



REPORT:  
**The 2011/2012  
Hunting Season**

LAUNCHED AT THE HOUSE OF COMMONS, 22ND MAY 2012

# About 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.

## Our Values:

- **Informative:** we expose the truth of cruelty to animals in sport.
- **Purposeful:** we are focused on ending cruelty to animals in sport.
- **Accountable:** we campaign based on the facts uncovered through continuous research and investigation.
- **Contemporary:** we believe cruel sports involving animals are barbaric and have no place in modern society.
- **Compassionate:** what we do is inspired by concern for the well-being of both animals and people; through our work we help to create a more caring society.

## Our campaigns:

Our core campaigns are hunting with dogs, dog fighting, bull fighting, shooting including trophy hunting and snares and zero tolerance of wildlife crime. We also campaign against the badger cull and for the welfare of racing animals.

We also have campaigns in Scotland, Wales and Northern Ireland.

The League Against Cruel Sports receives no Government or National Lottery funding and relies on the generosity of our supporters to help fund our campaigning and investigative work.

Our supporters come from all walks of life and we continue to attract new members, donors and campaigners worldwide.

# Contents:

<b>Executive Summary</b>	<b>4</b>
<b>Introduction</b>	<b>5</b>
<b>Ministry of Justice figures</b>	<b>6</b>
<b>League Intelligence</b>	<b>7</b>
• Compliance	7
• Strategic Assessment	7
• Recordable Offences	7
• The National Picture and National Wildlife Crime Unit (NWCU)	8
• Wildlife Crime Priorities	9
<b>League Operations</b>	<b>10</b>
• The League Against Cruel Sports and hunt monitoring	10
• The 2011/2012 hunting season	11
• Hunting behaviour	11
• Anti-social behaviour	12
• Background	12
• Intimidation	12
• Case Study - Violence	13
• Hunt havoc	13
• The 2011/2012 hunting season	13
• Case Study - Pet fatality	14
• Case Study - Trespass and traffic disruption	14
• Trail hunting	15
<b>Legal and Police Work at the League</b>	<b>16</b>
• The 2011/2012 hunting season	16
• Police liaison	16
• In Court: R - v - Hopkins & Allen	17
• Background	17
• The appeal	17
• The Crown Prosecution Service (CPS)	18
• Adverse inference	18
<b>Landowners and the League</b>	<b>19</b>
• Licensed hunting	19
• Case Study: The National Trust	19
<b>Summary</b>	<b>19</b>

# Executive Summary

The League Against Cruel Sports report into hunting (2012) provides a unique insight into the work of the charity as it celebrates 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 for the third year in succession.
- Using data obtained from the League's unique hunting database this report shows a 121% increase in incidents of suspicious activity, consistent with traditional hunting practices, reported to the League.
- With the investment of £1 million over the next three years the League has an expanded team of ten investigators who will be regionally based and nationally tasked to investigate crimes to wild animals caused by sport. This report details the expansion of the League's Operations department as it recruits more personnel for the League's highly regarded investigations team.
- This report records the devastating affects of anti-social behaviour attributed to organised hunts and renews the League's call for 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 details the establishment of improved relations with the Trust as the League is invited to be part of the Trust's licence review process.



# Introduction

This report provides an overview of the League Against Cruel Sports' hunting campaign during the 2011/2012 hunting season.

Established as a campaigning organisation at the forefront of animal welfare issues, the League is uniquely positioned to report on what is happening in the contemporary hunting field. Staffed by a complement of highly skilled personnel the League is able to draw on a wealth of knowledge and experience from the worlds of politics, policing, the law and hunting.

Celebrating its seventh anniversary in February 2012 the Hunting Act continues to protect wild mammals in England and Wales from the unnecessary suffering inherent in the sport of hunting with dogs.

By focussing on the League's hunting campaign, this report suggests practical solutions to preserve the integrity of the Hunting Act 2004 amidst growing concern from the general public that criminality associated with organised hunting is being overlooked.



# Ministry of Justice figures

Following its introduction in February 2005, the Hunting Act has been the target of considerable criticism from its pro-hunting opponents for being ineffective and unenforceable.

In an effort to publicly discredit the legislation, elements from within the hunting community have waged an ongoing and concerted campaign to attribute inaccurate conviction figures to the Hunting Act.

However, as previous reports from the League have demonstrated, 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 over 200. This is before figures for 2011 - to be made available later in 2012 - have been collated.

Looking at the 2010 figures from a range of wildlife legislation (Fig 1), we can see how effective the Hunting Act has been, and it is clear that it is a widely used and successful law; far out performing the Deer Act 1991 and Wild Mammals (Protection) Act 1996.

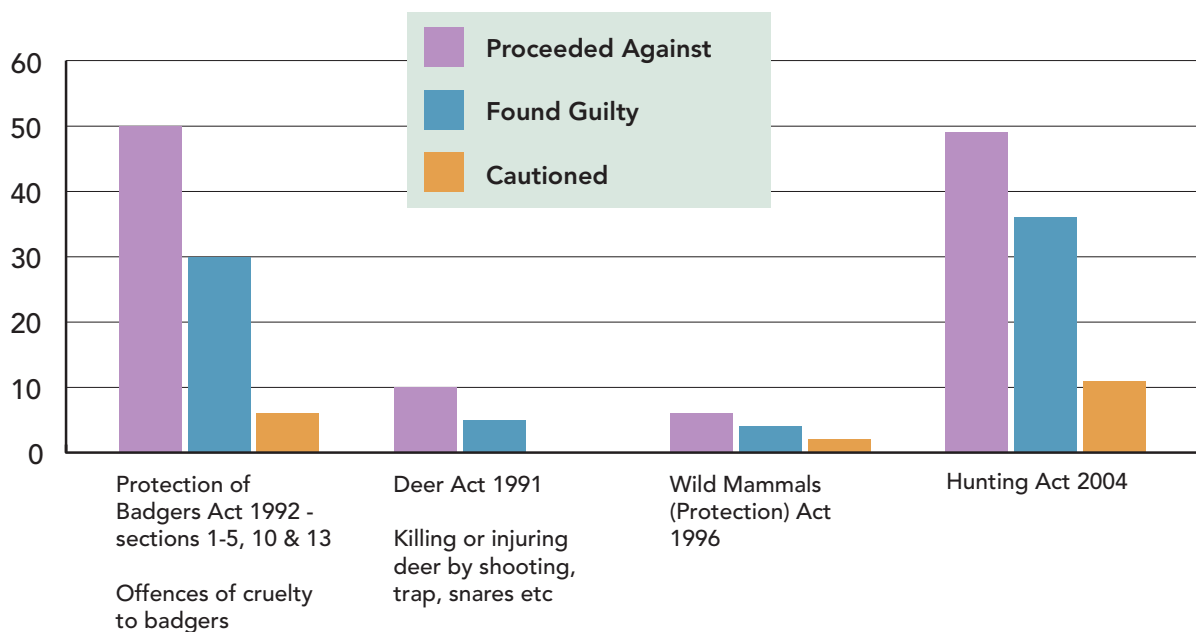


Fig 1: The number of defendants proceeded against at magistrates' courts and found guilty at all courts of selected offences related to wild mammals, England and Wales, 2010 <sup>1</sup>

The comparison in Fig 1 clearly contradicts the misinformation from the hunting community that the Hunting Act is unworkable and not fit for purpose. As previous League hunting reports have recorded, the Hunting Act consistently out-performs similar

wildlife legislation. Furthermore, this analysis of figures provided by the Ministry of Justice suggests that any proposed repeal of the law would be indefensible by any reasonable standards.

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



# League Intelligence

Hunting Act offences are committed by individuals and groups, both organised and otherwise. The assessment of the League's new intelligence database has looked at ways to prioritise the available resources based on where information and intelligence suggests the largest concerns are or where the most impact could be made.

In the course of the 2011/2012 hunting season the League has received information from a variety of sources.

The majority of information comes from League monitoring operations, from the network of local groups and from the successful Hunt Crimewatch<sup>2</sup> (HCW) service which has been gathering information since the introduction of the Hunting Act in 2005.

In addition to these direct information sources, staff also regularly monitor other public documents including information reported by the press and relevant hunting related websites.

This information has culminated in the development of an unrivalled database of hunting intelligence in England and Wales and has enabled the League to help inform the national picture as well as assist in focussing our operational opportunities.



<sup>2</sup>For more information visit [www.league.org.uk/huntcrimewatch](http://www.league.org.uk/huntcrimewatch)

## Compliance

Last year the League was able to report that a retired police Detective Inspector with extensive intelligence experience had been appointed to be the League's Intelligence Coordinator. Following this appointment the League instigated a thorough audit of existing intelligence procedures. This initiative has led to a complete overhaul in the way in which the League handles information and intelligence.

## Strategic Assessment

As part of the League's development in intelligence handling, the Operations team has produced a Strategic Assessment.

A Strategic Assessment is one of the core products of the National Intelligence Model produced by the intelligence function and provides an overall assessment of what is happening in an organisation. Examining seasonal trends, information about what has happened since the last assessment and known or predicted future events as well as products from other areas that relate to the business of the organisation, it attempts to establish what is likely to happen in that area in the next year.

Much of the content of the Strategic Assessment is sensitive and not for wider dissemination but the League has produced an Executive Summary that is available on request.

## Recordable Offences

Police forces do try to allocate resource and effort based on intelligence. The problem with wildlife crime is that it is a hidden shame as it is under reported and not recorded. Our data shows that only a low percentage of calls to our crimewatch number are reported to the police as concerned people often do not have faith that the police will treat it as a priority. Also the Home Office do not classify wildlife crime as recordable offences. Put together it means that police cannot take an informed strategic decision about the significance of wildlife crime. We have argued strongly to the Environmental Audit Committee's Wildlife Crime Inquiry that it should become recordable.

## League Intelligence *(Continued)*

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

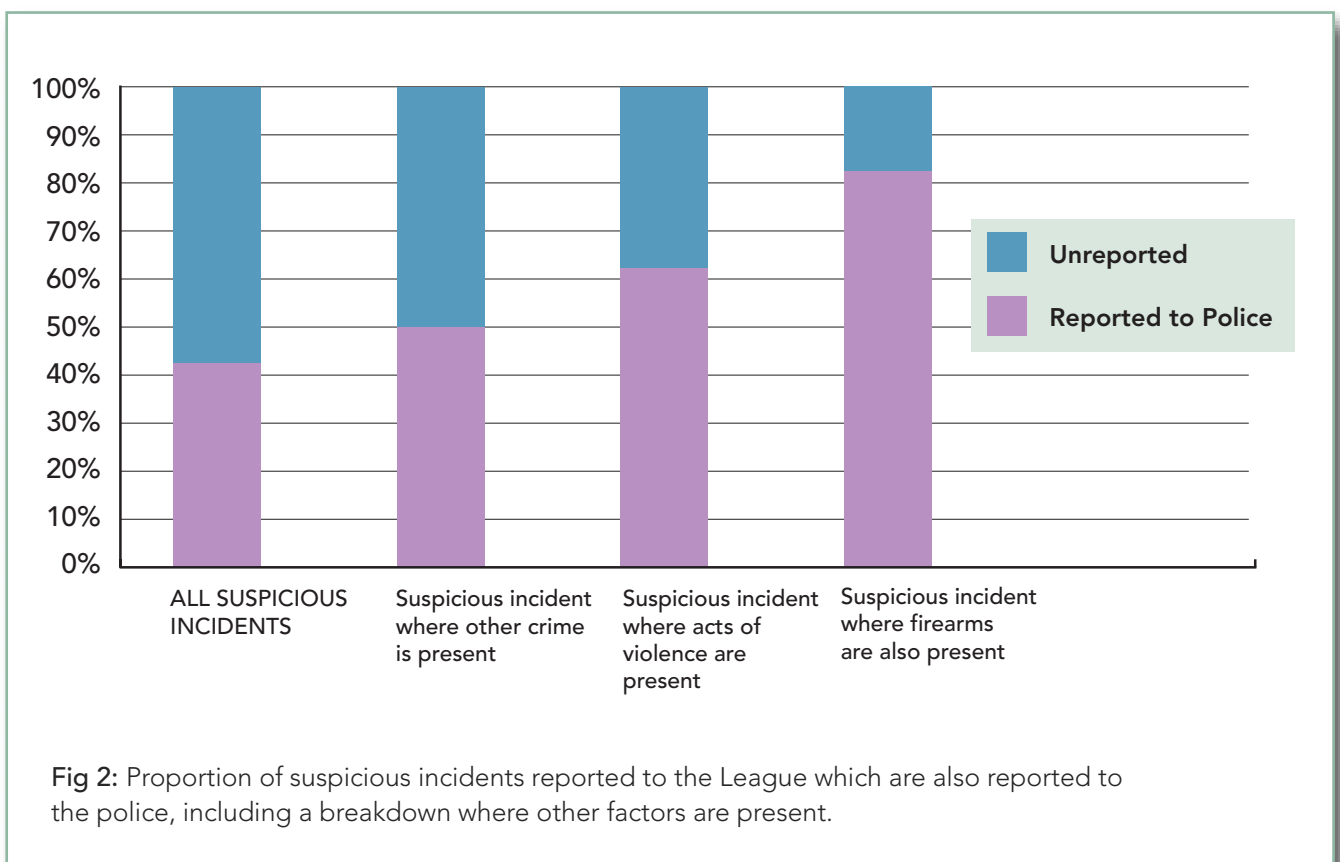
Despite the encouraging figures from the Ministry of Justice on Hunting Act prosecutions, it is difficult to understand the true extent of the problem by simply looking at prosecutions.

There is a marked difference between suspicious hunting incidents reported to the League and where there have been successful convictions. Figures suggest 165 Hunting Act prosecutions between 2008 and 2010<sup>3</sup> yet the volume of suspicious incidents where crime is suspected in this hunting season alone is twice that figure, and it is widely recognised that many more incidents go unreported.

Information from our intelligence database could provide an answer to why suspected criminality goes unreported. Regularly, sources are extremely concerned that their information is treated with sensitivity. They have cause to be concerned. Animal abusers are five times more likely to commit violent crimes against people and four times more likely to commit property crimes than are individuals without a history of animal abuse<sup>4</sup>.

It is critical therefore that sources of information, who perhaps live within communities or groups where illegal hunting and other wildlife crimes take place, have sufficient trust to share information that may help assist establish the true picture of criminality.

Information reported to the League this hunting season suggests many individuals living in rural communities don't have that trust in the police within their neighbourhood.



<sup>3</sup> Justice Statistics Analytical Services - Ministry of Justice 2011

<sup>4</sup> Arluke, A., Levin, J., & Carter, L. (1999) The Relationship of Animal Abuse to Violence and Other Forms of Antisocial Behaviour. *Journal of Interpersonal Violence* 14(9): 963-975



A total of 295 reports of suspicious behaviour<sup>5</sup> consistent with traditional hunting practices were reported to the League this season (up from 133 in the previous season) of these, only 42% were reported to the police. Of the more serious incidents where other crime was believed to have been present, 50% was reported. Where acts of violence were present 63% were reported and where firearms were involved only 82% were reported (Fig 2). The causal link between wildlife crime and other criminality would therefore suggest under reporting of other crimes.

It was also seen that there is very little standardised reporting or recording within law enforcement, despite a dedicated but under resourced NWCU. Wildlife crime, including hunting with dogs is not a recordable offence. This means that records of convictions do not need to be recorded on the Police National Computer and so there is considerable variance in response to wildlife crime across constabularies. Wildlife crime often appears to be most common in areas where it has not been prioritised. These also appear to be the same areas where there is a lack of confidence in reporting matters to the police.

## Wildlife Crime Priorities

The National Wildlife Crime Unit (NWCU) launched in 2006 is a multi-agency operation which gathers, analyses and co-ordinates wildlife crime intelligence.

The NWCU has negotiated data collection links with most police forces and other organisations including the League Against Cruel Sports. As with information collected by the League, only information sent to the NWCU can be assessed (Fig 3).

In 2009/10 the League received 256 cases of illegal hunting of which 128 were considered to be suspicious. Those rose to 371 incidents relating to wildlife crime from September 2011 to April 2012, all of which were suspicious. 135 groups or organisations were identified as being involved. 82% of incidents involved hunting, and whilst this should contribute to the national picture it is not necessarily reflective of it. It is likely that the 2012/13 season will see a more reflective collection of data due to improvements of internal processes. Research for the League's strategic assessment indicated no better assessment nationally of the true scale of illegal hunting but it is understood that currently the League only captures a small sample of the suspicious and illegal behaviour.

### Reported incidents to the NWCU - September 2010 - May 2011

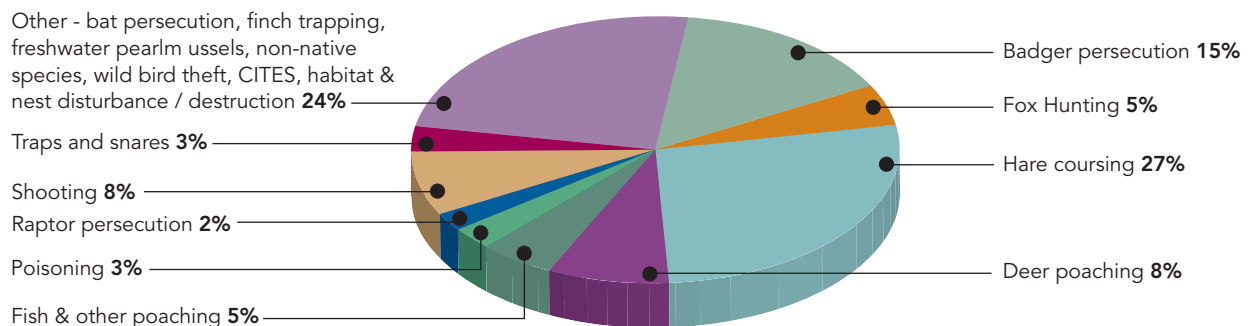


Fig 3: Breakdown of all Incidents reported to the NWCU between September 2010 and May 2011<sup>6</sup>

<sup>5</sup> Suspicious behaviour in this instance includes behaviour consistent with traditional hunting practices, e.g.: Drawing (where hounds search) covers where quarry is likely to be and has traditionally been found such as reed beds, gorse, hedgerows, fields of crops and woodlands; Holding up covers 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.

<sup>6</sup> National Wildlife Crime Unit (2011) Tactical Assessment October 2011. Available online [<http://ow.ly/aNdVP>]

# League Operations

The 2011/2012 hunting season has seen significant change at the League Against Cruel Sports. A restructuring process has consolidated existing expertise within the organisation allowing for an expansion of the League's investigative work.

To this end the League has brought together the work of its Investigations and Legal teams to form a new Operations department to reflect the increasing role that the League will play as a vital complement to the work of existing law enforcement agencies.

The charity can announce that this new department will be led by solicitor Rachel Newman, a former Head of Prosecutions at the Royal Society for the Prevention of Cruelty to Animals (RSPCA), in her role as the League's Director of Operations.

A key aspect of this expansion is the recruitment of more investigators to the League's Investigations Team. In recognition of the League's past success in securing prosecutions and the growing volume of information received by the League's Intelligence team relating to incidents throughout England and Wales, the new investigators will operate in four distinct geographical regions.

Combining a broad range of relevant expertise the investigators will undergo a two day legal training and induction before taking up their roles in time for the 2012/2013 hunting season.

## The League Against Cruel Sports and hunt monitoring

The League Against Cruel Sports is committed to peaceably observing hunting activity. In addition to the League's highly experienced Investigations team, which conducts monitoring of hunting activity in England and Wales, the charity also has a network of volunteer monitors.

All League HCW volunteers receive guidance and training on the law, surveillance and evidence gathering. In addition to this training the volunteers commit to a robust code of conduct governing behaviour in the field.

Despite continuing attempts from within the hunting community to discredit the League's legitimacy to observe hunting activity the League would once more take this opportunity to point to the recognition afforded to this role by the 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>7</sup>

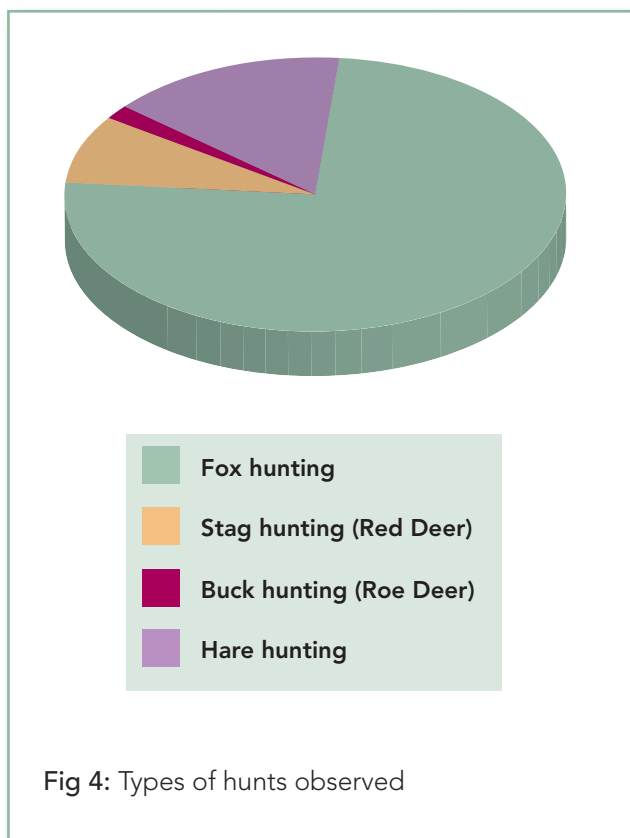


<sup>7</sup> ACPO Guidance on Enforcement of the Hunting Act 2004, Section 4 Enforcement, 4.2

## The 2011/2012 hunting season

In the course of the 2011/2012 hunting season the League's Investigation team was able to observe a considerable amount of hunting activity.

Between August 2011 and April 2012 League investigators monitored a total of 73 days hunting activity, encompassing a broad range of organised hunting activity (Fig 4):



## Hunting behaviour

The majority of hunting activity monitored by League investigators in the 2011-2012 season was fox hunting. Of the 55 fox hunting days attended by League investigators in the 2011-2012 season, only two instances of trail hunting were observed.

The majority of observations of fox hunting were consistent with traditional hunting activities and included a range of suspicious behaviours including;

- Terriermen<sup>8</sup> following hunts
- Hounds seen chasing foxes on numerous occasions
- Hunt staff positioned at distance from chasing packs
- Incidents of digging and bolting<sup>9</sup> of foxes
- Reports of hunts using bagged<sup>10</sup> foxes
- Incidents of blocked<sup>11</sup> badger setts by terriermen accompanying hunts
- Hunts seen hunting across main roads, railway lines and through villages etc. all inconsistent with trail hunting
- Hounds seen marking to ground<sup>12</sup>

One regularly reported trend which is revealed in analysis of the information received was the pre-meditation for illegal hunting. This included the building of artificial earths<sup>13</sup> or keeping foxes for later release to ensure foxes for hunting.

<sup>8</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>9</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

<sup>10</sup> A 'bagged' fox is a fox that has been captured or sometimes bred for the purposes of fox hunting

<sup>11</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>12</sup> This practice involves the hounds marking the spot where a hunted fox has gone to ground

<sup>13</sup> The League conducted an investigation between June and October 2011 which revealed signs of recent use or renovation of artificial earths. To read the full report go to [www.league.org.uk/earths](http://www.league.org.uk/earths)

## League Operations *(Continued)*

### Anti-social behaviour

Following a review of the 2008/2009 hunting season a decision was taken by senior management within the League to conduct the majority of its hunt monitoring using covert surveillance. This change in emphasis was a direct response to the persistent anti-social behaviour experienced by League investigators from elements within the hunting community.

In 2012 the Home Office website defined anti-social behaviour in the following terms:

*Anti-social behaviour is any aggressive, intimidating or destructive activity that damages or destroys another person's quality of life<sup>14</sup>.*

The League has identified two types of anti-social behaviour linked to organised hunting with dogs; intimidation and hunt havoc:

- **Intimidation** including harassment and violence directed towards members of the public who choose to observe hunting activity
- **Hunt havoc** in which followers and the hounds of a hunt behave in an anti-social manner to the detriment of the wider community.

### Background

Prior to the introduction of the Hunting Act 2004 as many as 50,000 people from within the hunting community in England and Wales signed the Hunting Declaration<sup>15</sup>.

It is the League's belief that this commitment to organised civil disobedience is evident not only in the instances of illegal hunting recorded in the last seven years but also in the anti-social behaviour that has accompanied the activities of the organised hunting community.



### Intimidation

Instances of intimidation, harassment and on occasion violence have been commonplace towards members of the public who continue to observe hunting activity in England and Wales following the introduction of the Hunting Act 2004.

It is to the credit of the police in England and Wales that many of the worst instances involving violent behaviour have been dealt with by the courts since February 2005. However there is still a significant amount of anti-social behaviour from elements within the hunting community that is often overlooked and continues to have a negative impact on the wider rural community.

This anti-social behaviour includes:

- Verbal intimidation - i.e. abusive and threatening language
- Physical intimidation - i.e. blocking of rights of way or access to and from vehicles by hunt stewards<sup>16</sup>
- Road blocking - i.e. use of vehicles to obstruct other road users
- Following hunt observers - i.e. either by foot or in vehicles
- Violence - i.e. assault

<sup>14</sup> Retrieved at <http://www.homeoffice.gov.uk/anti-social-behaviour/>

<sup>15</sup> In April 2003 the Hunting Declaration founded by Roger Scruton and Michael Markham attracted 37,000 signatures rising to 50,000 by April 2004, "It aims to convey in an unambiguous way that enough people are committed to either refusing to accept any law that comes into effect (if it does) that any such law would be unenforceable and so fail.

<sup>16</sup> Following the introduction of the Hunting Act 2004 some hunts e.g. the Crawley and Horsham, recruited stewards ostensibly to assist with maintaining order.

## Case Study - Violence

- Date:** 29 March 2011
- Location:** Woodlands Hill, Quantock Hills (owned by the National Trust)
- Hunt:** West Somerset Vale FH
- Assailant:** David Bevan, whipper-in with the West Somerset Vale Foxhounds
- Incident:** David Bevan of the West Somerset Vale Foxhounds was on horseback when he beat a League investigator using the handle of his whip. David Bevan then dismounted his horse, pinned the investigator to the ground and forcibly stole his camcorder, which he then handed to John Tarr, a hunt supporter. Someone from the hunt then taped over some of the footage of the hunt taken by the investigator. The investigator sustained cuts and bruises to his head, arms and ribs during the assault and as a result attended hospital on two occasions.
- Outcome:** The Crown Prosecution Service (CPS) decided that only David Bevan should be charged with Section 39 Assault by beating. At a hearing in Taunton Magistrates Court on 06 September 2011 David Bevan admitted common assault and was ordered to pay £150 compensation and £85 towards prosecution costs.



## Hunt havoc

During the seven years that have followed the introduction of the Hunting Act the League has reported annually on incidents of hunt havoc. In that time the problem has continued to blight the lives of those unconnected with hunting throughout England and Wales.

For those unfamiliar with organised hunting activity, example of hunt havoc reported to the League have included anti-social behaviour characterised by dogs being out of control, injuring and killing livestock and pets, dogs and hunt members causing damage and obstruction to highways and railways, trespass, and on occasion firearms offences present near to arterial roads.

## The 2011/2012 hunting season

In the 2011/2012 hunting season 64 separate incidents of havoc incidents (where another crime is suspected to be present and is causally linked to the illegal hunting) were recorded by the League, making up 17% of all incidents. Of this total, 49 separate incidents involved foxes.

A study in one of the UK hotspots for hunt havoc showed law enforcement suggesting low levels of anti social behaviour. It is suggested that if anti social behaviour present during havoc incidents was recorded or even received by the police, these figures may be more representative of what is happening, particularly in rural communities.

Although havoc can occur in association with all types of hunting groups it is the League's belief that fox hunts are predominantly responsible for this behaviour.

The four most common examples of anti-social hunt havoc are:

- Trespass
- Traffic disruption
- Pet fatality
- Livestock disturbance

## League Operations *(Continued)*

### Case Study - Pet fatality

**Date:** December 2011

**Location:** Stoupe Brow, near Ravenscar

**Hunt:** Staintondale Hunt and Goathland Hunt (joint meet)

**Incident:** In early December 2011 during a joint meet between the Staintondale and Goathland hunts, 27 hounds belonging to the Staintondale hunt attacked and killed a 19 year old deaf cat called Moppet belonging to Mr & Mrs Atkinson at their home in Stoupe Brow near Ravenscar.

**Outcome:** North Yorkshire police was informed of the incident but no further action was taken. Less than a month later in January 2012 - despite assurances from the Staintondale hunt that they would notify the Atkinson's if they were going to be in the vicinity of their property - hounds from the Staintondale hunt were reported to be unsupervised and out of control on property belonging to Mr & Mrs Atkinson.

### Case Study - Trespass and traffic disruption

**Date:** 07 January 2012

**Location:** Stapleford area near Wyfordby Church

**Hunt:** Cottesmore hunt

**Incident:** During a day's trail hunting on 07 January 2012 a number of hounds belonging to the Cottesmore hunt strayed onto a railway line in the Stapleford area near Wyfordby Church. One hound was struck by a passenger train and killed. A Network Rail spokesperson said that the train driver of the 10.22am train from Birmingham New Street to Stansted Airport reported that he thought he had struck a number of dogs on the line.

**Outcome:** A local farmer notified the secretary of the Cottesmore hunt who collected the dead animal. No further action was taken.



## Advice

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.

Commonly used legislation includes;

- s27 Road Traffic Act 1988
- s3 (1) Dangerous Dogs Act 1991
- s1 Criminal Damage Act 1971
- Anti-Social Behaviour Orders (ASBOs)

For more detailed advice refer to p.15 of last seasons hunting report:

[www.league.org.uk/huntingreport\\_10/11](http://www.league.org.uk/huntingreport_10/11)



## Trail hunting

Trail hunting is often cited when challenged as the activity in which many organised hunting groups now engage in. Distinct from traditional drag hunting this activity uses the natural scent of one of the quarry species rather than an artificial scent.

*“So whereas most draghunt lines start in open country at a known spot and follow a pre-determined route. Trail hunting involves simulating the search in cover for a scent to follow. The scent is generally a natural one so the hounds are kept ready to resume foxhunting when the ban is finally repealed”<sup>17,18</sup>.*

What is failed to mention is the likelihood of trained foxhounds rioting on to the scent of a live fox. The frequency of anti social behaviour and ‘accidental’ fox kills exhibited by hunts indicates that there is a significant problem with the efficiency of trail hunting as a viable alternative to traditional hunting.

The Masters of Foxhounds Association (MFHA), which represents 176 packs of foxhounds in England and Wales, have also demonstrated a lack of leadership as the governing body of fox hunting having failed to issue any reprimands or public statements condemning the anti social behaviour perpetrated by its members.



© Photography courtesy Tony Bates

<sup>17</sup>The Masters of Draghounds and Bloodhounds Association (2011)  
How does the Sport differ from what Foxhound Packs are now doing?  
[Available at: <http://ow.ly/aNjDJ>]

<sup>18</sup>HOW TO KEEP HUNTING HANDBOOK 2005 - 2006,  
Countryside Alliance and Council of Hunting Associations

# Legal and Police Work at the League

The League has continued to see an increase in evidence of suspected illegal hunting activity. This has meant that the review of potential cases by the legal team has risen exponentially.

The hunting community have continued to claim that the League inundates the police in England and Wales with groundless allegations of illegal hunting. This accusation is completely unfounded; for a detailed explanation of how cases are assembled in accordance with the CPS guidelines in order to minimise additional police investigation please refer to the League's previous hunting report .

## The 2011/2012 hunting season

The League can report that during the 2011/2012 hunting season evidence gathered and assessed by its Operations team has formed the basis of five cases presented to police forces with a further single case presented to the Royal Society for the Prevention of Cruelty to Animals (RSPCA). In addition to these cases evidence obtained by League volunteer monitors was also assessed by the Operations team and passed to the RSPCA.

## Police liaison

The League has continued to establish strong and productive working relationships with the police including offering training on Hunting Act enforcement provided by former Wildlife Crime Officer, Steve Harris, now working as the League's Head of Enforcement in the new Operations team.

### Police training

For a description of what is involved in the training see p.18 of [www.league.org.uk/huntingreport\\_10/11](http://www.league.org.uk/huntingreport_10/11)

To organise bespoke training for your police force please contact the League at [info@league.org.uk](mailto:info@league.org.uk)

Our enforcement team have also represented the League at numerous specialist law enforcement events including:

- Partnership Meeting with Lancashire Police, Royal Society for the Protection of Birds (RSPB), Royal Society for the Prevention of Cruelty to Animals (RSPCA), National Wildlife Crime Unit (NWCU) and bordering police forces
- Partnership for Action Against Wildlife Crime (PAW) Seminar at Kew Gardens
- Scottish Wildlife Crime Conference

In addition to the League's increasing profile in training of police forces in Hunting Act enforcement the League has developed a new presentation of relevance to law enforcement agencies. Entitled 'Using Dogs to Kill Animals' this educational tool is designed to graphically depict the shocking reality of this often overlooked behaviour and detail the links between cruelty to animals and other criminality - especially violent crime. Recipients of the presentation so far include:

- North Wales/Countryside Council for Wales (CCW) in Bangor
- Staffordshire Police.

<sup>19</sup> Page 17 of the Hunting Report 2009/10  
Available at [www.league.org.uk/huntingreport](http://www.league.org.uk/huntingreport)

## In Court: R - v - Hopkins & Allen

Arguably the most significant legal event from the 2011/2012 hunting season was the landmark judgment in the appeal against conviction by two staff from the Fernie hunt.

### Background

Derek Hopkins, huntsman, and Kevin Allen, terrierman, both of the Fernie Hunt, were found guilty by a panel of lay magistrates following a five day trial at Leicester Magistrates Court in January 2011 of offences against the Protection of Badgers Act 1992 and the Hunting Act 2004.

Video footage obtained by League investigators had shown hounds of the Fernie Hunt marking the spot where a fox had escaped into an active badger sett. Several minutes later, Allen could be seen arriving on a quad bike, before digging down to the fox, causing it to bolt with hounds in pursuit.

Dismissing the defence claim that the badger sett was inactive, and that the hunt was following a trail, magistrates said they were clear that the fox was flushed in order for it to be hunted again. The Judge accused the Fernie Hunt of using 'the cover of trail hunting as cynical subterfuge' and said it was clear the hunt was hunting a live fox.

As a result of the verdict Hopkins was fined a total of £850 with a £15 victim surcharge and £1,250 costs. Allen was fined a total of £650 with a £15 victim surcharge and £900 costs.

### The appeal

Following the unsuccessful appeal in October 2011 by Hopkins and Allen, the League was struck by the significance of the judgment for those engaged in enforcement of both the Hunting Act 2004 and the Protection of Badgers Act 1992. To raise awareness of these developments amongst colleagues from partner organizations the League drafted the following summary of the main learning points for circulation by Scottish Badgers to all police Wildlife Crime Officers (WCO) and PAW partner organizations:

- The mere fact that someone has written permission from a landowner to hunt on his/her land does not necessarily satisfy an exemption under the Hunting Act 2004. All the other conditions must be met before the exemption can apply
- The recent stopping of badger setts in the area surrounding the location of the offences in this case was an issue, both at trial and on appeal: both courts agreed that an obvious reason for stopping up a badger sett is to prevent a live fox using it as a refuge when being chased by hounds. At the trial and on appeal, even though there was no evidence to identify the person(s) responsible for actually doing it, both courts regarded the stopping up as being capable of being evidence, albeit in isolation and not conclusive evidence, of a decision having been taken in advance that the hunt would hunt live foxes
- The appellants were interviewed under caution by the police and, on legal advice, made no comment. Having regard to the terms of the caution, the fact that the tale each defendant had to tell was a clear one and granted that each was able to give an account of what was going on in each of the DVDs produced in evidence, the court was surprised firstly that they were given such advice and, secondly, that they took it. Clearly the court could not have made such an observation had the police decided not to interview the suspects, as is so often the case with hunting allegations
- The issue of whether particular tunnels in a badger sett are or are not in current use is often a contentious issue in trials involving offences under the Protection of Badgers Act 1992. In this case, the court took the view the various structures described were all one badger sett. Crucially, the court further decided that if it is one sett and any part shows signs of current use, then it is a sett in current use
- Although the digging out of the badger sett where the fox had gone to ground was carried out by the terrier man (ALLEN) the court decided this was a joint decision on the part of the hunt master (who was not charged) and the huntsman (HOPKINS) who led the hounds away to allow that to happen. This is a very important ruling and would seem to be entirely consistent with advice the League Against Cruel Sports received from counsel,

## Legal and Police Work at the League *(Continued)*

Richard Furlong, in relation to the issue that has come to be known in some quarters as 'cold marking.' In the past, some CPS reviewing lawyers have taken the view that when hounds have 'marked to ground' and a terrierman subsequently arrives and hunts the fox below ground with terriers, these are two separate events and do not amount to a joint enterprise; this judgment would seem to support Richard Furlong's advice

- The court took up the submissions of the Masters of Draghounds and Bloodhounds Association to the Burns Inquiry (reported 2000), which were, firstly that dedication of the highest level is required to prevent hounds hunting a wild animal; secondly, hunting an artificial scent provides an ideal conduit by which an individual could hunt covertly. In this case, the court decided that the notion of trail hunting was a cover and that what the court had seen was cynical subterfuge
- Frequently evidence alleging illegal hunting with dogs is delivered to the CPS but charging decisions are adversely influenced as a result of claims made by suspects that they had been innocently trail hunting; this judgment highlights the possibility that such claims may be shown to be untrue, particularly when cases are allowed to proceed and defendants are cross examined at trial.

## The Crown Prosecution Service (CPS)

The role of the CPS in the justice system is an important one but it is the League's belief that CPS lawyers when dealing with cases relating to hunting with dogs have on occasion made poor decisions as to whether, on the available evidence; there is a realistic prospect of conviction. In many instances, perfectly viable cases do not proceed because the CPS wrongly advises the police that there is insufficient evidence.

To illustrate this point, in February 2012 the Guardian newspaper published an article dealing with a dispute between the International Fund for Animal Welfare (IFAW) and the Dorset CPS concerning the CPS' decision not to pursue video evidence

submitted by IFAW alleging illegal hunting by the Cattistock hunt.

The article included the following excerpts from a letter sent to IFAW by the Dorset CPS giving its reasons for the abandoned prosecution:

*"Any arrest...would inevitably mean that they will be represented by specialist solicitors... funded by the Countryside Alliance. They will be advised to go 'no comment' and to decline to identify themselves on the footage obtained by your monitors.*

*"There would be insufficient evidence to convince a court beyond reasonable doubt... that the person standing before them committed the offence alleged.*

*"May I suggest that arrests and release without charge or, worse still, a failed prosecution, could, potentially, be a media disaster for your organisation? The Cattistock Hunt are very media savvy."*

## Adverse inference

When suspects make no comment, the courts are entitled to draw an adverse inference from their silence, as confirmed by His Honour Judge Pert QC in the aforementioned judgment on appeal in the case of the Fernie huntsman and terrierman at Leicester Crown Court in October 2011:

*"The appellants were interviewed under caution by the police. We are told that on legal advice they each answered "No Comment". We were told no more as to the reasons. Granted the terms of the caution, the fact that the tale each had to tell was a clear one and granted that each was able to give an account of what was going on in each of the DVDs, we were surprised firstly that they were given such advice and, secondly, that they took it."*

It is the League's firm belief that advice intimating that the police should desist from arresting and interviewing suspects when it is perceived that they are likely to make no comment in interview is erroneous. Furthermore the League maintains that it is the courts who should ultimately decide who is guilty, not the lawyers.

<sup>19</sup>Page 17 of the Hunting Report 2009/10  
Available at [www.league.org.uk/huntingreport](http://www.league.org.uk/huntingreport)

# Landowners and the League

Following 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 several prominent major institutional landowners in the United Kingdom.

## Licensed hunting

Licensed hunting is legal hunting activity conducted under license agreements. The majority of licensed hunting takes place on land controlled by four major landowners<sup>22</sup>. 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.

## Case Study: The National Trust

Previous annual reports from the League have documented what appeared to be reluctance on the part of the National Trust to engage with the League's concerns about licensed hunting on National Trust land. It has been clear for a number of years that the Trust's administration of licensed hunting compares unfavourably to the Forestry Commission and the Ministry of Defence.

## Summary

The League Against Cruel Sports welcomes the most recent Ministry of Justice data confirming a steady increase in the number of defendants found guilty of offences under the Hunting Act 2004.

However, 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.

This report has shown that with increased investment into operational activities the League is better placed than ever before to gather evidence of illegal hunting and provide additional resources for the police to bring

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 the resolution appeared to indicate an appetite for greater transparency on this matter from the Trust.

This year the League can report vastly improved relations with the Trust following a productive and informative meeting in September 2011 with Mark Walsingham, Head of Rural Surveying at the National Trust, the person with overall responsibility for licensed hunting on the Trust's estate.

At this meeting the League was able to discuss its concerns with the Trust's administration of the licensed fixtures and suggest ways in which licensed hunting can be made compatible with the Trust's publicly stated conservation aims.

The League is delighted to report that following the meeting the National Trust has asked the League to be a part of its licence review process. This group will meet during the closed season and discuss any shortcomings with, or improvements that can be made to, the current licence and it is hoped this will precipitate a more transparent administration of the Trust's licensed hunting fixtures.

The League continues to have misgivings about licensed hunting on National Trust land but it is clear that the Trust is open to a constructive dialogue on this extremely important issue and this is a very welcome development.

<sup>22</sup> Forestry Commission England (FC England), Forestry Commission Wales (FC Wales), The Ministry of Defence (MoD), The National Trust (NT)

the perpetrators of these cruel crimes to justice. It will continue to campaign for wildlife crime to become a recordable crime to enable police forces to prioritise more accurately their resources.

With the British public resolute in its support of the Hunting Act 2004 the League is looking ahead positively to next year in the confidence its expanded investigations team will build on previous success and play a part in using the legislation introduced seven years ago to offer protection to wild mammals throughout England and Wales.





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