



# **THE HUNTING SEASON**

## **ANNUAL REPORT**

### **2009/2010**

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## **Executive Summary**

The League Against Cruel Sports report into hunting (2010) provides a unique insight into the world of post-ban hunting activity and highlights the continued success of the Hunting Act since its introduction in 2005.

- By analysing Ministry of Justice figures this report unequivocally demonstrates that the Hunting Act 2004 has out-performed similar wildlife legislation in England and Wales.
- Using data obtained from the League's unique hunting database this report shows that 62% of the hunts for which the League holds records continue to engage in suspicious activity consistent with traditional hunting practices.
- Following on from the League's work within the Partnership for Action Against Wildlife Crime (PAW) this report looks at the implications of the League's new incident and intelligence reporting arrangements with the National Wildlife Crime Unit (NWCU).
- This report details the continuing misery of hunt havoc and calls upon the police to help members of the public who object to hunts treating them, and the law, with contempt.
- In comparing the administration of licensed hunting by the Forestry Commission (FC), Ministry of Defence (MoD) and the National Trust (NT) this report exposes a culture of complacency within the Trust towards licensed hunting.

## Introduction

### The Report

This report provides an overview of the League Against Cruel Sports' hunting campaign during the 2009/2010 hunting season.

Five years on from its introduction in February 2005 the Hunting Act continues to protect wild mammals in England and Wales from the unnecessary suffering inherent in the sport of hunting with dogs.

Despite a concerted effort from within the hunting community to discredit the legislation, this report records that the total of convictions secured under the Hunting Act to date stands at over 130.

By focussing on four key elements of the League's work on hunting, this report highlights the League's unrivalled position as the leading animal welfare charity working to inform and educate the public on the progress of the Hunting Act 2004.

### The League Against Cruel Sports

The League Against Cruel Sports is a registered charity that brings together people who care about animals. Like the majority of the public, we believe that cruelty to animals in the name of sport has no place in modern society. We have no political bias. We were established in 1924 and are unique because we focus on cruelty to animals for sport.

Our aim: We work to expose and bring to an end the cruelty inflicted on animals in the name of sport.

What we do:

- We expose the barbaric nature of cruel sports and the people involved, identifying what action should be taken.
- We raise awareness and campaign for change by lobbying government, politicians and businesses. This includes campaigning for new laws and helping to enforce existing laws by working with the police to bring to justice those who commit illegal acts of cruelty for sport.
- We also offer advice to people whose lives are being detrimentally affected by cruel sports.

Our approach:

- Through investigation and lawful campaigning, we encourage the public and law makers to recognise their responsibility to protect animals from suffering cruel acts in the name of sport.
- We raise awareness of the issues through the media and enlist public support to put pressure on law makers. We work to change people's behaviour, gain new legislation, and enforce existing laws that are in place to protect animals from cruel sports in the UK and across the globe.

## **Ministry of Justice figures**

Since its introduction in 2005 the Hunting Act 2004 has been the subject of considerable criticism from its opponents for being ineffective and unenforceable.

In an effort to discredit the legislation there has even been a concerted campaign from elements within the hunting community to propagate inaccurate conviction figures for the Hunting Act. However, the truth behind this disinformation makes for uncomfortable reading for opponents of the Hunting Act.

To date the total for convictions under the Hunting Act stands at 137. This is before figures for 2009 - to be made available in Autumn 2010 - have been collated.

To illustrate how successful the Hunting Act has been, it is informative to compare the most recent figures (Table 1), made available from the Ministry of Justice for 2008 with the performance of other similar wildlife legislation in the same period.

<b>Statute</b>	<b>Offence Description</b>	<b>Proceeded Against</b>	<b>Found Guilty</b>	<b>Cautioned</b>
Protection of Badgers Act 1992 - sections 1-5 & 10.	Offences of cruelty to badgers.	23	11	-
Protection of Badgers Act 1992 - section 13.	Having custody, failing to undertake destruction, of a dog while disqualified.	14	11	-
Deer Act 1991	Killing or injuring deer by shooting, trap, snares etc	4	1	-
Wild Mammals (Protection) Act 1996	Offences under this Act	6	5	-
Hunting Act 2004	Offences under this Act	44	33	4

*Table 1: The number of defendants proceeded against at magistrates' courts and found guilty at all courts of selected offences related to wild mammals, England and Wales, 2008<sup>1</sup>*

The comparison in Table 1 clearly proves that the Hunting Act is being enforced to great effect and that it out-performs similar wildlife legislation. Furthermore, this analysis completely undermines the variety of baseless claims made against the legislation since its introduction and confirms that any proposed repeal of the law would be indefensible by any reasonable standards.

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<sup>1</sup> Source: Justice Statistics Analytical Services - Ministry of Justice.

## Organised Hunting

The figures from the Ministry of Justice are extremely encouraging and unequivocally demonstrate the effectiveness of the Hunting Act. It is also apparent that the figures serve to highlight the emergence of two distinct categories of hunting with dogs in England and Wales.

The first category consists of those individuals who continue with the practice of hare coursing, an activity prohibited by the Hunting Act, and the so called 'lads with dogs' who generally operate alone but still seek to hunt wild mammals with dogs in contravention of the law. It has become clear that a higher proportion of this first category make up the majority of the total convictions secured under the Hunting Act since 2005.

The second distinct category consists of those individuals affiliated with organised hunting activity such as the member hunts of the Masters of Foxhounds Association (MFHA). It is the League's firm belief that this organised hunting activity deserves a similar degree of scrutiny by the police.

It is to this second category of organised hunting with dogs that the majority of the League's intelligence on hunting relates. The League is now able to report that it is in a position to share that intelligence with the police through the auspices of the National Wildlife Crime Unit (NWCU).

## League Intelligence

Throughout the 2009/2010 hunting season the League continued to receive intelligence primarily through its monitoring operations and Hunt Crimewatch<sup>2</sup> (HCW) service. HCW operates a dedicated phone line offering anonymity to anyone calling with information concerning hunting activity and an online facility for reporting information to the League.

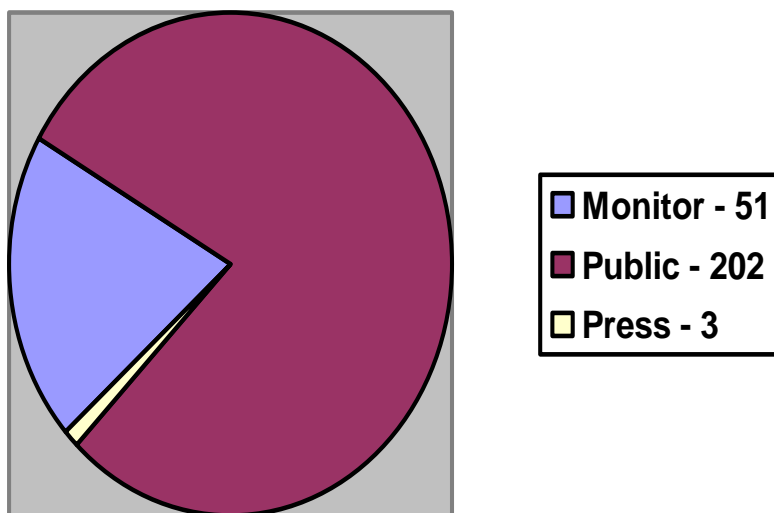
The League also has an extensive network of local groups which filter information to staff at the UK head quarters. In addition to these information sources staff regularly monitor the press and relevant hunting related websites.

This activity has enabled the League to direct operations and maintain an unrivalled database of hunting intelligence in England and Wales.

### The 2009/2010 Hunting Season

In the 2009-2010 hunting season the League amassed a considerable volume of intelligence on hunting activity throughout England and Wales. Given that there are over 20,000<sup>3</sup> hunting days in a hunting season these figures represent a snapshot of behaviour in the hunting field.

For the season 2009/2010 the League received a total of 256 reports detailing hunting activity in England and Wales (see Fig. 1 for a further breakdown).



*Fig. 1*  
*Distribution of reports according to information sources*

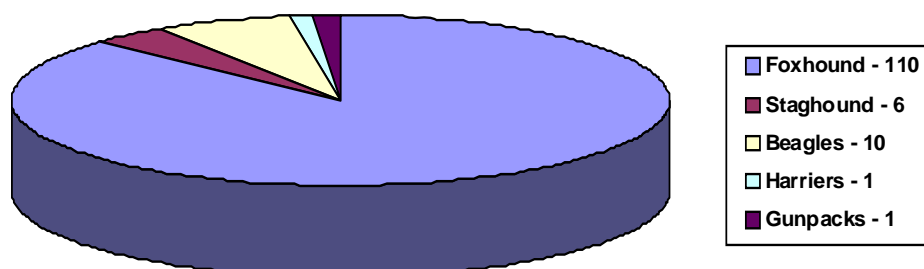
<sup>2</sup> For more information visit <http://www.league.org.uk/content.ASpX?CategoryID=324>

<sup>3</sup> Previous estimates have placed the number of hunting days per season between 18,000 and 23,000

## Illegal Hunting Continues

Of the 256 reports received by the League 128 detailed suspicious behaviour<sup>4</sup> consistent with traditional hunting activity carried out by 80 individual hunts – 62% of the hunts for which the League holds records.

This 128 figure recording suspicious behaviour can be broken down further to reveal the types of hunts responsible (see Fig. 2).



*Fig. 2  
Distribution of types of hunts responsible for suspicious behaviour*

In addition to these statistics it is worth noting that 81 of the hunting incidents recorded by the League in the 2009/2010 hunting season were reported to the following police forces in England and Wales (see Table 2):

Police Force	Number of Hunting Incidents
Avon and Somerset	14
Cheshire	2
Cumbria	4
Devon and Cornwall	8
Dorset	5
Durham	1
Dyfed Powys	5
Essex	3

<sup>4</sup> Suspicious behaviour in this instance includes behaviour consistent with traditional hunting practices, e.g.: *Drawing* (where hounds search) coverts where quarry is likely to be and has traditionally been found such as reed beds, gorse, hedgerows, fields of crops and woodlands; *Holding up* coverts where supporters surround the area; *Hollering* - this is a way of informing the huntsman that the quarry has been spotted; Hounds running in *full cry* (when they are on a scent) over roads, near motorways, through private gardens etc where it is unlikely that a trail would have been laid; Full pursuit of quarry where hounds have not been called off by the huntsman; *Horns calling* to signify a kill; *Digging out* by terrier men; Conversations between hunt supporters overheard by monitors where they talk about kills they've had that day or where they will find quarry etc; The absence of trail laying; Hunts packing up as soon as they see monitors and the police; Hunts moving away from an area when they see monitors and police



Gloucestershire	4
Gwent	3
Humberside	1
Kent	4
Leicestershire	3
Lincolnshire	1
North Yorkshire	2
Northamptonshire	1
South Yorkshire	1
Staffordshire	1
Suffolk	2
Thames Valley	2
West Mercia	8
West Sussex	1
West Yorkshire	1
Wiltshire	3

*Table 2: Distribution of reported hunting incidents for the 2009/2010 hunting season by police force.*

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

With the establishment of the NWCU in 2006, the police have worked to combat wildlife crime using a progressive and intelligent methodology designed to complement and assist the work of Wildlife Crime Officers on the ground.

The NWCU is instrumental in setting the wildlife crime priorities for police forces in the United Kingdom but at present the full extent of hunting with dogs has not been accorded priority status. However due to the categorisation of wildlife crime by the NWCU hare coursing is currently given priority status.

In 2009 a League report identified inconsistencies in the way that police forces in England and Wales recorded hunting incidents. Following an intervention by the Association of Chief Police Officers (ACPO), as a direct result of the League's findings, the NWCU is now in a position to review a more complete body of hunting intelligence from the police.

## The League and the NWCU

In 2009 the League was invited to pass intelligence to the NWCU under an official Information Sharing Protocol.

Between September 2009 and April 2010 the League sent 77 incident reports to the NWCU together with 19 intelligence reports.

The submission of League intelligence and incident reports to the NWCU is extremely important to the outlook for future police enforcement of the Hunting Act and it is hoped that the process will be developed and improved in the coming year. It is the League's belief that this process will demonstrate that hunting with dogs is a significant element of criminality affecting wildlife in England and Wales.

With police forces now consistently reporting NSIR hunting data to the NWCU, the Partnership Against Wildlife Crime (PAW) High Level Group Wildlife Crime Tactical Assessment of February 2010 reported that fox hunting accounted for 10% of all incidents reported to the NWCU during the winter of 2009.

It is clear that in utilising intelligence supplied by the police and the League the NWCU is now in a position to provide a comprehensive analysis of hunting activity in England and Wales.

## The Future

Looking forward the League believes that the NWCU's intelligence analysis would be better served by establishing a category for hunting with dogs to reflect all of the activity prohibited by the Hunting Act 2004 within its National Standard for Incident Recording (NSIR) template. It is hoped that this will be addressed before the start of the next hunting season in August 2010.

## League Operations

A vital element of the League's work since the introduction of the Hunting Act in 2005 has been the monitoring of hunting activity throughout England and Wales by League observers. With over 25 years experience of observing hunting activity in the field the team at the League has led the way in both overt and covert hunt monitoring.

However the League's role in gathering evidence of illegal hunting activity has been the subject of considerable criticism from within the hunting community. In light of these attempts to discredit the League's legitimacy to observe hunting activity, the League would point to the recognition afforded to this role in the most recent Association of Chief Police Officers (ACPO) guidelines on Hunting Act enforcement:

*Gathering of evidence of offending behaviour has proved a difficult task for the police, and with available resources it is likely to remain so. The police will therefore have to continue to rely upon initial evidence gathered by members of the public who are often organised for this purpose<sup>5</sup>*

### The 2009/2010 Hunting Season

Despite the severe winter weather which led to the cancellation or postponement of many hunting fixtures the League's Operations team was able to observe a considerable amount of hunting activity in the 2009/2010 hunting season.

Between August 2009 and April 2010 League Operations staff monitored a total of 88 days hunting activity by a total of 44 separate hunts. In keeping with past Operations procedure the League has tried to observe a broad cross section of organised hunting activity:

- Foxhounds – 44
- Staghounds – 3
- Beagles – 3
- Harriers – 2
- Gunpacks – 2

### Secrecy Continues

Each hunting season since the introduction of the Hunting Act has seen a marked decline in publicity given to organised hunting fixtures and the League's Operations team have become increasingly reliant on intelligence received from the general public.

To illustrate this shift in behaviour it is informative to compare the number of advertised hunting meets from before the introduction of the Hunting Act with that of the most recent hunting season.

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<sup>5</sup> ACPO Guidance on Enforcement of the Hunting Act 2004, Section 4 Enforcement, 4:2

During the hunting season *Horse and Hound* magazine<sup>6</sup>, a weekly publication widely read by the hunting community and recognised as a premier source of hunting news, devotes a page of every issue to forthcoming hunting fixtures in its 'hunt appointments' section. In the 11<sup>th</sup> December 2003 edition of *Horse and Hound* the hunt appointments section publicised forthcoming meets for the following number of hunts<sup>7</sup>:

- Foxhounds – 66
- Staghounds – 3
- Harriers – 2
- Beagles – 2

However in the 17<sup>th</sup> December 2009 edition of *Horse and Hound* magazine its hunt appointments section publicised forthcoming meets for only the following number of hunts:

- Foxhounds – 10
- Staghounds – 1
- Harriers – 0
- Beagles – 0

This apparent secrecy is not just evident on the pages of *Horse and Hound* magazine; websites established by individual hunts continue to password protect the hunting fixtures for the select few.

#### Observations from the Hunting Field

The 2009/2010 hunting season has seen continued hostility from within the hunting community towards League operations staff. In the North West of England this intimidation led to the physical assault of two League staff members<sup>8</sup>.

In addition to this intimidation the League is aware that elements within the hunting community have begun to distribute photo identification cards featuring League staff.

This disturbing activity appears to be coordinated with evidence of the material in circulation appearing in hunting forums hosted on the internet.

It is against this background of secrecy and intimidation that League operations staff attempts to monitor a cross section of hunting activity in England and Wales.

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<sup>6</sup> *Horse and Hound* magazine, published by IPC Media

<sup>7</sup> All of the hunts listed December 2003 are still operational in 2010 as of April 2010

<sup>8</sup> At the time of writing the incident is under police investigation

## Hunting Behaviour

The predominant hunting activity monitored by League operations staff in the 2009-2010 season was fox hunting. Of the 32 fox hunts League Operations observed in the 2009-2010 season the vast majority claimed to be trail hunting. It is worth noting, however, that League observers can only report on evidence of one trail being laid at the meets attended in the 2009/2010 hunting season.

Observations on Fox hunting August 2009 – April 2010:

- Full packs of hounds accompanying hunts
- Hunts claiming to be trail hunting if challenged
- Behaviour of hunts consistent with traditional fox hunting
- Marked increase in number of terriermen<sup>9</sup> following hunts
- Hounds seen chasing foxes on numerous occasions
- Hunt staff positioned at distance from chasing packs
- Increase in instances of digging and bolting<sup>10</sup> of foxes
- Increase in reports of hunts using bagged<sup>11</sup> foxes
- Incidents of blocked<sup>12</sup> Badger setts by terriermen accompanying hunts
- Increase in numbers of terriermen present during trail hunting
- Hunts seen hunting across main roads, a cemetery, through villages etc all inconsistent with trail hunting
- Hounds seen marking to ground on several occasions<sup>13</sup>.

Observations on Stag hunting August 2009 – April 2010:

- Two of the three stag hunts no longer hunting with a reduced pack (five and 20 hounds respectively).

Observations on Beagle packs August 2009 – April 2010:

- Three Beagle packs monitored and filmed between November 2009 and April 2010 hunting Hares in contravention of the Hunting Act 2004

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<sup>9</sup> Before the introduction of the Hunting Act 2004 *terriermen* were responsible for flushing out foxes to be chased by the hounds and capturing and killing any foxes that went below ground. Other 'duties' involved blocking badger setts and fox earths to prevent the quarry escaping and occasionally repairing fences and hedges damaged by a days hunting

<sup>10</sup> When a fox takes refuge under ground terriermen attempt to force the fox to '*bolt*' or escape by introducing a dog to the earth. This process often results in protracted excavations of the various earths by terriermen (see Case Study – Terrierwork)

<sup>11</sup> A '*bagged*' fox is a fox that has been captured or sometimes bred for the purposes of fox hunting

<sup>12</sup> Illegal under the Hunting Act 2004 but still prevalent, *blocking* is the process by which terriermen seek to prevent avenues of escape for the hunted fox by obstructing badger sett entrances. This usually occurs in advance of a day's fox hunting

<sup>13</sup> This practice involves the hounds marking the spot where a hunted fox has gone to ground

- No evidence of trails being laid
- Continuation of traditional Hare hunting festivals.

### Hunt Havoc

During the five years since the introduction of the Hunting Act the League has reported annually on incidents of hunt havoc and in that time the problem has continued to blight the lives of those unconnected with hunting. Hunt havoc is a deeply anti-social behaviour often characterised by trespass, traffic chaos and all too frequently pet and livestock fatality.

### The 2009–2010 hunting season

In the 2009-2010 hunting season 51 separate incidents of hunt havoc, by a total of 37 hunts, were recorded by the League. This represents 28% of the hunts for which the League holds records.

Although havoc can occur in association with all types of hunting groups it is the fox hunts that are predominantly responsible for this behaviour. Of the 37 total of hunts responsible for 51 incidents of hunt havoc in the 2009-2010 season, 31 were fox hunts.

*In percentage terms 83% of the hunts responsible for the hunt havoc recorded by the League for the 2009/2010 hunting season were fox hunts.*

### Patterns of Havoc

In response to the introduction of the Hunting Act 2004 many of the fox hunts turned to trail hunting as an alternative to proscribed traditional hunting practices. Distinct from traditional drag hunting this activity, according to the Countryside Alliance Handbook on Hunting<sup>14</sup>, seeks to “simulate the search in cover for a scent to follow.”

The handbook further explains that “The scent is generally a natural one so the hounds are kept ready to resume foxhunting when the ban is finally repealed”.<sup>15</sup> What this handbook fails to mention is the likelihood of trained foxhounds rioting on to the scent of a live fox: this is where the havoc often begins.

### Responsibility

The League has been very clear in the past that the problem of hunt havoc could be easily resolved by those responsible in the hunting community exercising a duty of care to the hounds they hunt with and the communities they hunt within.

However there has been no indication, based on the evidence recorded by the League, that matters are improving.

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<sup>14</sup> HOW TO KEEP HUNTING HANDBOOK 2005 – 2006, Countryside Alliance and Council of Hunting Associations

<sup>15</sup> ibid

### The Masters of Foxhounds Association (MFHA)

The Masters of Foxhounds Association (MFHA) represents 174 of the Foxhounds hunts in England and Wales. It is a poor reflection on the MFHA that on no single occasion in the five years since the introduction of the Hunting Act has it issued a public statement condemning this anti-social behaviour by its members, despite the following statement appearing on the front page of its website:

*The MFHA has strict rules and codes of conduct that have been specially written to promote standards of best practice both in the Kennels and in the Field and to prove the accountability of their member packs<sup>16</sup>.*

In light of this abrogation of responsibility from the MFHA the League is renewing its call to the police in England and Wales to engage with the problem and help members of the public who object to hunts treating them, and the law, with contempt.

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<sup>16</sup> Retrieved at <http://www.mfha.org.uk/>

## The police

Where hounds are out of control on a road, other public place or on private property there is legislation, other than the Hunting Act which the police can use;

- If hounds are not under control on a road, and without being on a lead this may be an offence under s27 Road Traffic Act 1988 - a person who causes or permits a dog to be on a designated road without the dog being held on a lead is guilty of an offence. There is a limited exemption for dogs which at the material time were under proper control for sporting purposes. This is unlikely to apply to a hunt if the dogs are out of control and as a sporting purpose must be a lawful sport they would not be on a road if the hunt were lawfully [i.e. drag/trail] hunting.
- s3 (1) Dangerous Dogs Act 1991 – if a dog is dangerously out of control in a public place the owner and if different, the person for the time being in charge of the dog, is guilty of an offence. Under s3(3) if the owner or, if different, the person for the time being in charge of a dog allows it to enter a place which is not a public place but where it is not permitted to be and while it is there it injures any person or there are grounds for the reasonable apprehension that it will do so he is guilty of an offence.
- s1 Criminal Damage Act 1971 – a person who without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged is guilty of an offence.
- Anti-Social Behaviour Orders (ASBOs) can also be used for incidents involving hunt havoc. ASBOs can be given when anyone (over the age of nine) has acted in an anti-social manner so as to cause, or is likely to cause harassment, alarm or distress to someone in another household and the order is necessary to protect others. The Court can set conditions and has a wide discretion so long as they are reasonable. An order of this nature usually lasts two years.



## **Legal and Police Work at the League**

The legal team at the League, lead by Solicitor Rachel Newman, a former Head of Prosecutions at the Royal Society for the Prevention of Cruelty to Animals (RSPCA), has seen its workload double in the 2009/2010 hunting season.

An increase in evidence of suspected illegal hunting activity obtained by the League's Operations teams has meant that the review of potential cases by the legal team has been an almost constant process.

Critics of the League from within the hunting community have frequently intimated that the League inundates the police in England and Wales with groundless allegations of illegal hunting. This is, of course, a gross misrepresentation of what actually occurs.

### **How it works**

Firstly it is important to emphasise that cases are only presented to the police when the League's solicitor is clear they have passed the Crown Prosecution Service (CPS) evidential test.

The legal team prepare the relevant statements and provide an edited version of the footage along with the full video tapes. Where appropriate the League will include an expert witness report and will always prepare a detailed overview of the evidence for presentation to the police. A schedule of unused material is also prepared.

Furthermore all of the exemptions and possible defences will be addressed and any issues or matters requiring further investigation will be highlighted. The evidence is then presented to the police at a pre-arranged meeting by the League's police liaison officer.

Because of this methodical approach and exacting standard set by the legal team cases should rarely need additional investigation by the police, other than formal interview under caution of the suspects. It is the League's belief that these cases should, in accordance with the CPS guidelines, be ready for presentation to the CPS.

### **The 2009/2010 Hunting Season**

The League can report that during the 2009/2010 hunting season nine cases of suspected illegal hunting activity have been passed to police forces in England and Wales. In addition a further three cases are currently being prepared for presentation to the relevant police forces.

### **Police Liaison**

The League has made great progress in establishing a strong and productive working relationship with the police and the aforementioned NWCU. This is in large part due to the efforts of former Wildlife Crime Officer, Steve Harris, now working as the League's police liaison officer.

During the 2009/2010 hunting season the League was able to provide training in Hunting Act enforcement to the following police forces:

- Cheshire Police
- Essex Police
- Sussex Police
- Lincolnshire Police
- Devon & Cornwall Police
- West Mercia Police
- Merseyside Police

In addition to these individual forces training was also provided by the League at The National Police Wildlife Crime Officers Foundation Training Course in September 2009 and March 2010.

The training provided by the League is based almost entirely on a detailed explanation of the Hunting Act provisions, with reference to case law and guidance issued by ACPO and the CPS. It also includes an explanation of relevant hunting issues including those not covered by the Act such as trail hunting, and provides practical investigative advice with regard to powers of search and seizure and interviewing of suspects.

Great care has been taken to ensure that the training provided is completely apolitical and uncontroversial so that it is acceptable to the police, having regard to their need to demonstrate impartiality. As a result, Chief Constable Richard Crompton, who holds the Wildlife Crime and Rural Affairs portfolio on behalf of ACPO, has given his personal approval to the League's police liaison officer for the training of police officers.

Each student/delegate is provided with a CD which contains the training presentation for revision as well as a large number of resources, such as the ACPO Hunting Act 2004 Investigators Manual and an explanation of hunting horn calls, etc. Feedback from these events suggests that the vast majority of attendees leave with a much greater understanding of how effective the legislation can be.

A further reflection of the League's growing stature in the field of police liaison is its attendance at the many specialist law enforcement events that take place throughout the calendar year. During the 2009/2010 hunting season the League's police liaison officer was able to represent the charity at the following conferences:

- The National Wildlife Crime Law Enforcement Conference
- The Welsh Wildlife & Environmental Crime Conference
- The Scottish Wildlife Crime Law Enforcement Conference

#### The Regulation of Investigatory Powers Act 2000 (RIPA) and the League

In the course of the 2009/2010 hunting season public criticism of the League's covert monitoring revealed a fundamental misunderstanding, particularly from within the hunting community, of the Regulation of Investigatory Powers Act 2000 (RIPA) and the relationship between the police and hunt monitors.

This misunderstanding led to the Countryside Alliance (CA) writing to the Chief Constables of each police force in England and Wales claiming that, as a consequence of legal proceedings<sup>17</sup> at Bournemouth Magistrates court in 2009, doubt existed concerning the legality of League evidence of illegal hunting.

### Clarity

The Regulation of Investigatory Powers Act 2000 (RIPA) primarily deals with the interception of telecommunications and public postal services. However it was Part II of RIPA that became the focus of the misunderstanding involving League monitoring of hunting activity.

Part II of RIPA provides for surveillance and the use of covert human intelligence sources by organisations such as the police and local authorities who are governed by the Act. This surveillance is categorised as either directed or intrusive and whilst intrusive surveillance can only be authorised for 'serious' crime, directed surveillance of private residences and vehicles can be authorised by the public authorities for any crime, where the criteria is met.

Police and other public authorities covered by the provisions of RIPA have to put in place procedures for the issuing of approvals which show and record why the surveillance is being carried out and that it is a necessary and proportionate response to the concerns and the evidence already to hand. Where a police force or other public authority instructs a member of the public to carry out that surveillance on its behalf, RIPA approval procedures do apply.

However, members of the public, and non-governmental organisations such as the League Against Cruel Sports are not bound by the provisions of RIPA as long as they are not acting as controlled or contracted agents of the police or any other public authority.

This position was confirmed by the Crown Prosecution Service (CPS) who advised the Association of Chief Police Officers (ACPO) that where the police are provided with surveillance and other evidence by non-governmental organisations, such as the League, they should use that information and investigate further.

### Moving Forward

The League has written to all Masters of Hounds in England and Wales setting out the CPS guidance on RIPA and it is hoped that the initial inaccurate reporting of the matter has been clarified.

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<sup>17</sup> R v Christopher Leadbetter

## Landowners and the League

Since the introduction of the Hunting Act in February 2005 the League has worked to ensure that major landowners who license hunting, do so in the best interests of animal welfare. To this end the League has established good working relations with the majority of the relevant landowners.

### What is Licensed Hunting?

Licensed hunting is legal activity conducted throughout the hunting season under license agreements. Typically the activity that is most commonly licensed in England and Wales is trail hunting or drag hunting. However there are examples of Fox Control licensed by landowners according to a tightly drawn exemption available in the Hunting Act 2004.

### The 2009-2010 Hunting Season

The vast majority of licensed hunting takes place on land controlled by, managed by or owned by:

- Forestry Commission England (FC England)
- Forestry Commission Wales (FC Wales)
- The Ministry of Defence (MoD)
- The National Trust (NT)

### Forestry Commission England

For the second hunting season in succession a Memorandum of Understanding has been in effect between FC England and the League. This initiative has seen vastly improved communication between the two organisations and an excellent standard of administration of the hunting fixtures by staff at the FC England Estates office in Bristol.

In the 2009/2010 hunting season Forestry Commission England licensed hunting activity which included the following categories:

- Trail hunting (Masters of Foxhounds Association members)  
*37 hunts licensed to trail hunt on 225 separate occasions*
- Fox control  
*Two Fox control organisations licensed to exempt hunt on twelve separate occasions*

The League is greatly encouraged by FC England's engagement with the issue of licensed hunting. To illustrate the tougher stance being taken by FC England it is informative to highlight the case of the Melbreak Foxhounds in Cumbria.

Following the submission in the 2008/2009 hunting season of footage<sup>18</sup> obtained by League observers showing hounds belonging to the Melbreak Foxhounds in breach of the licence to trail hunt on FC England land, Forest District staff limited the Melbreak's 2009/2010 licence to a stricter regime. As a direct result of this action the hunt withdrew from its current agreement to trail hunt.

Despite this more rigorous approach the League continues to be concerned that where trained foxhounds hunt a fox based scent in areas of known fox habitation, the welfare of the resident fox population could be compromised. In light of this the League is renewing its call for the relevant FC England licence to restrict trail hunting to the use of artificial scents only.

### Forestry Commission Wales

Unfortunately the League is yet to agree a Memorandum of Understanding with FC Wales but this is not to detract from a very effective administration of the hunting fixtures by FC Wales' staff.

The predominant hunting activity licensed by FC Wales is exempt hunting for the purposes of fox control, carried out in accordance with the stalking and flushing out exemption<sup>19</sup> available in the Hunting Act, by Fox Control Societies (FCS) or Gunpacks.

*In the 2009/2010 hunting season nine FCS/Gunpacks were licensed to exempt hunt on 111 separate occasions*

Following the 2008/2009 hunting season FC Wales tightened its Master Agreement with the Welsh Federation of Gunpacks in an effort to further regulate the activity.

The League is encouraged by this initiative but is deeply concerned at the extent of the fox control taking place on FC Wales land. To illustrate this concern it is informative to consider the figures that record the fox kills for the 2008/2009 hunting season on FC Wales land, made available in August 2009.

*In the 2008/2009 hunting season fifteen hunts licensed to exempt hunt by FC Wales on 124 separate occasions killed a total of 317 foxes.*

As a direct result of receiving these figures the League committed to monitor the activity of a Fox Control Society/Gunpack on FC Wales land during the 2009/2010 hunting season. As a consequence of this decision evidence obtained by League observers is, at the time of writing, the subject of a criminal investigation by the police in Wales.

### The Ministry of Defence

Following a meeting in 2009 between the League and the MoD a complete overhaul of the MoD's licence system for hunting took place. This was accompanied in September 2009 by the signing of the first Memorandum of Understanding between the two organisations.

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<sup>18</sup> 18/11/2008 The Melbreak Foxhounds licensed trail hunt at Whinlater on FC England land

<sup>19</sup> See [http://www.opsi.gov.uk/acts/acts2004/ukpga\\_20040037\\_en\\_4#sch1](http://www.opsi.gov.uk/acts/acts2004/ukpga_20040037_en_4#sch1)

Throughout the 2009/2010 hunting season staff at the MoD's Defence Estates Office has provided regular updates to the licensed hunting calendar and has ensured requests for more detailed information have been met efficiently and without delay.

For the 2009/2010 hunting season the MoD licensed the following hunting activity:

- 23 hunts licensed to trail hunt on 191 separate occasions.

The League is greatly encouraged by the MoD's engagement with the issue of licensed hunting on Defence Estate's land. In March 2010 League evidence of a hunt suspected to be in breach of its licence conditions was passed to the MoD and at the time of writing officials from the Ministry are looking into the matter.

However, as with FC England, the League is still concerned that when trained foxhounds hunt a fox-based scent in areas of known fox habitation, the welfare of the resident fox population could be compromised. In light of this the League is renewing its call for the relevant MoD licence to restrict trail hunting to the use of artificial scents only.

### The National Trust

The League continues to have deep misgivings about licensed hunting on National Trust land and it is clear that the Trust's administration of licensed hunting compares unfavourably to the Forestry Commission and the Ministry of Defence.

A resolution at the National Trust's 2009 Annual General Meeting calling for the publication of all sporting fixtures on Trust land was narrowly defeated but significantly the large proportion of Trust members in favour of this initiative indicates the appetite for greater transparency on this matter from the Trust.

Because of an indifferent attitude to League requests for information detailing the extent of licensed hunting, figures for the 2009/2010 hunting season have still not been made available.

The Trust has recently released figures for the 2008/2009 season but these are poorly compiled and do not collate the total number of licensed hunting days. What these figures do reveal is at least 50 hunts were licensed to hunt on NT land in the 2008/2009 hunting season.

Officials at the National Trust have confirmed that the only hunting activity currently licensed is trail hunting and a copy of the 2009/2010 licence to trail hunt has been made available to the League. As with the administration of the hunting fixtures the NT licence to trail hunt compares unfavourably with its Forestry Commission and Ministry of Defence counterparts.

To illustrate the shortcomings in the NT licence and to see how hunting on Trust land is viewed by at least one of its licensee's, it is informative to return to the example of the Melbreak Foxhounds.

Documents released by the Forestry Commission and made available to the League, detail minutes of a meeting<sup>20</sup> that took place in 2009 between the Melbreak Foxhounds and staff from FC England. In this meeting Frank Head, Hon. Sec. of the Melbreak Foxhounds contended that set drag lines, required by the Commission due

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<sup>20</sup> Meeting between representatives of the Melbreak Foxhounds and FC England staff, 23 October 2009 at Peil Wyke FC offices.

to concerns over hound control raised by League film of the Melbreak, were too restrictive. Mr Head went on to describe a less stringent approach to trail hunting taken by the National Trust:

*Frank Head explained on numerous occasions that setting drag lines and then guaranteeing that the hounds follow them on every occasion was not possible. He mentioned that the National Trust had moved away from having drag lines and instead an area would be indicated on a plan where the hunt would be allowed to travel<sup>21</sup>.*

It is the League's belief that the insight provided by this meeting casts considerable doubt on the safety of licensed hunting on NT land. The absence of set trail routes cannot be in the best interests of the resident wildlife population and would almost certainly put the hunts in breach of National Trust Byelaws which state:

*No unauthorised person shall cause or allow any dog or other animal belonging to him or in his charge to enter or remain on any Trust Property to which entry is allowed unless such dog or other animal is under proper control and is effectually restrained from causing damage to property including plants and from injuring, annoying or disturbing any person, bird or animal.<sup>22</sup>*

In light of this the League calls upon the National Trust to adopt a licence to trail hunt that reflects the best practice attained by those of the Forestry Commission and Ministry of Defence.

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<sup>21</sup> Excerpt from the minutes of a meeting between representatives of the Melbreak Foxhounds and FC England staff, 23 October 2009 at Peil Wyke FC offices.

<sup>22</sup> National Trust Byelaws, 1965; 8c, Dogs and other animals

## **Summary**

The League Against Cruel Sports is greatly encouraged by the figures from the Ministry of Justice confirming the impressive conviction rate enjoyed by the Hunting Act 2004.

It is clear that the police throughout England and Wales have made great advances in ensuring that the Hunting Act is used to combat a hunting community determined to hunt wild mammals with dogs in contravention of the law.

It is also clear that more can and should be done by the police to address the behaviour of the organised hunting community typified by the member hunts of the MFHA.

As this report has shown the League now shares its incident and intelligence reports with the NWCUC and it is hoped that, in combination with the League's police training in Hunting Act enforcement, this will facilitate a more effective intelligence led policing of the hunting problem in England and Wales.

Despite challenges to the League's legitimacy to gather evidence of illegal hunting the observation of hunting activity by the charity continues to produce a high level of success. Working to the exacting standards set by the League's legal team it is hoped that the police will ensure that evidence gathered by the League is dealt with in a timely and professional manner.

In light of the failure of those who administer hunting in England and Wales to accept responsibility for the continuing problem of hunt havoc this report shows that the police must act to help members of the public who object to hunts treating them, and the law, with contempt.

This report has shown how the Forestry Commission and the Ministry of Defence have acted in the best interests of animal welfare by licensing hunting activity according to intelligent and risk-averse criteria. It is hoped that the National Trust will move towards a greater transparency in its administration of licensed hunting activity and introduce a licence for the 2010/2011 hunting season that recognises the dangers inherent in trail hunting.

With 75%<sup>23</sup> of the British public resolute in its support of the Hunting Act 2004 the League is optimistic that the legislation introduced over five years ago can continue to offer protection to wild mammals throughout England and Wales.

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<sup>23</sup> Ipsos MORI poll, conducted on behalf of the League Against Cruel Sports, the International Fund for Animal Welfare (IFAW) and the Royal Society for the Prevention of Cruelty to Animals (RSPCA), September 2008