



Bat crime

Priority Delivery Group, newsletter.

Newsletter number 3

June 2016

This is the third bat crime newsletter produced by the UK bat wildlife crime priority delivery group (pdg). We intend to bring you news as demand dictates. Information that we hope you will find to be of interest is also included. No confidential information will be included in this newsletter; it can therefore be freely circulated.

Who are the bat crime-priority delivery group?

The pdg meets twice a year. Invariably, at Natural England's offices in Cambridge, it is chaired by the Police with BCT providing secretariat services. Membership at present comprises of the Police, representatives of Natural England (NE), Scottish Natural Heritage (SNH), and Northern Ireland's Department of Environment (NIDOE). The Bat Conservation Trust (BCT), Crown Prosecution Service (CPS), the Association of Local Government Ecologists (ALGE) and the Chartered Institute of Environment and Ecological Management (CIEEM) are also members. Our work is shaped by our objective: -

To reduce bat crime by working with key stakeholders to raise awareness of responsibilities and criminal offences against bats, promoting a preventative approach and improving the submission of intelligence and standards of investigation relating to bats across the UK.

If you would like more information regarding the work of the pdg or are interested in contributing to our work of please contact Pete Charleston at BCT. (pcharleston@bats.org.uk) We would be particularly interested in hearing from representatives of the UK regional wildlife crime enforcement groups not already represented.

Extent of bat crime.

Bat crime 2015 is being prepared. We intend it to be available on the BCT website from August. The number of cases referred to the Police during 2015 is substantially down on the record high recorded in 2014 and is close to the long-term average.

Bat crime re-affirmed as a UK wildlife crime priority.

The UK wildlife crime tasking and coordinating group recently accepted JNCC advice, confirming that bat crime remains one of the six UK wildlife crime priorities. The others conservation priorities are the illegal trade in endangered wildlife, raptor persecution and freshwater pearl mussels. Additionally badger persecution and poaching are confirmed as priority areas, because of the scale of those problems.

The loss of roosts has been identified as a contributory factor to the decline of bat populations. Given that damaging or destroying bat roosts is an absolute criminal offence it follows that criminal activity impacts on populations. Monitoring in recent years has produced the very welcome news that populations of some bat species are now showing signs of recovery. This information does, however, have to set against the fact that the baseline upon which it is based is comparatively recent. Bat populations remain far below historic levels.

Recent convictions.

In our last newsletter we made mention of a long running case in Derbyshire involving an appeal against conviction for bat offences and a potential Proceeds of Crime Act (POCA) application. That matter has now been concluded with the following report having been released by BCT.

'In April 2014 BCT reported on the conviction of Hargudial Singh RAI and ISAR Enterprises Ltd for destroying a roost used by brown long-eared bats in Matlock.

Shortly after that date both Mr Rai and his company ISAR Enterprises lodged an appeal against conviction. Appeal hearing dates were set and adjourned on a number of occasions. Mr Rai is a director of ISAR Enterprises Ltd. On Monday 7th March 2016 His Honour John Burgess sitting at Derby Crown Court heard the matter. ISAR Enterprises, on legal advice, abandoned their appeal. In so doing they accepted their guilt. Mr Rai then applied for and was successful in having his conviction quashed. The hearing then went on to consider a Proceeds of Crime Order, which seeks to ensure that offenders do not benefit financially from their criminal behaviour. In this case it was agreed by both sides that the financial benefit amounted to £5730.

In passing sentence His Honour Burgess commented that the offence in question had not been intentional but was, "at best" negligent. He also commented that the offending was carried out by a small company in financial difficulty and whilst not of the most serious was by no means of the least serious nature. He fined ISAR Enterprises Ltd £3000, and ordered them to pay £2000 costs. He also made a confiscation order under the Proceeds of Crime Act in the sum of £5730.

It is our view that this case is the most significant conviction for bat crime ever recorded. Not only is it the first occasion where such a case has been heard in the Crown Court but to our knowledge it is the first time that a proceeds of crime application has been heard in relation any wildlife crime not involving the illegal trade in endangered species. A strong message is being sent to developers to the effect that they cannot, in future, expect to benefit from criminal behaviour. There are many people to thank for their involvement in this case. In particular the Investigating Officer PC Emerson Buckingham and the financial investigators of Derbyshire Constabulary, Andy McWilliam of the National Wildlife Crime Unit and Rod Chapman, Senior Crown Prosecutor for the Crown Prosecution Service. Finally thanks must go to all the witnesses involved in this case."

We consider this outcome to be of great significance, and not only from the perspective of the Proceeds of Crime order. This is the first time that a bat crime has been heard by the Crown Court. The remarks made by His Honour Burgess are very helpful and can be used to inform sentencing in future cases.

It is generally accepted that a commercial developer who follows lawful processes resulting in the damage or destruction of a bat roost will face costs of at least 4k, in many cases costs considerably more. A failure to follow lawful process will therefore result in financial gain and this alone can be the basis for a POCA application. Additionally further benefit might be identified, for example by failing to provide recommended mitigation a developer may be able to provide extra living space in a property that would otherwise have been unavailable. Such additional space may add to the value of the property that in turn might be considered to be unlawful gain.

The bat pdg as a consequence of this case would hope to see POCA legislation being considered in future cases, indeed we are aware of a couple of on-going investigations where this is happening. Whilst we do not feel that every case would merit such an application we are keen to see the legislation being used where appropriate.

Natural England EPS newsletter

In March 2016 Natural England published their latest EPS newsletter. This edition contains information relating a consultation on changes to licensing activities impacting on EPS and new class licences. The newsletter can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/507477/eps-newsletter-march-2016.pdf

Environmental Damage Regulations 2009 – use of stop notices.

Natural Resources Wales (NRW) have on two occasions used the provisions of the Environment Damage (Prevention and Remediation) Regulations 2009 to prevent work being undertaken on sites because it involved damage to habitat used by Great Crested Newts to an extent where it was thought to affect favourable conservation status of the species.

Although both instances relate to GCN habitat it is quite possible, that in future, circumstances might be identified where bat habitat is being destroyed. Use of stop notices can only be made in specific circumstances and can only be used where favourable conservation status is affected or threatened. The Statutory Nature Conservation Organisation who are empowered to require remediation of any damage that has been caused can enforce the regulations. Interested parties can ask the enforcement authorities to take action under the regulations and should be informed of the result of a request.

An introduction to Brown Long Eared bats.

Analysis of crime reports has revealed the different species of bats affected by operations that have attracted Police interest. We will, in each newsletter, feature one such species.

Brown Long Eared bats are the second most common species to feature in Police investigations. In many instances roosts are identified in structures where roosts of other bat species are also identified. Disposal of investigations outside the criminal justice system involving BLE's can be complicated by the need to provide bespoke areas for roosts. Provision of simple bat boxes for this species is not an option.

Introduction

Brown long-eared bats are medium-sized. The ears are nearly as long as the body but not always obvious: when at rest they curl their ears back like rams' horns, or tuck them away completely under their wings leaving only the pointed inner lobe of the ear (the tragus) visible.

Vital statistics

Head & body length: 37mm - 52mm

Forearm length: 34mm - 42mm

Wingspan: 230mm - 285mm

Weight: 6g - 12g

Thumb: More than 6.2mm (in comparison with grey long-eared)

Tragus: Greatest width less than 5.5mm (in comparison with grey long-eared)

Colour: Adults have light brown fur, pale underneath; juveniles greyish beware confusion with grey long-eared!

General

As well as catching insects in free flight, brown long-eared bats are gleaners, often flying slowly amongst foliage, picking insects off leaves and bark. Their broad wings and tail allow slow, highly manoeuvrable, hovering flight. Sometimes they land on the ground to catch insects or to shift them into a controllable position in the mouth, and they are even able to take insects from lighted windows. Their flight often includes steep dives and short glides. These bats are known as 'whispering bats' because their echolocation sounds are very quiet. They have particularly sensitive low frequency hearing and often locate prey from the sounds made by the insect's own movements. They may sometimes use vision. Small prey is eaten in flight, but larger insects are taken to a 'perch'. Regularly used perches, which are frequently inside porches or barns, can be recognised by the accumulations of discarded insect remains, and particularly wings of moths such as yellow under-wings. Their habit of flying close to the ground, or even landing to tackle

prey, makes long-eared bats vulnerable to attack by predators.

Habitats

Summer roosts are usually located in older buildings, barns, churches and trees. Long-eared bats generally form small and quiet colonies of about 20 animals - often the first a householder knows about them is when a visit to the loft reveals a cluster of tiny faces peering down from a corner of the rafters! Winter roosts tend to be found in caves, tunnels, mines, and icehouses and occasionally even trees and buildings. Their foraging habitat is open deciduous and coniferous woodland, parkland and orchards. Unlike the males of other species, a significant proportion of male brown long eared bats may be present in the maternity roosts. Brown long-eared bats prefer to hibernate at very cold temperatures, often just above freezing point.

Diet

Moths, beetles, flies, earwigs and spiders.

Reproduction & life cycle

Mating takes place in the autumn and active males will continue to seek out and mate with females throughout the winter. Maternity colonies are established in late spring, with one young born around late June to mid-July, and then weaned at 6 weeks. Colony size is between 10 to 20 bats (up to 50), and each brown long-eared can live for up to 30 years.

Echolocation

Brown long-eared bats' echolocation calls range from 25 - 50kHz and peak at 35kHz. On a bat detector the calls are very quiet and are heard as a series of clicks rather like those produced by a Geiger counter.

Distribution & conservation

The Brown Long-eared bat is found throughout the UK, Ireland and the Isle of Man. It is absent from Orkney and Shetland, and other exposed islands. It is also common and widespread in the rest of Europe, except for southern Spain, southern Italy and Greece. It has declined in Britain due to changing land use, including modern intensive agricultural practices, and the conversion of barns which have resulted in the loss of suitable feeding and roosting habitats. It is particularly susceptible to pesticides, especially their use in roofs where it often roosts on exposed timbers.

Information taken from the BCT website

www.bats.org.uk/publications_download.php/213/brownlongeared.pdf

Bats and Pieces!

Big Bat Map launch

The Big Bat Map is an interactive map that lets you view and share sightings of bats flying in your area! Bats can be seen in cities, woodland, parks, fields and gardens all over the UK. Apart from being able to record your own sightings, the Big Bat Map also identifies "bat hotspots" which have been recommended by Bat Conservation Trust staff and local bat groups as good places to go and see bats.

Thank you to everyone who shared his or her bat sighting with us over the last few months. If you have provided us your email address and agreed that you are happy to be contacted, you will receive an email soon with some Big Bat Map highlights and batty news! Bats are fully active now so it is time to clear the map and start a fresh page of sightings! We will be clearing the map (don't worry we do keep all the sightings) on Wednesday the 1st of June. If you want to help us monitor bats then do please visit the National Bat Monitoring Programme (NBMP) where you will find different surveys that are suitable for all sorts of experience. The NBMP is celebrating its 20th anniversary this year, its success relies on thousands of volunteer citizen scientist who

contribute data – without them, and we simply would not know how bats are faring. Take a look here: <http://www.bats.org.uk/pages/nbmp.html>

Bats in church buildings



Managing bats in church buildings was the focus of a one-day conference of national and local representatives from the church, built heritage and conservation sectors on 13th May. The event was organised by a partnership of Natural England, the Church of England, Historic England, the Bat Conservation Trust and Churches Conservation Trust to give all interested parties the chance to discuss the outcome of recent research, practical ideas about living with bats and the priorities for the future.

A full report of the workshop and access to recordings of the presentations will be available on www.batsandchurches.org.uk in June. Twitter #batsinchurches

National Bat Monitoring Programme (NBMP) Annual Report 2015

5 May 2016

The National Bat Monitoring Programme (NBMP) is a world-leading citizen science programme. It relies on a dedicated network of volunteer surveyors, who contributed a total of 19,600 hours of their time in 2015.

The 2015 Annual Report provides the latest results from the programme, which produces population trends for 11 of Great Britain's 17 resident bat species. All bat species we monitor are considered to have been stable or to have increased since 1999.

Four species are considered to have increased since the baseline year of monitoring, while another five species are considered to have stable trends. The remaining two species show some evidence of increases, however the evidence is currently inconclusive and further years of data are required to confirm these trends.

The latest results of the National Bat Monitoring Programme show continued signs of recovery for some species of bat in Great Britain that is encouraging; however it is important to remember that these trends reflect relatively recent changes in bat populations. The results suggest that current legislation and conservation action to protect and conserve bats are having a positive impact, and it is vitally important that this continues.

The NBMP is run by the Bat Conservation Trust, in partnership with the Joint Nature Conservation Committee, and supported and steered by Natural England, Natural Resources Wales, Northern Ireland Environment Agency, and Scottish Natural Heritage. The NBMP is indebted to all volunteers who contribute data to the programme.

Pete Charleston, Investigations Officer, Bat Conservation Trust produced this newsletter on behalf of the bat pdg. Any views expressed are those of the author and may not be the views of any of the members of the pdg or the organisations they represent.

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