by Animal Health. The import into the UK of specimens of Annex C or D specimens requires the completion, and presentation to the UKBA, of a CITES Import Notification. The export or re-export of specimens of Annex A, B, C or D species would require the prior grant, and presentation to the UKBA, of a (re-) export permit or certificate of origin issued by Animal Health.

The EC CITES Regulations also impose stricter measures in relation to the commercial use of Annex A specimens. The Regulations require people trading in specimens of Annex A species, or using them for any commercial purpose, to obtain an individual certificate – these certificates are commonly referred to as ‘Article 10 certificates’. The EC Regulations define ‘commercial use’ as:

- Purchase
- Offer to purchase
- Acquisition for commercial purposes
- Display to the public for commercial purposes
- Use for commercial gain
- Sale
- Keeping for sale
- Offering for sale
- Transporting for sale.

The only circumstance for which an Article 10 certificate is not required is if

the specimen falls under the general exemption in respect of worked items acquired before 1 June 1947. Animal Health will only issue an Article 10 certificate for the commercial use of an Annex A specimen providing certain conditions are met. For Annex A birds this would normally mean they have to be captive-bred and fitted with a uniquely numbered closed leg ring or a microchip. Anyone wishing to sell, for example, a native European bird of prey or owl, or wanting to check on the legality of a particular sale, should consult Animal Health.

### **Enforcement**

In the UK, the primary controls on the import and (re-)export of CITES specimens are enforced by the UKBA under the provisions of the Customs and Excise Management Act 1979 (CEMA); offences under CEMA can carry prison sentences of up to seven years. The secondary controls relating to commercial use and movement of CITES specimens within the UK are enforced by the Police by way of the Control of Trade in Endangered Species (Enforcement) Regulations 1997 (COTES); offences under COTES can carry prison sentences of up to five years.

### **Compliance checking and enforcement support**

There is also a Compliance Team with the Wildlife Licensing and Registration Service which co-ordinates all its formal and informal activity in support of compliance and enforcement. The Compliance Team works closely with the UKBA, the Police and the National Wildlife Crime Unit; and can clarify

legislation and provide releases of relevant information in relation to the detection, investigation and prosecution of offences under the CITES legislation.

This includes providing ongoing investigative support, and the provision of evidence for Court proceedings. They also co-ordinate the panel of Animal Health Wildlife Inspectors who have species expertise and can undertake inspections to identify species, organise the taking of forensic samples, check CITES permits, microchips, bird rings and documents by:

- Walk-through inspections – checking a public access area of a pet shop, zoo or other establishment;
- Announced inspections – this involves visits to premises where the traders/keepers are advised in advance;
- Unannounced inspections – this

involves visits to premises where the trader/keeper is not advised in advance;

- Enforcement support to the UK Border Agency and the Police, such as during the execution of a warrant.

The Inspectors also have certain powers of entry under the COTES Regulations.

Further information on the CITES controls, an up-to-date list of the controlled species and relevant contact details can be found on the Wildlife Licensing and Registration Service website at: [www.defra.gov.uk/animalhealth/cites](http://www.defra.gov.uk/animalhealth/cites). Additional information about the EU Wildlife Trade Regulations can be found at: [www.eu-wildlifetrade.org](http://www.eu-wildlifetrade.org)

## Use of lead in gunshot

In England, restrictions on the use of lead gunshot are contained in the Environmental Protection (Restriction on Use of Lead Shot) (England) Regulations 1999 and in the 2002 and 2003 amendments to those regulations (Statutory Instrument (SI) numbers 1999/2170, 2002/2102 and 2003/2512). In Wales, the restrictions are contained in the Environmental Protection (Restriction on Use of Lead Shot) (Wales) Regulations 2002 (WSI number 2002/1730).

These regulations make it illegal to shoot certain species of waterfowl (coot, moorhen, all species of ducks, geese and swans) with lead gunshot.

They also prohibit the use of lead shot below the high water mark and over certain wetland SSSIs identified for their (inter)national waterfowl importance. Authorised persons (including Constables) have powers of entry to determine whether the regulations are being, or have been, complied with. Full species and sites lists for both countries are available from the Office of Public Sector Information website [www.opsi.gov.uk](http://www.opsi.gov.uk) (Annex 1 to the relevant Regulations for sites and Annex 2 for species).



## **Prohibition of shooting on Sundays**

The following Orders made under the Protection of Birds Act remain in force under the Wildlife and Countryside Act. They prohibit the Sunday shooting of Schedule 2, Part I birds (quarry species) in the administrative counties of Anglesey, Brecknock, Caernarvon, Cardigan, Carmarthen, Cornwall, Denbigh, Devon, Glamorgan, Isle of Ely, Meirionnydd, Montgomery, Norfolk, Pembroke, Somerset, York North Riding, York West Riding and in the county boroughs of Doncaster, Great Yarmouth and Leeds. (1995, No 1286; 1956, No 1310; 1957, No 429; 1963, No 1700 respectively).

### Table of Areas of Special Protection

The following areas are designated by Sanctuary Orders under the Protection of Birds Act. The extra protection afforded them remains in force under the Wildlife and Countryside Act where they are termed Areas of Special Protection.

Place	Protection given to all		Entry except by permit prohibited during period given	Order Number
	birds	eggs		
Abberton Reservoir, Essex	x	x	all times	1967 No 365
Berry Head and Berry Head (Southern Redoubt), Devon	x	x	15 Mar–31 Jan	1984 No 1471
Brean Down, Somerset	x	x		1968 No 562
Burry Estuary, West Glamorgan	x	x		1969 No 1795
Charlston's Pond, Billingham, Durham	x	x	part closed at all times	1968 No 564
Cleddau, Haverfordwest, Pembrokeshire	x	x		1970 No 72
Cley Marshes, Norfolk	x	x	all times	1966 No 536
Coquet Island, Northumberland	x	x	all times	1978 No 1074
Durleigh Reservoir, Somerset	x	x		1964 No 1989
Eastlington Lagoons, Humberside			1 Apr–31 Aug	1987 No 1163
Exe Estuary, Devon	x	x	all times	1951 No 901
Fairburn Ings and Newtown Ings, Fairburn, W and N Yorks	x	x(D)		1980 No 401
Farne Islands, Northumberland	x	x(D)	all times	1980 No 402
Foulney Island, Cumbria	x	x(D)	1 Apr–15 Aug	1980 No 1839
Gibraltar Point, Lincs	x	x(D)		1971 No 557
Havergate Island, Suffolk	x	x	all times	1961 No 1077
Hornsea Mere, Humberside	x	x		1980 No 403
Horsey Estate, Norfolk	x	x(D)	all times	1988 No 324
Humber Estuary, Yorks/Lincs	x		1 Sep–20 Feb	1955 No 1532 and 1963 No 1808
Poole Harbour, Dorset	x	x	parts at all times	1978 No 1259
Porth Reservoir, Cornwall	x	x		1964 No 1097
Southport, Lancs	x	x		1956 No 692
Tamar Lake, Devon/Cornwall	x	x		1960 No 2144
Trethais Island, Cornwall	x	x		1959 No 2009
Walmsley, Cornwall	x		all times	1961 No 865
Warren Shore, Needs Ore Point & Gull Island, Hampshire			all times (Gull Is)	
			1 Mar–31 Jul (Needs Ore Point and Warren Shore Is)	1984 No 578
Washington New Town, Tyne & Wear	x	x(D)		1980 No 404
Wheldrake Ings, North Yorks	x	x		1978 No 1259
Wicken Sedge Fen, Cambs	x	x		1957 No 1015
Wyne-Lune, Lancs	x	x		1963 No 2000

(D) denotes that it is an offence to disturb any bird while it is on or near a nest containing eggs or young.

## Frequently asked questions about birds and the law

The following are some of the questions most frequently asked about bird protection. The answers are based on the provisions of Part I of the Act.

**Q. My neighbour keeps a bird of prey. Do they need a licence?**

**A.** Not necessarily. Nine of the rarer British birds of prey must be registered with Animal Health (see page 7). Any sale or commercial use of a European bird of prey or owl requires an Article 10 Certificate issued by Animal Health.

**Q. I have seen an advertisement offering barn owls for sale. Is this legal?**

**A.** Yes, as long as they have been bred in captivity, are fitted with a close-ring or a microchip, and have a licence, known as an Article 10 Certificate issued by Animal Health.

**Q. My local pet shop is selling bullfinches and goldfinches; surely they are protected?**

**A.** Yes, they are fully protected but some British birds are bred in captivity by aviculturalists. Certain species may be sold if they have been captive-bred and are fitted with appropriate close-rings (see page 5).

**Q. I know a person who traps wild finches and keeps them in an aviary. Is this legal?**

**A.** No. It is an offence to take British wild birds and to keep them.

**Q. I have found an injured bird. Can I look after it?**

**A.** Yes, but you must release it when it has recovered unless it is included on

Schedule 9 of the Act (see page 16). You should try to ensure the bird gets the appropriate treatment or pass it to a suitable individual or organisation to care for. In the case of Schedule 4 birds, only authorised persons can keep them for the purposes of rehabilitation without having to register them with Animal Health (see page 6).

**Q. Is it against the law to take wild birds' eggs?**

**A.** Yes, except if you are an authorised person, such as a landowner, when you can take the eggs of a few named species under the terms of a General Licence (see pages 27–29). The maximum penalty for taking the egg of a wild bird is £5,000, or six months imprisonment, or both.

**Q. Is it an offence to keep wild birds' eggs?**

**A.** Yes, if they were taken illegally after 1954 in Great Britain or taken illegally in another EU Member State.

**Q. I have a nest box in my garden and last year the birds deserted their eggs. Is it all right to clean the box out ready for next year?**

**A.** Yes, but only between 1 August and 31 January. You are not allowed to keep the eggs.

**Q. I have an old collection of birds' eggs. Can I sell it?**

**A.** No. The sale or exchange of birds' eggs, irrespective of age, is illegal. If you do not want the collection, you could consider donating it to a museum.

**Q. I have found a dead tawny owl on the road. Can I have it stuffed and keep it?**

**A.** If the bird has died of natural causes you can pay a taxidermist to prepare and mount it for you to keep. The law requires you to explain your possession of a wild bird and it is worth keeping details of when and where the bird was found and its cause of death.

**Q. I want to sell some stuffed birds, is this legal?**

**A.** It is legal to sell dead wild birds under the terms of a General Licence (see page 29). The law requires certain records to be kept and the seller must supply documentary evidence that the bird had not been killed illegally or had been bred in captivity. The sale of European birds of prey, and certain other species, requires an Article 10 Certificate from Animal Health (see COTES page 31).

**Q. Every year, a local farmer and his friends shoot the nesting crows on his land. Is this legal?**

**A.** Yes, it probably is. Crows and several other species of birds are sometimes classed as 'pests' and may be killed by authorised persons at any time of the year under the terms of a General Licence (see page 28).

**Q. Each winter, the geese and ducks on a local lake are shot. Is this legal?**

**A.** Possibly. Species of geese and ducks included on Schedule 2, Part I of the Act (see page 15) can be shot during the open season (1 Sep–31 Jan).

**Q. I know someone who keeps some birds in very small cages. Surely this is cruel?**

**A.** Possibly. The Act has regulations governing the size of cages. Normally, the RSPCA or the Police deal with offences of cruelty.

**Q. Every year a neighbour knocks down house martin nests under his eaves while the birds are trying to build. Is this legal?**

**A.** No. All wild birds' nests (with some limited exceptions) are fully protected and it is an offence to destroy them while in use or being built. In the case of house martins and swallows, a nest will remain in use throughout the summer until the birds leave on their autumn migration. Only after they have all left, which could be towards the end of October, can the nests be removed.

**Q. I would like to take up photography. Is there anything I should know about photographing wild birds?**

**A.** Yes, photography of wild birds in Britain is restricted by law if it would involve the disturbance of rare breeding birds (Schedule 1 – see page 14). If so, a licence is required from NE, or CCW. Further information on bird photography and the law can also be obtained from the RSPB.

**Q. What can I do about youths with airguns shooting at birds in the local park?**

**A.** They are committing a firearms offence by using an airgun in a public place. With the exception of 'pest' species, game birds and certain waterfowl (which may be killed or taken by authorised persons or during the open season) it is illegal to shoot at any bird.

**Q. Every year our local council kills**

**the pigeons in the town centre. Is this legal?**

**A.** Yes, it probably is. Feral pigeons can be killed under the terms of General Licences issued, for example, to preserve public health (see page 28).

**Q. If I want to report a wildlife offence to the Police, whom should I ask for?**

**A.** Ask for the Wildlife Crime Officer (WCO). If they are not available, ask that the incident be brought to their attention.

## Useful addresses

### Department for Environment, Food and Rural Affairs (Defra)

#### Wildlife Licensing and Registration Section (Animal Health)

Defra

Floor 1, Zone 17

Temple Quay House

2 The Square, Temple Quay

Bristol BS1 6EB

Tel: 0845 601 4523

(Licences for importing birds, also for registration matters.)

#### Defra

#### International Animal Health Division Service Delivery Unit

Ceres House

2 Searby Road

Lincoln LN2 4DT

Tel: 01522 563132

Email:

[lincoln.iahsdu@animalhealth.gsi.gov.uk](mailto:lincoln.iahsdu@animalhealth.gsi.gov.uk)

(Import licences in respect of health regulations.)

#### Wildlife Management and Licensing Service

##### Natural England

Government Buildings

Burghill Road

Westbury on Trym

Bristol BS10 6NJ

Tel: 0845 601 4523

(Licences in England)

[www.naturalengland.org.uk](http://www.naturalengland.org.uk)

##### Welsh Assembly Government (WAG)

Agriculture and Environment

Licensing Section

Rhodfa Padarn

Llandbadarn Fawr

Aberystwyth

Ceredigion SY23 3UR

English: 0300 0603300 or

0845 010 3300

Welsh: 0300 0604400 or 0845 010 4400

[www.wales.gov.uk](http://www.wales.gov.uk)

(Licences in Wales for killing birds causing agricultural damage).

##### Welsh Assembly Government Nature Conservation and Biodiversity Branch

Rhodfa Padarn

Llandbadarn Fawr

Aberystwyth

Ceredigion SY23 3UR

Tel: English: 0300 0603300 or

0845 010 3300

Welsh: 0300 0604400 or 0845 010 4400

(For all other Welsh licensing information.)

##### Countryside Council for Wales (CCW)

Maes-y-Ffynnon

Penrhosgarnedd

Bangor

Gwynedd LL57 2DW

Tel: 0845 1306229

[www.ccw.gov.uk](http://www.ccw.gov.uk)

(Licences for Schedule 1 bird nest examination and photography in Wales.)

##### The Stationery Office

TSO

PO Box 29

Norwich NR3 1GN

Tel: 0870 6005522

Or try: [www.opsi.gov.uk](http://www.opsi.gov.uk)

(For copies of the Wildlife and Countryside Act 1981 (not updated), Lead Shot Regulations)

**Northern Ireland Environment Agency (NIEA)**

Wildlife Management and Licensing  
 Biodiversity Unit  
 Klondyke Building  
 Cromac Avenue  
 Gasworks Business Park  
 Lower Ormeau Road  
 Belfast BT7 2JA  
 Tel: 028 9056 9605  
[www.ni-environment.gov.uk](http://www.ni-environment.gov.uk)  
 (For information on wildlife legislation in Northern Ireland.)

**National Wildlife Crime Unit**

Old Livingston Police Station  
 Almondvale South  
 Livingston  
 West Lothian EH54 6PX  
[www.nwcu.police.uk](http://www.nwcu.police.uk)

**In cases of suspected poisoning the following are contact addresses. Remember there is a freephone number: 0800 321600.**

**ENGLAND****Defra****Wildlife Incident Unit**

Food and Environment Research  
 Agency (FERA)  
 Sand Hutton  
 York YO4 1LZ  
 Tel: 01904 462000

**WALES**

**Welsh Assembly Government (WAG)  
 Agriculture and Environment  
 Nature Conservation and Biodiversity  
 Branch**

Rhodfa Padarn  
 Llandbadarn Fawr  
 Aberystwyth  
 Ceredigion SY23 3UR  
 Tel: English: 0300 0603300 or  
 0845 010 3300.  
 Welsh: 0300 0604400 or 0845 010 4444.

**RSPB COUNTRY & REGIONAL OFFICES**

UK Headquarters  
 The Lodge  
 Sandy  
 Bedfordshire SG19 2DL  
 Tel: 01767 680551

North Wales Office  
 Unit 14, Lllys Caston,  
 Ffordd Y Parc, Parc Menai  
 Bangor, Gwynedd  
 LL57 4FD  
 Tel: 01248 672850

South Wales Office  
 Sutherland House  
 Castlebridge  
 Cowbridge Road East  
 Cardiff CF11 9AB  
 Tel: 029 2035 3000

Midlands Regional Office  
 46 The Green  
 South Bar  
 Banbury  
 Oxfordshire OX16 9AB  
 Tel: 01295 253330

Eastern England Regional Office  
 Stalham House  
 65 Thorpe Road  
 Norwich  
 Norfolk NR1 1UD  
 Tel: 01603 660066

Northern England Regional Office  
 1 Sirius House  
 Amethyst Road  
 Newcastle Business Park  
 Newcastle upon Tyne NE4 7YL  
 Tel: 0191 233 4300

South East England Regional Office  
 Frederick House  
 42 Frederick Place  
 Brighton  
 East Sussex BN1 4EA  
 Tel: 01273 775333

South West England Regional Office  
 Keble House  
 Southernhay Gardens  
 Exeter  
 Devon EX1 1NT  
 Tel: 01392 432691

Northern Ireland Headquarters  
 Belvoir Park Forest  
 Belfast BT8 7QT  
 Tel: 028 9049 1547

Scotland Headquarters  
 Dunedin House, 25 Ravelston Terrace  
 Edinburgh EH4 3TP  
 Tel: 0131 311 6500

East Scotland Regional Office  
 10 Albyn Terrace  
 Aberdeen AB10 1YP  
 Tel: 01224 624824

North Scotland Regional Office  
 Etive House  
 Beechwood Park  
 Inverness IV2 3BW  
 Tel: 01463 715000

South & West Scotland Regional Office  
 10 Park Quadrant  
 Glasgow G3 6BS  
 Tel: 0141 331 0993



### **The Partnership for Action against Wildlife Crime (PAW)**

The Partnership for Action Against Wildlife Crime (PAW) is a multi-agency body comprising representatives of all the organisations involved in wildlife law enforcement, including the Police, HM Revenue and Customs, representatives of Government Departments and NGOs such as the RSPB. It provides a strategic overview of enforcement activity; considers and develops responses to strategic problems; and looks at issues of strategic concern alongside the National Wildlife Crime Unit.

Its main objective is to support the networks of police Wildlife Crime Officers and HM Revenue and Customs Officers. Another objective is to draw attention to the growing problem of wildlife crime and to raise awareness

of the need for tough enforcement action. As a result, the scope of PAW's work includes awareness raising, publicity, training and education, as well as supporting investigations. For more information about PAW, see [www.defra.gov.uk/paw](http://www.defra.gov.uk/paw)

### **The National Wildlife Crime Unit (NWCU)**

The NWCU was launched in October 2006. A multi-agency operation, the NWCU gathers, analyses and co-ordinates wildlife crime intelligence and supports enforcement activities of police and HM Revenue and Customs (HMRC) officers in the UK, as well as liaising with enforcement agencies in other jurisdictions.



If you require assistance in interpretation of the Wildlife and Countryside Act 1981 or with its enforcement, contact the RSPB's Investigations Section at our UK Headquarters.

**For further information, or to report an offence, please visit our website at [www.rspb.org.uk/birdlaw](http://www.rspb.org.uk/birdlaw). You can also:**

- Find out more about the work of the RSPB and other organisations to investigate crimes and bring offenders to justice.
- Learn about the offences committed and the implications of these crimes on wild bird populations.
- Download copies of this booklet and other publications produced by the RSPB's Investigations Section, including

*Legal Eagle* – the newsletter for police Wildlife Crime Officers, detailing prosecution news, police initiatives and changes in legislation

*Birdcrime* – an annual review summarising offences against wild bird legislation reported to the RSPB during the year.

Other leaflets on bird legislation available from the RSPB:

*Wild Birds and the Law – Scotland*

*Information about Birds and the Law*

*Bird Photography and the Law*

*Information about Birds and the Law – Northern Ireland*

*Code of Conduct for Birdwatchers*

A range of leaflets on individual bird species such as the barn owl and herring gull are also available.

Together,  
we can make sure the bad  
apples don't spoil things  
for everyone else.

If you have any information about the  
illegal killing of birds of prey, call the RSPB's  
confidential hotline on **0845 488 3638\***

**[www.rspb.org.uk/goodmen](http://www.rspb.org.uk/goodmen)**

\*Calls to this number are not recorded and will be treated in strictest confidence.

Image: iStock.  
The Royal Society for the Protection of Birds (RSPB) is a registered charity, England and Wales no. 209076.  
Scotland no. SC039604. 201-0000-0000

**For more information about  
the RSPB, please contact:**

The RSPB  
UK Headquarters  
The Lodge  
Sandy  
Bedfordshire SG19 2DL  
Tel: 01767 680551

RSPB Cymru  
Sutherland House,  
Castlebridge  
Cowbridge Road East  
Cardiff CF11 9AB  
Tel: 02920 353000

**[www.rspb.org.uk/birdlaw](http://www.rspb.org.uk/birdlaw)**



The RSPB speaks out for birds  
and wildlife, tackling the  
problems that threaten our  
environment. Nature is amazing  
– help us keep it that way.



We belong to BirdLife  
International, the global  
partnership of bird  
conservation organisations.

**Produced by the Investigations Section of the RSPB, March 2010**

Peregrine falcon by Peter Cairns ([rspb-images.com](http://rspb-images.com))

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no. 207076, Scotland no. SC037654.

232-1186-09-10

<b>Subject:</b>	<b>Update on Youth Justice Plan</b>		
<b>Date of Meeting:</b>	<b>8 October 2012</b>		
<b>Report of:</b>	<b>Commissioner: Community Safety</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Anna Gianfrancesco</b>	<b>Tel: 29-3966</b>
	<b>Email:</b>	<b>Anna.gianfrancesco@brighotn-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

1.1 This report is for information only and is an update on the youth justice plan

#### 2. RECOMMENDATIONS:

2.1 The community safety forum notes the information in this report and is invited to feed into the development of the 13-14 plan.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 The Youth Justice Plan was set in the March 2012 following consultation with partner agencies, including police, probation and a health and across council services, thought the youth offending management board.

3.2 The plan was set in a short time frame once it had been identified that no new plan had been set for a number of years. It was acknowledged by the management board when setting this plan that it was in effect an interim plan which would enable a full review of the system to be undertaken during 12-13 and a more robust plan to be put forward.

3.3 The priorities identified in the plan for 12-13 are being addressed b y a full review and restructure of the Youth Offending Service

3.4 .To date a restructure of the management of the youth offending service has taken place and the second phase of the restructure, looking at the team, the roles within the team, how it works with partners and how it will effectively deliver on targets is currently being undertaken. It is anticipated that the consultation on this second phase will be out by end of October 2012.

3.5 A full needs assessment of the youth justice system, looking at work with offenders and early prevention is currently being written, this will be presented to a stakeholders (including the CVS) event on 2<sup>nd</sup> October. The event will enable stakeholders to review the needs assessment, look at evidenced based practise and address ways of tackling youth crime across the city. The outcome and findings from this will feed into the next restructure paper and youth justice plan.

- 3.6 Work is currently being undertaken with young people who are in or have previously received services for the Youth offending service, both prevention and statutory to understand the impact of the service on them and how effective these interventions were for the young people. This will feed into both the review of the current youth justice plan and development of the new plan and intervention programmes and has lead to us already changing how we present options to the courts and young people.
- 3.7 With regard to the current action plan and priorities, the YOT has developed a nine page action plan in response to the HMIP inspection, the progress on this is monitored through strategic group and by an operational governance group which has been developed and includes partners form the police, probation and courts to ensure good practice and developments across the service.
- 3.8 The service has improved the audit of cases and is developing a full Audit structure which will ensure that not only are cases audited and monitored but learning from this work is gathered and used to improve practice across the service, this in turn should lead to a reduction in reoffending. All staff were trained in the autumn last year in a new way of assessment, planning and interventions, this will be fully audited in October this year to ensure that it has been fully embedded. This work so far has lead to improved assessments and a greater clarity of risk and risk planning.
- 3.9 Work has been undertaken with probation and the police both to address transitions and also look at how the YOT works in a more joined up way to address the repeat and prolific offenders. An integrated offender management police officer has begun working as part of the YOT team and is included in the development of plans around the prolific offenders. These prolific offenders and the work with them is reviewed with the police officer in a monthly meeting to ensure the plan is working.
- 3.10 The needs assessment is showing positive results around the reduction in first time entrants, it has also helped identify at an earlier stage, through profiles, young people who may go on to be prolific offenders. This will impact on the delivery of the service in the future and the targeting of early offenders.
- 3.11 Work is being undertaken with the Integrated Team for families, it is envisaged that they YOT and this service will work closely together and develop some joint ways of working and interventions. It is also envisaged that within the restructure a member of the YOT team may be seconded into this service and work across both remits of offending and troubled families.
- 3.12 The current plan will begin to be reviewed during October 2012 and the new action plan will be developed from this review and outcomes of wider consultations through the stakeholder events, work with young people and work with partners.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Youth Justice Action Plan



## Youth Justice Plan 2102-2015

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## INTRODUCTION TO THIS YEAR'S PLAN

Since 2000 there has been a requirement in the Crime and Disorder Act 1998 for Youth Offending Teams (YOTs) and their partnerships, to produce a Youth Justice Plan setting out how YOTs will be resourced in a local area and the services which will be available in relation to the statutory primary aim of YOTs to prevent youth offending in the area. Given the late notification by the YJB of this year's grant funding for YOTs, last years YOT Inspection, the restructure of the YOT service into social care, the pending restructure of the YOT provision and the fact that no plan was submitted for last year, this year the plan will map priorities for the coming and the aim to develop a 3 year plan with annual refreshes. This plan will include:

- Structures and Governance
- Partnership Arrangements
- Resourcing
- Risks to Local Delivery
- Key Achievements and Challenges 2010-2011
- Strategic Vision 2012-2015
- Priorities for 2012-13
- What is happening to youth crime locally?

Within this paper I have used the Youth Offending Service (YOS) to identify the wider partnership group working with young offenders and the Youth Offending Team (YOT) to identify the specific team with the children and families delivery unit working with young people to both prevent their entrance into the criminal justice system and young people within the criminal justice system.



## SECTION 1 STRUCTURE AND GOVERNANCE

The Children and Families Delivery Unit, Drug and Alcohol Action Team (DAAT), and Community Safety Partnership (CSP) and Commissioning, form Safe in the City Partnership (SCP), chaired by the Chief Executive of the Local Authority. The grouping of the three statutory partnerships in such a way allows the group to take a strategic approach to crime and disorder issues. The group has representation from the Primary Care Trust, Probation, Police, Fire Service, Police Authority, Children and Young People, council members amongst others.

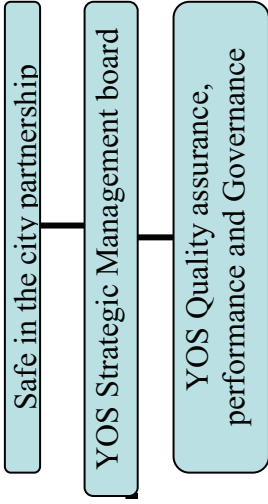
The Safe in the City Partnership agrees resource priorities for the Community Safety Partnership, Drug and Alcohol Action Team and YOT, agrees responses to relevant national and local policy development, and monitors performance by exception reporting, focusing on areas of under-performance. Since the YOT has been formed the Safe in the City Partnership has consistently addressed resource issues for the YOT and additionally addressed infrastructure issues.

The local Youth Offending Strategic Management Board is a sub-group of the Safe in the City Partnership, meeting quarterly and chaired by the Strategic Director of People and including the Strategic Director of Communities. All statutory partners are represented at a senior or Head of Service level, plus Community Safety and the voluntary sector. The Terms of Reference Youth Offending Strategic Management Board holds it accountable for ensuring that all the statutory requirements of the Youth Offending Team are met, overseeing the development and implementation of the Youth Justice Plan, monitoring performance and overseeing risk identification and improvements.

The Youth Offending Strategic Management Board takes responsibility for monitoring overall performance of the YOT with a Performance Management Report taken to each meeting, which also contains actions from the Youth Justice Plan, and progress towards implementing these. Where there are areas of under-performance further multi-agency action plans are developed, and agreed by the Youth Offending Management Board with implementation monitored.

The YOT Quality Assurance and Governance Group will report to the Youth Offending Strategic Management Board, this group will oversee audits, delivery of front line practice in line with statutory and local requirements and will act as a monitor of risk management and oversee the partnership working. This will be achieved through addressing issues of Public Protection and Safeguarding, considering resource and workload issues; receiving reports in relation to audits of effective practice; approving policies and protocols; acting as the YOT prevention steering group. This group will have representation from probation, police delivery unit, partnership community safety delivery unit, user representation and the voluntary sector.

The YOT Quality and Assurance Group will also report to the Children and Family service Quality Assurance and Clinical Governance Board, with the Children in Care (CIC) and Specialist Service Manager a member of the group, and fully participating in Children and Families Delivery Unit developments. New structural arrangements for the Children and Family delivery unit maintain the YOT as members of key sub-groups and places the YOT within the Social Care Management Structure, thus ensure that risk management is highlighted and developed.



Line-management of the YOT sits with the Children in Care and Specialist Services Manager. This positioning, with overview through the Community Safety Partnership, and line-management within Children and Families delivery unit enables the YOT to be strategically positioned in the most appropriate place - straddling welfare and justice. The Head of Children's Services also sits on the SCP Strategy Group.

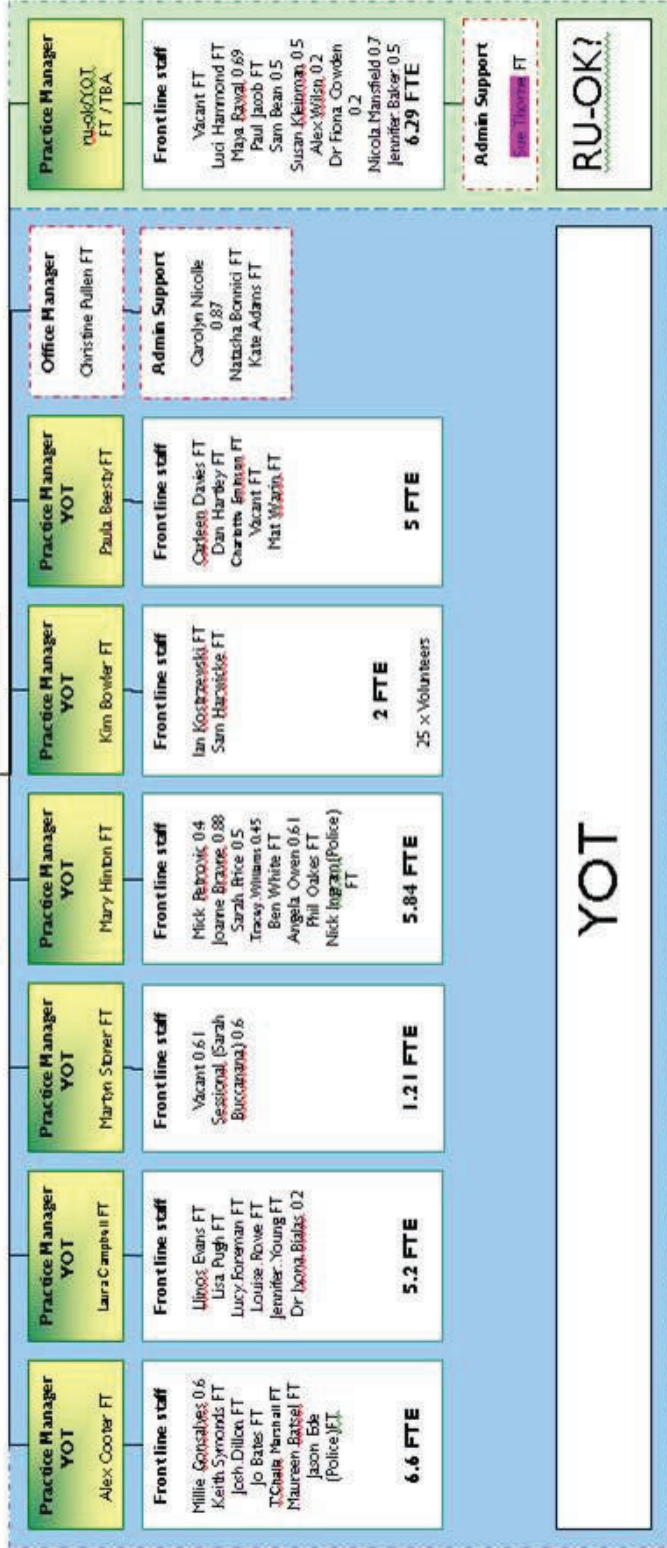
# Anna Gianfrancesco – Specialist Services

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## SECTION 2 PARTNERSHIP ARRANGEMENTS

The YOS Partnership ensures that the YOT and issues to do with the prevention of young people offending and re-offending are strongly linked to other planning frameworks. As noted the Youth Offending Strategic Management Board reports to the Safe in the City Partnership and feeds into the development of the Partnership Plan. Progress against actions and performance targets are monitored through the Strategic Management Board, with exception reporting to the SCP Strategy Group.

The YOT is linked into MAPPA (Multi-agency Public Protection Arrangements) strategic group, and prioritises management attendance at MAPPA meetings, the Reducing Reoffending Board (which monitors overall performance of Prolific and Priority Offenders) and works collaboratively with the IOM (Integrated Offender Management) Group.

Communication with the courts is through the quarterly attendance at the local Criminal Justice and Court User Group, in addition to Youth Panel magistrates meetings the YOT is involved in training of Youth Panel members as well as legal advisors and a representative of the youth courts is a member of the YOT Management Group.

The YOS Partnership has effectively ensured that the needs of young offenders are on the agenda across criminal justice and children's welfare, and are able to input into relevant planning processes.

## SECTION 3 RESOURCING

Funding for 2012-2013 has seen some reduction. This includes:

- The reduction of funding from the council by 5%, a reduction of 46K, this will be addressed by having a greater focus on evidenced based interventions, and putting in place structures that allow staff to focus on offending, while working with other agencies to address wider issues within the young persons life. By working with methods and techniques that have been evidenced and discontinuing those shown to be less effective there should be a reduction in the rate of reoffending.

It is expected that the funding from our key partners the police and Surrey Sussex Probation Trust will remain at 2011-12 level.

At present the YJB settlement is due to change an announcement is pending on a) how the funding formula for the Youth Justice Grant will change and b) how Payment by Results (PBR) will work, this may result in a further reduction in funding. It is intended that YOTs will be informed of 12-13 grant early 2012, but it may be that changes to individual YOT's grants will be phased in. Up to 25% of the grant may be attached to PBR, which it is presently proposed will relate to the 3 National Indicators, rate of reoffending, number of First Time Entrants and use of custody. Our main concern will be the poor performance of the YOT in relation to the rate of reoffending, which may result in a reduction

of monies. Addressing this poor performance is a priority for the partnership and this plan, the YOT will be part of a peer review in early March, it is anticipated that this will help the service review its delivery and performance and further build on its internal action plan, which is monitored by both YOS management team, the quality assurance group and the strategic management board to ensure that changes to service delivery are both being undertaken and improvements being made. As part of this every young person will have an intervention plan which will be monitored and audited in order to measure outcomes.

Another financial implication for the local authority is the proposal to pass the cost of custody, initially remands, to local authorities, with small numbers locally liable to year on year fluctuations.

The Youth Crime Prevention aspect of the YOT is currently jointly commissioned between the children's commissioning unit and the place commissioning unit, thus ensuring that the work is meeting both the needs of both young people and the wider community and the outcomes are monitored. With the move in 2013-14 of the funding from the Home Office to the new Police Commissioners the YOT during 2012-13 will be preparing itself to move to a more commissioned way of working, ensuring that the work is evidenced based and can be measured and outcomes monitored.

## **SECTION 4 RISKS TO FUTURE DELIVERY**

Changes and developments for partners at national policy level and local level will create a range of potential challenges as we respond. These include:

- Developments from the Criminal Justice Green Paper including developing the Payment by Results agenda relating to the 3 future indicators: use of custody, reduction in first-time entrants to the Youth Justice System and reduction in reoffending
- Changes to the YJB grant funding formula, which may result in a loss of grant income
- Devolving the cost of remands to secure to local authorities, but with small numbers and considerable year on year fluctuations in local use.
- Young people remanded becoming 'looked after' by the local authority.
- With the proposed health reforms and the introduction of GP led Commissioning and Health and Well-being Boards there will be a need to ensure continued health support for the YOT, meeting the needs of young offenders as vulnerable children and young people and ensuring their voice is heard within the health and well being boards.
- Introduction of Police and Crime Commissioners under the Police Reform and Social Responsibility Bill could have a serious impact on YOTs ability to meet targets, dependent on the strategic direction set
- For Children's Social Care and agencies working with children to consider the implementation implications of the Munro report
- Extreme pressure on all partner budgets and resource available

## SECTION 5 KEY ACHIEVEMENTS AND CHALLENGES OF 2011-2012

In looking at achievements and challenges it is at times hard to separate them out from each other, as can be seen in the number of young people reoffending and the level of offences being committed. For while the number of young people in the youth justice system has reduced, as has the number of re-offences and the proportion of young people who re-offend., the average number of re-offences for all offenders in the cohort and for those who have re-offended is increasing. This is an area which will need to be addressed in the future.

Other key achievements and challenges of the last year have been:

Achievements:

- The introduction of a new police role in the YOT which focuses on the Deter Young Offender Cohort, those identified as being highest risk of re-offending. There are typically between 25-30 young offenders who meet the criteria in Brighton and Hove.
- Working with Sussex Central YMCA and the two other Sussex YOT's funding has been secured for 3 years to work intensively with young people being released from custody on resettlement programmes.
- In working with the other two Sussex YOT's funding has been secured to role out Functional Family Therapy to a selected number of young offenders and their families, across Sussex.
- Brighton and Hove has become a pathfinder for the new arrest diversion scheme, with young people assessed following arrest for a range of vulnerabilities including poor mental health, learning disabilities and educational needs.
- The development of a Youth Music mentoring project.
- Continued reduction in the number of first time entrants into the criminal justice system and working with the police supporting their successful introduction of community resolutions.

Challenges

- Following an HMIP inspection improvement is required in all three areas of: Likelihood of Reoffending, Safeguarding Children and Risk of Harm to the Public.
- The restructure of social work and the incorporation of the YOT into the social work structure.
- The YOT being considered by the YJB to require significant performance improvement and being placed in the nationally bottom 25 YOT's.
- The transfer of Youth Crime Prevention into the Youth Offending Team.

## **SECTION 6 STRATEGIC VISION for 2012-15**

The Strategic Vision for the YOS for 20012-15:

To improve the delivery of the YOS so that the YOT moves to being among the top YOT's rather than being a lower performing YOT, ensuring a reduction in reoffending, increased partnership working and an improvement in outcomes for young people at risk of offending and those entering the criminal justice system.

This will be achieved through:

- The completion and implementation of an action plan based on findings from the inspection and peer review which will enable improved performance monitoring and management to show best outcomes and gaps in service delivery.
- Working with all commissioning and delivery partners within the Community Safety Partnership to ensure risk factors associated with poor outcomes, are addressed at an early stage, and practice improvement is delivered through evidence based models.
- Working with all other relevant agencies and services, including schools and ACE, to ensure the likelihood of re-offending, risk of serious harm and risks to the young people's themselves are effectively managed;
- Working within the multi-agency partnership to ensure parents receive the support they need to manage relationships with their children, and confidently 'parent' their behaviour;
- Working with all commissioning and delivery partners within the Community Safety Partnership to ensure services are available for young people offending to reduce risk factors related to further offending;
- Working with the Community Safety Partnership, courts, and the Local Criminal Justice Board, to ensure victims' needs are met, their concerns are heard and restorative outcomes are achieved whenever possible and communities are protected, allowing confidence to increase in the youth justice system. This will involve setting boundaries around the behaviour of some young people within the context of ensuring that they have access to relevant services to meet their needs as vulnerable children/young people.
- Working with all commissioning and delivery partners to ensure that the needs of CIC are addressed to both reduce their entrance into the criminal justice system and to prevent further reoffending for those within the system.
- Developing and putting in place systems that ensure improved quality of assessments and intervention plans, with risk of offending being central to all the plans.

## SECTION 7 PRIORITIES FOR 2012-13

Priorities for the 12-13 will include:

- Responding to the HMIP Inspection and the need to implement change to address Likelihood of Reoffending, Safeguarding Children and Risk of Harm to the Public through the development of an action plan which will be monitored by the Strategic Management group quarterly and on a more operational level by the Quality Assurance, Performance and Governance group six weekly.
- Ensuring progress on reducing reoffending of young people, through the monitoring of case work and intervention plans, looking at audits and outcomes of the work and learning from both the high and low performing areas.
- Working with probation, the police and the wider Offender Management Partnership to develop good transition arrangements for young people moving from the YOT to Probation to develop practice to reduce reoffending by YOT young people who are transferred to the Probation Service.
- To work collaboratively with commissioners to implement an Intelligent Commissioning program on Youth Crime Prevention and the impact on First Time Entrants / pathways out of early / non-custodial offending and to prepare the service for commissioning by the new Police Commissioners.
- Continuing to drive up practice in terms of assessment, intervention planning, and risk and vulnerability planning, and implementing our post-inspection Action Plan
- Reviewing information on First Time Entrants, ensuring preventive activity is targeted at those most at risk.
- Ensure that practice models' are evidenced based.
- Ensuring the Children's Services/YOT protocol is operationally effective.
- To work with the wider partnership on the work being developed in working with families with multiple deprivations.
- To develop a young persons group that will work with the management team and ensure user representation and voice is heard, in line with children and families delivery group policy.
- Through the quality assurance group to look at high level offenders and ensure that appropriate multi agency plans are in place.
- To develop multi agency panels that will have an oversight of the operational delivery of plans to young people with high levels of vulnerability and risk.



## SECTION 8 WHAT IS HAPPENING TO YOUTH CRIME LOCALLY?

### National Indicators

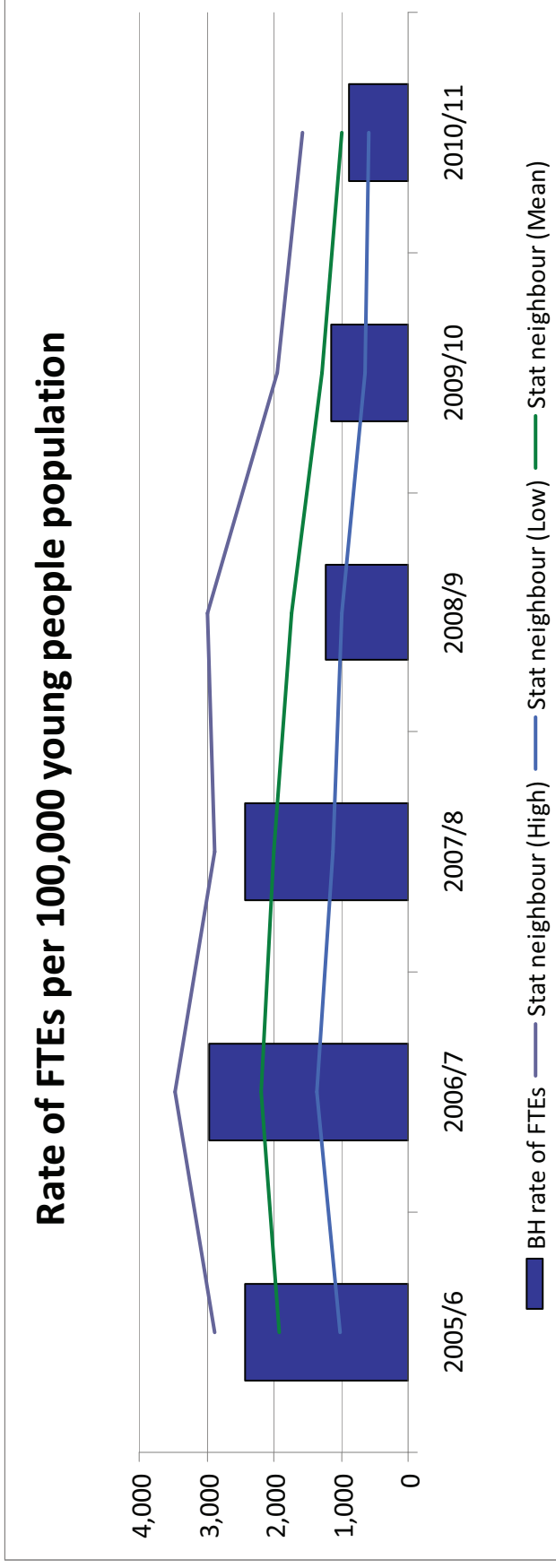
YOTs are required to report on three youth justice indicators; number of first time entrants to the youth justice system, sentences to custody and re-offending rates.

### First Time Entrants (FTEs) to the youth justice system

The number of young people entering the youth justice has significantly reduced over the last six years from 507 in 2005/6 to 172 in 2010/11, a 66% reduction. The number of FTEs for Q1 to Q3 for 2011/12 is 64 which is a 53% reduction when compared to the same period in 2010/11, which is 86 fewer young people.

When compared to national data, Brighton & Hove is performing well in reducing the number of FTEs.

	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11
Number of FTEs	397	507	609	498	252	231	172
Actual difference to previous year	101	110	102	-111	-246	-21	-59
Percentage difference to previous year	34%	28%	20%	-18%	-49%	-8%	-26%

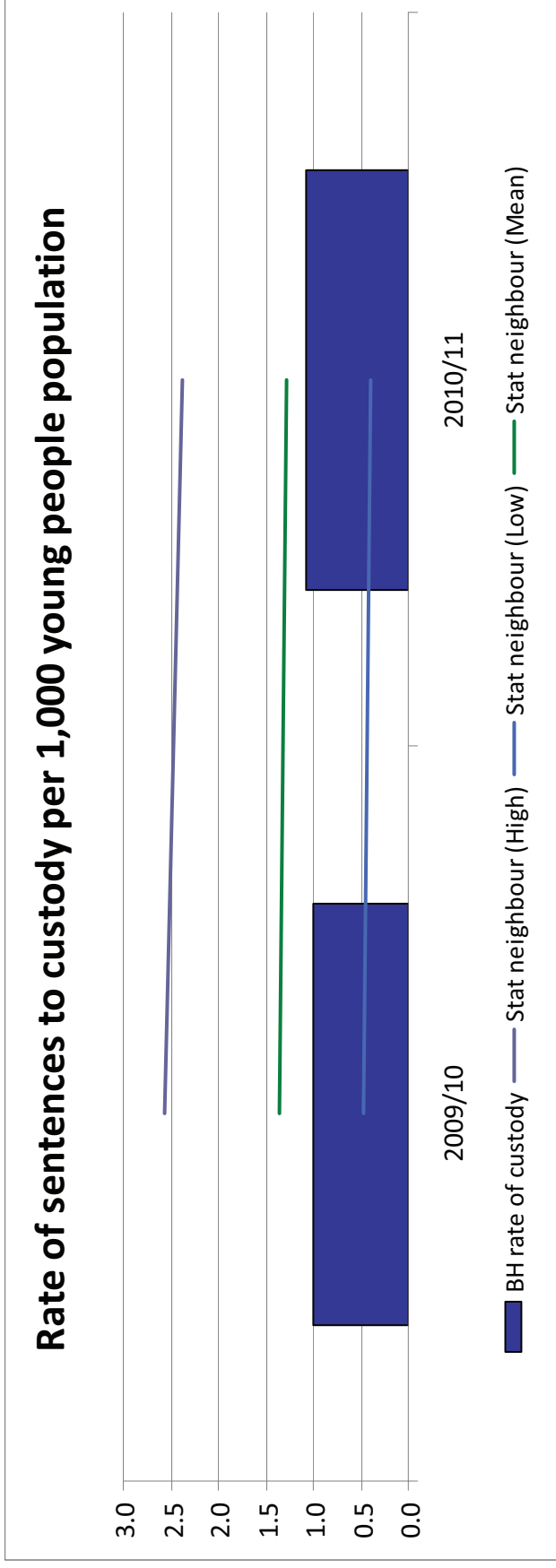


### Sentences to custody

The table below shows that the number of sentences to custody has generally been reducing over the last three years since peaking in 2007/8.

When compared to national data, Brighton & Hove is performing in line with the average rate of sentences to custody for all YOTs in England and Wales.

	2006/7	2007/8	2008/9	2009/10	2010/11
<b>Number of sentences to custody</b>	23	30	40	14	21
<b>Rate of custody sentences per 1,000 young people population</b>	1.12	1.47	1.96	0.70	1.07



### Young People Reoffending

The table below shows Brighton & Hove re-offending data as published by the Ministry of Justice (MoJ). Re-offending data takes a cohort of all young people who receive an offence outcome within a twelve month period and measures re-offending for a further twelve months – subsequently this data is only ever available for a cohort that was active over twelve months ago.

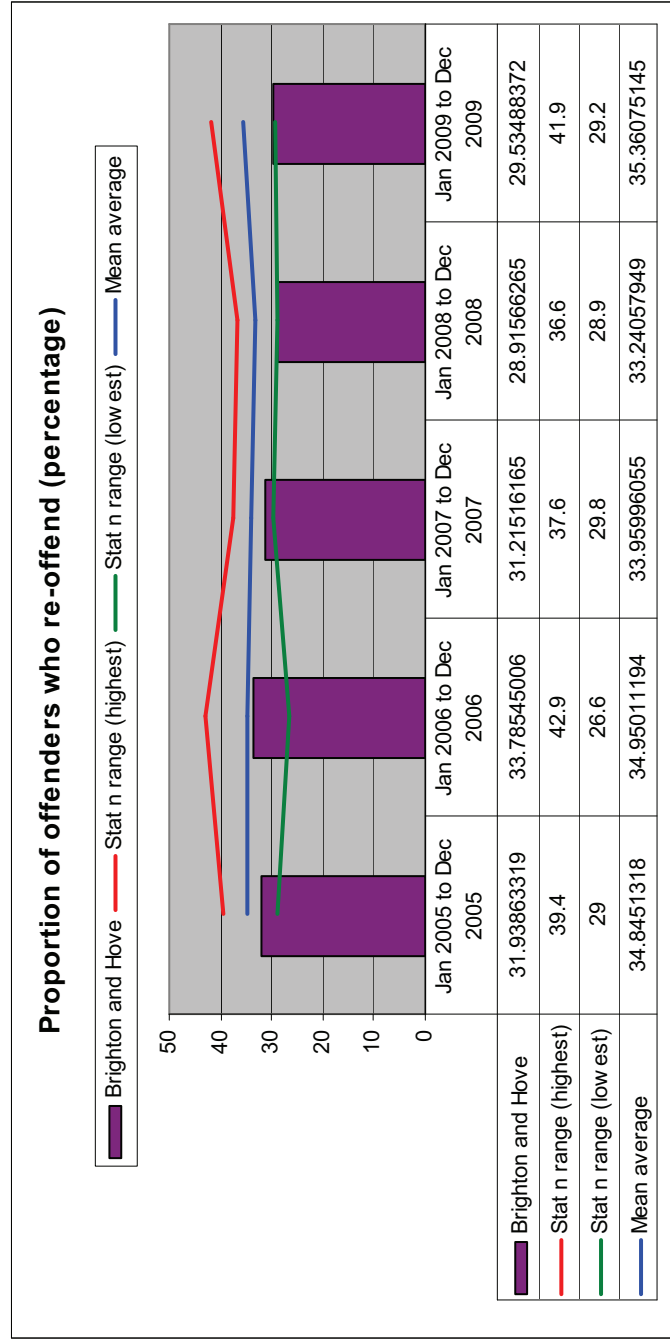
The table shows mixed performance. The number of young people in the youth justice system has reduced, as has the number of re-offences and the proportion of young people who re-offend.

Conversely, the average number of re-offences for all offenders in the cohort and for those who have re-offended is increasing. Further analysis of re-offending data (from the old NI 19 data for 2010/11) showed that there are a small number of young offenders in Brighton & Hove committing a very high number of re-offences. It was found that 30% of the cohort committed 75% of offences. Analysis of offence type showed the majority of offences to be low gravity

	Jan 2005 to Dec 2005	Jan 2006 to Dec 2006	Jan 2007 to Dec 2007	Jan 2008 to Dec 2008	Jan 2009 to Dec 2009	Percentage change 2005 to 2009
Number of offenders in cohort	717	811	897	581	430	<b>-40.0%</b>
Number of re-offences	600	798	792	602	467	<b>-22.2%</b>
Proportion of offenders who re-offend (%)	31.9	33.8	31.2	28.9	29.5	<b>-2.4</b>
Average number of re-offences per offender	0.84	0.98	0.88	1.04	1.09	<b>29.8%</b>
Average number of re-offences per re-offender	2.62	2.91	2.83	3.58	3.68	<b>40.3%</b>

When compared to national data, Brighton & Hove is performing well in reducing the number of young people in the youth justice system and the number of those who re-offend within twelve months. Whilst the average number of re-offences per offender (in the cohort) has increased, our performance is average when compared to our youth justice statistical neighbours.

Brighton & Hove performance is poor when compared nationally to the average number of re-offences per re-offender with our outcome being 3.68 compared to the national average of 2.7 re-offences per re-offender.



## Number of young offenders and offences

The number of young people who offended and received a substantive outcome from the police or courts decreased by 46% from 411 in 2010 to 220 in 2011 (a reduction of 191 young people)<sup>1</sup>.

The number of offences leading to a substantive outcome for young people has decreased from 935 in 2010 to 745 in 2011, a reduction of 190 or 20%.

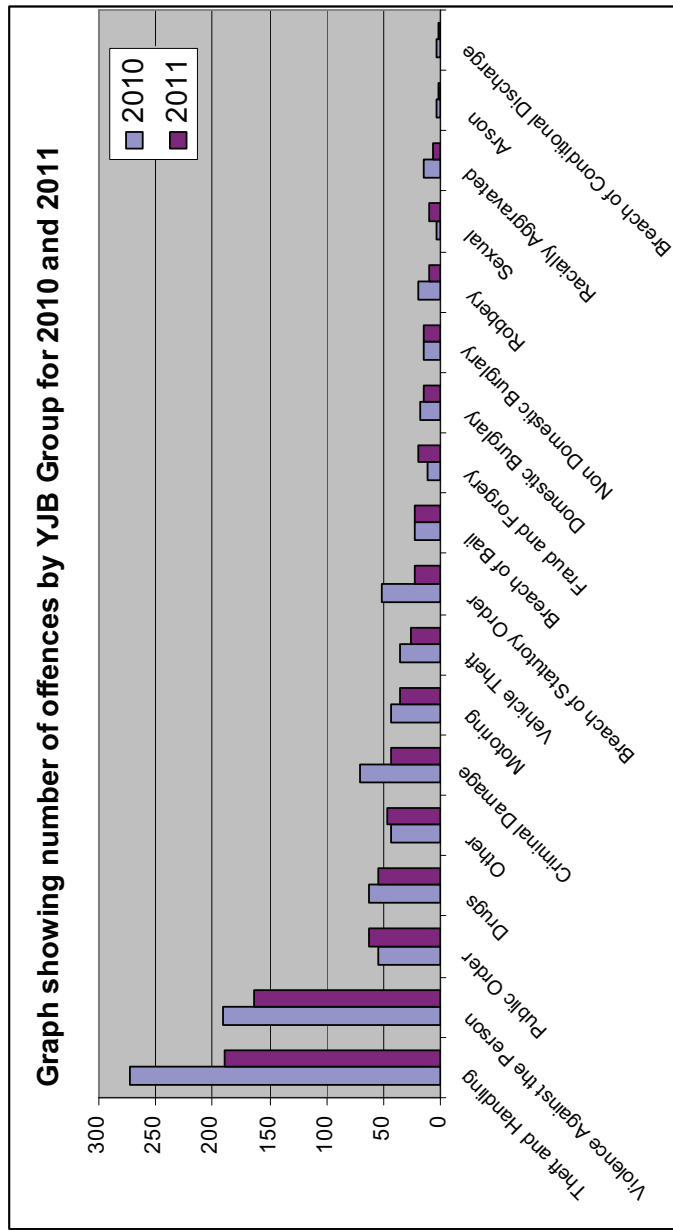
The decrease in all offences and the number of young people who offend (including first time entrants) can partly be attributed to the introduction of the Police Community Resolution which is an out of court disposal which is not recorded as a substantive outcome.

## Offence Type

Theft and handling and violence against the person were the top two offence types in both 2010 and 2011. In 2010 the third most common offence type was criminal damage but in 2011 it was public order.

Offence types that have reduced the greatest are Breach of Statutory Order, Criminal Damage, Theft and Handling and Violence against the person.

Offence types that have increased are public order, fraud and forgery, sex offences and 'other' offences. Whilst none of these offences have increased significantly, it should be taken into account that overall the number of offences reduced by 20%.

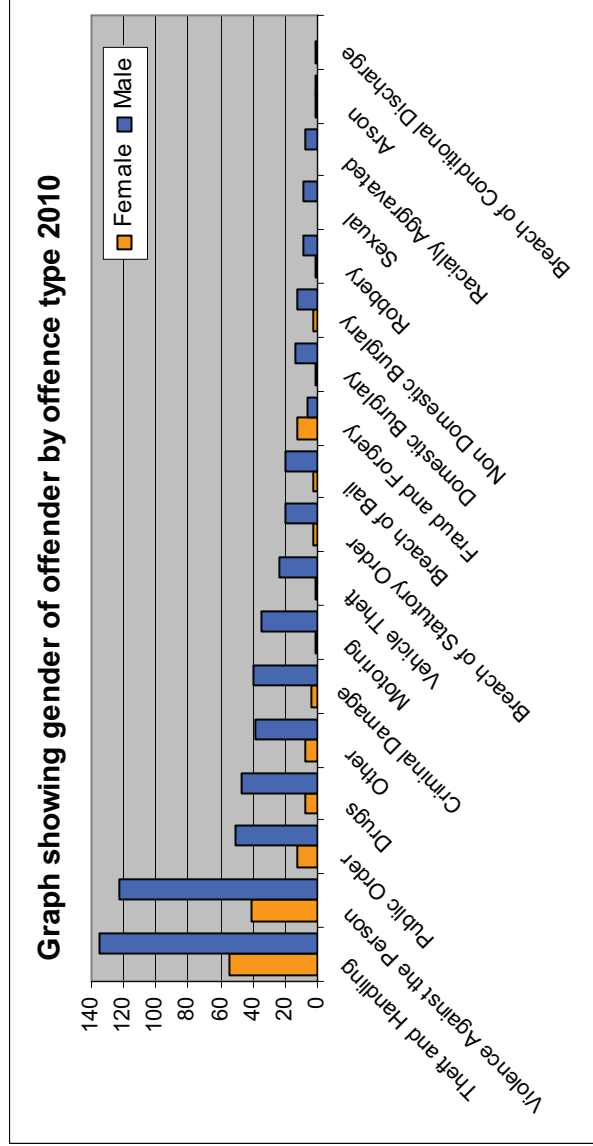


<sup>1</sup> Data collected on YOIS using Critical Preparation wizard

### Young People Committing Crime

The number of offences committed by males has reduced from 681 in 2010 to 592 in 2011, a reduction of 89 offences or 13%. The number of offences committed by females has reduced from 254 in 2010 to 153 in 2011, a reduction of 101 offences or 40%.

The graph below shows that theft and handling, violence against the person and public order are the most common offence type for both males and females. Theft and handling and violence against the person make up 44% of offences committed by males whilst this makes up 62% of offences committed by females. Males appear to commit a wider range of offences. When compared to 2010 it was found that the proportion of offence types committed by males had not changed significantly, whilst the proportion of theft and handling offences committed by females had reduced (from 57% to 35%) and violence against the person had increased (from 18% to 27%). This shows that females are committing a higher proportion of violent crime than in previous years although actual numbers are reducing.

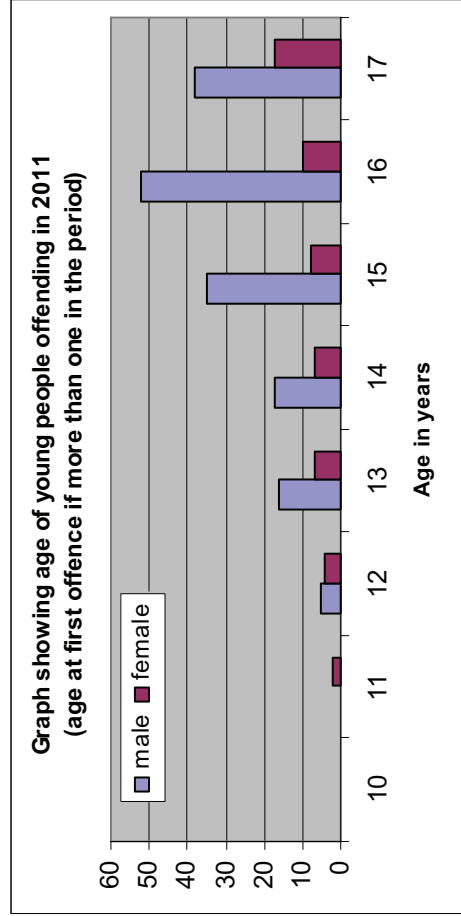


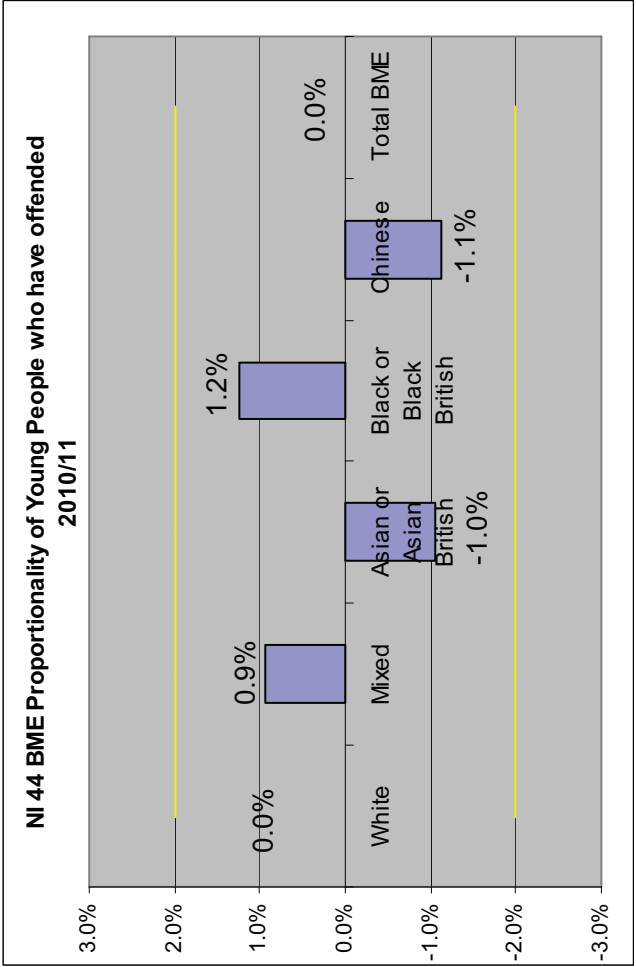
The table below shows that whilst the number of young people offending has reduced and the number of offences has reduced, the average number of offences committed by males has actually increased. This figure reflects the high re-offending rate (average number of re-offences per re-offender) in Brighton & Hove as published by the MOJ.

	Female				Male				Total
	Number of young people	Percentage	Number of offences	Average no of offences	Number of young people	Percentage	Number of offences	Average no of offences	
<b>2010</b>	124	30%	254	2.05	287	70%	681	2.37	<b>411</b>
<b>2011</b>	55	25%	153	2.78	165	75%	592	3.59	<b>220</b>

When looking at the young people who offended in 2011, it was found that 95 of these had also offended in 2010. 21 of these were female (22%) and 74 male (78%).

The graph below shows that the peak age for offending for males was 16 years and for females 17 years. When compared to 2010, there are fewer young people aged ten and eleven receiving a substantive outcome. It is likely that this trend is due to the Police Community Resolution and fits with the reduction of FTEs.





The graph to the left shows the difference in ethnic proportionality of young offenders and the whole young people population of Brighton & Hove for 2010/11 (national indicator 44). It can be seen that there are slight levels of disproportionality which can be attributed to the low numbers in the cohort – for which a 2% ‘buffer’ was created for this indicator.

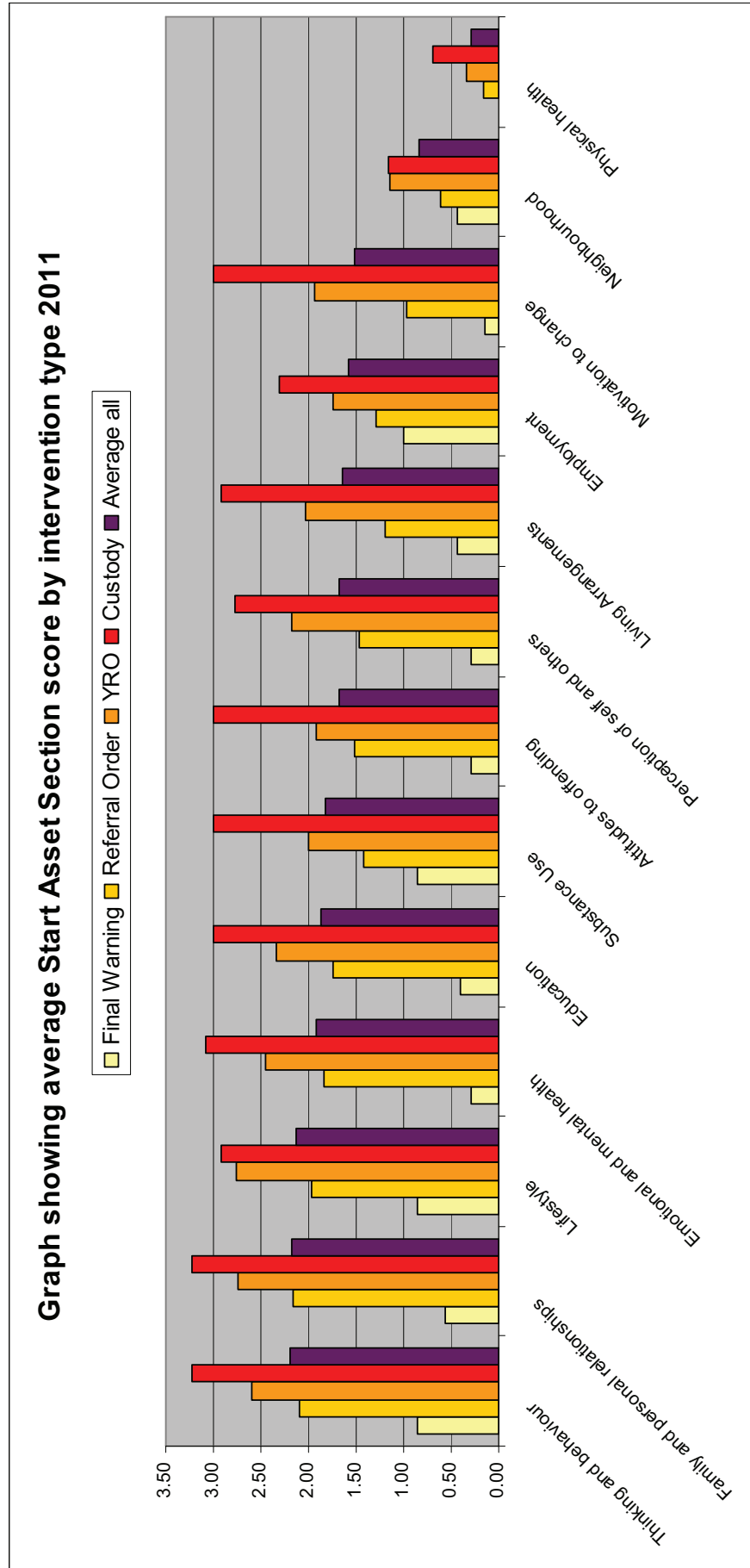
Overall all ethnicities remain within the +/-2% buffer regarding disproportionality, meaning that no ethnic group is significantly over or under represented within the Brighton & Hove offending population.



### Asset assessment scores

The graph below shows the average score for each section of Asset (the youth justice assessment tool) for YOT supervised interventions starting between January and December 2011. Each section is scored by the young person's caseworker as to the risk of future offending with zero indicating no link or associated risk and four a very high associated risk to future offending. The graph is ordered with the highest average score for all Assets to the left and lowest average score to the right. It can be seen that the highest areas of associated risk are thinking and behaviour, family and personal relationships and lifestyle. The lowest areas of risk are neighbourhood and physical health.

The graph compares average scores by intervention type and it can be seen that as outcomes increase, so do risks to future offending.



### Public Protection and Safeguarding

In the twelve month period October 2010 to November 2011, eleven young people were assessed as posing a high risk of causing serious harm (RoSH) and 43 assessed as being at medium risk. During this time period 11 young people were managed under MAPPA with one being Level 3, three at Level 2 and seven at Level 1 (this is the lowest level).

	Number of young people	Proportion
High Risk - Risk of Harm Identified	11	15%
Medium Risk - Some Risk Identified	43	58%
Low Risk - No Evidence at Present	20	27%
	<b>74</b>	

In August 2011 it was found that out of the 95 cases open to the YOT 45 had currently or previously been a Child in Need (CIN), had a Child Protection Plan or had been a looked after child. A further 31 young people had had some involvement with social services that was below the level of CIN. 19 young people in the cohort had never had any contact with social services.

### Court Sentencing

The table below shows the number of interventions that started at the YOT in 2010 and 2011. Overall, the number of interventions starting has reduced by 32%. The biggest reduction can be seen in the number of Final Warnings. The introduction of the Police Community Resolution has led to fewer young people receiving a Final Warning instead being dealt with outside of the youth justice system.

The smallest reduction in the number of interventions is Community Orders. The Youth Rehabilitation Order was introduced in November 2010 and prior to this there was an array of community and first tier penalties including Action Plan Orders, Reparation Orders and Community Punishment Orders.

	2010	2011	Difference	% Difference
Final Warning Programme	76	7	-69	-91%
Referral Order	112	85	-27	-24%
Community Order	156	139	-17	-11%
Custody	20	14	-6	-30%
ISS	23	20	-3	-13%
Bail Support and Remand	44	26	-18	-41%
Voluntary Programme	3	2	-1	-33%
<b>TOTAL</b>	<b>434</b>	<b>293</b>	<b>-141</b>	<b>-32%</b>





**Report to Community Safety Forum – 8 October 2012**

**Subject: Crime trends and performance in Brighton & Hove, Position up to August 2012**

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**Wards Affected:** All

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report describes recent activities and progress relating to priority areas in the [Brighton & Hove Community Safety, Crime Reduction and Drugs Strategy 2011-14](#). It also provides statistical updates relating to the first five months of 2012/13, ie. April to August 2012.
- 1.2 Graphs showing monthly crime data from April 2008 to August 2012 are also provided. These set recent data in the context of both longer term trends and also seasonal crime cycles (where applicable).

**2. RECOMMENDATIONS:**

- 2.1 The Community Safety Forum notes the information provided in this report and is invited to:
  - i) Feedback on any developments from their community or organisation's experience which may help the understanding and interpretation of the data and trends contained in this report.
  - ii) Consider the potential for supporting crime reduction and community safety priorities within their own organisation or local community.

**3. INFORMATION:**

**Total police recorded crime**

- 3.1 Between April and August 2012 there were a total of 10,361 police recorded crimes, 62 crimes fewer than in the same months of 2011/12 (0.6% reduction).

**Neighbourhoods and quality of life**

- 3.2 In the first five months of 2012/13 (Apr to Aug) the long term downward trend in criminal damage recorded by the police has continued, being 17% lower than in the same months of 2011/12.
- 3.3 The City Tracker survey is due to ask questions to residents in the autumn about how safe people feel in their local area in the day and after dark and the findings from this will help to direct partnership priorities for the Safe in the City Delivery Unit and Local Action Teams.

- 3.4 Work continues on the restructuring of the Safe in the City website with the aim of it becoming more accessible for local residents to find information they may need and to make it easier to find opportunities for them to get involved in partnership working.

### **Drugs Misuse**

- 3.5 The European-funded Communities and Families Tackling Addiction (CAFTA) work programme has included a conference, 'Silent Voices' which was attended by 200 people, including those affected by substance misuse and professionals, with some attending from the project's 'partner' cities of Calais and Rotterdam. Another planned project involves supporting non-substance misusing parents or carers of children affected by parental substance misuse. This is to be delivered by the Brighton Oasis Project.
- 3.6 There is a review being undertaken of current approaches for addressing the problem of drug-related deaths. Recommendations are being developed and will be put to the Police and Crime Commissioner, and the Health and Wellbeing Board as well as to the Safe in the City Partnership Board early in 2013.

### **Reducing Offending**

- 3.7 There is an ongoing increase in all acquisitive crimes (incl. theft/handling, burglary and robbery), with an increase of 6% in the first five months of 2012/13 compared with the same months of 2011/12. This continues the increase seen in 2011/12. However, for serious acquisitive crimes (burglary, vehicle crime and robbery) there continues to be a decrease (15% reduction compared with the first five months of 2011/12), while on the other hand the more numerous 'lower level' thefts, such as theft from person (up 30%) and shoplifting (up 7%) have continued to rise. Thefts from the person which increased very sharply in the three months ending in March 2012 remain high, but have not increased further. Between April and August 2012, seventy percent of victims of these offences were females and over half were aged between 20 and 29 years, with 52% of offences taking place in licensed premises and linked to the night time economy. Police work is focusing on raising awareness of crime prevention among the target group, including female university students, and there has also been further preventative work with licensed premises. Mobile phones were taken in 74% of these thefts. Cycle thefts increased sharply in August and targeted police work in city centre hotspot areas (particularly Regency, St Peter's & North Laine and Queen's Park wards) has been put in place to address this problem.
- 3.8 Integrated Offender Management (IOM) is the term used for the partnership work going on between a wide range of statutory and voluntary agencies who together seek to tackle the underlying reasons behind the offending of the offenders of most concern. There are often a complex range of circumstances which together need to be addressed in order to enable progress to be made. An example of this work is that by the Inspire Women's Partnership whose work includes a presence in police custody suites and courts to make sure that women are offered access to services either on a voluntary basis or as part of a community order.

### **Alcohol Misuse and Alcohol-related Disorder**

- 3.9 Alcohol-related hospital admissions were on an upwards trend from the beginning of 2010 until October 2011, but this trend is showing signs of reversing over the last few months.
- 3.10 The number of police recorded injury assaults has continued to show a reduction (down by 5%) in the first five months of 2012/13 compared with the same months of 2011/12. This is further to the 17% reduction experienced in 2011/12. The city's Big

Alcohol Debate found that there is a demand for alternative social events and leisure activities which are not driven by alcohol. Pride was one occasion when an arts/culture programme of events was put on alongside the more established celebrations. Also, ways of providing alternatives to the White Night, which is not taking place this year, are being planned so they are less alcohol fuelled and more about appreciating the cultural offerings of the city. Other developments include a community pub being opened in Bevendean, including plans to have a café and host community events such as cookery classes, health promotion sessions, and other things that are not alcohol related.

- 3.11 Training continues with health professionals to assist them in identifying and referring to services people who may benefit from brief alcohol interventions so that alcohol misuse problems can be addressed at an early stage.

### **Anti-Social Behaviour**

- 3.12 Between Jul 2011 and Jun 2012 18% of the 1,549 people surveyed believed that one or more of 6 types of ASB (drug dealing/use; drunk/rowdy behaviour; vandalism/graffiti; litter/dog fouling; noisy neighbours; and teenagers hanging around) was a fairly big or very big problem. The most recent quarter (Apr – Jun 2012) has seen higher levels reported than previous quarters. City-wide, out of these six types, litter/dog fouling was of most concern, with people being drunk or rowdy being perceived as the next problematic (especially in the city centre).
- 3.13 The Community Safety Casework Team implemented a 'duty system', ensuring that any person who contacts the team to report ASB or a hate incident has their query answered as soon as possible, with an assurance that a vulnerability assessment will be offered within one working day if required.
- 3.14 The Community Trigger process allows local residents to request a quick time review of anti-social behaviour problems to ensure that all appropriate steps are being taken to address the problem. This has been piloted in the city since May 2012 and regular feedback is being provided to the Home Office in preparation for its introduction nationwide.

### **Children, Young People and Families**

- 3.15 Earlier in the year the Integrated Team around the Family service was formed in response to the government's 'Troubled Families' agenda. Families are being identified through the use of a wide range of selection criteria, including those associated with substance misuse and offending, for support through this work programme.

### **Domestic Violence**

- 3.16 During 2011/12 45% of domestic violence crimes were solved, below the result of 49% during 2010/11, but the first three months of 2012/13 have seen an increase to 52%. However, the first quarter of 2012/13 has seen a decrease in the conviction rate of DV court cases to 59%, down from 78% in 2011/12.
- 3.17 Victims of domestic violence who are assessed as at high risk or serious harm are referred to the MARAC (multi-agency risk assessment conference) in order that input and support from different agencies can be put in place. The resources allocated to managing the MARAC process were increased earlier in the year to make sure that it is effective in safeguarding high risk victims and managing the risks posed by perpetrators.

### **Sexual Offences**

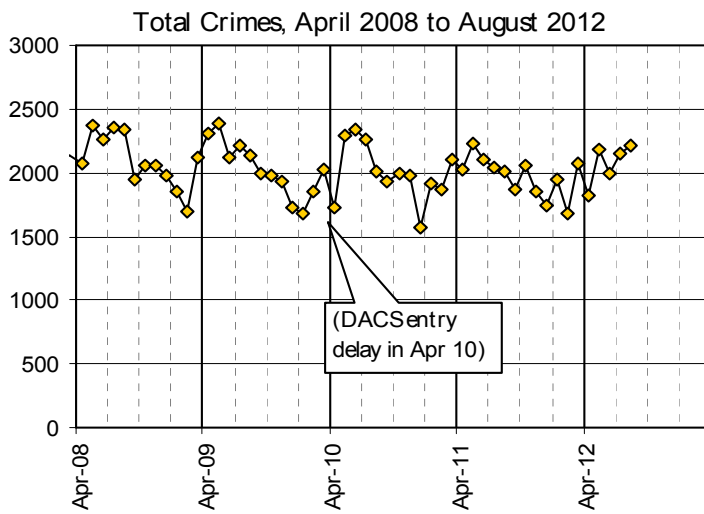
- 3.18 The number of police recorded serious sexual offences in the first three months of 2012/13 was 59, and this compares with 64 recorded in the same months in 2011/12, continuing the slight decrease seen last year. A reduction in actual crimes taking place is of course the aim, but with sexual offences often remaining unreported, we would wish to see the number of reports remaining steady or increasing, so these statistics point to the need to maintain proactive work to encourage people to report. In the first three months of 2012/13 16 out of the 17 sexual offences which have reached the court stage have resulted in a successful outcome.
- 3.19 The Sex Worker Outreach Project, which supports women involved in the sex industry with sexual health and safety concerns, has reported that fewer women are making use of established brothels or parlours where overheads are payable and instead are working alone or in pairs in their own premises where they may be exposed to an increased risk of violence or abuse.

### **Hate Incidents and Crimes**

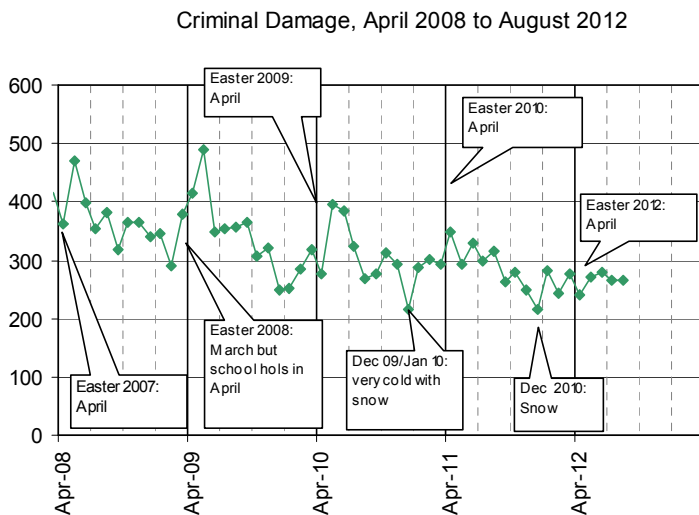
- 3.20 The number of police-recorded **racist and religiously motivated incidents and crimes** declined in 2011/12 compared to 2010/11, but in the first five months of 2012/13 are showing an increase compared with the same months in 2011/12, mainly on account of reports of 27 crimes (and 1 crime-related incident) in August. One third of these were ABH or common assault offences and two-thirds were harassment, with offences taking place across various age groups, and generally clustered in the city centre. The percentage of prosecutions resulting in a conviction in the first three months of 2012/13 remains relatively high at about 90%.
- 3.21 In the first five months of 2012/13 there have been 28 **LGBT hate incidents and crimes** recorded by the police, compared with 26 in the same months in 2011/12. In the first three months the police detected or solved eight crimes with three of these resulted in a charge being made and eight out of the nine prosecutions finalised at court resulted in a conviction.
- 3.22 Work is being undertaken to make sure that hate crime reporting centres in the city are fully appraised of the service available through the Community Safety Casework Team. Also, work with the LGBT Community Safety Forum is progressing around the carrying out a safety survey of the city's LGBT population.
- 3.23 The police have recorded three **disability hate crimes** and no crime-related incidents on the crime database during the first five months of 2012/13; this is the same number of crimes and incidents recorded in the same months of 2011/12. There has been one finalised case at court and this had a successful outcome. There is an ongoing focus on increasing reports of incidents through the training of staff. In November 2011 disability liaison officer roles were assigned to six PCSOs. They have a role in outreaching to people with disabilities and have the potential to enable and encourage reporting.



## Crime trends up to August 2012 (monthly data)

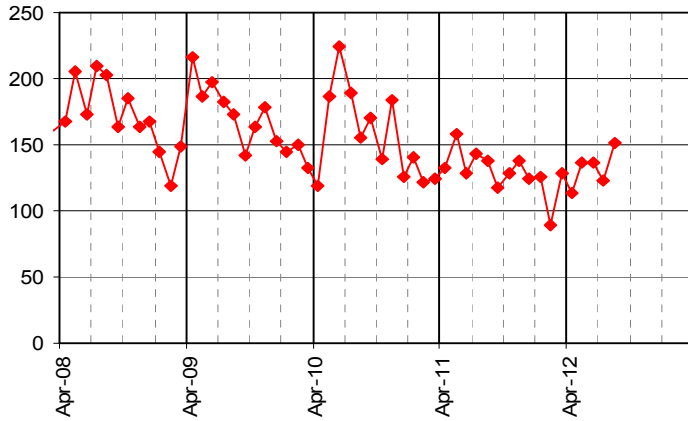


3.24 Total crimes have shown a year on year decline up to the end of 2011/12. The number recorded in the first five months of 2012/13 continues to be lower than in the same months in 2011/12, but the decline is very slight.



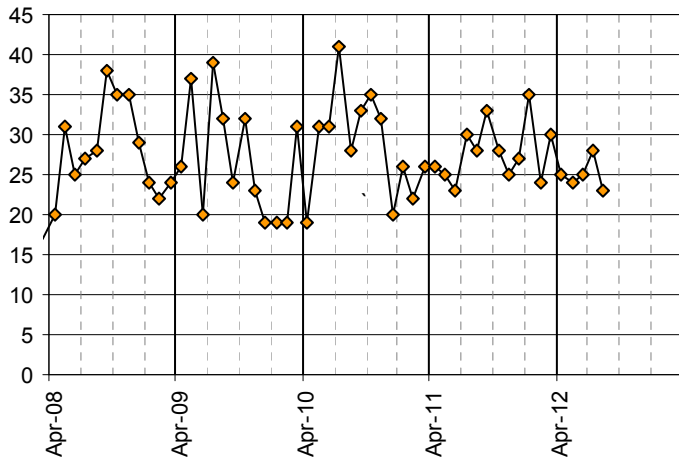
3.25 The long term downward trend in criminal damage continues.

All Injury Violence  
April 2008 to August 2012



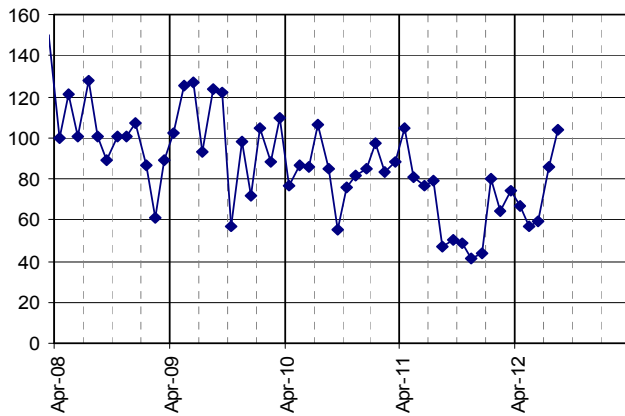
3.26 The number of injury violence crimes dropped below 90 in February 2012, since when the number has climbed again, as the summer months have progressed.

Sexual Offences April 2008 - August 2012



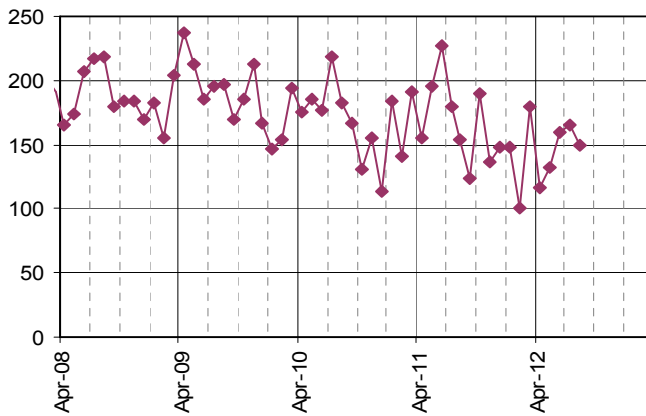
3.27 The number of police recorded sexual offences has remained between 20 and 35 per month over the last two years. Work continues to encourage reporting of incidents.

Domestic Burglary, Apr 2008 to August 2012



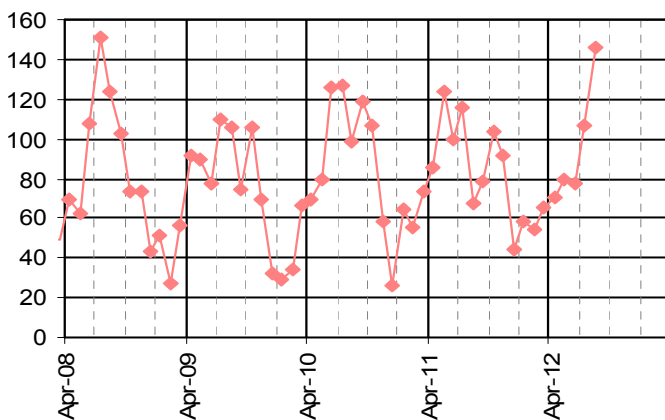
3.28 There has been a long term declining trend in domestic burglaries, with numbers between August and December 2011 being particularly low (40-50 crimes per month). From January onwards the number has risen again with over 100 recorded in the month of August 2012.

Vehicle Crime, April 2008 to August 2012



3.29 Vehicle crimes have fluctuated over the past year, but the general trend is downwards. 100 crimes were recorded in February 2012 which is the lowest monthly number recorded for many years.

Theft of a Pedal Cycle, April 2008 to August 2012



3.30 A seasonal pattern in cycle thefts continues and numbers rose over the summer months as more people cycle. However, there was a particularly high number of thefts in August.



## Performance data for key crime types, position at end August 2012

Police recorded crimes	number of crimes Apr 11 – Aug 11	number of crimes Apr 12 – Aug 12	reduction target (from 2011/12 baseline)	performance against target to date		rank within 15 benchmarked CSPs <sup>1</sup>
Total Crimes	10423	10361	0%	on target		9
Criminal Damage	1584	1320	-			14
Injury Violence	700	662	-3%	on target		6
Sexual Offences	132	125	-	-		n/a <sup>2</sup>
Domestic Burglary	389	373	-	-		3
Theft from/of a Motor Vehicle	911	721	-	-		4
Pedal Cycle Theft	493	480	-	-		8
Domestic Violence Crimes and Incidents	1408	1419	-	-		n/a
Racist/Religiously motivated Crimes and Incidents	65	83	-	-		n/a
LGBT Hate Crimes and Incidents	26	28	-	-		n/a
Disability Hate Crimes and Incidents	3	3	-	-		n/a

<sup>1</sup> Brighton & Hove is matched for comparative purposes with 14 other Community Safety Partnerships (CSPs) according to a range of socio-demographic and geographic variables. A rank of 1 is the best; 15 is the worst; 8 is the middle position.

<sup>2</sup> Because sexual offences, DV and hate crimes are subject to underreporting and local work is being undertaken to increase reporting of these crimes, it is not appropriate to judge performance in comparison with other Community Safety Partnerships based on the number of police recorded crimes.



<b>Subject:</b>	<b>Safe In The City Casework Services Hate Incidents and ASB</b>
<b>Date of Meeting:</b>	<b>8 October 2012</b>
<b>Report of:</b>	<b>Partnership Community Safety Team</b>
<b>Contact Officer: Name:</b>	<b>Peter Castleton</b>
<b>Ward(s) affected:</b>	<b>All</b>

### FOR GENERAL RELEASE

#### 1. SUMMARY:

- 1.1 This report primarily deals with the service offer from the Casework Team. Where the team is integrated with partner agencies their relevant services are also reported on here.

#### 2. RECOMMENDATIONS:

- 2.1 That the report be noted.

#### 3. RELEVANT BACKGROUND INFORMATION

- 3.1 In September 2011 the Partnership Community Safety Team Hate Incident and Anti-social Behaviour Teams integrated into one Casework Team in order that the good practice interventions and powers that have been successfully applied to deal with anti-social behaviour, based on the risk and harm approach, could also be applied to hate incidents. These include those that are motivated by hostility or prejudice based on a person's (actual or presumed) religion, race, ethnic or national origin, culture, sexual orientation, gender identity and disability. It was also recognised that those most at risk of harm were often reporting hate incidents and ASB together.
- 3.2 In April 2012 the Partnership Community Safety Casework Team was one of a number of front line services which integrated with the Neighbourhood Policing Team in the city in the new Safe in the City (SITC) Delivery Unit bringing swifter and more sustainable solutions relating to community safety to communities through increased co-location and joint working between the Casework Team and 108 Police Officers and Police Community Support Officers.
- 3.3 The Casework Team currently comprises of a manager, a senior caseworker, six caseworkers, a PCSO and a police officer. The Team also receives dedicated advice and time from a council solicitor. The team generally manages about 60 cases at any one time. These tend to be the most serious cases with the most high risk perpetrators and the most vulnerable victims. In addition to managing a caseload each member of the team has a specific role in developing the service.

- 3.4 Since May 2012 the Casework Team has operated a duty system with a dedicated phone line and email address, through which all cases are triaged and dealt with.

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

Safe In The City Casework Services Hate Incidents and ASB paper.



### **Safe In The City Casework Services Hate Incidents and ASB**

#### **1. Introduction and Context**

This report primarily deals with the service offer from the Casework Team. Where the team is integrated with partner agencies their relevant services are also reported on here.

In September 2011 the Partnership Community Safety Team Hate Incident and Anti-social Behaviour Teams integrated into one Casework Team in order that the good practice interventions and powers that have been successfully applied to deal with anti-social behaviour, based on the risk and harm approach, could also be applied to hate incidents. These include those that are motivated by hostility or prejudice based on a person's (actual or presumed) religion, race, ethnic or national origin, culture, sexual orientation, gender identity and disability. It was also recognised that those most at risk of harm were often reporting hate incidents and ASB together.

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The Casework Team currently comprises of a manager, a senior caseworker, six caseworkers, a PCSO and a police officer. The Team also receives dedicated advice and time from a council solicitor. The team generally manages about 60 cases at any one time. These tend to be the most serious cases with the most high risk perpetrators and the most vulnerable victims. In addition to managing a caseload each member of the team has a specific role in developing the service.

Since May 2012 the Casework Team has operated a duty system with a dedicated phone line and email address, through which all cases are triaged and dealt with.

#### **2. Service Principles and Service Standards**

The Casework Team will provide a high quality direct service to victims and will support other service providers to deliver a similarly high quality service in Brighton and Hove.

The Team will work with individuals and communities to prevent and reduce the harm caused by hate incidents and anti-social behaviour in Brighton &

Hove in such a way that communities have a high level of trust and confidence in the service provided and are encouraged to report such crimes and incidents.

The Team will use a range of legal and civil remedies and supportive interventions which support and protect victims and witnesses and which encourage and require perpetrators to address and change their behaviours. The team will work with a range of partner organisations in order to achieve successful outcomes including the police, council housing, registered social landlords, children's services, probation, adult safeguarding agencies, local businesses and voluntary sector organisations.

The Casework Team and some partners have agreed to operate within certain ASB service standards. This will shortly include hate incidents as well. These currently include an initial assessment within one working day, a full risk and vulnerability assessment, the offer of a single point of contact and agreement on a lead agency, agreement on the most suitable frequency and method of updates and of course the preferred outcome.

The Casework Team engages with both perpetrators and victims but individual caseworkers will not work with perpetrators and victims on the same case.

The team will administer The Community Trigger, a government pilot scheme which enables communities to ensure a response to ASB where none has been forthcoming.

### **3. Working with partners**

Experience shows that resolutions to ASB and hate incidents rely on co-ordinated multi-agency responses. Well developed multi-agencies protocols and procedures are in place in Brighton and Hove. The Govt White paper 'Putting Victims First' published in May 2012 cites partnership working in Brighton and Hove as good practice.

The Casework Team has been a key partner with others in developing a Multi Agency Risk Assessment Tasking (MARAT) meeting, the implementation of ECINS, a cloud based internet case management system and the introduction of The Community Trigger.

The Casework Team will continue to be at the centre of refining and honing those practices to further improve services.

The majority of cases are initially reported directly to police. The police have reviewed the ASB and hate crime response across the force and a series of recommendations have been implemented including, more robust tagging and flagging of incidents, dedicated ASB and hate crime co-ordinators and the introduction of the vulnerability risk assessment.

The ASB Housing and Social Inclusion Team tackle ASB and hate crime relating to council housing. A number of other social landlords are signed up to Service Standards and have clear practices for dealing with ASB.

Where necessary the casework team will use Anti-social Behaviour Orders, Premises Closure orders and injunctions to protect individuals and communities.

There are on average 45 ASBOs in place in the city. The vast majority are against adults. There are on average two or three premises closure orders a year.

The manager of the Casework Team will work with the Community Safety Managers for Cohesion and Refugees and Migrants and the LGBT Community Safety Officer who are all part of the wider Community Safety Team. Together they will work directly with communities and community fora to deliver agreed outcomes which are captured in the Community Safety, Crime Reduction and Drugs Strategy.

#### **4. Reporting Incidents**

Reports can be made directly to the Casework Team via the duty desk which has a dedicated phone line staffed between 09.00 and 17.00 on weekdays, an answer machine service is in operation out of office hours.

Call on [01273 292735](tel:01273292735) or email direct on [communitysafety.casework@brighton-hove.gov.uk](mailto:communitysafety.casework@brighton-hove.gov.uk), or via the SITC website (under development).

Reports can be made directly to police on [101](tel:101) or at: [www.sussex.police.uk](http://www.sussex.police.uk)

Reports can be made directly to Council Housing on [01273 293030](tel:01273293030) or at: [www.brighton-hove.gov.uk/index.cfm?request=c1251335](http://www.brighton-hove.gov.uk/index.cfm?request=c1251335)

True Vision receives third party or anonymous reports: [http://www.report-it.org.uk/report a hate crime](http://www.report-it.org.uk/report_a_hate_crime)

The Community Trigger pilot can be accessed at: <http://www.brighton-hove.gov.uk/index.cfm?request=c1265534>

Many social landlords and statutory service providers will also receive reports direct as well.

Incidents can also be reported to a number voluntary sector and community groups who will pass on incidents to the Casework Team or the appropriate agency. The Team is currently working with a number of community and third sector groups to improve their understanding of the need to collect data and reports and pass them on to the team appropriately. This will enable service providers to build a more accurate picture of levels and trends particularly relating to hate crime which is believed to be significantly under reported.

## **5. Dealing with reports**

Reports received by the Casework team are triaged when they are received.

The Casework Team will initially lead on new ASB cases where the victim is not a tenant of a social landlord.

The Casework team will initially lead on new hate incidents that are not reported to police.

Within one working day, the victim will be offered a vulnerability assessment which takes into account the effect on and harm caused to the victim. Information will be gathered which will build an accurate picture of what has happened or been happening.

The victim will be asked what they would like to happen and what outcome they would like to be achieved. A lead agency will be allocated to the case and referrals made to other services if necessary (such as neighbourhood policing team). If necessary, complicated cases may be considered at a meeting of all agencies involved in order to agree a way forward and to help reduce risks quickly.

A specific point or person of contact will be allocated and options and agreements will be made on how to report further incidents and how feedback on progress can be provided.

The Casework Team will refer all other new cases on to relevant partners as appropriate.

With existing cases where the Casework Team is not the lead agency but there is concern reported on the quality of service received from the lead agency the Casework Team will prompt the lead agency for an update, brief them of the clients concerns and advise the client accordingly.

## **6. Data Collection and analysis**

The Duty System in place in the Casework Team is primarily used to allocate, track and manage cases. The Casework team can provide data on the number and type of cases, resolutions and how long cases take to be finalised. This data can be used with data provided by the police, other council departments, health and other service providers to build an overall picture of levels and trends.

The aggregated data can be analysed and recommendations made regarding the future provision of services based on community tensions, underreporting relating to individual groups and gaps in reporting from statutory providers. It is proposed that the SITC Analyst would provide these reports and make

recommendations working with service managers. This analysis will be shared with community groups.

## **7. Transparency and service improvement**

The Casework Team will facilitate a lay visitor scheme where accredited members of the community can come in, watch the team at work and select individual cases to check. The Team will also continue to work with Brighton University to sample check cases and report on client satisfaction.

The police also carry out customer surveying relating to ASB.

The police and Casework Team also attend all LATs and community of interest groups to report on performance and trends and listen to community concerns.

Robust data collection together with informed analysis, community auditing, customer surveying and direct feedback from community groups will all enable service improvement. Existing service improvement outcomes are captured in the Community Safety, Crime Reduction and Drugs Strategy these are constantly under review. Managers are held to account for performance against the outcomes in the strategy by the Safe in the City Partnership which is chaired by the Chief Executive of BHCC.

*Peter Castleton  
Community Safety Manager  
Casework Services (ASB and hate crime)*



### Community Safety Forum – 8 October 2012

#### Projects Team – Update from work streams

##### Community events...

Turner Festival - Supported delivery of festival event on Sat 15<sup>th</sup> – community led annual event local musicians, stalls and activities. On the day we dealt with a local asb issue by the install of street planters using Community Payback workforce who worked alongside residents and shopkeepers to improve the frontage of local shopping area and deter nuisance gatherings.

Hanover Street Party – Supported this event attended by Bill Randall.

(Photos of both the event will be presented on the day

**LAT Promotion** – development of using vacant shop fronts to display art – we are working up a display to promote LAT activity in local; areas – a v “you said/we did” template to communicate work of lats and encourage wider awareness of activity and attract local interest in supporting LATs - St James St identified properties.

Development of “LAT Connect” improved and easier use of web site for LATS to communicate with residents and each other

**Shoreham Harbour Regeneration** – Projects Team have been commissioned to lead on recommendations to improvements to this area, initial plans were “standard” benches and shrubs – opportunity to improve on community safety and welcome input from Portslade based LAT on proposals

**Communities Against Drugs** – Ivory Place clinic will be closing and securing its car park – a haven for misuse (drug litter and street drinking) anticipated displacement of problems to neighbouring area anticipated so working with police/agencies to prepare and proactive actions – eg – clearing overgrown areas – opening up sightlines and environment improvements using community payback to make area less attractive to misuse.

**St James Street** – Joint walkabout with police/service providers (hosing/car parking/cityclean) identified a number of things we can do now to deal with some local issues and established poi nets of contact for council and police officers who will now be better supporting each other to tackle 1-rough sleepers/fly tipping , street obstructions/

**Sussex Probation** – working in eastern road and Turner area also Bartholomew Sq improvements to flower beds and cleaning. Total 1290 hours of work delivered last month on community led improvements

**Promoted LAT work** at “Doing it for Ourselves event at the Dome last week.

**Soundscape** – Working with clubs and taxi rank sites seeking private sector funding to progress work started at West Street.

**CAFTA** – Communities and families Tackling Addiction – brief update on project aims and objectives, to be subject of future more detailed presentation to the forum.



### REPORT OF THE SUSSEX POLICE AUTHORITY

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The Sussex Police Authority met at Sackville House, Lewes, on 19 July 2012

Attendances:

Mr S Waight (Chairman), Mrs C Shaves MBE JP (Vice-Chairman), L Barnard, Mr P Bratton, Prof G Bull, Dr L Bush, Mr P Evans, Mr F Faiz. Mr P Jones, Mr A Price JP, Mr A Smith, Mr R Tidy MBE and Dr R Walker.

The Police Authority considered a wide range of policing issues at the meeting including the following matters. The full set of reports to the Police Authority can be accessed on the Authority's website [www.sussexpoliceauthority.gov.uk](http://www.sussexpoliceauthority.gov.uk)

### CHIEF CONSTABLES REPORT

1.1 The Chief Constable provided an overview of Force performance for the period April to June 2012.

1.2 In particular the Chief Constable highlighted the success of the recent Olympic torch relay through Sussex. The public turn out was in excess of anticipated numbers and there had been magnificent support and positive feedback from the public.

1.3 The Force are making good progress against targets, the most notable being the 8.3% reduction in burglary of dwellings. This was largely driven by a 28.9% reduction recorded in Brighton and Hove.

1.4 The number of people killed or seriously injured on Sussex roads is below the figure set to meet the Department of Transport reduction requirement by 2020.

1.5 The performance for answering 999 calls is being exceeded by a significant margin with 95.8 of the calls received in the year to date being answered within 10 seconds.

1.6 The Authority discussed a number of incidents that had occurred since the last report and complimented the Chief Constable on the way they had been handled.

1.7 There has been a recent recruitment drive for PCSO's which resulted in over 550 applications being received.

### BUDGET MONITORING REPORT TO 31 MAY 2012

2.1 The Treasurer set out the financial position for 2012-13 at the end of May 2012. The cumulative revenue position up to the end of May is a net underspend of £1.6m compared to the profiled budget. This related to a small budget underspend and an over achievement of savings through the Serving Sussex programme. This was also due to Police staff and Police Community Support Officer (PCSO) vacancies. The level of vacancies was the result of continuing levels of turnover and

the holding of a higher than normal level of vacancies as part of current and planned organisational changes to minimise redundancy and maximise opportunities for internal staff to be redeployed.

2.2 The Authority agreed a revised capital budget for 2012-13 of £15.677m. This had been increased to include agreed roll forward of schemes from 2011-12 and agreed revenue to capital transfers.

### **CORE BUSINESS INTEGRATION PROGRAMME**

3.1 The Authority agreed the approach by Sussex Police to deliver improvements to the way they undertake certain key policing activities through an integrated IT system. The Force is currently in the process of procuring an IT system that will provide benefits to the staff and officers using it and to the public interface.

3.2 The new solution will meet the needs of today's services by giving officers a flexible and mobile approach to their work and will provide an excellent platform for the future. The new technology will be flexible in terms of business processes and information management.

STEVE WAIGHT  
Chairman

### EAST SUSSEX FIRE AUTHORITY

#### Report of a meeting of the East Sussex Fire Authority held at Fire & Rescue Service Headquarters at 10.30 hours on Thursday 13 September 2012.

**Present:** Councillors Fawthrop, Howson, Kenward, Livings (Chairman), Ost, Pidgeon, Powell, Rufus, Scott, Sparks, Theobald, Bob Tidy, Sylvia Tidy and Waite.

#### 1. REVIEW OF SERVICE PROVISION WITHIN THE HASTINGS BOROUGH

1.1 The Fire Authority had previously agreed to review service provision against community risk, within the Hastings area as part of the Authority's current Medium Term Plan. The local area covered in the Review was defined by the 'station grounds' of Bohemia Road and The Ridge Fire Stations, which includes Hastings as well as small areas of Rother nearest to the Hastings boundary.

1.2 The Fire Authority considered the analysis of local risk presented using a range of community risk and incident data along with service modelling tools. The Review report provided information on different models against the current provision that would reduce the risk to a greater number of the most vulnerable households across Hastings.

1.3 The review had indicated that:

- if there was no fire station at The Ridge then this would not significantly affect the performance against the Fire Authority's approved response times to life threatening incidents in the area;
- however, there would be benefits in maintaining The Ridge Fire Station with its current Retained Duty System (RDS) appliance, land rover and retained duty system personnel for the purposes of operational resilience;
- service delivery response times to life threatening incidents for communities most vulnerable to fire in the area would actually be improved by relocating the wholetime appliance based at The Ridge Fire Station to Bohemia Road Fire Station as significantly more individuals defined as vulnerable to fire lived closer the Bohemia Road Fire Station than The Ridge. The review had concluded from the evidence obtained that The Ridge wholetime appliance was answering only 39% of its calls within its own station ground area, so the relocation seemed logical in placing the services response resources geographically and therefore quicker to both the risk and majority of incidents.
- financial savings could also be realised by better aligning the existing resources by relocating the wholetime appliance based at The Ridge Fire Station to Bohemia Road Fire Station; and
- further financial savings could be realised by closing The Ridge Fire Station, should that be required.

1.4 In Hastings the area covered by the Bohemia Road Fire Station contained:

- 67% of all households
- 79% of all high risk households

- More highly deprived areas (IMD 2010)
  - Many more above average fire risk areas
  - More high risk premises
  - 72% of all incidents
- 1.5 The majority of significant incidents in Hastings could be reached within 8 minutes from Bohemia Road Fire Station. Evidence showed that operational response standards and overall service delivery performances could be improved to those communities who are the most vulnerable to fire, and resources could be better aligned to the local fire risk profiles if an appliance from The Ridge Fire Station were to be relocated to Bohemia Road Fire Station.
- 1.6 The Fire Authority has agreed the following preferred option for its 12 week consultation with local stakeholders, businesses, partners and members of the public which meets the national consultation guidance on such issues:
- The relocation of the wholetime appliance from The Ridge Fire Station to Bohemia Road Fire Station.
  - Maintaining the retained appliance and land rover at The Ridge using Retained Duty System staff with its existing establishment.
- 1.7 The consultation period started on 14 September 2012 and the Fire Authority will be considering the outcome of the consultations at its meeting on 13 December 2012 for an expected final decision.

## 2. **2011/12 PERFORMANCE OUTCOME REPORT**

- 2.1 The Fire Authority has considered the 2011/12 performance outcomes, which highlighted an overall performance improvement, showing that ESFRS had continued to build on achievements made in previous years. 78.6% of the performance indicators had met the improvement targets set.
- 2.2 Members noted with concern that tragically there were 10 local people who had died in accidental fires in their homes in 2011/12. No more than 4 are predicted in any one year, and the Service continues to strive to reduce this figure to zero.
- 2.3 The Chief Fire Officer & Chief Executive pointed out that in most of these cases, attendance by fire crews would not have prevented the fatalities. The only means by which such tragedies can be reduced is by all the agencies working together with the Service to minimise the fire risks in their homes appropriate to the individuals concerned.
- 2.4 The Chief Fire Officer also advised Members that whilst local interagency co-operation is improving including the sharing of key information to allow the Service to help those at need, there is still a long way to go.
- 2.5 The Chief Fire Officer & Chief Executive referenced the need to not only consider risks arising from chronic underlying issues but also fast changing needs such as those arising from hospital discharges as exemplified by a more recent death. He concluded that there remained many more opportunities for public services to work

together more effectively to seek to prevent any future recurrence of so many people dying unnecessarily.

2.6 Councillor Sylvia Tidy suggested that the Health & Well Being Board could play a greater role in community safety.

3. **SUSSEX CONTROL CENTRE – PROGRESS REPORT**

3.1 The Fire Authority has considered a report on the progress in relation to the Sussex Control Centre which included an audit report of satisfactory assurance on the systems of controls within the governance arrangements of the project; progress with the procurement processes for the new joint mobilising system and associated IT and systems infrastructure, and the specification for a proposed Section 16 agreement which would provide the legal framework for the joint Sussex Control Centre to be created. In essence, although very much a joint project, it proposes that West Sussex County Council discharges its statutory function (Fire Service Act 2004 (Section 7(2)(c), Section 8(2)(c) and 9(3)(c) to East Sussex Fire Authority and for ESFA to become the Centre's employer and because of this, both Authorities need to agree for its legal requirements to provide call handling and incident management services to be discharged by East Sussex Fire Authority.

**COUNCILLOR JOHN LIVINGS**

**CHAIRMAN OF EAST SUSSEX FIRE AUTHORITY**

14 September 2012

