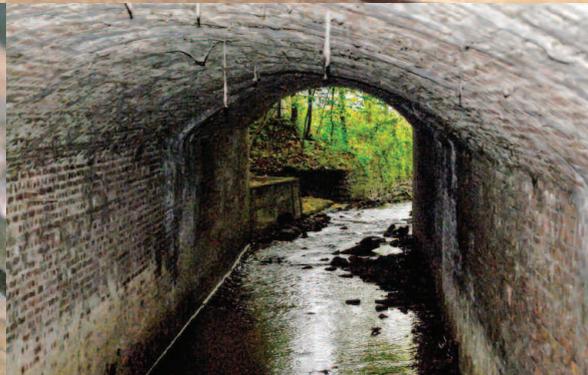


The Bat Crime Annual Report 2015



Main photo © Hugh Clark



The Bat Crime Annual Report 2015

Summary

This Bat Crime Annual Report 2015 outlines and analyses incidents and outcomes of the Bat Conservation Trust's Investigations Project over the 12 months from January 2015 - December 2015.

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1. Introduction: Why are bats in need of protection?

There are currently 18 species of bat present in the UK (17 of which are known to be breeding). Bats are highly dependent on man-made structures such as houses, churches and barns for roosting, and the surrounding habitats for foraging and commuting. This reliance makes them particularly vulnerable to development and general building works, e.g. conversions, demolitions, timber treatment and maintenance activities in buildings. Maternity roosts, often found in buildings, are particularly vulnerable as bat species have very specific maternity roost requirements. As mothers and young may be present within such a roost during the maternity season, loss of a maternity roost can have a significant impact on the local bat population with potential loss of the whole of a breeding population.

Historical studies have shown that bat populations declined considerably between the 1950s and 1980s across Europe including the UK. It is for this reason that all 18 bat species in the UK and their roosts are protected by European and national laws making it an offence to:

- Deliberately capture, injure or kill a bat;
- Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats anywhere and, in particular, if the level of disturbance impairs survival, breeding, reproduction, hibernation or migration;
- Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time);
- Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat;
- Intentionally or recklessly obstruct access to a bat roost.

Despite the welcome reduction in the number of referrals made to the police in 2015 bat related crime remains at a worrying level. In 2014 BCT referred 159 allegations of bat crime to the police, more than in any previous year. In 2015 we referred 133 allegations, a total very much in line with the 2010-2015 average. Anecdotal evidence from bat workers, the general public and building and forestry professionals indicate that these figures continue to represent only a drop in the ocean. The building, development and maintenance sector accounted for the vast majority of the incidents referred for investigation – again this is in line with findings from previous years.

2. About the Investigations Project

The Investigations Project has been working to prevent bat crime since its inception in 2001 as a collaboration between RSPB and the Bat Conservation Trust (BCT). Since then, the Investigations Project has developed and is now based wholly within BCT, supported by local bat groups and BCT staff. A part-time Investigations Officer Pete Charleston has led the project since 2010. The 2016 priorities for BCT's Investigations Project remain:

- Recording of bat related crime;
- Providing support, training and advice for the police, CPS, SNCOs and bat workers to ensure incidents are reported, investigated, and the law enforced i.e. prosecutions are taken forward where appropriate and that sentencing is both proportionate and dissuasive;
- Working alongside colleagues to improve areas of UK policy, in particular those that relate to planning and species licensing, to reduce opportunities for ignoring the legislative protection given to bats; and
- Targeting the groups and sectors that perpetrate bat related crime for education and awareness raising initiatives, such as the production of best practice guidelines to improve work practices.

Working towards change in the built environment sector

Although development has been identified as a key component of many bat crimes, BCT acknowledges that many in the industry want to do the right thing. We regularly receive contact from builders who discover bats and are very anxious not only to comply with the law but also to ensure that their activities are not detrimental.

In addition, positive steps are being taken by organisations such as the Construction Industry Research and Information Association (CIRIA). These include providing guidance on biodiversity enhancements in developments above and beyond what is required in planning. Their work includes the BIG biodiversity challenge awards: https://www.ciria.org/News/CIRIA_news2/2016_BIG_Biodiversity_Challenge_winners.aspx and guidance such as 'Working with wildlife: guidance for the construction industry', which introduces construction professionals to the importance of understanding wildlife and the impact the construction industry has on it. The guide details the legislative and regulatory controls that exist.

3. UK wildlife crime priorities and the National Wildlife Crime Unit (NWCU)

In 2004 the persecution of bats was identified by the statutory nature conservation agencies as a wildlife crime priority for the police service of equal standing to the other priorities, including birds of prey persecution and the illegal trade in endangered species. These priorities are reviewed annually. In each and every review, most recently in 2014, bat crime has been identified as an area of concern.

During 2015 the BCT have continued to work closely with the NWCU providing them with intelligence relating to all incidents that are referred for investigation. The National Wildlife Crime Strategic Threat Assessment identifies the BCT as the unit's primary source of intelligence relating to bat crime. The threat assessment can be viewed at:

<http://www.nwcu.police.uk/wp-content/uploads/2014/04/NWCU-Strategic-Assessment-2013-final-v2.pdf>

In order to ensure that the BCT can continue to present a comprehensive assessment of bat crimes, we continue to request that bat groups and other interested groups provide information about any offences or other suspicious behaviour, which they become aware of. The BCT will, if necessary, commit to confidentiality and will not undertake further action without the consent of those who submit the information.

4. Legislation

BCT is committed to raising levels of knowledge amongst those charged with delivering the legal protection offered to bats. During 2015 the BCT delivered training to the police at both the national wildlife crime foundation course and to groups of police forces. We were also fortunate to be one of very few non government organisations to be invited by the Crown Prosecution Service (CPS) to provide training to recently appointed specialist wildlife crime prosecutors.

For some years investigations into bat crime had been complicated by the fact that planning permissions have been granted without bat surveys having been considered, or only with a condition that they should be conducted during the course of development. A court judgment in 2009 reinforced the fact that planning permissions likely to have an impact on bats should not be considered without surveys being available to support and inform the planning decision. Should planning permissions be granted without such surveys, there is a real risk that the permissions might later be deemed invalid.

BCT consider that this judgment has significantly contributed to planning permissions stipulating the requirement for surveys to be considered. This is a very welcome situation that BCT will continue to monitor.

During 2014 the Law Commission undertook a review of wildlife crime legislation. The commission provided Defra with a draft Wildlife Bill but no detailed response has yet been made public. BCT will monitor the situation and will engage in any process that seeks to change legislation, for the better or worse.

5. Incidents notified to BCT in 2015

In 2014, BCT ceased to record all allegations of bat crime on our investigations database. Considerable volunteer effort is required to record all these matters with less than half then being referred to the police for investigation. Because of this the decision was taken to only record those matters that had been researched by our investigations officer, this includes all referrals to enforcement agencies along with a number of other cases where, in the event, lack of evidence prevented referral.

In 2015 BCT made 133 referrals to the police, a substantial decrease on the 2014 total of 159. The number of referrals is much in line with the 2010 - 2015 average.

Until 2010, all criminal offences relating to bats were investigated by the police and prosecuted by the CPS. Natural England has now decided to utilise powers granted to them by the Natural Environment and Rural Communities Act 2006 to investigate and, where necessary, to prosecute offences relating to breaches of bat licence conditions. In the remainder of the UK these matters are still referred to the police for investigation.

5.1 Reporting of incidents

Year on year, since 2010, the number of referrals made to enforcement authorities have not fluctuated to any great extent. We continue to hold the view that the level of recorded crime represents only a fraction of the number of incidents that involve bats. It is impossible to form judgments as to whether the amount of crime is increasing, decreasing or holding steady. We can, of course, only report on the number of incidents made known to us. The importance of maintaining records on the level of bat crime cannot be underestimated. It is the only information we can use to demonstrate to enforcers and legislators that bat crime is a problem that can affect conservation status requiring an appropriate and effective response.

Regular contact with the NWCUC suggests that BCT has become aware of most incidents of bat crime that are investigated by the police. Because of legislative restrictions, on occasion, we do not receive full details of incidents and there is no obligation for authorities to consult with us. It is for this reason that close contact between bat groups, bat workers and BCT is crucial if an informed view of the levels of bat crime is to be presented.

Many reports to the BCT that disclose the possibility of criminal activity are from builders and householders who have come across bats whilst carrying out work on their property and in so doing have disturbed bats or caused minor damage to roosts. BCT choose not to refer the majority of these reports because, in our view, the conservation interest outweighs any benefit that might be gained from a criminal investigation.

Those builders and householders who call the BCT regarding bat disturbance or minor damage are usually seeking advice as to what they need to do, and most are receptive to the advice that is provided. If the BCT referred these calls to the police it could discourage these calls and ultimately the conservation of bats would suffer. The conservation interest therefore dictates that the BCT do not refer them.

Every call the BCT receive that identifies the possibility of an offence is screened to ensure that we do not refer inappropriate cases for investigation. Even though the BCT may not refer some incidents for investigation, no suggestion of criminal offences is allowed to pass without being commented upon. Additionally, we make written or oral contact with the investigating officer in every case that is referred for investigation, offering legislative and investigative advice.

Bat Helpline staff act on behalf of Natural England to provide both oral and written advice and it is often the case that the BCT will invite local bat groups and volunteer bat workers to become further involved. It is considered likely that because of the present economic situation, the support the BCT provide to Natural England in this area will become ever more relied upon.

5.2 Incidents by police area

The number of reported incidents varied throughout the UK police forces. Of the 133 incidents referred to the police last year, 109 were referred to English police forces, nine to Police Scotland and 15 to the Welsh forces.

The geographic spread of reported cases was wide, with incidents referred to 37 of the 45 police forces in the United Kingdom. Therefore on average each force was asked to investigate just three bat crimes annually. In reality the average is somewhat lower in that 46 referrals were made to just six different police forces. There were eight forces that, as far as BCT are aware, undertook no investigations into bat crime during 2015. This serves to explain why investigative experience in this area is scarce and underlines the value of our investigations project in being able to offer advice and guidance to forces without experience in these matters.

The highest numbers of referrals were made to Police Scotland with nine. Eight referrals were made to the Metropolitan Police and seven to each of Derbyshire, Hampshire and Sussex.

The variation in numbers of referrals can often be explained by factors such as the density of bat populations, the extent of development in those areas, the strength of the relationship between BCT, the local bat group and the police force, a greater awareness amongst police officers of the issues and even the confidence of the public in reporting such matters to the police.

5.3 International incidents

On occasion BCT is made aware of matters indicating the possibility of criminal offences, but are difficult to refer to the police for investigation because they are of an international nature and cannot be linked to an area covered by a specific UK force. In the past 12 months there have been a number of such issues, which because of the difficulties outlined, have been dealt with by BCT's Investigations Officer.

Trade in dead bats is one area that is often brought to our attention. Such trade may take place on Internet auction sites or at markets and is usually (but not always) found to involve species that are not legally protected. Whilst many find such trade distasteful it is not illegal and therefore seldom of interest to the police.

The advertisement of sonic deterrents to be used to clear houses of bats and advice on the exclusion of bats continues to be an issue. Of the cases that we have investigated it has been established that all of the websites are of North American origin where bats do not receive the same level of protection. In these cases contact is made with the companies involved usually resulting in statements being placed on their websites pointing out the protected status of bats in the UK.

5.4 Incidents by month

Incidents were reported throughout 2015; however, Figure 1 below shows that there are peak months for numbers of incidents being reported. Bats are most active between the months of April and October, which coincides with peak construction times. It is; therefore, of little surprise that most incidents of bat crime reported to the BCT take place during these times.

Comparisons made between the activities taking place in reported incidents have shown that development remains the primary activity resulting in offences. These are detailed in Table 2. In an effort to try and gain a broader understanding of the factors involved in bat crime we have looked at each referral and identified key words. Many incidents reveal more than one of the key words. Percentages for these categories are detailed in Figure 2.

Figure 1. Incidents referred for investigation by month

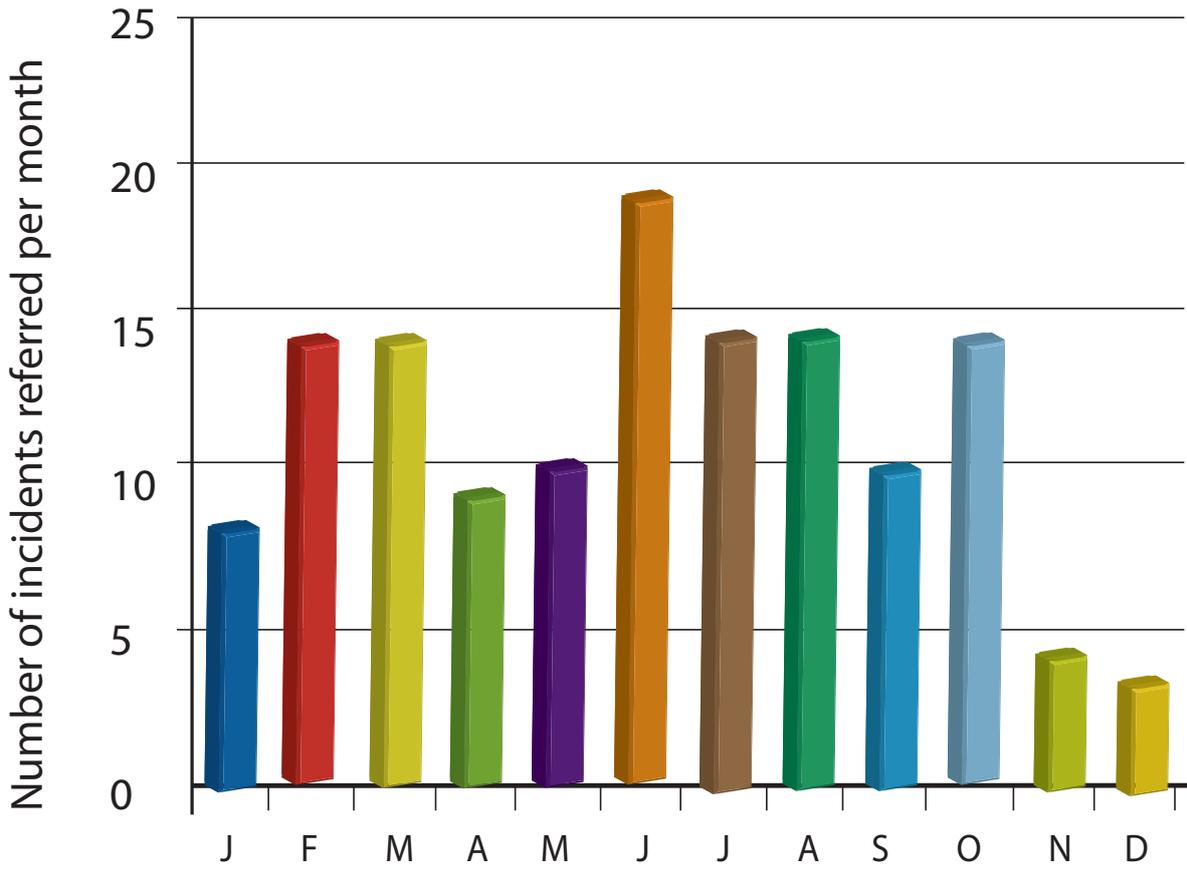
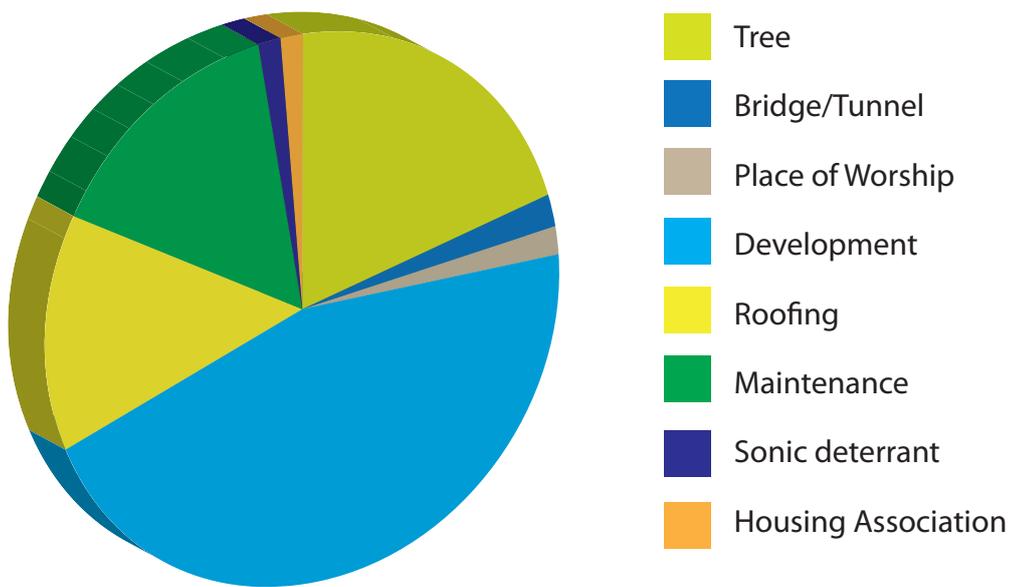


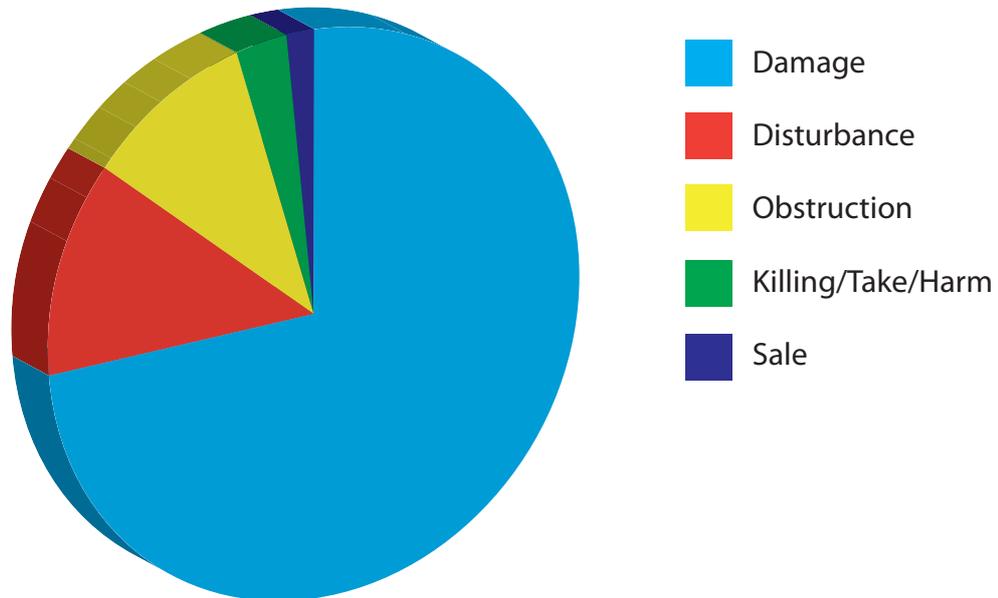
Figure 2. Comparison of incidents categorised by activity



5.5 Primary offences

The identification of primary offences is often a subjective process: instances of roost damage and obstructing access can also reveal offences of disturbance, whereas a killing offence will almost undoubtedly have arisen from an instance of roost destruction. Figure 3 details the types of offences referred to the police during 2015 and categorises them into primary offence type. The largest proportion of incidents reported related to damage or disturbance. The percentage of sales incidents is not considered to be a true reflection of the actual amount of trade being undertaken, in particular, on internet auction sites.

Figure 3. Incidents reported to the police in 2015 categorised by offence type



5.6 Species subject of bat crime

All species of bats found in the wild in the UK receive the same legal protection. As such identifying the species concerned is not a necessary part of any prosecution. However, that said, there is value in establishing which species are known to have been affected by criminal activity.

Table 1. Bat species involved in referrals

Species	Number of referrals
Not identified	77
Pipistrelle sp	28
Mixed roosts	11
Brown long-eared bat	6
Lesser horseshoe bat	3
Serotine	3
Natterer's bat	2
Brandt's bat	1
Daubenton's bat	1
Whiskered bat	1

6. How the police dealt with incidents

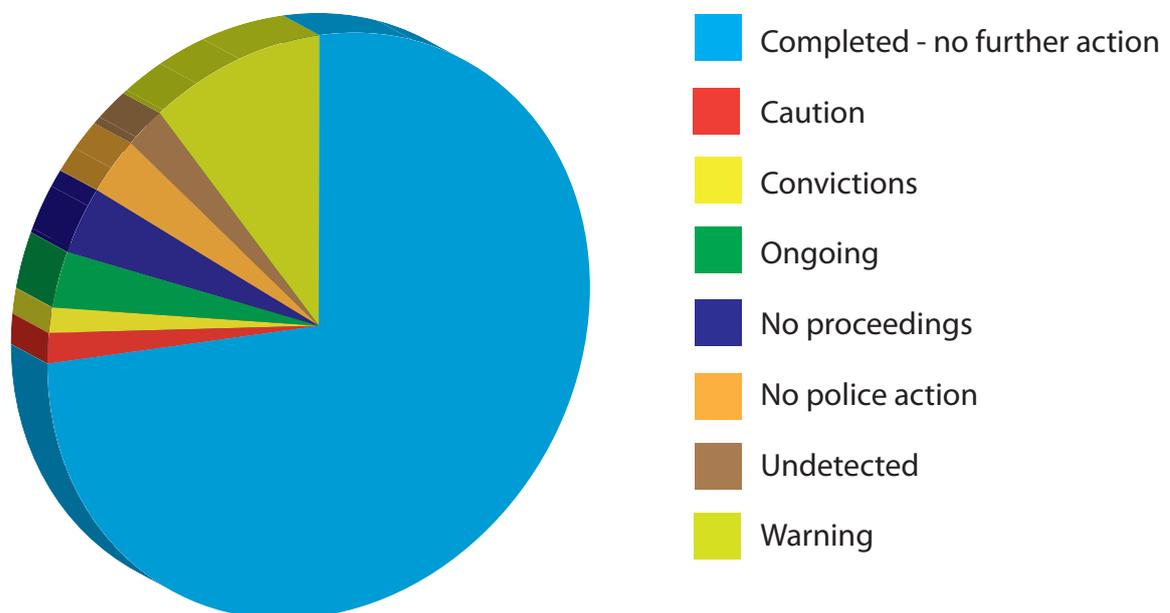
This section outlines the outcome of cases reported to the police in 2015, also known as case disposal. Where the BCT refer an incident to the police our Investigations Officer whenever possible has personal contact with the investigating officer offering an appropriate amount of advice and assistance. Contact is maintained with those officers until such time that BCT are informed that the investigation has been completed and we are satisfied that nothing more can be done to influence matters.

All instances reported to the police should be dealt with in a broadly similar manner. Decisions as to what action is taken will be made having regard to a number of factors and this can result in offenders or suspects being dealt with in a number of ways. Police officers have discretion as to how to deal with individual cases but the BCT strives to ensure that investigating officers are able to make informed decisions on the best way to deal with bat crime.

If a police officer feels that there is sufficient evidence to bring a prosecution, papers will be sent to the CPS in order that a decision as to whether to bring such a prosecution can be made. CPS prosecutors will initially consider if there is a reasonable prospect of conviction and if there is they will then decide on whether it is in the public interest to bring a prosecution. The public interest test may lead to offenders being formally cautioned or warned rather than prosecuted.

The BCT is broadly satisfied with the direction that the police are taking in relation to bat crime. In the majority of cases, they demonstrate a professional and effective response to bat crimes and this deserves to be recognised.

Figure 4 How the police dealt with incidents.



6.1 Completed no further action

The fact that an incident is closed with no further action being required often hides the fact that valuable crime prevention work has been undertaken, aiming at longer-term protection of bats and their roosts. BCT anticipates that the investigating officer, to ensure knowledge of and future compliance with the law, will contact all potential suspects in any incident. The fact that such advice has been given would be taken into account should further offences be committed.

In many cases the intervention of the police prevents offences. In 2015, 100 of the total of referred incidents resulted in no formal action being taken. Given that in the majority of cases advice will have been provided by a police officer, the BCT have always claimed that many offences were prevented. This year for the first time we have undertaken research to

establish on how many occasions we can identify crime prevention advice having been provided. We found that in 81 of the cases where no further action was taken it was possible to identify that crime prevention advice was provided to parties involved. We cannot establish on how many occasions the provision of such advice actually prevented crimes being committed but undoubtedly some who are considering the commission of offences will have second thoughts once they know that the police have an interest in the matter. For this reason it is very important that contact with the police is initiated as soon as there are suspicions that an offence has been committed or may be committed. Regular contact has to be continued until the incident has been closed.

In some instances insufficient evidence is found by the investigating officer to warrant any further action. Most commonly this was as a result of allegations of a roost being damaged or destroyed having been made, but subsequent evidence was not available to support the allegation. Regrettably once again in 2015, the BCT received a number of allegations where it was suggested that development work was being undertaken that would impact on bat populations. Basic enquiries revealed either that bat roosts were present but were being properly considered or that there was simply no evidence to support the allegations being made. In order for the BCT to remain credible with developers, the organisation needs to ensure that it does not become involved with people motivated to oppose development and seeking to raise unjustified concerns relating to bats. To this end the BCT staff spend considerable time carrying out background enquiries aimed at establishing whether there is a prima facie case that should be referred for investigation. During the year our investigations officer undertook research on 80 allegations of bat crime that, in the event, were not referred for police investigation.

6.2 On-going

At present there are four investigations from 2015 that have yet to be disposed of. We are aware that two of the cases will result in prosecution, with first hearings scheduled for October 2016. Generally, police investigations into bat crime should be completed within six months but complex cases can take considerably longer. However, legislation states that prosecutions relating to bat offences must be commenced within two years of the date the offences were committed. In such circumstances it would be expected that any delay in concluding an investigation would be attributable to the offender rather than the police.

6.3 No police action

In 2015 we made four referrals that, as far as we can tell, resulted in no police action whatsoever. Despite our attempts to keep in touch with investigating officers our calls and enquiries have not been responded to. Usually the reason for this is that the officer involved no longer works for the police. None of the incidents, it is felt posed a threat of conservation concern. Had such a threat existed we would have pursued matters further with the force concerned.

6.4 Insufficient evidence

Five incidents in 2015 resulted in papers being submitted to prosecutors for a decision as to whether to take a case further. Specialist CPS prosecutors viewed each of these cases and directed against further action on the basis that there was insufficient evidence to secure a conviction.

The BCT have been able to build up a relationship with many of the CPS specialist prosecutors who operate on a regional basis. We participate in an informal, CPS led, stakeholder liaison group that provides us with an opportunity to raise any concerns we might have in relation to a particular case.

It is important to realise that CPS prosecutors are required not only to consider whether there is sufficient evidence to prosecute a case but also whether it is in the public interest to do so. Although BCT often work very closely with investigators and prosecutors there are occasions where there are facts that impact on public interest that are not made known to us and should not be made known to us.

We are aware of the circumstances of offending in each of the 2015 cases where prosecution was not authorised. Our views on each were sought prior to a final decision being made. When we reviewed these cases we found it impossible to take the view that any of the decisions were incorrect.

6.5 Formal caution/restorative justice/warnings

In 2015 there were 15 incidents where investigating and/or prosecuting officers took the view that whilst there was sufficient evidence of offences against bats to prove a case to the criminal standard the public interest did not require prosecution. Often such cases relate to instances where the offence appears to have been committed accidentally with little or no conservation impact and a willingness to make amends.

In such cases it is possible for a case to be dealt with outside the criminal justice system, most commonly by an offender being formally cautioned or accepting restorative justice (also known as community resolution). Because these processes lie outside the Criminal Justice System, details cannot be made public.

A formal caution is not a criminal conviction, but it is noted on formal records and can be referred to should further offences be committed. The cautioned person is required to accept that if the matter had gone to court they would have been found guilty. A formal caution is of some value in that it is noted for future consideration. It does not however provide any conservation benefit. In 2015 2 formal cautions were issued.

Restorative justice is a policing initiative whereby officers are encouraged to exercise discretion and deal with minor criminal offences outside the criminal justice system. In relation to bats the first case of an offence being dealt with by restorative justice was recorded in 2010 and has become more commonly used since. Those who commit offences that are dealt with through restorative justice do not gain a criminal record. This type of disposal does allow conservation gain and is now sometimes used with the support of the BCT. In 2015 there were 12 cases that were dealt with through informal resolution. In some cases this resulted in financial donations to bat groups or other organisations involved in bat conservation. Such donations are not required as a financial penalty. On occasion rather more innovative demands are made.

Case study 1 (BCT press release, case referred to the police in 2015)

We would like to take this opportunity to share a letter written by a property developer. The police asked the developer to write about their experience as part of the restorative justice agreement made following a bat persecution case. The developer involved wrote the letter in order to share their experience of a development project that led to a police investigation after a bat was found in the roof of a property. We hope that by sharing his experience it will help make more people aware of the process and considerations that developers need to take into account. These considerations include:

- Familiarise yourselves with the law on wildlife;*
 - Make sure you obtain all necessary ecological surveys before starting a development project;*
 - Read the survey reports carefully and follow the recommendations that they contain;*
 - Where relevant, make sure that you have the correct licence from the relevant licensing body in place before commencing any development works.*
-

We do not have space within this report to reproduce this letter but it can be found at:

http://www.bats.org.uk/data/files/Bat_Crime_Letter.pdf

7. Prosecutions

In 2015 there were four convictions for bat crime. Two of those convictions related to incidents referred to the police in 2014 the other two were cases that came to light during 2015. A further case, referred to the police in 2015 resulted in a conviction in early 2016. Of the 133 cases referred to the police in 2015, the BCT, on the basis of the evidence available to us, do not suggest that any other prosecutions should have been pursued. Analysis of the manner in which cases have been disposed of reveals that across the UK police forces find that about 1 in 7 investigations into bat crime result in confirmation of offences having been committed.

Ultimately, a far better measure of success from a bat conservation perspective would be to assess how well the legislation is being complied with, and how many bat crimes have been prevented. If this were to be the case, then 2015 must once again, be considered to have been another successful year with evidence to suggest that many offences have been prevented with potential offenders having instead chosen to comply with the law.

7.1 Burden of proof

Bat crimes are criminal offences and in order for a conviction to be gained the case must be proven beyond all reasonable doubt. Any question of doubt will normally result in acquittal. The CPS will not prosecute a case unless they are satisfied that there is a reasonable prospect of conviction. Prosecutions will not be taken unless this evidential test is passed and it is also considered to be in the public interest to proceed.

7.2 Evidence of roosts

One of the most common problems faced by investigating officers is that of evidencing the presence of a bat roost. Many allegations suggesting that developers have destroyed roosts are made, but often no evidence of a roost is available if a bat survey has not been undertaken as part of the planning process. For this reason, whilst recognising the resource implications the BCT would suggest that surveys of vulnerable sites should wherever possible be conducted on an annual basis. A survey carried out more than 12 months previously can be undermined by another more recent survey suggesting that the roost is no longer used.

7.3 Offenders acting on advice

There appears to be an increasing number of incidents where potential offenders when interviewed have said that they acted on the advice of others, for example, their ecological consultants. Most commonly, this seems to relate to work that involves damage to a roost where advice has been provided to the effect that the work can be carried out without the need for a licence. Where such advice had been provided (even if it was incorrect advice) by a competent person, it seems unlikely that any prosecution could follow. It does, however, seem likely that in some circumstances the liability of the ecologist will come under scrutiny to establish whether the provision of incorrect advice amounts to aiding and abetting or encouraging the offence.

7.4 Identification of offenders

Serious bat crimes are often carried out as part of commercial development and in such cases it is important that the investigation properly identifies those responsible. Dependent upon lines of management and instructions provided, the correct offender can be anybody from a site labourer who physically commits the offence, right through to the managing director or secretary of a company. The situation can become more complicated if sub-contractors are involved. If companies are to be summonsed for offences it is important that investigators identify and interview those who hold the corporate liability.

7.5 Time limits

In order for a prosecution to take place it must be shown that an offence has taken place during the past two years. Offences that are more than two years old are time barred from being prosecuted. However the reality is that such matters are considered by the Criminal Justice System to be minor in nature with investigations being straightforward. Although the BCT know that neither statement is true, the fact is that these matters are dealt with by the lower courts, with prosecutors in England and Wales often taking the view that in the majority of cases, investigations should be completed within six months of the circumstances of the offence becoming known. Unwarranted delays might lead to cases being discontinued on the basis that prosecution would be an “abuse of process” interfering with the defendants right to a timely trial. There have been a small number of cases historically where prosecutions have not been pursued because of the abuse of process argument, and it is therefore relevant to consider the most common causes of delay that might lead to cases being discontinued.

It is sometimes the case that bat workers will delay reporting incidents of bat crime in the hope that alternative options can be worked out with developers or owners. Whilst the need for such deliberation is understandable, there is a risk that delays in reporting criminal offences to the police might be seen as unnecessary delay leading to consideration of the abuse of process argument. As such, the BCT recommends that incidents should be reported to the police as soon as possible after the circumstances become known.

Bat crimes that are not investigated in a timely manner are more likely to be discontinued. Timely investigation means that it has been conducted in a manner where there has been no unreasonable delay. For example, if progress on an investigation is halted whilst the investigating officer is tasked to perform other prolonged duties, this may be considered an unreasonable delay, as would simply not advancing the investigation because of other workload demands. Delays would not be considered unreasonable where they are attributable to the suspects for instance where they fail to keep appointments for interviews or site visits.

Case study 2

On Thursday 17th September 2015 City and Westminster Developments of Aston Mews, 103 Kilburn Lane, London W10 4AN appeared at Hendon magistrates court where they pleaded guilty to an offence of destroying bat roosts at Great North Way, Barnet.

The developers in this case, wished to demolish a number of buildings in order to develop land. Bat surveys were undertaken with roosts being identified in three of the four buildings involved. Despite being made aware of the roosts on August 19th 2014 demolition of one of the buildings took place destroying a common pipistrelle roost. A fine of £4500 was imposed along with a £450 victim surcharge and £85 costs.

This case is of particular significance as it is the first prosecution of this nature within the Metropolitan Police area. BCT are grateful to DC Sarah Bailey of the forces wildlife crime unit and to the Crown Prosecution Service for their work on this case.

This case is notable for two reasons. Firstly, in recent years the Metropolitan Police have been identified as one of the forces dealing with the greatest number of referrals for bat crime. Perhaps surprisingly there has never been a conviction for bat crime in the Metropolitan Police area. As such this conviction is welcomed as a sign that such offences are effectively investigated.

Secondly, the fine for this case is the highest ever imposed for a single charge relating to bat crime. It was imposed prior to the introduction of legislation that removed the maximum fine of £5000. Penalties are now unlimited fines and/or six months imprisonment. The magistrates hearing this case were clearly outraged by the behavior that had been outlined to them. It was the view of those present in court that had it been possible they would have liked to impose an even more severe financial penalty.

Case study 3

In Bat Crime Annual Report 2014 we first reported on a bat crime committed in 2012 that had been heard at Chesterfield Magistrates Court in March 2014. Following conviction the case had been referred to the Crown Court for a Proceeds of Crime hearing but both defendants had appealed against conviction.

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.

8. Future work

- The BCT will work with the NWCUC, bat groups and bat workers to ensure that the extent of bat crime can be properly assessed. In order to facilitate this the BCT will look at the role of the organisation as a conduit for the submission of intelligence to NWCUC.
- The BCT will argue for an overhaul of conservation legislation that will provide clear guidance as to the legal protection afforded to bats and their roosts, the introduction of measures designed to prevent offences and a more robust licensing system that is linked to professional standards and monitoring.
- The BCT will continue to look for and take up opportunities to provide training on bat crime, in particular to enforcers and prosecutors.
- The BCT will continue to engage with those in the building industry raising the awareness of bat crime and the implications of the legislation protecting bats.
- The BCT will continue to work with enforcers to ensure that where ever possible early action is taken to prevent offences against bats.
- The BCT will continue to monitor the manner in which cases referred to enforcement authorities are investigated with a view to establishing the main factors that prevent the completion of enquiries in a timely manner.
- The BCT will liaise with enforcers to establish the reasons why cases are either not progressed by the CPS, or are not being referred for consideration of prosecution.
- The BCT will consider how the investigations project might attract further support and in particular funding.

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