

NORTH YORKSHIRE COUNCIL
15 November 2023

The recommendations of the Corporate and Partnerships Overview and Scrutiny Committee regarding the Notice of Motion seeking the banning of Trail Hunting on council-owned land that was referred to the committee at the meeting of the Council on 19 July 2023

Report of the Assistant Chief Executive (Legal and Democratic Services)

1.0 PURPOSE OF THE REPORT

- 1.1 To provide Council with a summary of the deliberations and recommendations of the Corporate and Partnerships Overview and Scrutiny Committee concerning a Notice of Motion seeking the banning of Trail Hunting on council-owned land that was referred to the committee at the meeting of the Council on 19 July 2023.

2.0 BACKGROUND

- 2.1 At Full Council on 19 July 2023, the Chairman decided that a Notice of Motion seeking the banning of Trail Hunting on council-owned land should be passed to the Corporate and Partnerships Overview and Scrutiny Committee for consideration, with the intention of it being considered and recommendations brought back to the 15 November 2023 meeting of the Council.

- 2.2 The Notice of Motion proposed by Councillor Rich Maw and seconded by Councillor Arnold Warneken stated:

“This council resolves to ban trail hunting, exempt hunting, hound exercise and hunt meets outright across all council land where legally possible, including any NEW tenancies where there are positive covenants attached to the land that currently require the council as owner to allow trail hunting events and formal gatherings.

We request that the Chairman considers that the matter be debated today at Council without being referred to the Executive or a relevant committee. This is because the hunting season is September to March and therefore this motion requires debating at the July full council as to do so in November will potentially put the lives of wildlife at risk.’

- 2.3 The Notice of Motion was considered by the Corporate and Partnerships Overview and Scrutiny Committee at their meeting on 11 September 2023.

- 2.4 The Council’s Constitution (Council Procedure Rules, section 11, page 223) states:

(h) If a motion is referred to the Executive or one committee only, the Executive or that committee shall report to the Council upon that motion together with its recommendation. If a motion is referred to more than one committee, the Executive shall report to the Council upon that motion together with its recommendations. The report of the Executive or any committee to which a motion has been referred shall contain a statement of that motion.

(i) When the Executive or a committee reports back on a motion, the motion, as originally moved and seconded at the earlier meeting, will be the matter before the Council. Any recommendation of the Executive or committee to amend the motion will therefore be an amendment to the motion and any recommendation to support or oppose the motion will be only an expression of views.

3.0 CORPORATE AND PARTNERSHIPS OVERVIEW AND SCRUTINY COMMITTEE MEETING ON 11 SEPTEMBER 2023

3.1 The papers for the meeting of the Corporate and Partnerships Overview and Scrutiny Committee meeting on 5 June 2023 can be accessed via the following link (Item 9) – [Agenda for Corporate & Partnerships Overview & Scrutiny Committee on Monday, 5th June, 2023, 10.30 am | North Yorkshire Council](#)

3.2 The extract from the minutes of the meeting is as below:

'Councillor Rich Maw introduced his Notice of Motion and made a statement in favour of his view that trail hunting should be banned on North Yorkshire Council owned land. He confirmed his motion was not about enforcement but rather a matter of consent. He also confirmed his views that:

- If the laws around trail hunts had previously been enforced robustly, there would be no need or his motion as hunts would have been shut down years ago;*
- Trail hunting was widely understood as being used as a smoke screen for illegal hunting, mirroring old-fashioned hunting with dogs in almost every respect apart from claiming to follow a laid trail rather than live animals;*
- Trail hunting allowed the inevitable chasing and killing of animals to be labelled as accidental;*
- Hunting with dogs remained a blight on rural communities despite the Hunting Act 2004;*
- In North Yorkshire 78% of the public were in support of new laws on hunting to protect animals*

He went on to highlight a number of high-profile decisions by large landowners and local authorities to ban trail hunting on their land (as detailed in the report). He accepted the Council would not be able to unilaterally ban trail hunting on land covered by existing tenancies, but instead suggested a voluntary agreement with existing tenants should be explored in line with the approach taken by Cheshire West and Chester Council, alongside the inclusion of a ban within any new tenancy agreements. He also suggested this would enable the Council to act without infringing on existing tenants' rights under current agreements, whilst balancing the need to mitigate risk and demonstrate its positive attitude towards the environment and animal welfare.

Finally, he confirmed his Notice of Motion was about recognising that current legislation was being abused, that the Government was doing nothing to remedy that fact, and in the absence of any new legislation the Council had a responsibility to take appropriate action to reflect that and to act to prevent the possibility of the use of its land for illegal or damaging activity. He therefore urged the Committee to return the Motion to Council with a full recommendation to support it.

Councillor Arnold Warneken who seconded the Motion to Council also spoke in its favour. He confirmed his love of the countryside and the pageantry of hunting but stated he was against the council facilitating the potential breaching of the law in regard to trail hunting. He gave examples of his experience as a landowner, of members of the public coming on to his land to undertake illegal activity and stated his belief that the Council had an ethical and moral duty to prevent an escalation of lawbreaking and should exercise a precautionary principle by banning the activity that could lead to it. He therefore sought the Committee's endorsement of the Motion.

Councillor Subash Sharma spoke in favour of the Motion suggesting the Council should do whatever it can to uphold the law regardless of the difficulties associated with enforcement.

Councillor Tony Randerson spoke in favour of the Motion, noting his belief that pre the 2004 act, those participating in fox hunting enjoyed the thrill of the kill. He suggested it was naïve

to think this was still not the purpose for those hunters and that it was an abhorrent sport that needed curtailing.

A number of Councillors spoke against the Notice of Motion. Councillor Tim Grogan suggested it was at best misguided and at worst a complete waste of the Council's valuable time. He noted that since 2005 there had been in the region of 250,000 hunts held (roughly 12,000 a season) and would have expected that if it were a smoke screen for illegal behaviour there would have been 100s of prosecutions during that time. Instead, there had only been a handful and some of those had been turned over on appeal.

Councillor Nick Brown recognised that traditional hunts had been operating across rural North Yorkshire for 100s of years and suggested the Council should be focussing on the real issues affecting residents instead of a legal activity accredited by Trail Hunting's Governing Body – the British Hound Sports Association, which had strict codes of conduct. He went on to highlight a number of other Councils who had chosen not to adopt a similar ban (as detailed in the report) and expressed concern about the behaviour of opponents to hunting who often under a cloak of anonymity used harassment and intimidation to disrupt a legal countryside pursuit. Finally, he suggested that a Council representing rural communities should presume in favour of any lawful activity on publicly owned land and should seek to maximise not restrict public enjoyment of land, held as a public asset for everyone.

Councillor Steve Shaw-Wright suggested the Council should support what the majority of the public want to do and not what only a certain few people want to do. He therefore asked that the issues associated with Trail hunting be fully debated at a meeting of full Council.

Councillor Michelle Donohue-Moncrieff sought clarity of the current use of council-owned land for the gathering of Hunt Groups and it was confirmed that the Council was not aware of any. In most cases it was usually common land. Given that it was not possible to ban legal gatherings on common land, she queried how the public could be expected to distinguish between common land, parish council owned land and council owned land, and suggested that should a ban be introduced, the public perception would be that the Council was not enforcing its own ban, when in fact the gathering was not on council-owned land. Finally, she confirmed her view that without a threshold of evidence of illegal activity, a ban should not be introduced as without enforcement it would only lead to more problems.

Councillor Phil Trumper stated the ban was impractical and therefore he would not be voting in favour of it. Councillor Richard Foster referred to the amount of hearsay being put forward as evidence of illegal activity and noted he was only aware of one case in North Yorkshire that had led to a prosecution. On that basis he recommended the Committee not support the Notice of Motion.

Councillor Bryn Griffiths sought clarification on the risks to the Council if illegal activity took place on council – owned land and it was confirmed by then legal advisor, that if would be the perpetrators of the illegal activity who could be subject to prosecution, not the land owners who allowed legal trail hunting to take place on their land, be it the Council itself or a tenant.

Finally, Councillor David Ireton sought clarity on what action the Council would take to enforce the ban if it were written into a tenancy agreement. In response the legal advisor confirmed it would have to be enforced through the terms of the lease i.e. by lease forfeiture through a legal action to end the tenancy which would come with possible implications. She noted it would not be possible to enforce a ban on the public highway.

Councillor Andrew Williams acknowledged and agreed with the views expressed about the proposed ban being both ineffectual and unenforceable, and sought a vote on Councillor Richard Foster's recommendation not to support the Notice of Motion.'

- 3.3 Having considered the report in full, the representations by Councillors Rich Maw and Arnold Warneken, and the members of the Corporate and Partnerships Overview and Scrutiny committee who were present, the Committee voted on the notice of motion.
- 3.4 Nine Members voted in favour of not supporting the Notice of Motion and six voted to support it. It was therefore resolved that: A recommendation be made to full Council that a ban of Trail hunting on council owned land is not introduced.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no specific financial implications associated with this report.

5.0 LEGAL IMPLICATIONS

- 5.1 The legal implications arising from the motion are addressed in the report.

6.0 CLIMATE CHANGE IMPLICATIONS

- 6.1 There are no specific climate change implications associated with this report.

7.0 EQUALITIES IMPLICATIONS

- 7.1 There are no specific equality implications associated with this report.

8.0 RECOMMENDATION

- 8.1 That Council considers the recommendation of the Corporate and Partnerships Overview and Scrutiny Committee that there be no introduction of a ban of trail hunting on council owned land, and no further action taken in response to the Notice of Motion.

Barry Khan
Assistant Chief Executive (Legal and Democratic Services)

County Hall, Northallerton

1 November 2023

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Background documents:

Constitution of North Yorkshire Council -
<https://edemocracy.northyorks.gov.uk/documents/s19609/NYCCConstitutionVersion2May2023.pdf>

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.