



The Scottish Parliament  
Pàrlamaid na h-Alba

## ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM COMMITTEE

### AGENDA

12th Meeting, 2017 (Session 5)

Tuesday 18 April 2017

The Committee will meet at 10.00 am in the Robert Burns Room (CR1).

1. **Declaration of interests:** Richard Lyle will be invited to declare any relevant interests.
2. **Decision on taking business in private:** The Committee will decide whether to take items 4 and 5 in private.
3. **Petition PE1615 by Logan Steele on behalf of Scottish Raptor Study Group on state regulated licensing system for gamebird hunting in Scotland** The Committee will take evidence from—

Logan Steele;

Andrea Hudspeth, Treasurer and Raptor Surveyor, Tayside Raptor Study;

and then from—

Logan Steele;

Duncan Orr-Ewing, Head of Species and Land Management, The Royal Society for the Protection of Birds Scotland;

David Johnstone, Chairman, Scottish Land & Estates;

Andy Smith, Committee Member, Scottish Gamekeepers Association;

Robbie Kernahan, Head of National Operations, Scottish Natural Heritage.

4. **The budget review process:** The Committee will consider its draft response to the Finance and Constitution Committee and the Budget Process Review Group
5. **Work programme:** The Committee will consider its work programme.

**ECCLR/S5/17/12/A**

Lynn Tullis  
Clerk to the Environment, Climate Change and Land Reform Committee  
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The papers for this meeting are as follows—

**Agenda item 3**

PE1615 cover note

ECCLR/S5/17/12/1

PRIVATE PAPER

ECCLR/S5/17/12/2  
(P)

**Agenda item 4**

PRIVATE PAPER

ECCLR/S5/17/12/3  
(P)

**Agenda item 5**

PRIVATE PAPER

ECCLR/S5/17/12/4  
(P)

**Environment, Climate Change and Land Reform Committee****12th Meeting, 2017 (Session 5)****Tuesday 18 April 2017****PE1615: State regulated licensing system for gamebird hunting in Scotland****Background**

1. Petition [PE1615](#), from Logan Steele on behalf of the Scottish Raptor Study Group, was lodged on 22 August 2016. It calls on the Scottish Parliament to urge the Scottish Government to implement urgent action to introduce a state regulated system of licensing of gamebird hunting, that addresses the potentially adverse environmental impact of gamebird hunting, provides for the revocation or amendment of licences where a licence-holder fails to comply with their terms and conditions, and to implement the recommendations of the Review of Wildlife Crime Penalties in Scotland.

**Public Petitions Committee consideration**

2. At its meeting on [8 December 2016](#), the Public Petitions Committee (PPC) agreed to refer the petition to the Environment, Climate Change and Land Reform Committee.

3. The PPC Committee had previously [taken evidence on 27 October 2017](#) from the petitioner Logan Steele and representatives from RSPB Scotland and the Tayside Raptor Study Group, who are also both members of the Scottish Raptor Study Group. To help “ensure fairness and balance”<sup>1</sup>, the PCC Committee also [took evidence on 8 December 2016](#) from two groups who did not support the petition: the Scottish Moorland Group and the British Association for Shooting and Conservation.

*Written evidence received by the PPC Committee*

4. The PPC Committee also received written evidence from:

- [The Game and Wildlife Conservation Trust](#)
- [RSPB Scotland](#)
- [Scottish Countryside Alliance](#)
- [Scottish Land and Estates](#)
- [A joint submission from the Scottish Moorland Group and the British Association for Shooting and Conservation](#)

*SPICe briefing*

5. The Scottish Parliament Information Centre’s (SPICe) [briefing to the PCC Committee on the petition](#) provided: a background to gamebird hunting in Scotland; some views on the potential negative effects of such hunting on raptor species in

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<sup>1</sup> Public Petitions Committee. *Official Report*, 10 November 2016, Col 26.

Scotland as well as wider environmental impacts; and a summary of previous work in this area by both the Scottish Government and the Scottish Parliament.

### **Environment, Climate Change and Land Reform Committee consideration**

6. The Committee first considered the petition at its [meeting on 31 January 2017](#) where it agreed to:

- write to the Cabinet Secretary for Environment, Climate Change and Land Reform seeking information on the operation of current legislation in this area; and
- request more details on when the SNH commissioned research on gamebird licensing systems in selected other countries might be published.

7. Since then, [the SNH report was published on 25 February 2017](#) and the Committee has received [a response from the Cabinet Secretary for the Environment, Climate Change and Land Reform](#) on the Scottish Government's work in this area (for ease of reference this is also attached in the **Annexe**).

8. At its meeting on 28 March 2016, the Committee agreed to take evidence from both the petitioner and a range of stakeholders. At today's meeting, the Committee will therefore hear from:

#### Panel 1

- Logan Steele, the petitioner
- Andrea Hudspeth, Treasurer and Raptor Surveyor, Tayside Raptor Study Group

#### Panel 2

- Duncan Orr-Ewing, Head of Species and Land Management, RSPB Scotland
- David Johnstone, Chairman, Scottish Land & Estates
- Andy Smith, Committee Member, Scottish Gamekeepers Association
- Robbie Kernahan, Head of National Operations, Scottish Natural Heritage

9. Logan Steele has also been invited to remain at the table for the second panel so that he might have a right of reply to any points raised by stakeholders.

#### *Written evidence*

10. Given many of the above witnesses have already provided written evidence to the Public Petitions Committee, the Committee only asked for further submissions if there were any additional points they wished to make. Written evidence was received from [Scottish Land & Estates](#).

#### **Next steps**

11. At a subsequent meeting the Committee will consider any further course of action it may wish to take in relation to the petition.

#### **Clerks**

**Environment, Climate Change and Land Reform Committee**

## Annexe A

**Letter from the Cabinet Secretary for Environment, Climate Change and Land Reform to the Convener of the Environment, Climate Change and Land Reform Committee**

Thank you for your letter of 7 February 2017 in relation to petition “PE1615: State regulated licensing system for gamebird hunting in Scotland” and other points.

You asked for further information on:

- when the SNH commissioned research on gamebird licensing systems in selected other countries will be published; and
- the operation of current related legislation in this area and whether the Scottish Government has any plans to review the current licensing regime.

On the first point, as previously advised in my letter of 27 February, the SNH commissioned research on gamebird licensing systems in selected other countries was published on 25 February.

Turning to the second part of your query, I think it is fair to say that the law in Scotland relating to the hunting of gamebirds, in terms of the species that may be taken, the closed seasons, the methods that may be used etc, is generally working well. We have no reason to doubt that there is a high level of compliance among individual game bird hunters. The problem we have in Scotland, as you will be aware, is with the illegal killing of protected raptor species by some managers and owners of shooting businesses (and to a lesser extent by people seeking to protect livestock from protected raptors).

The Scottish Government has made a number of changes to the law in recent years to tackle illegal raptor killing, including the introduction of vicarious liability for certain offences in the Wildlife and Countryside Act. There have now been two convictions under the vicarious liability provisions. It is believed that the provisions have also had a deterrent effect in that they prompted a number of landowners and managers to review the training and instructions for employees and contractors to ensure that their operations are compliant with the law. The complexity and obscurity of land ownership arrangements has, I understand, been a factor in frustrating some potential vicarious liability prosecutions.

As regards licensing, it is worth recalling that we repealed the requirement for individual hunters to purchase an annual licence in 2011 as it was not thought to serve any useful purpose. I think it is unlikely that there is any case for this sort of licensing to be reintroduced.

We have made changes to the terms of the General Licences that allow pest species to be controlled, so that these Licences cannot be used by anyone who has been convicted of a wildlife crime, or on land where we have good reason to believe that wildlife crime has taken place. The first restrictions imposed based on the latter aspect are currently subject to judicial review.

On firearms licences, implementation and casework is a matter for Police Scotland, while the policy in this area is reserved to Westminster. I do agree, however, with the recommendations in Professor Poustie's report on wildlife crime penalties in which he suggested ways that firearms licensing could work to prevent wildlife crime. I am exploring ways in which we can take these forward with colleagues in Justice and with the Westminster Government.

I am aware of proposals for a system where all or particular types of shooting businesses are licensed. The idea being that if a licensed business did not comply with specified conditions or was found to be involved in illegal activity, their licence to operate would be withdrawn. I can see the attraction of this proposal in that it could be a powerful tool for deterring and responding to wildlife crime. It could also provide a means for ensuring that shooting businesses, which are at present lightly regulated, operate sustainably and in accordance with best practice. For these reasons we have stated in the past that this remains an option that we may pursue if and when we think it is required. However I should also be clear that it would require primary legislation to bring into force which could well be difficult and contentious. It would also require additional resources to implement and enforce.

In conclusion, I would emphasise that our experience in this area is that there is no short cut to securing hard evidence of criminal behaviour. Changes to the law can only go so far, and always will need to be accompanied by effective, professional law enforcement. A licensing scheme may be a useful addition to the toolbox, but it will still depend on someone gathering evidence of wrong-doing in order to justify removal of a licence to operate a business.

**Roseanna Cunningham MSP**

Cabinet Secretary for Environment, Climate Change and Land Reform  
7 March 2017

**Annexe B****Written submission from Scottish Land & Estates**

Scottish Land & Estates is a membership organisation representing landowners, land managers and rural businesses across Scotland. We are grateful for the opportunity to make a brief written submission before the Environment Climate Change and Land Reform Committee meeting on 18th April. This covers additional points that have arisen since the evidence session heard by the Petitions Committee on 8th December 2016.

Members of the Committee asked to hear evidence on the SNH report “A Review of Game Bird Law and Licensing in Selected European Countries”, published on 24th February. We believe that the report provides a useful summary of the law in other countries, and showed that in all countries surveyed it was the individual hunter who was licensed, with the main objective of sustainable management of wild quarry species, and where shooting is often carried out on publicly owned land. The situation in Scotland is different; shooting nearly all takes place on private land and is largely of reared or managed wild species (thus ensuring a surplus is sustained) and no attempt has been made to compare the public benefits. The report also made clear that illegal killing of raptors, which is the main premise behind this Petition, is a “widespread phenomenon” in Europe, indicating that the individual licensing system in EU countries is not in itself effective in resolving that issue.

We believe that the current trend in raptor crime in Scotland shows that further regulation is unnecessary. An important piece of new evidence is that on the 24th March, the Government published the 2016 maps and tables of raptor persecution incidents recorded by the police. This showed an overall decrease of 26% over the year, from 19 down to 14 incidents, continuing a trend of declining persecution over the last five years. While the problem is not yet eradicated, considerable progress has been made across all types of raptor crime and that is due to a combination of the tough legal regime, awareness raising and partnership working led by PAWS Scotland. We, and others, are committed to ensuring that this progress continues.

We believe that any move towards any form of licensing system would undermine future partnership working without bringing any clear benefit.

Lastly, we note the comments of the Cabinet Secretary in her letter to the Convenor of 7th March. We agree with the recommendations in Professor Poustie’s report to update wildlife crime penalties. In respect of ways in which firearms licensing could be used to prevent wildlife crime, this is already a potent measure with a wide range of crimes by a shotgun or firearms licence holder resulting in those licences being withdrawn. We also agree that effective professional law enforcement is vital to secure evidence and that has to be carried out by the police with the necessary resources.

Tim Baynes  
Director  
11 April 2017