



A report written and prepared for the Scottish review into the Protection of Wild Mammals (Scotland) Act 2002

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FOREWORD

'There are, on the other hand, some organisations which have been formed solely for the purpose of securing the prohibition of a particular sport or all field sports. In the main such organisations seek to convert public opinion to their point of view by pamphlet, advertisements and press propaganda, and by Parliamentary action instigated by pressure on Members of Parliament which is both direct and indirect, through letters which constituents are invited to send to their representatives. Such organisations do not as a rule themselves investigate the facts of the practices to which they object, and the evidence they placed before us was for the most part based on reports appearing in the Press or other publications. A great deal of it was based on reports of particular sporting events, written in the technical terms used by those taking part and capable of being misunderstood by the uninitiated. Some of it related to particular incidents which were reported in the national Press, and in regard to some of these we were able to get first-hand evidence and to find out how the actual facts had been misunderstood or exaggerated before they appeared in print. That such incidents are reported in the national Press is an indication of the extent of public interest in these matters.'

An all too familiar account, and one that could have been written in 2016, only it was written over 64 years ago in 1951 in the first ever Government inquiry report into fox-hunting for the British Government, The Report of the Committee on Cruelty to Wild Animals, known as the Scott Henderson inquiry.

The same method of attempting to manipulate both politicians and the public using the same tired arguments. It's like a pyramid selling technique, every few years a new set of activists appear on the scene, swallow the same sensationalised arguments in newspapers and carefully targeted PR and then start writing to their MPs.

Those MPs are likely to be new to power, as were Labour in 1997 and now the SNP in 2015, and act upon the concern filling their in-boxes. Only it's the same activists writing over and over. A tiny minority of activists have now lobbied Members of Parliament making for a complete waste of hard earned tax payer's money for no benefit or advancement.

Definitions

The claim from opponents of hunting is 'business as usual' at the hunts who, allegedly, flout the law with impunity. Given that the League Against Cruel Sports do not make any opposition to hunting on their website, other than the old outlawed style, then we should compare that to the new form of hunting involving flushing. For the purpose of this report the very in-depth research contracts on fox population, management and control for the Report of the Committee of Inquiry into Hunting with Dogs in England and Wales (2000), known as the Burns Inquiry was referenced but only in as much as the data appeared to be representative of the whole of the UK.

For instance, the difficulty in scientists using sophisticated monitoring equipment to locate foxes and make an accurate estimate of their number on a given piece of land is unlikely to change by a border. This was also chosen for the impartiality of Professor David Macdonald. The Game Conservancy Trust submission to the Burns Inquiry was also chosen again as certain data can be referenced that applies to the whole of the UK. But the main reason for its inclusion is it contains an in-depth study of a region in the East Midlands that shows hunting before the ban. The opponents of hunting will point to the study being purely specific to just those three regions investigated in the study, an upland area of Wales, Norfolk and the East Midlands, but the reality is the opponents of hunting have constantly insisted the practice of artificial enhancement, as has been suggested for the East Midlands region, is a widespread occurrence.

Therefore, it makes for a good comparison to show how the now outlawed method of fox control affected attitudes and gives an explanation of why fox numbers would have dropped off assuming you want to believe the latest report '*The Utility of killing foxes in Scotland*' by Professor Stephen Harris.

Naturally the Burns Inquiry was referenced as was Hansard for quotes and comments and various other web based sites of information including newspapers where relevant. For the purpose of this report I will assume, landowners and game managers are farmers and shorten the Game Conservancy Trust to the GCT. As the Scottish Wildlife Management team have indicated Lord Bonomy may co-opt others to assist then I will refer to them as the review team. A registered pack of hounds or hunt is one belonging to the Master of Foxhounds Association.

Executive summary

- Every section of this report is relevant in assisting the review team to arrive at a conclusion over the effectiveness and humaneness of the various methods of control covered by the Protection of Wild Mammals (Scotland) Act 2002.
- If we accept that foxes need to be managed then the debate should logically centre on the most appropriate and humane means of achieving this.
- This report outlines the whole débâcle over the fox hunting debate and the Protection of Wild Mammals (Scotland) Act 2002.
- The criteria has been narrowed deliberately to encourage the review team to infer cruelty, welfare, humaneness or effectiveness issues concerning a pack of hounds flushing to guns or terrier work. This may be an attempt to create a partial excuse to curtail hunting still further.
- Lord Burns in his report for the UK government inquiry avoided using the word 'effective' against any form of control and remarked in the House of Lords on cruelty – *'There was not sufficient verifiable evidence or data safely to reach views about cruelty.'* No new information has come to light to doubt that remark since.
- The League Against Cruel Sports, along with most animal welfare/rights organisations are known to have members and trustees who are either vegetarian or vegan and, while there is nothing inherently wrong with that, it does suggest they would be opposed to killing in any form. Conventional wisdom, refined over generations, shows that judicious culling is beneficial to species diversity and population health.
- The measures of effectiveness inferred to counter hunting, including the anti-hunting funded 'scientific' studies, can be largely discounted. One study claiming to show over-winter culling did not affect fox numbers in an upland forestry region of Wales actually shows culling working as intended. (Baker, P.J. & Harris, S. (2006) Does culling reduce fox (*Vulpes vulpes*) density in commercial forests in Wales, UK)
- It should be remembered that 'peer-reviewed' does not mean 'is correct', it means 'satisfies required criteria'. That is to say a suitably-qualified body of people with the requisite skills considers the report raises valid points and may mean no more than 'further research is justified'.
- Farmers are usually the first to complain when their tools for preventing livestock losses are affected, a recent example occurred in the upland regions of Wales where extreme winter weather over a period of years hindered fox control by the use of only two hounds to flush to guns. As no such complaint has come from farmers in Scotland we can reasonably assume the current methods in place,

including using a pack of hounds, are effective and the review team should recommend no change.

- The overall motive for controlling foxes is to prevent damage by the use of widespread fox control using a mixture of methods. If 1% of lambs lost to foxes is deemed insignificant, as it is by opponents of hunting, one can assume, as previously stated, measures currently in place are effective and no change is necessary.
- Taking the dictionary version of 'humane' as advised by the Scottish Governments Wildlife Management Team, the definition has to be taken in its entirety from the dictionary and not partially to suit animal rights agendas.
- The outlawed method of hunting with hounds was probably the most humane method of all as it observed a close season and targeted older, weaker, foxes allowing fit healthy foxes to escape. Terrier work is a humane form of control as it mimics the behaviour of foxes. All forms of shooting are humane especially flushing by hunts as this method will observe a close season.
- The opponents of hunting's evidence on cruelty floundered at the Burns Inquiry and the only new offering is the odd sensationalized newspaper report. The Wildlife Management Team has already ruled out isolated incidents. This being the case we can assume the review team will not be spending too much time reviewing this form of evidence from the animal rights charities and organisations.
- It is recommended that the review team advise the Scottish Parliament to reintroduce the outlawed method of hunting and curtail the activities of hunt saboteurs as they are likely to hinder hunts from carrying out vital pest control in the autumn causing future problems with parasites, namely lung worm.

Flawed Scientific evidence

Most of the well-known claimed scientific work carried out on fox numbers and claimed effectiveness comes from the opponents of hunting. Charities and organisations like the RSPCA, IFAW or the League Against Cruel Sports believe this is the strong point to their argument. They help fund professors sympathetic to their cause to come up with reports that obviously support their view. Naturally the studies are to convince their followers, or the layman, of the authenticity of the report and 'from a professor' will always carry weight.

Even when the studies get peer reviewed, proving the methodology, the conclusion they draw naturally has to be in line with their paymaster's thinking. These reports or studies are usually released to the press at important junctures of any hunting debate either before a review or inquiry but often in parliament in a bid to sway politician's opinion.

The review team should expect similar tactics leading up to the announcements of the reviews findings.

In the Analysis of two studies that appear in the 'Utility of killing foxes in Scotland' by Professor Stephen Harris, we can see how funding alters the obvious conclusion for one that suits their paymasters.

1, (Baker, P.J., Harris, S. & Webbon, C.C. (2002) Effect of British hunting ban on fox numbers. Nature, 419, 34)

Fox numbers were measured by way of a faecal count before and after the foot and mouth crisis. The conclusion drawn was the cessation of hunting during this period proved a ban on hunting would have no effect on fox numbers. Actually the evidence that was deliberately ignored showed the affects a harsh winter and autumn weather can have on the fox population.¹

2, (Baker, P.J. & Harris, S. (2006) Does culling reduce fox (*Vulpes vulpes*) density in commercial forests in Wales, UK? European Journal of Wildlife Research, 52, 99-108). The conclusion drawn from this study claimed over winter culling had no effect on fox numbers. In actuality the study showed fox control working as intended.²

So it's plainly obvious the animal rights funded reports or studies are being concluded to support their view, but even when they are scrutinized and deemed less than worthy they reappear in the hope we have forgotten. If we take 'The utility of killing foxes in Scotland' written especially to persuade the Scottish Parliament to review the Protection of Wild Mammals (Scotland) Act 2002 we find the study by (Hewson 1990) getting a mention. This is against a backdrop of Professor David MacDonald advising the Burns Inquiry in 2000 of the following in his research contract:

'Overall, we consider the study to be scientifically weak, and not to allow the strong conclusions drawn by Hewson and by LACS'

Professor Stephen Harris, in his new report 'The utility of killing foxes in Scotland', summarises with the following:

'There is no convincing evidence that "Pest Control" is having any significant effect in Scotland or elsewhere in Britain....'

And yet in his research contract to the Burns Inquiry 2000 he submitted the following information from his own study and informed the Portcullis Hearings in 2002 fox numbers had remained relatively stable in the last decade (92-2002):

“There have been a number of fox population estimates. The most generally accepted is that produced by Harris et al. (1995), who estimated that in Britain there are 240,000 adult foxes at the start of the breeding season, and that these produce around 425,000 cubs each spring. Of these, 33,000 adult foxes (14%) live in urban areas. The total pre-breeding population in England is 195,000 adults, 22,000 in Wales and 23,000 in Scotland”³

That would mean over the year we roughly lose the same number of fox cubs that are born in spring, he then gave us the following information in his submission:

“It is estimated that in Britain 285,000 foxes are killed annually by people (Pye-Smith 1997). Dividing this figure according to the different culling methods the numbers killed are estimated as follows: 100,000 killed on the roads, 80,000 shot, 50,000 dug out with terriers, 30,000 snared, 15,000 killed by fox-hunts and 10,000 killed by lurchers”³

Of course this means roughly 140,000 die through natural causes but more importantly shows deliberate culling by humans accounts for the highest proportion of fox deaths. Interestingly Professor Stephen Harris provides the convincing evidence, which he claims is not convincing.

Conclusion – It becomes very apparent what the opponents of hunting deem 'scientific evidence' cannot be trusted and should be treated with extreme caution by the review team including the 'Utility of killing foxes in Scotland' by Professor Stephen Harris. This report was written and published before the collapse of the Lamerton Hunt trial in Dec 2016 when it was shown Professor Harris had failed to disclose his close connections to the League Against Cruel Sports. The case is now proceeding to the High Court to determine if this alleged misconduct should result in League Against Cruel Sports paying all court costs.

View put forward by opponents of hunting

Opponents include, amongst others, organisations such as the League Against Cruel Sports, RSPCA, SSPCA and a variety of animal rights campaigners. A significant number of animal rights and anti-hunt campaigners are either vegans or vegetarians which would suggest they would oppose any form of killing even though conventional wisdom suggests judicious culls lead to species diversity and population health.

There are, of course, many causes they could take up but the most likely ultimate aim is to eliminate all killing of animals and the main culprits, in their eyes at least, will be farmers. Farmers rear the meat we put on our plates and are the beginning of the meat industry chain.

It is important to understand how hunting opponents approach the matter and each may have a different approach but most revolve around the allegation that hunting still carries on despite its illegality.

Curiously, they are a small yet highly vocal group relying on division and are often members of multiple organisations to give the appearance of far greater numbers than there actually are. For example, a recent petition to strengthen the hunting act in England has attracted a mere 7,435 signatures to date and expired on the 12th February 2016.

Their 'modus operandi' is usually to interpret a scenario in a particular and usually emotive manner. For example, the well-publicised Middleton hunt alleged fox breeding incident following which countless 'outraged' letters and e-mails were delivered to MPs.

One such incident was exposed in spectacular fashion in a House of Lords debate in 2004 when to everyone's amazement Lord Graham of Edmonton actually read out one of these letters during a hunting debate. It shows how cleverly worded PR delivered to the right person sets off the imagination. In the end they are just making up what they want to believe and then writing to members of parliament to express their disgust.

There was no photographic evidence, X-rays or a veterinary report, in point of fact the event related below simply did not happen.

Lord Graham of Edmonton – *'My Lords, the opportunity to make that point was open to the noble Earl and anyone else who cared to make it. The point I am making is that there is silence from those on the other side of the argument when it comes to the behaviour of the hunts. I continue. A further letter states: Several years ago, the Wynstay were out cub hunting. They unearthed a four month old fox cub using terriers, held it down while they broke its lower jaw, and then threw it to hounds some ten yards away. They disembowelled it, and the hunt staff then cut off its testicles and threw them to the hounds, then cut off its brush as a memento. Most of this was seen and heard and backed up by photographic evidence, X-rays and a veterinary report.'* ⁴

The League Against Cruel Sports operate in much the same way and have been subject to their own failings and internal disagreements. They are in the rather embarrassing position of having eight high ranking officials leave their organisation after coming to the conclusion a ban on fox hunting would only ever increase suffering as other methods would be used instead to replace those foxes no longer killed by hunting. It would be true to say, these

eight actually witnessed fox-hunting first hand before arriving at this conclusion, something the recent crop of Chief Executives have never done suggesting, perhaps, why they don't come to that decision also. The late Richard Course, an ex-Chairman and Executive Director of the League Against Cruel Sports, obtained a ban on hunting on land owned by the Co-operative Wholesale Society the then nation's biggest farmer in 1988, only to witness foxes were killed in increasing number by shotgun and snare instead. In his words by *'trying to reduce suffering I had contributed to increasing it'*.

Why increasing?

The management side the traditional methods of mounted hunting offered were more selective between the months of November through to March, the replacement methods offer no such management technique. Another former Executive Director of the League Against Cruel Sports, James Barrington, has become a great advocate of this type of management after realising this is exactly what is happening.

Allegations and Rebuttals

League Against Cruel Sports - 'Traditional hunting has never been about fox control, it has always been a blood sport, plain and simple. The argument that hunts are required to control foxes is simply a way of diverting from the truth of the issue.'

This simply makes no sense, Lord Burns stated in the House of Lords a ban will not save the life of a fox as other methods will be used to kill foxes no longer killed by hunting.⁵ The MAFF, now DEFRA, in their submission to the Burns Inquiry insisted other methods will be required to kill foxes no longer killed by dogs

*'If there was any reduction in fox control using dogs, this would have to be compensated by an increase in other methods of control to ensure no increase in local fox numbers.'*⁶

Naturally we would not need to use other methods if hunting had no pest control element attached.

League Against Cruel Sports - 'The reputation of foxes as 'vermin' is based on prejudice, not fact. Less than 1% of annual lamb losses can be directly attributed to foxes. In fact many farms benefit from the presence of foxes which kill rabbits, which in turn do a lot of crop damage. It is estimated that just one fox can save a crop farmer £900 a year'

Opponents conveniently ignore the control mechanism already in place to prevent lamb losses but still use the figures of minimal losses (1%) that have been achieved to claim livestock losses, in particular lambs, are low. They now claim we don't need to control foxes because of this low figure. DEFRA clearly disagree as they still count the fox as a 'controlled species'.

League Against Cruel Sports - 'Hunted animals suffer fear and exhaustion from the chase which can go on for hours. They may escape the hounds but die slowly from injuries suffered during the chase. Those that are killed by the hounds may be torn apart while they are still alive'

Fear has to be a natural response in any wild animal, that's how they survive. The chase does not go on for hours, that would be an impossibility, a fox is designed for short bursts

of speed and not endurance. A horse cannot gallop for hours, the grand national is nine minutes long for instance. What they mean is the finding and locating of the fox can take hours, the chase is usually only a few minutes. A good explanation of this can be found by the late Richard Course the Ex League Against Cruel Sports Chairmen in his submission to the Burns Inquiry.

*'They talk about the "thrill of the chase". The actual chase is over in a minute or two, so they are quite wrong in that regard. Some of them talk about a "four or five hour hunt" which is also totally ignorant of the facts. A fox cannot run for four or five hours It has evolved naturally for a very short high speed spurt - rather like a cheetah. Following the scent the hounds are often able to get through undergrowth and thickets whilst the hunt officials and followers have to gallop around such obstacles. This causes galloping and jumping hedges and gates. This activity is thought to be the "thrill of the chase". The truth is that the fox is blissfully unaware that these dogs are tracking its scent. The hounds could, and almost certainly do, follow different fox scents in the course of the day. So much for the four or five hour chasing and hunting. At some point during the day there is a fifty-fifty chance that these dogs catch sight of a fox and vice-versa. A fifty per cent kill rate is deemed a very good score for an average hunt. Fox hounds, although bred for stamina, run much faster than a fox which has a fast, short burst ability and very little stamina. It soon tires and if it does not find a hole on the ground or a drain, or very thick undergrowth, it is doomed. The dogs easily outpace it within a minute or two and kill it within a second or two. The scent hunting or the tracking down aspects of fox-hunting cause no stress or no trauma to the fox who must be totally unaware of this major part of the hunt. How the fox is located is totally irrelevant to animal welfare considerations. It took me ten years to realize that irrefutable fact - others will never realize it because bigotry, prejudice, narrow mindedness, class animosity and ignorance blind people to the truth'*⁷

The culling regime of farmers has come about by experience and culture being handed down through generations. So they know to cull not in reaction to a fox problem but to prevent the damage occurring in the first place. They practise widespread fox control using a variety or mixture of methods all year round at regional level to keep livestock losses to a minimum. They know culling has to be carried out all year around as over time foxes will replace themselves. As shown very nicely in this comment once again from the GCT submission to the Burns Inquiry.

*'Importantly, only a quarter of farmers had purely local aims: three-quarters cited regional control of fox numbers as an aim of their culling regime. In all cases, the expectation of culling is to achieve a temporary effect. Although the complete eradication of foxes may be a justifiable conservation aim on continents or islands where foxes have been artificially introduced (eg. Australia), very few people would wish to see their extinction from Britain. It is an accepted aspect of culling that dispersal tends to even up fox density, so that culling – like gardening or farming – is a temporary management process'*⁸

Conclusion – Any information received from the opponents of hunting where it can be established they are supporters of an organisation or charity should be treated with extreme caution by the review team.

Flushing with a pack of hounds, effectiveness and humaneness

The majority of fox hunting packs in Scotland are hill packs or fox destruction societies with their own association and not registered with the MFHA. So naturally I am at a loss to understand why Professor Stephen Harris compares Scotland's MFHA registered packs with Welsh upland gun packs. He, more than most, will know that hounds are bred for the type of terrain and country they hunt, a Welsh fox hound for instance is independent, with a deep voice to be heard in thick forestry.

The Scottish hill packs on the other hand predominantly use hill hounds, a cross to get stamina, sure footedness and obedience. The Scottish registered hunts predominantly use the modern foxhound, slighter in build than the previous two, but agile, fast and obedient.

If we now read a comment taken from the Scottish hill pack association submission to the Scottish hunting inquiry in 2001, we see a pack of Scottish hill hounds under far greater control than Professor Stephen Harris would like us to believe.

*'The Huntsman then enters the forest or hill ground and allows the hounds to range away from him to look for the scent of a fox. He continues to control the hounds by the use of his voice and his horn even at distances of half a mile away. If and when the hounds 'pick up the scent' they will start to call i.e. bark and they continue to do so all through the time they are on that scent. This calling by the hounds alerts the Huntsman but also and most importantly 'the guns', to an approaching fox and prepares them for the opportunity of a shot.'*⁹

Another obvious flaw in Professor Stephen Harris' comparison is not one registered hunt in Scotland appears to hunt this type environment neither on a regular enough basis nor to list their hunting country as 'Dense thick woodland'. According to Baily's Hunting Directory, the de-facto guide to hunting with hounds since 1897, even the Hunt named the Jedforest on their website give a description of their country as:

'The terrain is mixed with areas of plough to the east and north, upland and white hill to the south and west, and mostly rolling pasture in the centre.'

This exposes once again the problems of funding research to find in your favour, evidence needs to be shoe-horned and each campaign contradicts the last as can be seen in an oral discussion with the Burns Inquiry by Mike Huskisson a monitor of the League Against Cruel Sports on the 6th April, 2000. He expresses concern at just one hound attacking a fox and mocks hunting literature for implying the lead hound kills after a battle instantaneously.

'I think as to whether the fox is disembowelled or bitten on the back of the neck, or whatever, in most cases if there is a pack there in force it is not going to last long. It only becomes a relevant issue if you have a single hound attacking the fox on their own, and I would point to the hunting literature when they talk about the hunting honour, which indicates it was the lead hound up there that caught the fox and was involved in the battle with the fox and the foxes killed instantly are incapable of fighting back of course'

Mike Huskisson's comment is for the now outlawed method of control at the conclusion of a successful hunt after a chase. The fox has been forced from cover by the pack and will

usually be in open country and on the odd occasion a lead hound may have got ahead of the pack although they're usually not far behind. This becomes relevant when assessing the use of just two hounds instead of a pack to flush to guns as discussed below.

A pack of registered hounds derives its strength from over a century of breeding with the attention to detail to arrive at a 'level' or balanced pack.¹⁰ What that means is they stay together, don't split and arrive at a location or move through undergrowth where a fox is likely to be lying up for the day. When traditional hunting was legal they would usually be at the kill at the same time to dispatch the fox in a matter of seconds. Hence why the Countryside Alliance struggled to provide the Burns Inquiry with dead foxes to X-ray for their report to establish exact cause of death, a whole pack arriving on a fox at the same time usually means very little is left of the very dead fox.

When a pack of hounds are searching for a fox, known as 'the draw', it is effectively a wall of hounds in close proximity to one another moving through undergrowth causing a rustling sound. Foxes do not have very good eyesight but this is made up for by fantastic hearing abilities to pin point the location of prey, they will hear this wall of rustling coming towards them and move away from the sound. At some point cover will break and give way to flatter terrain where the guns are waiting.

Foxes do not want to leave cover, except as a last resort, but will hear no way round this wall of rustling so will be forced out into the open and into the path of guns. What is critical to consider is on poor scenting days a pack can still successfully flush from cover. On good scenting days the hounds will speak (bark) when they find the scent of the fox and, as long as there is scent, continue to speak (bark). The wall of rustling has given way to a wall of barking forcing the fox into the open.

Using just two hounds, the fox can hear its way around the duo with ease and double back continuously into cover with a stronger possibility of going to ground, on poor scenting days the fox is going to be very hard to move from cover and on a good scenting day, the hound will just end up chasing it around the cover until it either forces it from cover or its superior stamina tells and the hound catches the fox giving us the concern Mike Huskisson had back in 2000.

This means if you use two hounds it will take a great deal longer to account for the foxes with a greater probability of just one or two hounds catching a fox instead of the pack forcing foxes into a line of guns.¹¹ If we now consider the ex-Chairmen of the League Against Cruel Sports, Douglas Batchelor's comment on using just two hounds a number of years back:

"The gun packs have realised that pairs of dogs are utterly useless in flushing to guns from forestry plantations or fells. They can't be easily seen or closely controlled and the fox can easily run round just two dogs."

Conclusion – Using a pack of hounds is more humane and effective than using just a pair of hounds. They have a better ability to flush from cover even when the scent is very poor, whereas a pair of hounds are easily skirted. The scenario of concern originally put forward by the League Against Cruel Sports spokesperson at the Burns Inquiry is the scenario which is most likely to happen with one hound or the pair on a fox after a long chase around the undergrowth.

The flaw in measuring effectiveness

Professors most likely to be anti-hunting themselves look to make money by writing dubious reports funded by the animal rights organizations, this is packaged as 'new' research or evidence and is written in easily understandable format for the public or politician. There is, in fact, no ground breaking research that is indeed 'new' in the field of fox control and management and one only needs to read the Scott Henderson inquiry report written in 1951 to understand they knew back then what is known now:

The Scott Henderson report 1951

'Even if a particular area could be cleared of foxes, others would soon come in, as foxes travel long distances. We are therefore, of the opinion that it will always be necessary to take steps to reduce their numbers'

Farmers realise no one method alone achieves their intended goal, so if anything it should be farmers culling regime as a whole that needs to be considered for effectiveness if your intention is to play the numbers game. The opponents of hunting traditionally have taken the numbers killed by the registered traditional mounted packs of hounds to be roughly 15,000 and compared that to the total 'guesstimated' by shooting of 80,000¹² and say this proves hunting is ineffective.

But in some rather unscrupulous twist they claim this shows we should ban hunting with dogs which in essence includes terriers, unregistered packs and long dogs that in total the 'guesstimate' of their combined cull is 85,000.¹² (Pye-Smith did not take into account culling by the unregistered packs in his calculation, estimated to be an additional 10,000 foxes)

Taking the below conclusion from the Burns Inquiry we can see that traditional mounted hunting makes a minor contribution in lowland areas but another form of hunting with dogs, the use of terriers, may be more important.

*'In lowland areas hunting by the registered packs makes only a minor contribution to the management of the fox population, and terrier work, especially by gamekeepers, may be more important.'*¹³

Naturally, one could take the numbers killed in total by hunting with dogs, compare that with the numbers killed by rifle, assume a 50:50 split between rifle and shotgun of the 80,000 and claim shooting is ineffective. I could break down the total cull by rifle further and split that down to lamping at night and rifle to bait during dusk, a rifle becomes ineffective, let's ban the use of a rifle.

Conclusion - The review team should be aware that measuring effectiveness by numbers killed by each method is unrevealing. Figures can be manipulated either way and it's not a true reflection on effectiveness if the overall reasoning for culling foxes is taken into account.

A guide to measuring effectiveness

Attempting to evaluate 'effectiveness' by numbers killed simply does not work, many of us will remember Vietnam and the body count as a way of determining victory. Too many governing factors come to the fore. For instance you need to find out how many foxes there are on every farmer's piece of land and then find out the farmers intentions. Is it to eradicate the fox from their land completely or just thin their numbers down; is the farmer happy with one fox removed or two?

Given fox numbers fluctuate on a yearly basis their territory boundaries change as can a farmer's view to the number he may want removed and makes measuring effectiveness by numbers killed an impossible task even for scientists using sophisticated monitoring techniques. ¹⁴

Farmers are on their land every day so will have a relatively good idea of their number at least for them to make an informed decision on their culling regime. Just after the cubs are born is likely to be the most difficult time to predict, with cover up and the possibility of a vixen relocating her cubs this could give the impression there are more foxes than there actually are.

This is why most culling is carried out over winter after dispersal of the cubs and when cover is down. We should also consider some farmers don't cull because fox numbers are kept in check by surrounding farms, others find the fox useful in controlling rabbits and others have said, as noted in the Burns Report, if fox numbers are seen to increase those currently not culling will start.

It is for this very reason Lord Burns, in his final report, avoided using the words ineffective or not effective when referring to any one form of fox control, quite simply because the studies have never been done and would cost too much as they would need to be annual.

We now come to the ironic twist, the three region study by the GCT investigated fox control and management in three areas of the UK. In two of the three areas fox numbers were kept well below carrying capacity and one area, an upland sheep rearing area of Wales, used dogs as their predominant method of control, a pack flushing from cover and terriers underground. But one area was at near carrying capacity. This was pre ban in England and traditional fox-hunting was predominantly the method of control.

There was less of a need to control the fox and farmers employed the management technique only traditional fox hunting affords. A great many foxes run to ground were given best (allowed to escape), because they were deemed fit and healthy as were foxes deemed going the distance in the chase. They were also given best. In some cases livestock losses were over looked because farmers believed this to be the best management tool in thinning out the weak old and diseased foxes from the healthy.

Naturally they could have dug out the foxes when run to ground and increased their tally. So it should be recognised by the review team that traditional hunting always had the potential to kill far more than any other method but that would have been defeating the object of maintaining a fit healthy fox population.

The twist being, in this area of the East Midlands foxes lived closest before the ban to the opponents of hunting's ideal but they would rather portray this management technique as an artificial enhancement purely for sport. They switch from foxes do not need to be culled, to farmers are not culling enough. And yet when given the option in the event of repeal of the ban this could be rectified by digging out every fox run to ground they don't want that either. If they had researched the accusation then they would have seen this was dismissed as far back as 1951 in the Scott Henderson hunting inquiry –

'No doubt some of these methods of preservation were quite common in the past, but we think that there has been a great change in the attitude of the rural population since the early years of this century, when a man did not dare to admit in public that he had shot a fox. This is shown quite clearly by the fact that a very large number of foxes are destroyed by fox destruction societies and others, often with the co-operation of Hunt servants, by methods other than hunting.'

To compound matters still further the huge increase of new charities appears to have led to competition to find a niche, no different from a business. We now have the strange situation where the League Against Cruel Sports vociferously supports a charity called the Fox Project that take in injured foxes and orphaned cubs, release them back into the wild and advise on what food to feed foxes.¹⁵ Although they claim to release them in carefully selected sites, naturally the cubs will move away from these sites and become pests elsewhere. It also could be said they're now the ones providing hunters and shooters with sport and does lend itself to accusations of double standards and hypocrisy. These are not isolated incidents one such gentleman claims to have shot over 20 foxes with visible signs of amputation. Releasing such foxes into the wild is inhumane and once again highlights the out of sight out of mind need for a campaign mentality of the fanatically obsessed. As shown in fig1.



Fig1.

This once ideal situation of toleration to allow for proper fox management in the East Midlands would have been replicated in other areas of the UK but now fit and healthy foxes are flushed to guns. A bullet or shot does not have the capacity to differentiate between healthy and diseased. **And here is the irony, if fox numbers have decreased as the League Against cruel Sports funded research suggests in the 'Utility of killing foxes in Scotland' by professor Stephen Harris, then the activists are wholly responsible for this decrease.**

The realistic approach for the review team is to discount the speculation by the opponents of hunting and concentrate on what the overall motive of those seeking to cull foxes is. Although reducing fox numbers is a given, ultimately it is to reduce livestock damage.¹⁶

Given that farmers cull to prevent damage and even the opponents of hunting claim 1% losses of lambs is insignificant then the current fox control practices through the UK can be deemed to be effective and no change is necessary. If however, losses to fox predation are seen to increase, as it can locally or specific to one farmer of say lambs or on Scotland's highly profitable game shooting interests, then perhaps the Scottish Parliament be advised by the review team to help fund hunts to attend days without the supporters offsetting the cost.

Conclusion - It's up to farmers to decide how many foxes they want on their land and how they control them. They have insisted, and evidence shows this from the Burns Report, they use a mixture of methods to control the fox. Current control methods are effective when used in combination with one another and no change is necessary. The intervention of a tiny minority claiming to know better and backed by animal rights charities seeking donations through campaigns and writing cleverly worded PR should be ignored in future by the Scottish Parliament.

A guide to measuring humaneness

As I know from my in-depth knowledge of the Burns Report and the supporting research contracts the controversy over hunting with dogs has always centred around cruelty not humaneness. The evidence of claimed cruelties of hunting floundered at the Burns Inquiry in a manner that so typifies the animal rights movement. They need a campaign and so switched from the now failed cruelty aspects of hunting to humaneness. (Appendix A)

Even at the Burns Inquiry the measure of humaneness was **never** agreed upon.¹⁷ To this end humane, by its definition, was only ever partially taken into consideration. I.e. to cause the minimum of pain or suffering. Overall, at the Burns Inquiry it was agreed by the various stakeholders lamping (rifle & spotlight) compared to the other forms of control could be the most humane. The review team does not have the luxury of other methods to compare against and regardless, even if they had, there is a fundamental flaw by not using the humane definition in its entirety in the overall context of fox control and management.

'Having or showing compassion, benevolence, kindness or sympathy regulations ensuring the humane treatment of animals'

'Inflicting the minimum of pain: humane methods of killing'

The opponents of hunting, including politicians, have always portrayed hunters as killing purely or solely for sport so must lack empathy, sympathy, compassion, kindness, remorse and are barbaric, sadists, blood thirsty savages and Douglas Bachelor, the once Chairmen of the League, would also go that bit further and infer they were child abusers.

'In my blog-post last week I referred to the grooming of children to kill for fun. It evoked a storm of protest from the hunters and shooters. They really did not like being labelled with the language more commonly used for other perversions'

If we take into account widespread fox control and management takes place all year around across the length of breadth of Britain and that is unlikely to stop then we have to view each method in its entirety and not in isolation. In essence what does each method offer in the way of compassion, empathy, and encouraging the least amount of suffering. The old outlawed method of hunting observed a close season, prevented disease spreading and at certain times of the year allowed for fitter healthy foxes to escape.

The fox was killed after a short chase, in the vast majority of cases in a matter of seconds, making it the most humane method.¹⁸ In the case of terriers they are the only method of control that can be used underground they mimic natural fox behaviour so can be considered humane but are trained to avoid a fight, whereas two foxes will fight in such close quarters. (Appendix B) Flushing to guns observes a close season, prevents the spread of disease, the inhumane action would be to call off the hounds if a fox is wounded after shooting.

Conclusion - The review team are encouraged to use the full meaning of the word 'humane' in its entirety and a natural death, especially by terriers, can be considered humane, not least because it is the only method available that can alleviate suffering of orphaned cubs underground.

Conclusions

The very essence of the debate is whether or not the fox population needs to be managed and most, even the likes of the League Against Cruel Sports, RSPCA, RSPB, SSPCA, IFAW and many others accept this. The simpler question then becomes one of which method is the most humane. The problem is no single method can be deployed throughout the UK as methods are subject to other constraints.

For example, the RSPB utilises shooting, quite possibly because it is the only option available to it. However, that shooting is to reduce fox numbers with a view to protecting ground-nesting birds and is exercised in a controlled manner specific to the environment and issues that are almost certainly unique to the RSPB.

In fact, shooting is one of the most common methods of control but one of the problems with shooting is it is not suitable for all environments. In some areas, for example, it would simply not be safe.

Each method has its own advantages and disadvantages which is why a variety of methods have evolved and feature more, or less, highly in any given area. Indeed in some areas no means of control are needed and it is only necessary to check hunting 'patches' to determine this. Areas that have never been hunted have not been overlooked, quite simply there is not a problem that hunting addresses.

Clearly, a number of methods of control are available and the degree to which any given method is deployed will vary according to area, fox population, availability of suitable conditions, type of farming and so forth. Given the almost infinite variety of influences the mix of methods will vary enormously.

However, one thing is common to all methods and that is the objective of control and management and the humaneness of the method in use. Under the right conditions a pack of hounds will provide the most humane method of control while in others it may be shooting or the use of terriers. A given area may require a mix and that mix may vary with the seasons and the specific environment.

On the other hand it may be considered that the fox population needs no control and that should be left to nature to determine. The problem with that view is it has been proved to be erroneous at almost every juncture. A topical example would be that of the badger.

Decades ago badger were a rare sight and were considered threatened as a species and they were given protected status with predictable results. Today, culling is being trialled, perhaps it should have been done many years ago.

Many wild animals carry diseases that can be transmitted outside their own populations and both badger and fox are good examples.

The case for judicious culling is clear, it maintains healthy populations and improved biodiversity. Those are facts that should not be ignored.

Appendices

Appendix A: Humaneness

Leading up to the Burns Inquiry in 2000 the RSPCA had been providing information to MPs and members of the public from a report by Professor Stephen Harris and Phil Baker called how *'How a ban will affect the fox population'*. This referenced research from America and inferred fox hunting caused more suffering than all other methods of control, this information appeared in an article in the Times claiming to show the cruelties of hunting.

Leading up to the Inquiry lord Burns asked for submissions from the nation the RSPCA were in no doubt in their submission.

'The RSPCA has very grave concerns about the welfare of hunted animals during the chase and kill. The evidence indicates unacceptable levels of suffering.'

Nor, for that matter, were the IFAW or the League Against Cruel Sports

'HUNTING WITH DOGS IS A CRUEL AND UNNECESSARY ACTIVITY THAT CAUSES SUFFERING TO TENS OF THOUSANDS OF WILD ANIMALS EACH YEAR'

'The evidence supplied by the League shows that hunting with dogs is a cruel and barbaric sport.'

Naturally the data on cruelty in part found its way into the RSPCA's submission and, as standard practice dictates, the story was leaked to the press in an attempt to influence proceedings and public opinion. This was slightly fortuitous for the pro hunt camp because this article in the Times in a roundabout way alerted the original researcher (Terry Kreegar) of the study to how it was being misinterpreted. His response to the Burns Inquiry pulled no punches and concluded

'This has been a continuing problem with misinterpretation of my data that apparently began with an anti-hunting group in the U.S. That group's web page attributed changes recorded in trapped foxes to changes in foxes chased by dogs. This is blatantly incorrect and, I suspect, wilfully done.'

*'I personally have no stake in this issue in the U.K. other than trying to ensure that the objective truth is disseminated. If you have any questions or require additional information, please feel free to contact me.'*¹⁹

A complete disaster for the anti-hunt team and matters only got worse when newspaper articles from the League Against Cruel Sports claiming apparent cruelty were frowned upon by the inquiry in a similar scenario that had been played out some 49 years previously in the Scott Henderson inquiry of 1951.

'We have referred in paragraph 26 to the fact that most of the evidence submitted by the organisations who wish to see these sports abolished consisted of extracts from newspapers and periodicals which they naturally interpreted in a way favourable to their own views.'

With no evidence on cruelty provided to Lord Burns he noted in his report, both sides agree cruelty is central to the debate. He then reported,

'Much of the debate has taken place to date on the basis of opinions, rather than hard evidence'.²⁰

The final nail went into the coffin of the opponents of hunting's argument when the Burns Inquiry found hunting to be preferable to most other methods likely to be used in its place in the event of a ban.

'Our tentative conclusion is that lamping using rifles, if carried out properly and in appropriate circumstances, has fewer adverse welfare implications than hunting, including digging-out. However, in areas where lamping is not feasible or safe, there would be a greater use of other methods. We are less confident that the use of shotguns, particularly in daylight, is preferable to hunting from a welfare perspective. We consider that the use of snaring is a particular cause for concern.'²¹

A few years later he made his now famous comment in the Lords

'There was not sufficient verifiable evidence or data safely to reach views about cruelty.'

It becomes obvious the Scottish Nationalists, who are sympathetic to the animal rights organisations and charities views on hunting have unknowingly asked for a review tailored to the animal rights requirements.

Appendix B: Humane Methods

The use of terriers

'When foxes "go to ground" in the course of a hunt they are usually dug out and killed or else are evicted by terriers, and both these practices are considered cruel by the animal welfare organisations. The RSPCA admit, however, that if the object of hunting is to kill foxes it is logical that they should be dug out, and also that the act of digging out is not in itself cruel'

Since that statement was made by the Scott Henderson inquiry in 1951 three things have changed. The animal welfare organisations morphed into animal rights, the RSPCA have joined them and it is now claimed foxes don't need controlling, they control their own numbers so every aspect of terrier work is now cruel. If we then consider that foxes can have vicious territorial disputes below or above ground and there is no prearranged place or time, it is reasonable to suggest that terrier work is actually only ever mimicking fox behaviour.

The exception being they are trained to avoid the final conflict and are only ever either acting in the same way a dominant fox behaves in chasing another out of a hiding place or off the territory or they can be used to kill orphaned cubs in a quick humane manner in the same way they will kill a rat. This must make terrier work, if the strict guidelines laid down by the National Working Terriers Association are adhered to, one of the most humane methods of control.

Additionally, it remains the only way to dispatch cubs after the parents have been culled around the cubbing earth.

Autumn hunting/ Cubbing

The Countryside Alliance warned of the spread of disease if traditional hunting was curtailed or banned so it was no surprise to any countryman to read lung worm started spreading across the South East of England in 2008, 3 years after the ban, and it has been suggested up to 50% of foxes in the South East could be carrying the deadly parasite.²²

*'An injured, or diseased terminally ill animal is more likely to be caught so possibly avoiding a painful and lingering death for the animal and the spread of disease for the species.'*²³

A combination of reasons are responsible for the spread of the deadly parasite including warm weather. The activities of hunt saboteurs cannot be overlooked, with easy access and short drives from the city this is a ready means of spreading disease. The warmer weather at that time of year instead of the bleak winter days following the hunt and the catastrophising effect cubbing has on saboteurs ensures hunts attempting to carry out legitimate pest control are literally hounded and find it difficult to make a worthwhile contribution.

Hunts before the ban could obtain 40% of the kill rate for the year during the autumn period and disperse the remaining cubs. Now the numbers dispersing are greater, living

longer and defecating over the land as they go, spreading the parasite to other foxes and our dogs. It should be remembered that Burns stated cubbing does not have an affect on fox numbers unless the population reaches very high levels, come spring their numbers will be the same.²⁴ That's not important, it's when they're culled that is important. As each month goes by that's just more faeces on the land, and more pets and livestock at risk.

As Scotland weather is forecast to get warmer over the next century the review team's only advice to the Scottish Parliament over 'humane' should be to curtail the activities of hunt saboteurs to prevent the spread of disease to the fox population and our pet dogs.

Non-lethal Methods

Non-Lethal methods of fox control are extensively pushed as the answer to lethal fox control but are only ever used behind lethal widespread fox control. Foxes don't live on farms or observe farm boundaries, they live in territories that are likely to span farm boundaries, equally it's true to say territories can be contained in one farm.

This situation is normal all over the country and gives rise to some farmers not needing to cull because the culling is done for them on neighbouring farms and other farmers say if numbers did increase they would cull also. It also gives rise to the odd advocate of non-lethal methods.²⁵ These people ignore the fact that fox territories span farm boundaries and foxes on their land are being thinned out regardless of their deployed non-lethal methods.

These lethal methods not only thin fox numbers but free up more natural food supply for those foxes wholly on this land who in turn have less of a need to test non-lethal defences. Foxes have never controlled their own numbers, have always been controlled by man, and were nearly wiped out in Elizabethan times. It's true to say foxes owe their existence to their scent.

Ignoring isolated incidents

The review criterion is to ignore isolated incidents. Then one assumes the evidence provided to the review team on humaneness by the animal rights organisations will largely be ignored as the philosophy of animal rights is to seek out isolated incidents and make out they are the tip of the iceberg.

Conclusion - The old method of hunting was the most humane method available and the review team should advise its reintroduction if the Scottish Parliament is really concerned about humaneness. The current most humane method available is the use of terriers as it mimics fox behaviour and the review team would do well to relay this to the Scottish Parliament to better inform the public.

Naturally, as flushing to guns via a hunt observes a close season prevents the spread of disease, this method is also humane. Humaneness appears to be compromised by the activity of hunt saboteurs and the review team should advise the Scottish Parliament to curtail their presence at hunt meetings.

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