



## **Virtual Fisheries Forum 07/04/21 – Fisheries Enforcement & the Voluntary Bailiff Service**

### **Q&A Session with Dave Lees**

Q. Hi, I have spoken to you on email regarding Wigan flashes and what I have been doing, I have informed the local council wildlife officer who works with Lancs wildlife trust that I am in contact with yourselves, and he said to keep him in the loop, and he will do what he can to support any initiative, so that's good progress already!

A. Dave Lees: Happy to meet up soon. No problem whatsoever!

Q. Is there a certain amount of commitment required as a volunteer?

A. Dave Lees: The simple answer is no, there is not a certain amount of time required. Obviously, we want you to engage, do patrols and post them on the website, but I will never be on your case asking why you aren't posting. Most VBS put in around 2.5 hours per week.

Q. Can visits by a particular volunteer and so create a relationship? Food & drink provided!

A. Dave Lees: There is nothing official but if you contact me, we can talk through the issues you have got. Assuming we have a volunteer in the area, and you are happy for them to look at your waters on a regular, basis then I'm sure this is something we could make happen.

Q. 2412 reports to police/EA but how many prosecutions resulted?

A. Dave Lees: I can't answer that because we don't have an accurate level of feedback from the EA and police at present. This is something we're working on and hope to get in future. However, it's very difficult when police do searches under the Theft Act and it doesn't come up so easily. Forces signed up to operations Traverse and Leviathan are making those searches easier but I can't give a figure on prosecutions unfortunately. I have no doubt that every REM (Regional Enforcement Manager) would be able to cite examples of when VBS reports have led to successful prosecutions though. One recent occurrence in my area on the Mersey below Woolston Weir involved a VBS who witnessed 2 individuals illegally boat fishing and taking pike. This

intelligence was acted on and the following week warranted EA bailiffs caught the individuals in the act.

Q. Hi, we haven't seen an EA FEO on the River Lee Navigation (North East London) for over five years. In that time, we've reported hundreds of offences but there has never been any follow up from them. A recent FOI for the 2019 to 2020 period showed that the EA carried out only one action on canal/river for the Herts North London region. Whereas in the same period in our region there were 600 actions taken on enclosed commercial fisheries. The general feeling from clubs and anglers is that the EA seem to be targeting commercial fisheries and leaving natural waters to fend for themselves. There has been reports in the angling press that many VBS operatives have left the service and are disillusioned with the EA response to reports and intel. To make the VBS actually fit for purpose there needs to be a change in legislation allowing them powers of issuing on the spot fines, confiscation of equipment otherwise it's never going to work.

A. Dave Lees: I am familiar with the Lea navigation having been a police officer in London for 10 years. Above all, I would say make contact with Dave Wilkins, our REM for the South East. Some of the EA's key performance indicators are numbers of licenses checked, therefore the temptation would be to visit areas with more anglers such as enclosed commercial fisheries. As we know some of the biggest problems occur on remote waters so that still presents a real issue. If you liaise with Dave, he will be able to advise and assist. You mention VBS operatives having left the service and yes, we have a turnover of volunteers. Some who can't commit for family reasons etc and occasionally some who become disillusioned. There are 2 phases to the VBS with most of the country currently in phase 1. Phase 2 VBS however could be likened to the Special Constabulary. If phase (1) VBS want to and their area is running phase (2) VBS, they can apply to the EA, receive enhanced training and become partially warranted. Once at that level, they can check licenses and issue fixed penalty tickets. In the South East there is a pilot project where a few individuals have become phase 2.

Q. This all sounds very impressive & No criticism inferred -Can you help me to understand why this scheme has NO presence in North Wales?

A. Dave Lees: This is purely down to funding issues. The VBS costs money to run and I don't believe that this funding is available in North Wales at the moment. We get lots of enquiries from anglers in North Wales and we often carry out patrols on the Dee. I regularly pass intelligence on the North Wales police and Natural Resources Wales. There is certainly the appetite there, but at the moment it is a funding issue. At this time NRW have chosen not to mirror the VBS approach as the EA have in England.

Q. My VBS notebook has nearly run out/full up, is it okay to use an ordinary pad or must I order a new pad through my REM?

A. Dave Lees: I will be in touch.

Q. I'm down for the VBS 2, when are courses due to start again?

A. Dave Lees: There is an ongoing review so we aren't sure at the moment until this review is complete.

Q. Our club has a zero tolerance on alcohol and illegal substances. Any member caught is made to pack up and leave the fishery. But what happens if they then attempt to get in their car and drive home. Can the club or bailiff be held responsible for allowing them to drive when under the influence?

A. Dave Lees: No, you wouldn't be held responsible. It's their choice whether they drive under the influence and it isn't the club's or bailiff's responsibility.

Q. It's very disappointing to not know what all this intelligence gathering has resulted in. Our WhatsApp Group members are getting despondent because we never get to hear if people are being punished.

A. Dave Lees: Prosecutions are published every month online by both ourselves and the EA. The problem is that intel is sanitised when it goes through, meaning we don't get that feedback. It's frustrating at times, but we need to stick with this system in order to protect the source. It's sometimes possible for me to infer which intelligence has led to what outcome however.

Q. What is the current situation with regards the training requirements? If I wanted to become involved how frequently are the sessions running? i.e. how quickly would I be able to be up and running?

A. Dave Lees: Although it used to be every spring, we now carry out a rolling recruitment. Contact Karen Hinson for an expression of interest. Karen will then send you an application form. I'll do a quick teams call to make sure you understand what VBS is about and that I'm happy likewise, then we can get the ball rolling pretty quickly.

Q. If I were successful in becoming a VBS volunteer how far would I be expected to travel on patrols?

A. Dave Lees: We will not direct you at any point. We will pass on information but never direct. For example, if I were running a high-profile patrol on the River Ribble and I contacted you asking if you were able to support, we would pay your travel expenses. Otherwise, it's down to yourself, your locality and the waters you fish.

Q. How many of your VBS put reports in? Are there many that do not?

A. Dave Lees: There are some who don't put as many patrols in as others, but that's just the nature of the beast. We do have assessment periods where we have honest conversations to establish if VBs are still interested. Out of the 63/64 VBS in my region, at least 40 have submitted recent reports.

Q. The Environment Agency in the Cumbria area are understaffed and can't cover the rivers. How can this be addressed?

A. Dave Lees: The EA's Cumbria and Lancashire area have 8 FEOs (Fisheries Enforcement Officers), while Greater Manchester, Merseyside and Cheshire have 7 FEOs. There are only 15 staff for the whole of the North West area, and there certainly needs to be more investment. The Agency once had more bailiffs on the Ribble than the entire Cumbria/ Lancs area combined, and that was only 10-12 years ago. I'm looking to increase membership of the VBS in the Cumbria area to help as best we can.

John Cheyne: EA Fisheries Teams are now run almost entirely on Fishing License income. It used to be matched by grant-in-aid from central government, but this has been cut drastically.

Q. Are EA licence holders entitled to ask other anglers or poachers evidence they are licence holders if they are fishing club waters. and what can be done on site if they refuse to leave?

A. Dave Lees: This used to be the case a long time ago, but now only warranted officers can ask people to produce a fishing license - e.g. Police or EA bailiffs. The exception to this would be if you are a club bailiff, and if it is written into club rules that the member must produce a valid rod license to a bailiff on request - then you would be entitled to check. This wouldn't stand up in court however - it would need to be a warranted officer who asked. If you then ask them to leave, it's an offence you should then report to the EA on 0800 807060. If the person is not a club member then its slightly different

because they are committing offences under schedule 1 of the theft act which represents a theft of fishing rights. That is a police matter and should be reported to them rather than the EA.

Q. I have my interview with Kevin tomorrow, out of interest, what number of volunteer's cover the North East Area?

A. Dave Lees: It's a big area and I think Kevin has around 70-80

Q. Indeed, and if the EA were to be guaranteed for full costs recovery on pollution and illegal fishing (e.g. poaching/theft) prosecutions which would be ringfenced to their service and current/future operations, that would make a significant impact. We have our local MPs lobbying for this, including through the Environment Bill

A. John Cheyne: That's a really good point. One of the big frustrations particularly with polluters is that when they are fined (often millions), the money goes straight to the treasury. If your club is a member of Fish Legal they will take civil action against the polluter and all the money will go straight to the fishing club.

Q. What can we do about Canoeists on a non-navigable river?

A. John Cheyne: The biggest problem with trying to deal with unlawful canoeing on non-navigable rivers is that they are only breaking the law of trespass, which is a civil issue – meaning the police and EA won't get involved. It's therefore up to the landowner to take civil action against that person. This is expensive, it can be difficult to prove identity etc and on the whole, landowners don't want to spend their time or money on canoeists when they might end up with a hefty bill. The only time it could become a criminal offence is in the unlikely scenario that the canoeists were intentionally disturbing spawning fish, which is outlawed under the Salmon and Freshwater Fisheries act.

Dave Lees: if it becomes a persistent issue, you could try establishing the launch site and putting up signage warning the canoeists that what they are doing is unlawful. Our advice would always be to always try and work *with* canoe groups however, to reach an access agreement that suits all parties.

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