

**TRANSCRIPT OF THE AUDIO RECORDING FROM THE SCRUTINY BOARD HELD ON  
25 FEBRUARY 2019 IN CR7, CHESHIRE CONSTABULARY HEADQUARTERS, CLEMONDS  
HEY, WINSFORD, CW7 2UA.**

*Present:* D Keane, Police & Crime Commissioner  
D Martland, Chief Constable

Office of the Police & Crime Commissioner  
B McCrorie, Head of Policy & Partnerships  
M Walton, Senior Governance & Performance Officer

Cheshire Constabulary  
J Westgate, Chief Inspector

Red Snapper Group  
I Pollard, Independent Review Team Member

66 members of the public were also present to observe the meeting.

## **1. INTRODUCTION AND CONTEXT SETTING**

- 1.1 **Police & Crime Commissioner** - Good morning everybody. I'd like to take this opportunity to welcome everybody this morning to Cheshire Constabulary Headquarters and today's special Scrutiny Board which is being held in relation to the policing of hunting in Cheshire. I am really pleased that you've all been able to take the time and made the effort to join us this morning, I'm very grateful for that.
- 1.2 Before we start I would however like to take the opportunity to deal with a few housekeeping issues. Firstly we are not expecting a planned alarm test of any nature this morning so if we do have an alarm please can I ask that you exit the door and the stairs in which you came in. I know people may sometimes kind of lose bearings so it's the door in the far corner behind you. Of course we will have staff available should we have any emergency to assist you this morning with that. Toilet facilities should you need them are through this double door here just behind you to this side.
- 1.3 In terms of the running order then for this morning following a short introduction from myself I will ask members of the team that undertook the independent review on my behalf to provide a short presentation and that will set the context for this morning. That will be followed by questions from myself to the Review Team. Now those questions will be largely based on feedback that I've had from you as members of the public on that independent review. I would propose then that we'll take a short break at approximately 10:30 for a comfort break for guests today.
- 1.4 After that point we will restart and I will start my Scrutiny and Substance of the Chief Constable about Cheshire Constabulary's performance in relation to hunting activity in Cheshire. Just a point that's very important, as with all the scrutiny boards that we do hold in public in Cheshire and these are done on a regular basis; the purpose of the meeting today is for me as your Police and Crime Commissioner, as your representative, to undertake my statutory function in holding the Chief Constable to account on behalf of local residents.
- 1.5 Now I think we all understand that this particular subject matter is an emotive one and I know that we'll have people in the room with a whole host of views on what we're going to discuss today. Having said that, I think there is a clear expectation from all of us in the room and I'm sure this almost goes without saying, but let's just say it anyway for the record that we all behave in a respectful and courteous way to each other during the meeting and that's for all of us together to uphold that and to do that.

- 1.6 It is likely that we will cover areas that people feel strongly about either way this morning and I'm very much aware of that, but if we can try to avoid behaviour such as shouting, rude or abusive language or any disruption of the meeting, I would really, really appreciate that. This scrutiny session is far too important when you need to get something out of this. So I would appreciate people bearing that in mind. In the unlikely event that people can't do that on any level for any person we may have to postpone the meeting and ask people to leave the room, but I sincerely hope today that we won't have to go down that line or that course of action, I think that would be both the last resort and very unfortunate.
- 1.7 So I hope and believe we can undertake this meeting without that being the case but really did just want to set out some ground rules before we start, so is everyone happy with that, everyone in agreement? Yeah, thank you very much.
- 1.8 So just setting some context, as I mentioned we will shortly hear from the team who undertook the review, but I did just want to have a word or two about how we've got here in the first place. So since coming into office in 2016 at my election as Police & Crime Commissioner and particularly during the Autumn and Winter period of 17/18, my office received a huge increase in level of correspondence about the issue surrounding hunting in Cheshire, but particularly the policing approach to this hunting in Cheshire.
- 1.9 At the same time this was increasingly a topic that local representatives, such as councillors and MP's, and residents wrote to me about and talked to me about as I took my duties throughout Cheshire on-board and people would raise this with me on a regular basis when I was out and about in communities, not just specifically on issues relating to hunting and kind of wildlife activities, this was brought up on the doorstep; it was brought up in meeting places and consultations in towns and villages in village halls, in shopping centres. This became something that was a regular discussion point and it became very clear to me that this was an area that needed some real in-depth consideration and that real in-depth consideration for me couldn't merely be in private, this needed to be a public exercise where there was a very clear and open review; where there was a very clear open and public scrutiny of Cheshire Constabulary for their actions around enforcing the law of the Hunting Act.
- 1.10 So many of you will be aware in early 2018 following that kind of Christmas, Boxing Day, New Year period of 17/18, I announced that I was to set out to commission an independent review of policing of hunting in Cheshire. This was undertaken right throughout 2018 and reported to me in late 2018. Many of you will already know that that was reported and published on my website prior to Christmas, which I felt was really important as well, in good time prior to any public scrutiny that they actually had a report that was in the public domain that people could look at, they could read, they could provide feedback on. For those that have kind of given me feedback on, please take note that I have listened to that feedback. My questions today will reflect some of that feedback that I've received from you and feedback that I've received on your behalf.
- 1.11 If I could just say that I think it's probably fair to observe that the reviewers' report received a mixed response from residents from both pro and anti-hunt communities which some welcome in the report; some complimenting the recommendations and others dismissing the findings and recommendations in full. I'd like to say though, nevertheless, I think it was very important that the report was completed and the fact that the report was undertaken in the fashion it was undertaken, I think should represent to the members of the public that this is being taken seriously in Cheshire and it has become a priority for both myself and for Cheshire Constabulary.
- 1.12 So following that publication of the report late last year, I did announce an intention to hold a special scrutiny board on this matter. It was suggested that we could do this within a general scrutiny board. I didn't think that that did this subject matter justice which is why we called a special meeting to deal with this. I was also very keen that we made the widest available opportunity for members of the public to attend. Again some limited criticism there that will always come on timings of meetings, but I think that the attendance of you, the public today makes it clear that there is strong public interest and I thank you for that kind of real desire to attend and take part.

1.13 I did say I was going to be brief colleagues so I will move on now to the substantive part of our agenda and if I can invite Ian from our review team to present the findings of the Independent Review. Over to you Ian.

## **2. PRESENTATION OF THE INDEPENDENT REVIEW OF FOX HUNTING IN CHESHIRE**

- 2.1 **Ian Pollard** - Thank you Commissioner. Good morning Chief Constable, good morning to the audience. My name is Ian Pollard and I was one of the reviewers commissioned to carry out the review on behalf of the Police and Crime Commissioner for Cheshire.
- 2.2 So in setting out the terms of reference for that review, they were very clear and what we were asked to do was to determine whether Cheshire Constabulary comply with the National Standards in relation to reporting, investigating and prosecuting incidents in connection with fox hunting. By conducting a qualitative and quantitative analysis of the systems, processes and procedures held on how Cheshire Constabulary perform in relation to incidents, fox hunting was brought to their attention. And lastly the challenges for the Police and the Crown Prosecution Service arising from enforcement from a prosecutorial perspective due to the current legal position under the Hunting Act. So they were the terms of reference.
- 2.3 In terms of the team methodology it is important to emphasise that the contract was tendered and the Red Snapper Group who are an independent company secured that contract and I along with others are a number of people who contracted to the Red Snapper Group to conduct pieces of work and they provide in this particular case the staff to conduct such reviews.
- 2.4 The Project Manager was a Red Snapper Group employer with previous senior police experience as well as a background in HMIC, for those not familiar with that, that's Her Majesty's Inspector of Constabulary who are a body that enforces compliance around the number of policing issues.
- 2.5 Myself, a former senior police officer along with my colleague and also a retired Chief Crown Prosecutor with experience of dealing with hunting cases and an analysis was used as part of the Review Team.
- 2.6 We spoke to 31 people face-to-face, focus groups, telephone and email and in relation to the latter that was around their availability and the short notice that there was in arranging those meetings and focus groups. We reviewed the legislation, PACE law/ or on guidance on the Hunting Act and examined 358 cases, crimes and incidents and they were broken down as follows:
- 2.7 There were 321 incidents over 3 years which was set in the terms of reference 2015, 2016 and 2017 and they're incidents that are reported into Cheshire Constabulary. 28 crimes and 9 complaints against Police.
- 2.8 When we're looking at the review and the issue of fox hunting, we also put some context to that around some of the other policing issues that Cheshire along with other police forces also face and have a statutory responsibility to deliver on, because there's a diverse mix of the county which poses a number of policing challenges around alcohol related crime, drug related crime, county lines, serious organised crime, child and safeguarding of adults through to the prevention and investigation of rural wildlife crime and heritage crime. So there is a broad spectrum of responsibility posed upon the police.
- 2.9 So in terms of the law and guidance around what we found. The first thing to point out is that in relation to the offence of hunting, the legislators made that a summary only offence, with a maximum punishment of a fine. So it's a non-imprisonable offence. So it doesn't register as a crime under the Crime Recording Standards, such as theft would. So that's an important point to note in relation to what the legislator determined how it would be recorded.
- 2.10 The definition of hunting is narrow; it's an offence that requires specific intent not recklessness; it contains many statutory defences or exemptions because it is only a summary offence you cannot attempt to commit the offence of hunting under the Criminal Attempts Act. There was, or is rather, CPS guidance which is fairly comprehensive. There is no National Police Guidance and there is some guidance which is helpful to investigators that are from the League Against Cruel Sports.

- 2.11 So in dealing with the act itself and some of the challenges. So in any offence regardless of what that is, the Crown Prosecution Service have two tests that they must apply. The first one is the Evidential Test and that must be met in order all cases. Now that's regardless of whether the police in summary only cases can charge offences and their continuation is therefore endorsed by the Crown Prosecution Service or Crown Prosecution Service authorise charge if the matter's been referred to them from the outset.
- 2.12 The Public Interest Test is the second test that's met after the Evidential Test has been passed and the guidance from CPS is very clear on this, very positive around prosecuting and I'll quote one section of it, because it says, 'Ordinarily a prosecution should be pursued under the Act unless there are compelling public interest factors which militate against the prosecution'; and some of those factors will be the evidential test; some of those factors maybe the reliability of witness evidence or issues around disclosure.
- 2.13 But the reason that I've highlighted that is to make the point that the guidance we felt was positive, there is a positive message contained within that for prosecutors and the reason we felt that important was because some people that we spoke to felt that perhaps the authorities didn't take hunting seriously or the other extreme is that the authorities are in cahoots with the hunt groups to not prosecute offences.
- 2.14 So in terms of the law of guidance, I'll deal with the first two first which are the challengers that are faced. First we have the legislation. The key word in that is 'pursuit' which requires a mammal to have been identified along with the large number of exemptions in the act. And the second is the evidential test because the hunts take place at speed and often witnesses are at some distance away from the activity so there are too some of the issues that are challenging in terms of bringing prosecutions.
- 2.15 In terms of challenging or challenges to the act itself, there have been challenges in 2005. There was a challenge around the lawfulness of the act which was unsuccessful. In 2006 there was a challenge from the Countryside Alliance around the human rights element of the act which was unsuccessful and in 2008 there was a challenge about private prosecutions and the ability to challenge the prosecutors or the way in which prosecutors conducted the case which was unsuccessful. But the one that probably does cement where we are currently is the one in 2009 and that dealt with the effectiveness of the act as a whole because, as I said before, hunting is a deliberate act that requires active participation before an offence can be made out, but the definition under the act is quite strict as well in that it defines hunting as, 'engages or participates in the pursuit of a wild mammal and one or more dogs are employed in that pursuit'. I mention the word 'pursuit' again because this requires the mammal to have been identified and pursued. It does not extend to searching for foxes under the Act as it currently stands.
- 2.16 Right also sought to challenge the burden of proof placing that on the defendant but the courts determined that that wasn't the case and all the defendant had to do was to prove the evidential test, or the evidential aspect that they were exempt - the reason we believe that the hunting was exempt. The prosecution remain and have the burden of proof beyond reasonable doubt to prove that was the case or was not the case.
- 2.17 So that's some of the challenges to the Act, however under the Hunting Act there have been nationally prosecutions brought with some convictions but I think it's important to note that the Hunting Act will never prevent people riding on horses in groups accompanied by dogs, but that was not the purpose of the legislation.
- 2.18 The CPS guidance and the LAC guidance is good but as I mentioned before, there is or doesn't know if there is no police national guidance. And in its current form the Hunting Act may not be perfect, it clearly doesn't satisfy everyone but it is workable and enforceable despite the challenges in securing sufficient evidence for convictions.
- 2.19 So in terms of our stake holder engagement, not all experiences and views were supportive of the police the police response and their response to hunting. Business landowners and publicans that we've spoken to were generally satisfied with the police response but would welcome more

feedback. Hunt monitors and supporters were generally positive whilst critical of the legislation. Saboteurs were generally satisfied although some still critical of the police. Hunt members were generally positive about police engagement.

- 2.20 The Force League for Wildlife and Rural Crime Affairs and the Wildlife and Rural Crime Officers and the wildlife officers were well informed and committed to their roles and what came out as a theme was in particular the role of the Terrier Men, or Countrymen as they are now referred to, and the conflicting position regarding what scent is used for trails and those against hunting suggesting that urine or fox urine is the scent that is used. So that featured during our stake holder engagement.
- 2.21 So acknowledging the fact that Cheshire hasn't always had a good relationship with the hunt community in the main, more so than the hunt groups, however the continued work of the Wildlife Officers over the years has seen some improvements. Not all those spoken to share that view but what we as a review team found in our meetings is that the work undertaken by the Wildlife Officers, we feel confident will change some of those views over time.
- 2.22 Now picking up on the business of landowners, particularly the landowners, they expressed the fact that they would like updates and outcomes following allegations brought to their attention about acts of illegal hunting. Although they take reasonable steps to ensure the hunts operate within the law across their land, they don't have the capacity to test that given the nature of how the hunts operate. And the point there being made is that providing, or the police providing the necessary information to landowners regarding potential or alleged acts, would ensure compliance with the legislation on behalf of the landowners. That was their view.
- 2.23 In terms of those that we spoke to from the Hunt, they were keen to express in their views that they don't want to have to call the police to incidents. They expect the police, as we all do, to deal with breaches of the law even if that breach again relates to offences under the Hunting Act, but also breaches of other legislation too. And that's those that are opposed to hunting who may carry out offences either under the Public Order Act, the Road Traffic Act, the Criminal Damage Act, but equally what the hunt say is in terms of their followers. They expect if they break the law that the police will enforce it.
- 2.24 Now, dealing with the hunt monitors and those against hunting, I would just like to highlight some of the comments that they made to us during the meetings, and I'll quote what they said to us which was their words because this reflects some of the work that's being done around with the Wildlife Officers because what they said was 'overall' they thought Cheshire were 'pretty good'. They also said that Cheshire treat 'Sabs like normal, not like criminals'. And they also said that 'The police response has improved because the attending officers now engage with the monitors whereas previously they would ignore the monitors and go and speak straight to those from the hunt...' And one said that they were 'trailblazing' in relation to hunting. But what we cannot be, or Cheshire cannot be, is complacent around those comments because what they also said is that there is 'still room for improvement'.
- 2.25 Both sides acknowledged the challenges with the current legislation and accepted to varying degrees the difficulty police face in securing evidence. And that view is also balanced too because what both sides said is that they don't expect the police to investigate and prosecute everyone but what they do expect is that the police would at least endeavour to investigate. Take some action, even if that's just speaking to people. Now that's not an unreasonable request, and it's something that is achievable.
- 2.26 But dealing with the last point around the Terrier Men, they were seen as the source of conflict. There was some comments about why they need to be on the hunt particularly when they are present at times with their terriers and spades. Now those from the hunt side say that they are there to facilitate the hunt; to repair damage; switch off electric fences and so forth. Those opposed to the hunt say - and they're also their secondary role is that sometimes after the hunt they will be used for pest control. Clearly the views of those opposed to hunting don't accept those...
- 2.27 **Audience Member** - Just explain 'pest control' please for the rest of us.

- 2.28 **Police & Crime Commissioner** - I'm sorry just...
- 2.29 **Audience Member** - Please, you know, I mean that's important.
- 2.30 **Police & Crime Commissioner** - What we're going to do this morning just as we agreed at the start, we're going to let Mr Pollard finish and can I just assure residents that I will then be asking seven or eight questions of Mr Pollard, but I'm hoping they'll largely fulfil what you've written into me to do. I did say at the start you know that was going to be the way we'd be conducting...
- 2.31 **Audience Member** - Apologies.
- 2.32 **Police & Crime Commissioner** - No, it's not a problem in least, I really recognise the emotional aspect of today's meeting but if we can let him finish and then perhaps you might want to approach me in the break if you think I've not asked everything that should be fulfilled today, that would be really useful. Thank you.
- 2.33 **Ian Pollard** - So that was their position. Clearly we've heard that that's not the position felt by those that are against hunting, hence the source of conflict. The other area where there was a source of conflict was around the season prior to the hunting taking place, the autumn season or as some refer to it as opposed to hunting, the 'cubbing' season. And there was an incident that was referred to, and again when the hounds are being exercised and riding with the horses and trained, the question is why the Terrier Men would need to be present during that activity. So those were some of the themes that came out which is why we've referred to it specifically on this presentation.
- 2.34 Now in terms of our conclusions around the stakeholder meetings and conversations, as I say stakeholders from all points of view were generally positive about the police comparing Cheshire favourably to other forces and that's important when I made reference to some of those comments because some people who - the hunt monitors or those protesting against the hunt travel to other forces and so from their perspective they were able to benchmark (for want of a better expression) how other forces deal with hunting and with those opposed to hunting. So that was the significance of those comments and how they're able to say that about Cheshire.
- 2.35 Although relationships have improved with the police on both sides of the hunting issue there is nevertheless still room for improvement. Pre-hunt season briefings were seen as good practice and end of season de-brief should be conducted and feedback shared with interested parties, and there's a recommendation that comes from that because that hasn't been a successful or as - has not been delivered as was said or agreed to by the police. But I do in particular want to just mention the training, because a lot of work has been undertaken in Cheshire to try and train other police officers and other police staff, in particular Call Handlers who receive - and are the first people primarily to receive calls from the public about incidents of hunting. And we already know that those opposed to hunting that that's worked because when they've spoken to a Call Handler, that Call Handler has acknowledged and recognised perhaps the activity may be precursor events to illegal hunting. Delivery to local policing teams around hunting but also other offences that are associated or happen around hunting, so not just focusing on the Hunting Act.
- 2.36 The above points were raised by both groups on that point. The hunt season is predictive and therefore so should the police in response be predictive in preparing officers and staff in the lead up to and during the hunt season. And that's why that training is important, it needs not just to be a one stop shop. There are a variety of ways in which training can be delivered. There are a variety of ways in which training or information guidance can be given or accessed by police with modern technology which is why for effective communication strategy, better use of systems, that guidance can be available to police officers and police staff 24-hours-a-day. So that would help in providing a consistent approach in responding to incidents and dealing with incidents around hunting and it would also help prevent perhaps in some cases an overzealous approach by police who may not be from the area, don't understand some of the nuances around what takes place during season and so that consistency of training will hopefully ensure that that takes place.

- 2.37 And so what was very clear to us was that the Wildlife Officers are keen to make a difference for both sides of the debate. So dealing with the file examination and what we found, we looked at complaints made into the Police and Crime Commissioner's office. Complaints against the police were reported into their Professional Standards Departments which were limited to three incidents. Twenty-eight crimes arising out of activity relating to hunt by both hunting supporters and opponents. And the one evidential file that we looked at concerning a specific offence under the Hunting Act which was submitted to the CPS which was referred to throughout as 'The Boxing Day Incident'.
- 2.38 Now in relation to that file, it was of a high standard. The decision whether to prosecute was finely balanced and in that particular case no prosecution took place, but, what we also found and what we're told is that activity and enforcement has taken place at hunt events by use of out of court disposals - so in one incident someone was cautioned and in another incident someone was issued with a fixed penalty notice, so when both sides say 'take some action', there were signs that we saw where some action was being taken, but I go back to the beginning when we say we can't be complacent and there is room for improvement and continued improvement.
- 2.39 And so picking up our conclusions overall the investigations were thorough and professional what we look for. The investigations were impartial and focused on the evidence and that is a key theme because police have to follow the evidence.
- 2.40 Improvements around enhanced supervisory oversight; early CPS consultation and case conference (and I'll touch on that a little bit more in a minute); areas of good practice identified by the Wildlife Officers. Complaints against police were taken seriously with an appropriate resource allocated to their investigation. And opportunities to investigate and prosecute other criminality relating to fox hunting may have been missed and should be considered in the future.
- 2.41 So just picking up on a couple of points when we looked at the incidents, and you'll remember we looked at 321 and what we have seen is a year-on-year increase in the number of incidents reported into Cheshire Constabulary. What we also found is that there were 137 different ways in which those incidents were initially recorded which caused quite some confusion really and clearly isn't an effective or efficient way of managing your information data and so one of our recommendations is to reduce those numbers or the number of different ways incidents are reported. That said, in terms, and it has to be acknowledged that the incidents by comparison to the total number of incidents reported into Cheshire Constabulary, those relating to hunt related matters are a very, very small proportion but nevertheless should not be ignored.
- 2.42 In relation to the third point, on behalf of the Commissioner I attended the National Police Chiefs' Conference in relation to, or chaired led by the NPC lead for hunting and badger culling and the point around the CPS and early consultation is acknowledging that although hunting is a summary only, non-imprisonable offence, it is nevertheless a complex piece of legislation and as such it should be given the attention that it needs. So, it isn't about passing the buck from the police to the CPS to make the decision on their behalf, it's not about that at all, it's very much about the police working hand-in-hand with the CPS to ensure that where allegations are made, the evidence is gathered. It is reviewed. It is considered. Defences that may come up are considered and the point that was made on that conference there was an input from the Chief Crown Prosecutor from South Wales who was advocating this advice because - and the point around case conferences is in the lead up to the case coming to court that the prosecution team, police and CPS are aware of the strengths and weaknesses of the case. So that's what they were advocating. In terms of the supervisory oversight, again from a police perspective we know how difficult these are. We know how emotive these offences are so therefore it should warrant a greater degree of supervisory oversight to ensure it is appropriately resourced, the investigation is dealt with efficiently because there is only six months within which to bring a - well in which to charge or report someone for an offence because it's summary only.
- 2.43 So that was in relation to our conclusions which then brings us onto the recommendations which I'll just go through:-

- 2.44 So the first is around the Cheshire Constabulary strategically for wildlife and rural crimes to ensure that landowners are provided with feedback and made aware of the outcome of allegations of illegal hunting.
- 2.45 The second is that Cheshire Constabulary should ensure that allegations of cybercrime where business websites are targeted are investigated robustly given the impact on individuals and their businesses. And that's activity that takes place and is reported to us taking place away from the actual hunts when they take place themselves.
- 2.46 That Cheshire Constabulary should ensure that all agreed plans relating to hunting, so this relates to both the pre-season and the end of season briefings and de-briefs, that any plans, reasons for improvements or so forth are communicated clearly in advance to all parties.
- 2.47 That Cheshire Constabulary and strategically for wildlife and rural affairs to ensure that staff are familiar with the legitimate role of the Terrier men. And just the context around that - that is - to clarify, that's not to legitimise their role, that's to determine what their role is. And I'll no doubt be asked to clarify that by the Commissioner in a minute.
- 2.48 Cheshire Constabulary strategically should take the opportunity to share good practice by the NPCC for rural crime because they are doing some good stuff which should be shared with other forces.
- 2.49 Officers investigating hunting offences should use the appropriate websites to gain an understanding of the operation of hunts.
- 2.50 In that Boxing Day investigation, the investigator there did refer to the guidance on the LAC's websites around horns, sounds and calls and in fact sign posted - which assisted in sign posting the areas of the evidential strengths and weaknesses of that case. That was the purpose of that recommendation seen as good practice. And officers should also contact the Wildlife Officers if further guidance is needed when they're discharged with investigating offences under the Hunting Act.
- 2.51 Spoken about the sustained programme of training being delivered across the force maximising the ability or availability of IT resources, supported by number 9 which is the effective communication strategy to the implement and the lead up to and during the hunting season. The strategy should make reference to other criminal - sorry, my reference to number 10, in terms of an operation and deployment there is a strategy of how the policing of those incidents or operation will take place. The strategy that we saw focused mainly on the Hunting Act itself and didn't expand to consider other offences and that's not being prescriptive as to what those other offences should be, it's just about looking at what else or what other offences may be committed.
- 2.52 And then the last one was for Cheshire Constabulary to review and reduce the number of incident type descriptions used when members of the public, yourselves, call into the police. To ensure really in that point that they understand what the demand is and the capacity versus that demand and obviously that leads to the operational deployment and decisions that the Chief Constable will make about how he deploys his officers.
- 2.53 So they were the findings from recommendations. Thank you for your time.
- 2.54 **Police & Crime Commissioner** - Thank you Mr Pollard for the presentation of that review and its findings. I'm sure that many people here will have actually read the full review online and will be quite familiar with that. Can everyone here me at the back? Yeah. Super. So I'm sure people would have read the full review, but I think that is a useful condensed version.

### 3. QUESTIONS TO THE REVIEW TEAM

- 3.1 **Police & Crime Commissioner** - I intend now to ask Mr Pollard a number of questions. Many of these questions have come directly from members of the public to me in a series of responses asking



questions of this independent review, so I intend to embark on just a small number of questions to Mr Pollard on the review itself.

- 3.2 If I can start by thanking you for attending and giving the presentation on behalf of the review team. The first question from the public's behalf would be following the publication of the review there had been a number of questions from residents regarding the independent nature of the review team. I think this focused on the fact that a number of former police officers were utilised in the review team itself. Can you outline how you ensured your independence in carrying out the review?
- 3.3 **Ian Pollard** - Yes. I mean the - I think by using retired police officers is the fact that we've got experience of conducting reviews or investigating and perhaps understand how certainly the police operate and also in terms of our ability to perhaps elicit the information, of the necessary information, following the stakeholder interviews. In terms of our independence - and so you know for those reasons our skills and experience have helped inform this review and the recommendations and in terms of our independence, you know, neither of us or none of us in fact have any connection to the Cheshire area or Cheshire Constabulary or previously worked with the Police and Crime Commissioner's office, so the fact we may be retired police officers, we're contractors to that Red Snapper group. We do other work and as I say our experiences as a whole brings together what we've done around reviewing other forces, other areas of policing as well as inspections and so that combination of skills is why it was felt that Red Snapper group, we would be suitable to carry out this review on your behalf.
- 3.4 **Police & Crime Commissioner** - Thank you Mr Pollard. Ok. You provided us with some analysis there with the legislation of the Hunting Act, within that there was a clear acceptance that the legislation as it stands can cause some difficulties for the police and in my view does cause some general confusion. Issues have been raised with me throughout this period regarding how the legislation could be amended to assist in areas such as, as you mentioned the role of Terrier men. The introduction of authorised scents that aren't fox urine and the introduction of recklessness perhaps rather than intention being applicable. What were your thoughts on this on behalf of the review team?
- 3.5 **Ian Pollard** - I think they're all three reasonable points to make really and reasonable conclusions to reach because it's one thing to say 'Well we've always done it that way,' but we live in a world now where perhaps that's not the approach that we need to take and things evolve and people have to change. There is conflict with regards to the Terrier men and so I think it is helpful or would be helpful for those roles to be defined so that people properly understand what that role is.
- 3.6 The introduction of authorised scents again would be helpful because it would negate the suggestion that the hunts are using fox urine or alleged to be using fox urine, it would mean two things really: Firstly it would reassure those opposed to hunting that authorised scents have to be used and secondly allow the hunt to enjoy their activity which they have done for a number of years and prevent the disruption it has caused if those authorised scents were to be legislated for and I suppose in terms of the narrow meaning of the Act 'with intent,' if there was an element of recklessness that in itself would mean that the hunt need to perhaps be more accountable for the activity of the way the hunt operates and where or if, in those circumstances, foxes are found to be killed the element of recklessness may be easier to prove or certainly would be easier to prove than the element of intent.
- 3.7 So I think they are three valid points that if they're put forward in any change in legislation, would be reasonable and I'm sure no doubt contested by lawyers on both sides around their validity or necessity. But those three points I think they're reasonable.
- 3.8 **Police & Crime Commissioner** - Thank you Mr Pollard. Well those are our three points that have been put forward by various members of the public and representatives that have been clearly made to MPs as legislators to consider, so thank you for that. Just to press a little bit more on the role of the Terrier men which you mentioned then rightfully this needs to be discussed because recommendation four in your report focuses on the legitimate role of the Terrier men.
- 3.9 This has been an area of contention because some residents have read this that the report is actually saying the role of Terrier men is legitimate and is a legitimate role. I must be honest, this isn't how I read the report that the role of Terrier men was particularly a legitimate role. I read it that the recommendation was outlining that the role needed defining to outline which elements of the role might be legitimate and

in which circumstances they might be legitimate. Now, could you clarify just a little bit more around your recommendation, have I read that right? Have critics of that part read it right? Are you saying the role of Terrier men is legitimate or are we saying that we need to define which areas of the role and in which circumstances could come with some legitimacy?

3.10 **Ian Pollard** - It is the letter and that is the point that we wanted to draw out because it is about defining what that role is and what that role does because it was the source of much conflict, and by defining that role would help firstly form an enforcement perspective. It would help from a public order perspective because it would be clear what their purpose was and again, and I think when we had the stakeholder events meetings one of another incident that was referred to was the kennel incident was at the forefront of a lot of people who were opposed to hunting and they were quite vociferous around why there was a need for Terrier men to be present when the hounds are exercised and in particular why Terriers are there or their dogs and they have spades because - and this is where the confusion comes about - because if it's about exercising hounds to ride with horses then why does that need the presence of Terrier men? Surely, or I say surely but if around exercising perhaps changing the way that things are dealt with, are they if there were predetermined routes for exercising hounds that would negate the requirement for Terrier men potentially. So I think both in the Autumn season and in the open season there does need to be clarity of that role to determine, as I say, whether there are legitimate occasions when they are needed and occasions when they're not. Certainly, if it's about repairing damage and fixing things well then their physical presence may be needed but not the presence of their dogs for example. So that was the basis of that recommendation.

3.11 **Police & Crime Commissioner** - Thank you for clarifying that one Mr Pollard. I think that gives some certainty to say the least with that recommendation and I think that clarification is very important.

**ACTION:** Police & Crime Commissioner to engage with legislators to encourage that any changes to legislation include a clear definition of the role of Terrier men.

3.12 If I can move on now just thinking back to the terms of reference, I'm referring you directly to Recommendation 2. Recommendation 2 refers to Cybercrime relating to business websites and recommends robust investigation when reported to the police. It seems the very specific yet obvious recommendation and I would hope that these kind of crimes would be taken seriously if reported that there's an allegation to the police. It seems to me though that this recommendation could have been better served with the approaching Recommendation 10 rather than being a specific recommendation that's perhaps a little separate to what we're looking at. Recommendation 10 kind of recommended that the police look at all kinds of offences that may take place around the scenario of hunting which weren't actually hunting offences. So offences on the highway, offences of harassment, criminal damage, non-visible number plates, riding without helmets or seat belts etc. So I'm not quite sure why Recommendation 2 is a standalone recommendation that doesn't for me really come from the tons of reference of the review.

3.13 This comment has been brought up with me by at least a couple of members of the public and it did strike a chord with me. Could you just give us some focus on why you felt that this should be a separate recommendation, or any reflection on whether it should or shouldn't be a particular point within this hunting discussion going forwards so we can decide whether we kind of build this recommendation into an action plan as a separate point with the Chief Constable later on, or whether it could be aptly wrapped up with the other surrounding offences? What was the difference there Mr Pollard?

3.14 **Ian Pollard** - The difference is there are two distinct activities. So Recommendation 10 relates to the activities that take place during hunts and so those other offences that are committed during the hunt so mainly those under the Road Traffic Act, Criminal Damage, Public Order Act. What we found from the Stakeholder meetings with those from representing the hunts were that the activities around targeting their business websites is separate to the hunting activities per se. So on the days of the hunt that's what Recommendation 10 refers to. The targeting of business websites is outside and away from those events and that's why we felt that that's a distinct difference in separating the two and made that recommendation because whatever peoples' views

are what we did find on two occasions were that business websites certainly one - well in both cases had to be taken down because of the targeted attacks that they had received. Now that's not acceptable. There's one thing to have a view, it's one thing to lawfully protest, but it's another when it goes beyond that and affects businesses, and similarly with anecdotal evidence around negative comments placed on trip advisors for pubs or restaurants that perhaps host hunting events or where members of the hunt go to enjoy their evening. So that was the difference and that's why those two recommendations - or specifically that recommendation about cybercrime was made.

3.15 **Police & Crime Commissioner** - Ok, so some of those related immediately to the geography and the timing of the hunt...

3.16 **Ian Pollard** - Yes.

3.17 **Police & Crime Commissioner** - ...and some were quite separate in terms of timing and geography. Do we know if these allegations - and I fully accept the principle I think it almost goes without saying Recommendation 2 - that if allegations of cybercrime are made to the Constabulary it will be robustly investigated. In this case Mr Pollard, were they merely allegations or were they matters that had been reported to the Constabulary that had led to a charge or a conviction? Had they been reported to the Constabulary as an allegation, what stage did they reach?

3.18 **Ian Pollard** - One wasn't reported. One was reported. The one that was reported although they received very good customer satisfaction from the police, from a professional perspective and from my background, I would have expected a little bit more tenacity in terms of the way that was investigated with a view to identifying perhaps who was responsible, but the person themselves without that knowledge was satisfied with the police response.

3.19 **Police & Crime Commissioner** - Ok.

3.20 **Ian Pollard** - But I would have expected more.

3.21 **Police & Crime Commissioner** - Thank you for that Mr Pollard, perhaps something I can touch on with the Chief Constable a little later on. Ok. If I can move on to the comments in the review that the law was seen as workable in some situations with regard to the Hunting Act and it was clear that there had been some national prosecutions coming from the Hunting Act.

3.22 The report itself explores the outcome of an FOI response provided by the CPS. I was wondering if you could provide some additional context around this. My point with this one is that whilst there may have been prosecutions nationally, it's clear to me over the period of the review which covered three years, '15, '16 and '17, there had been prosecutions yeah. In Cheshire there had been no prosecutions despite the Act being workable. Is this correct, and if it is correct what is it from your findings that you would consider to be different about Cheshire (and this is the real key issue for me) if it's workable elsewhere Cheshire's had no prosecutions, what's been done differently in Cheshire or what's the reason for that difference?

3.23 **Ian Pollard** - Firstly, that's correct in terms of the three year data we were only provided with one prosecution case file. In terms of why Cheshire is different, I can't answer that because obviously we didn't benchmark other forces but what I would say is from what we saw around the Boxing Day investigation, it was very thorough and so where the allegation is made, where there was evidence that the officers had gathered and where that evidence was summarised and presented to the Crown Prosecution Service, as I say the reasons why it wasn't prosecuted I'm not in a position to comment on, that's a matter of legal professional privilege, however in terms of reassuring you in that respect, that was a very thorough investigation.

3.24 A number of witnesses provided statements, which is another key aspect and as I say it was thought through and considered. So that would be me say to you that gives confidence that Cheshire when they receive allegations and get the evidence, will investigate it properly. I think it was also helpful from the national perspective because when I attended the meeting because you know even though there have been prosecutions in other force areas, it is still acknowledged that they are challenging and not easy to achieve, but I think with the combination of what we saw from

that evidential file, I think that the training that's been delivered and rolled out and the awareness that's been raised within Cheshire, I think - and also from the monitors who are obviously monitor the hunts and video it and video evidence often is very helpful providing all of the evidence is disclosed and not just select parts, then those combination of factors will hopefully lead to prosecutions where the offence or where the Act has been breached (inaudible) question.

- 3.25 **Police & Crime Commissioner** - Well if I can dig just a little bit deeper if I may Mr Pollard on that one and probably my final question in this area, although I suppose a supplementary could lead depending on the answer and the view. You've mentioned that the CPS decision was finely balanced and was a fine line. You've also mentioned training within Cheshire Constabulary so the report outlined a need for a supervisor level review of case files within the police prior to submission to the CPS. Can you explain your reasons for that and how you would see that working?
- 3.26 **Ian Pollard** - Well I think the reasons are to sort of building an extra layer to ensure that where allegations are made that they are resourced appropriately and that they are dealt with in a timely manner and efficiently given the limitations on the 6 months within which to inform someone they're going to be prosecuted, so that layer of supervisory level would ensure that it's resourced appropriately. I think if you had an identifiable or identified supervisors whose role was around the Hunting Act, it would I know help certainly from the CPS perspective because there is within the CPS that covers the Cheshire area a lawyer who is responsible and who would review cases such as that. So building those relationships, having that extra layer of supervision I think would just ensure that those matters are dealt with properly and more importantly that the public see that they are dealt with properly and that they are being resourced appropriately and you know I think we have to manage expectations is that not all allegations will result in prosecutions and not all prosecutions will result in convictions. We have to be sensible about that and realistic about that. But I think by doing that additional level of supervision - it's not an onerous task and again you know going back to, were the review team, were we completely independent given our background and experience we were in an informed position to make recommendations such as that because we were aware that they can be achievable, they are realistic and should be taken forward. So that's another reason.
- 3.27 **Police & Crime Commissioner** - Ok, so the Supervisor level, would that be an expert in the field on behalf of Cheshire Constabulary the recommendation, would it be a point of contact directly to deal with the CPS?
- 3.28 **Ian Pollard** - I think it's two fold. It would be - I wouldn't necessarily say an expert but it would be someone that's familiarised themselves, understands the issues and, yes, is the point of contact with the CPS when those cases come in because, as I say, certainly from a national perspective you know they're advocating that that early advice, early engagement takes place, so I think - I don't think anyone will ever be an expert and I don't expect police for that matter to be an expert on such matters, but just have the awareness more so than others because you know police officers are expected to be like Swiss army knives sometimes and able to understand every aspect of the law and legislation and quite frankly there's too much of it for any one person to absorb or for everyone to know everything, but if you have identified points of contact at a supervisory level then that's a lot more easier to manage and to deal with and to ensure that they're taken forward properly.
- 3.29 **Police & Crime Commissioner** - Thank you Mr Pollard for your presentation and your answering of my questions. They've certainly wrapped up the main themes that I've had in from members of the public and my own scrutiny and my officers' scrutiny on the matter and I can assure that some of those answers are very useful when allowing me to further scrutinise the Chief Constable this afternoon.
- 3.30 At this point ladies and gentleman I'm going to propose a kind of 10 minute comfort break for a top up on coffee and teas and to use the facilities. So if we can return about 10 to 11.00 if that's agreeable. Thank you very much.

#### 4. BREAK

#### 5. SCRUTINY OF THE CHIEF CONSTABLE

- 5.1 **Police & Crime Commissioner** - Ok ladies and gentleman if we can just prepare to take our seats for the starting of the Chief Constable's Scrutiny session please. I hope everyone's refreshed after that short break. We have a session now that will be approximately two hours long, so please do bear with us. There is a vast array of questions. If people do need to leave within that period please if you can do so quietly. If you need to use the facilities please feel free but please do so with a minimum of disruption, if I could ask that.
- 5.2 Ok, this next session involves a huge amount of questions. I received almost 200 questions in response to my twitter on Facebook and media responses from members of the public that you would like me to ask the Chief Constable today. What I've had to do with those is I've supplied those questions anonymously so not with names, addresses or any identifying factors to the Chief Constable to give him a broad indication of what's been asked. What I do intend today is not to go through every one of those questions because we wouldn't do that in two hours, we'd be here all day and probably into the evening as well.
- 5.3 So I have themed those questions. For me I hope everyone gets something out of this afternoon. I do welcome conversations at the end but if I can ask just for the same rules and respect that we enjoyed in the first part of the meeting and I do particularly thank you for your co-operation with that. I know that again this is an emotive subject.
- 5.4 I'd like to thank everyone that did take time to submit a question because I think that's democracy in action. I think that's really, really important. I'd like to thank the Chief Constable for being available today to take part in a meeting and what will be a range of very probing questions and potentially supplementary questions if the answers that I receive don't seem to kind of give a full answer. Just to say the Chief Constable has assured me of his co-operation in that matter of acting as your representative.
- 5.5 I would just make a very brief point with regard to the Chief Constable and I'm sure he won't mind me saying, Darren Martland is a newly appointed Chief Constable, actually appointed this month so I think you're just into double figures in terms of days of service as a Chief Darren. I will recognise that when I'm asking these questions because whilst I recognise clearly that the Chief Constable does take responsibility for everything that happens in Cheshire Constabulary, and I know the Chief recognises that, I will also recognise that the Chief has only been the Chief for a couple of weeks' time and I obviously will bear that in mind as I'm asking for responses of both questions that have taken place historically as well as plans for the future. And I am very hopeful about a future approach that will come from a new Chief Constable.
- 5.6 So welcome Chief Constable. Good morning to you. I do have, as I said to the public in attendance a vast number of questions today that I have themed by theme area. I will identify the theme before I start answering the questions if that's agreeable, but perhaps just as an introductory question and to set the scene, it might be useful for everybody in the room today to be provided with an overview of fox hunting legislation from a Cheshire Constabulary perspective. So could we start perhaps just by requesting a short overview of fox hunting legislation from a police perspective Chief Constable?
- 5.7 **Chief Constable** - Certainly. Good morning Commissioner, ladies and gentleman. I'm Darren Martland, I'm the Chief Constable.
- 5.8 The overview was actually given almost verbatim from similar kind of my record here by Ian and summarised within the report of the legislation and then stated case for etc., but very briefly the legislation was introduced in 2004 and Acted in 2005 and it's a number of sections. It is quite a comprehensive and quite a complex piece of legislation but in summary Section 1 relates to the Hunting Act, the person commits an offence if he hunts a wild animal of which there are over 4,000 in the country, with a dog unless hunting is exempt. I think Ian covered quite succinctly some of the issues and challenges. So Section 2 defines the exemptions and there are exemptions such as stalking, flushing out, hunting rats, rabbits and falconry etc., and in Section 3 it gives more specific in relation to where an

offence will be committed knowingly permitting the use of land etc. for if it's deemed to be illegal hunting. And then there's also various sections which talk about the power of search and seizure.

- 5.9 I think the only points I would like to make really at this stage is that the legislation is confusing. It is very - for officers on the ground the key elements to be experienced is subject to subsequent attention by the courts and there's some key words in the legislation which I think I just need to draw your attention to, the most notable is the word 'pursuit', so pursues a mammal. That is quite clearly defined and needs to be explained within the legislation and it's not something just a matter of searching for as I think (inaudible) wrong, the pursuit is a 'deliberate or active act,' so within the legislation there needs to be an intention. As Ian said at the beginning, it is what we call a 'summary only' offence and that's not in any way to undermine it, but basically we have 6 months from the date of commission of the offence to laying charges. There's a 6 month time frame. The penalty is a monetary fine and we also need to be very, very mindful of the 6 months there so in terms of the Hunting Act, the specific Hunting Act legislation, we will refer any case file (which I'll talk about later on) to the CPS who will give advice as whether we would lay a summons or a charge.
- 5.10 Again I think Ian covered everything. What we do have is Crown Prosecution guidance (CPS guidance) which gives an overview of the kind of evidence that they require in terms of eyewitness accounts, video and photographic evidence, admissions, stopping and documentary evidence etcetera. And then my reading of this, as I've been involved in it for the past few weeks and taken some advice from colleagues who are involved on a day to day basis and just to reassure you every day we have two dedicated officers who are out and about when there are hunts taking place. Supplemented by a further two officers and we'd also have what we call a Command Structure sitting on the top of this as well as the four officers on the ground and their job is, whilst they are and must be seen to be impartial they are completely encouraged to liaise, to speak with people from the hunt and also anti-hunts. So we encourage the two officers to make contact and know that they have made various contacts; they have telephone numbers etc. and they're advised when hunts are taking place and also we have direct contact from people who are against hunting. So their role, whilst being impartial, is to provide a visible presence primarily to prevent any kind of breach of the peace but also to act as special advice/guidance for other officers who may well be called. So there's two officers initially, a further two officers are deployed and they will also of course during the course of the day and a number of other officers that can be called on if needed, if things did start to get out of hand, we are experiencing problems then the duty Inspector or Superintendent has the ability to draw other officers across to where they may be needed. Thankfully that has been few and far between, certainly in this season.
- 5.11 Whilst we do, we have what's known, an operational order so we have a standard, what we have learned significantly since this report was completed, there is an action plan with each of the 11 recommendations and they've been progressed, Julia sat on my left and Assistant Chief Constable has been made responsible for making sure that all those recommendations are either completely or partially implemented and we'll be working that for the next few months. But we really do reflect on our role and making sure that we are act, seen to act, acting and seen to act impartially. I know that can be particularly difficult, but with dedicated resources available, the challenges that we face are the legislation, again as highlighted by Ian, was the word 'pursuit' and the need to be a deliberate act.
- 5.12 Then of course I think the act of hunting takes place, it is quite fast, dynamic, it takes place in the countryside and we are very much dependent on any evidence that we are provided with in the form of witness statements, in the form of statements from people who've seen what's happened with the victim of what's alleged to have taken place. Of course video footage which is usually these days from mobile telephony.
- 5.13 So to overall we do have a policing response, we have what's called Operation Swiftness. So we have a weekly response where if and when anything does take place officers who are on the ground are well aware for you to contact; they're aware of what evidence needs to be seized. If it's the two officers who are sat in the room they are well aware of it, they've attended national courses; but if other officers are involved they do receive training but we would in the first instance advise them to contact the two officers who are on the ground, who've got the most specialist knowledge and understanding of the legislation.

- 5.14 So that gives you just a broad overview. The only thing I would say, Ian was absolutely right in everything that he said, the only thing since the review was completed we now do have National Guidance, so we have Crown Prosecution Service guidance but we do have National guidance which is being completed by DCC Paul Netherton and we've been involved in certainly making him aware of that. That was published just before Christmas 2018, so he wouldn't have known that at the time the guidance wasn't available when his review was completed, we do have National Guidance.
- 5.15 **Police & Crime Commissioner** - Thank you Chief Constable. Would it be fair to say that you expect that your Police Servicing Cheshire Constabulary in enforcing the Hunting Act would do it legitimately, impartially, proportionately and as per the police oath without fear or favour?
- 5.16 **Chief Constable** - Absolutely, I think, I think one of the points I should have made, there is a subtle difference. What we've talked about broadly today is the Hunting Act which is specific hunting legislation. There are other, we as Police Officers have an array of other legislation which we can fall back on. The reassurance I will give you Commissioner and you ladies and gentlemen, what I am pleased about is certainly this has been very much a learning journey for us, so it's escalated significantly because in terms of the reports and we just want the police to be involved in this. What I can tell you is that the number of incidents has risen year on year quite significantly, so this year the end of 2018/2019 we would have in the region of probably round about 200 incidents reported to us. Part of those incidents there will be a number of crimes. As it stands at the moment I think probably slightly out of date, it's probably two weeks out of date, as part of those crimes we have 51 criminal offences reported to us. They include an array of different offences which will include assault, theft from motor vehicle, common assault, harassment alarm distress, criminal damage etc., so they are other criminal offences.
- 5.17 The reason why I haven't made reference to specific hunting legislation is because under the hunting legislation 2004, they are not recorded as offences, so these are not recordable offences. One of the challenges we face and where we have made significant improvements in the last 12 months, since the review, is our IT system doesn't support this so if we have a - somebody is assaulted or a car is damaged during the course of a hunt, that is not an offence per-se we can search for. So it would be very much dependent on somebody identifying that the report of criminal damage or the report of an assault etc. will lead to a hunt. Now at the moment our anti-systems don't allow us to do, the national anti-systems, so the officers sat at the back will then go to - painstakingly go through what we call, 'command and control incident logs' also 'crime records' to make sure they've captured them, all the incidents which relate to the hunt. If it's a specific hunt legislation allegation then of course we can capture that, but if not, if it is just an issue associated albeit parking, road traffic offences then we're very much dependent on the officers doing a manual trawl of analysis.
- 5.18 But getting back to your point Commissioner, yes officers - it's made quite clear that they will, must be impartial; we need to gain the trust and confidence of all communities, that's from the hunting community, communities opposed to hunting and the broader community in Cheshire and to do that we will - we have no discretion whatsoever in recording crimes. So some people might find the recording standard if somebody reports a crime it will need recording. We do have discretion in relation to the investigation of those crimes and those investigating - the direction I give to officers is that those investigations should be conducted diligently; should be proportionate in terms of what's been alleged and should take every step we can to secure evidence and where it's appropriate to do so is if there is evidence available then we can and will take action and that action maybe relatively informal, so the last 12 months we have issued two what's called basically warnings or restorative justice outcomes for behaviour which is considered to be a bit of a minor end. But some of those, for example we have five cases in relation to alleged kills of foxes from within this season which are being investigated, the find is mostly almost complete and will be forwarded to the Crime Prosecution Service for them to make a decision on whether there'll be any summons made against the hunt involved.
- 5.19 So how do I manage to convince you Commissioner, ladies and gentlemen, yes we do take this seriously, we do need to raise the trust and confidence of all communities who have to act with

impartiality; we do have a much better - well that we've learned the lessons over the past few years, we have a much better way of recording and understanding what the offence is, what takes place and the commitment that you have from me as that will continue to be the case. We'll have a debrief of this year, also having planned briefing, pre-brief for when the hunt season starts next year because I'm very, very much aware of the amount of concern that's been expressed to the Commissioner and to me as the Chief Constable and I need to ensure that we act appropriate.

- 5.20 **Police & Crime Commissioner** - Thank you Chief Constable and may I say that we will return to perhaps some discussion about some of the individual cases later on in the session. I do take the assurance given with regard to recording of allegations that come in. I do recognise the work of the Constabulary in the Crime Data Integrity Assessments that the Chief Constable in his previous role was involved in taken from quite a troublesome position to an outstanding position, so I do recognise and take that assurance. I think some of the other assurances will perhaps come or be challenged throughout the sessions today.
- 5.21 I want to talk briefly now about priority because I've heard within the Constabulary that enforcement of the Hunting Act as of late is a priority but I also recognise the huge demands put on Cheshire Constabulary in a time of quite limited resources that has been a situation almost now for 10 years of in real terms of diminishing resources year on year. So recognising the challenging position of balancing police resources on hunting activity alongside with lots of other policing demands which can be quite complex. Can you tell me Chief Constable is the Constabulary equipped to cope with this demand?
- 5.22 **Chief Constable** - I think the simple answer Commissioner is yes we are. We have expertise which we've developed. We've heard from the review overall for the Constabulary it was a positive review, however, we are not complacent, we recommend that there are 11 recommendations there which we - some of which we've completed, some of which we need to give a little bit more detail and ensuring that the lessons are learnt and implemented for next year. I've got - obviously what I don't want to do is to be seen to be defensive or seem to be making excuses. Yes, hunting legislation it's a significant and serious issue for Cheshire Constabulary and we do take it seriously, you have my absolute assurance of that.
- 5.23 I'm not going to go into the whole details but just to give you an overview of the challenges that we face as a Constabulary very briefly. It's likely by the end of this year we will have recorded the highest number of crimes in Cheshire that we have since 2005. We are approaching the region of 93,000 offences that are recorded; a lot of that significant increase is, as the Commissioner's just pointed out about crime data integrity, so we now require to record crimes that previously we didn't and we know the recording is such that there will be multiple crimes recorded for one particular event.
- 5.24 A day in the life of Cheshire Constabulary will be, roughly speaking around about 360 '999' calls and around about 1,300-ish calls to a police non-emergency number and we deal with on average about 20 missing people on a daily basis and usually 15 of those are children. When children go missing it is a significant concern because most of the children that go missing in Cheshire are from care homes and they are extremely vulnerable to exploitation so we do take that as a priority and then we recorded round about 255 crimes per day. That's not to say we don't take it serious, we do take this seriously. Typically hunts take place currently mid-week usually on a Tuesday or a Saturday and of course as well as having a visible presence which we're committed to at hunts on the ground. We also deal with other regular events, football matches and other events across the Constabulary.
- 5.25 So yes, it is stretched, yes, but we do have the right resourcing, we do have the right skills and the expertise with the right people sat in this room and we also, again thanks to the Commissioner and my predecessors have the right technology available so we do have drills which we can use if we need to do so. We have body worn video and you'll see the officer carrying cameras around with them where they can record evidence of when they're speaking to people. So in terms of, that gives you an overview of the typical day in the life of Cheshire Constabulary, the demands they can face although it's not to make excuses that we don't take this serious because we do, you have an absolute assurance from me that we will continue to do so.



- 5.26 **Police & Crime Commissioner** - Just to press there Chief Constable, every call and allegation that comes into Cheshire Constabulary of the nature of hunting, will be logged, will be recorded and will be appropriately investigated?
- 5.27 **Chief Constable** - Just to confirm it's - as they are reported whether it is the incidents, so it can be any number of incidents, so it maybe not a crime, it could relate to trespassing, it could relate to blocking of roads etc., but where within the allegation or the contact whether it was made to the officer's on a one-to-one when they're on the ground or whether they're telephoned in, we will receive subsequent, if an allegation of a crime has been committed then that will be recorded in accordance with the national crime recording standards.
- 5.28 Just to give you some assurance of that Commissioner, so far this year, it's actually slightly above this but definitively I can tell you, we've recorded 51 crimes this year, so 2018/19. That compares with 19 last year, so 2017/18. So it's a significant increase crime recording. It depends on the circumstances, if it's an allegation in relation to the Hunting Act, they will all be fully investigated; so it will be a Detective Sergeant who will oversight and we're now learning from other forces most notably North Yorkshire Police, we now have a Detective Inspector who is the senior officer who has oversight of all the allegations/investigations on Hunting legislation.
- 5.29 In relation to whether the question specifically posed: 'Do we investigate all allegations?' The answer to that is no, it depends very much on the nature of the allegation, it depends on what the evidence - sometimes we will have an allegation reported to us with very little in way of evidence to support it, so the officer will need to make a decision as to whether the matter is investigated. A vast majority will be investigated; the detail or the level of investigation will clearly depend on the nature of the allegation, if it relates to violence they will all be reviewed and will be investigated fully. There may be some other allegations which we simply don't have the evidence available and we'll note it and it will be recorded as a crime.
- 5.30 **Police & Crime Commissioner** - So to clarify there, everything will be considered?
- 5.31 **Chief Constable** - Yes, that's absolutely right yes. It's recorded and there would be a written documentation rationale as to within the crime recording so we use what is a site crime system called Niche. So within Niche the officers are required, there will be an investigation plan and if they are not to investigate further it will be a clear rationale as to why they're not investigating.
- 5.32 **Police & Crime Commissioner** - Ok. On to some substantial questions then. These come from members of public with my consideration and I'll ask two questions at once with this one if I may Chief Constable. Do the Police know how to identify an illegal hunt? How do the police identify what is and what isn't illegal activity with regards to hunting?
- 5.33 **Chief Constable** - I think the answer to that question is we will need to take it on its own merits, it needs, dependent very much on the circumstances. Certainly the officers on the ground are well aware of the legislation and well aware of what we constitute an illegal hunt and they are what we call the subject matter experts. We try to keep the policing to a smaller number as possible with people who know the background and we're very much dependent on it's unlikely that as police officer's we will witness an illegal hunt. So at the point where, as we've explained before at what point a hunt becomes illegal is kind of complex and can be challenging and can be dependent very much on the circumstances whether we can demonstrate that intent.
- 5.34 As sad as it is the death of a fox, the killing of a fox is not necessarily per se, a criminal offence; we need to look at whether there was a pursuit. The pursuit has now been defined illegally on whether there was a deliberate act on the part of the hunt. So the officer's on the ground will be very much dependent on receiving information from the hunts themselves, and we do get information from hunts I have to say, and also any anti-hunt or other members of the public who make us aware of a particular issue or something that's happened. What we will do then is first and foremost we have a plan or procedure in place where they will try to speak to the people involved, secure evidence, secure the fox and conduct immediate enquiries. I said at the beginning it is challenging, hunts can be fast moving, it could have happened in the middle of the countryside out of the public view and

so we're very much dependant on whether a hunt is illegal is gathering as much evidence and information as we possibly can there and then at that time.

- 5.35 **Police & Crime Commissioner** - So we've heard there Chief Constable a little bit about the response to allegations. We talk of a proactive approach by Cheshire Constabulary to hunting activity and the policing of hunting activity. What is that proactive approach and how would you describe police activity to proactively dealing with hunt activity?
- 5.36 **Chief Constable** - I think the simple answer to that Commissioner is something we've learnt, again this is relatively new in terms of the last couple of years were we've seen an escalation of the number of reports etc. and we are learning. We've not got it perfect; we've not got it right, I'm the first to accept that, but we've made significant improvements.
- 5.37 I think the key thing for me is well before the date of any hunt that takes place is that there is preparation; is that we build an effective and trusting professional working relationship that's with the police officers and with both sides and the general members of the public. We take that really seriously. So the officers sat at the back there work every single Saturday. They give up their time quite freely to come out and work on a Saturday because they know they're the people who know people involved in hunting whether it's the pro or anti-hunts.
- 5.38 So the first thing I would say is the key thing for me is making sure that we build up those professional and affective working relationships and we do that, that takes time, time to develop and we do have very good relationships. We've got to be really careful in how we speak and behave in relation to the hunt and anti-hunts that we're not seen to be taking sides or seen to be partial.
- 5.39 The other learning I think we've developed so far is how we communicate. There's been a few communications this year were we've learned from significantly well, we have put something out to the media in an attempt to explain what is a complex piece of legislation and that all the communications for them be quoted nationally and whilst they are (inaudible) at what we said, its certainly what was intended to be the case so the learning that we've had is we have to be really careful of how we communicate and what we say, really clear, really simple, really explicit language.
- 5.40 I suppose the other thing really Commissioner is going back to what I've said so far is, giving that confidence and that reassurance for people to report if they do have any concerns whatever they may be to report them. So you can use '101' or on occasion report it direct to the officer on the ground, but then to give the confidence that one would take you seriously, so you will get a crime reference number if it's a crime. And 2, where appropriate they're fully investigate it.
- 5.41 We do have an action plan of the 11 recommendations; we've got a full update of the action plan which is overseen by a chief officer and one of the things that I think we do need to get back to, one of the actions links specifically to notifying landowners of updates and I think we will accept, our own admission and something that a Detective Inspector who's got oversight of the investigations and ensure and proves next year, making sure landowners - we've had a number of feedback where landowners have not been given the updates which they could or should have been given. That's an issue for me to take away and we will address it.
- 5.42 So I think broadly Commissioner in terms of the, the three things I would say is first and foremost relationships beforehand; secondly how we communicate and thirdly where we do when allegations are made they're taken seriously and both sides whether pro or anti-hunt, that they're definitely recorded appropriately and fully investigated which is appropriate to do so.
- 5.43 **Police & Crime Commissioner** - So the landowner issues Chief Constable, are they relating to trespassing, criminal damage those kinds of issues?
- 5.44 **Chief Constable** - Yes that's correct. I think we will accept and we've had complaints, I know your office had complaints Commissioner where we could have been better in terms of updating. Sometimes it's very difficult; we don't exactly know where the incident took place. We do tend to focus very much on the investigation. I think what has been picked up and certainly feedback to the

review team is we do a statutory requirement to update victims and in particular crimes recorded. But I think it's only right and proper that we give landowners an update in relation to outcomes of any investigations.

- 5.45 **Police & Crime Commissioner** - Reports to myself Chief Constable have come in with these landowners; some people may see them as kind of farmers or countryside landowners. Some of those landowners have been small residential gardens as well and they've been noted in terms of complaints to my office. Mr Pollard mentioned earlier on in explaining the review there was a difficulty in gathering evidence at times because the hunt moves quickly. What's the approach or what could be the approach with modern technology such as drones, you've mentioned body worn video; are drones and body worn video regularly used in terms of policing of these types of events?
- 5.46 **Chief Constable** - I think the answer to that at the moment is body worn video is, if we go back to programme last year, say if the officer has body worn video of course, for the body worn video to be effective the officer is meant to be there so they will record it and allegations made. So the officer needs to be visibly present. If you see the officers at the back, it looks like a little, it looks like a mobile phone, it's a little camera that they use and they're excellent. Drones, we do have access to a drone. I think one has been used during the course of the year, it's not as easy as you would imagine but it's something I'm really keen to do is explore how we could use drones better that gives you that aerial oversight, it gives us the ability to follow the hunt and have eyes on a particular hunt where we are limited when we're on either foot or in cars etc.
- 5.47 So at the moment there are other technical opportunities available for us, but at the moment Commissioner we've got body worn video and we also have the ability very often we will get footage provided to us via mobile phones etc. We do have the ability to download that and were appropriate use that as evidence. I know one of the challenges that we face from the police service is first we will see something like that, it will be on a social media, so we're very much playing catch up. So the real plea is where people have got footage of any alleged offences whether it be criminal associated with hunting contact or peripheral offences such as criminal damage, assaults, etc. that they secure that as evidence and then we will use that in considering whether there's sufficient evidence to conduct an investigation or in some case prefer charges etc.
- 5.48 **Police & Crime Commissioner** - Thank you Chief Constable. A number of questions now about possible incidents that surround the hunt but aren't particularly hunting offence related. These relate to questions on Constabulary approach to the wearing of balaclava's or scarves on both the pro and anti-hunt sides in Cheshire. The policing of road traffic laws, where this could be road traffic offences that are committed by again, either side of this debate or the general public. If I could just draw you on those areas first, so the balaclavas, the face coverings and those that maybe commit road traffic offences. What is the Constabulary's approach to this when the Constabulary turn up to hunt related allegations?
- 5.49 **Chief Constable** - Thank you Crime Commissioner. In terms of - I'll deal with balaclava's first. Broadly it is not a current offence to wear a balaclava as I'm sure you're all aware. What we do have under the specific legislation currently just in public order act where a senior officer present considers that face coverings are being used to conceal identity, where there is or is being likely to be the commission of serious offences. So they have the power to direct individuals to remove their face coverings so they can see their identity and if they fail to do so then we can take action. I think we've probably threatened it on a number of occasions, to my knowledge we certainly haven't had any prosecutions for failing to remove face coverings. What we tend to find is if we engage with people usually speaking they will remove their face covering if we ask them to do so.
- 5.50 I know it would appear and it can appear to be very intimidating and I suppose we've all got our views as to why people do choose to wear face coverings. There is legislation there if needed. Just to emphasise, we cannot direct somebody to just remove their face covering, it needs to be accompanied by 1) police with direction given by my senior officer at the scene and 2) there needs to be evidence of a serious criminal offence either being committed or meant committed in the vicinity.

- 5.51 The second issue probably again an emotive issue in relation to road traffic, whether we force the road traffic legislation. It has been reported a number of times about hunts blocking roads etc. and anti-hunt blocking roads and it being an offence under the road traffic act. You're obviously quite right any vehicle, anything on the road is an obstruction, it's whether it is a necessary or unnecessary obstruction. The guiding side would give to officers in these circumstances is to use their discretion and professional judgement. What we don't want to be doing is taking an overly heavy handed approach to either side, pro of anti, but if any road traffic legislation is being abused or flouted then I would expect officers to intervene where it's appropriate to do so.
- 5.52 If a car which is blocking a road, first instance we would deal with anywhere else in Cheshire would be to give advice, give a warning and hopefully that would cause the individual to move it. If that wasn't successful then we'd expect more severe action to be taken. I don't have any statistics, I know this has been a cause of concern but my approach to the officers; I want them primarily for public safety if vehicles are being used intentionally to either interfere with or cause harassment or distress and that for me is one issue. If it is a minor infringement of road traffic legislation then I would expect them to use their discretion and professional judgement. I don't have any figures at the moment Commissioner in relation to any prosecutions last year; I don't think there were any. What I could tell you certainly after speaking to the officers is they have given warnings and direction on a number of occasions to various individuals who have used vehicles inappropriately.
- 5.53 **Police & Crime Commissioner** - Thank you Chief Constable. There has been a perceived acceptance that horses and hounds used in the hunts are able to block roads and highways without challenge. I've also seen footage at times of people perhaps driving dangerously, parking dangerously with balaclavas or face coverings on, unsure of which side people may be on. Individuals riding other kinds of vehicles like quad bikes without helmets, people without seatbelts etc. Do these need to be dealt with in a different way? Is it acceptable for people to kind of block roads for sustained periods of time without permission? Is it acceptable that these kind of general behaviours persist and will there be a focus on this, that when officers attend a hunt related incident that they also look as per the recommendations much wider as to other offences that could be committed in a proportionate fashion?
- 5.54 **Chief Constable** - I think the answer to that question Commissioner is yes in simple terms. My understanding is that the hunt - there will be on occasions a necessity to be on public highways for various reasons to access farm land etc., my understanding is that they want that to be for a minimum a period as it possibly can so it's not causing obstructions. But I do take your point that it's - are they being seen to be reasonable? And equally, others using vehicles, is it a minor infringement, is it something which we deal with through advice or is it become more sinister more deliberate - a deliberate act to intimidate or commit criminal offences. That being the case then I think it's actually appropriate if it is more serious then we take a firm action and that's certainly part of the learning that's come out of the reviews and I think we need to build on for next year.
- 5.55 I don't have any figures, we don't record at this stage and I'm committed to take guidance from officers about whether we can in the future any kind of allegations related purely to parking obstruction, road traffic legislation etc., but my approach will be is where vehicles are being used to commit criminal offences were being - that vehicles are being used to potentially cause harm or intimidate and that's one thing that needs to be dealt with swiftly and appropriately. If it is a minor parking infringement we will deal with that as we do with anything else in the first instance to keep a proportionate response of advice and hoping the individual will comply with the questions of the officers.
- 5.56 **Police & Crime Commissioner** - Thank you Chief Constable. Moving onto a series of hunt related questions now, the first area relates to the use of scent and trail laying in the activity that goes on. Does the legislation set out any requirements regarding the use of specific scents?
- 5.57 **Chief Constable** - It's my understanding, no. I know speaking to the officers who deal with this I know the laying of trail scents is something which trailers will use to set a trail which is obviously followed. In terms of, we don't get involved in terms of the laying of the scent, we don't check it and I think the honest answer is our knowledge and our involvement in the laying of trails and the details of what is actually in the scent, etc., I know it's imported, some of it's imported from

overseas, we don't have direct involvement as it's not something which we get directly involved with through the Constabulary. However, I am aware that in subsequent prosecutions or criminal actions, then it can be used as a defence or has been used from a legal perspective as defence in relation to that the hunt was following a trail or a route that's been previously laid.

- 5.58 **Police & Crime Commissioner** - Do you think there's some sense then in helping people to comply or in a crime prevention approach to becoming involved in monitoring the scents that are made to help the hunts comply with the law as they said?
- 5.59 **Chief Constable** - I think my approach this week Commissioner is getting off the relationships in order to be seen to be impartial and I hope that nobody wants to be seen to be flouting or breaking the law and my plea really is we've learnt lessons and I think certainly for next year we need to reflect on, or this year, and look ahead. Whilst there are things which we can't enforce and are not a legislative requirement, what we can do is develop those relationships with the hunt, with the anti-hunts and this is certainly true for us to explore with the hunts as to whether that's an option going forward for next year, whether it's possible to get a little bit more involved in advised of a particular trail or further information in relation to the scents; how they're used, etc. It's not something we can demand or require because my understanding is it's not a legislative requirement, but I think it would be helpful in the interest of impartiality and transparency if we could have a little bit better understanding of how it's used and that would be one way to educate and advise our officers as to what they're dealing with, but number 2) also potentially the public because I think it's something which we do need to - our knowledge is limited and I think in the interests of working together, that close working relationship is something we can clearly potentially use that in the future.
- 5.60 **Police & Crime Commissioner** - Yes. I quite agree. In the interests of helping people comply with the law and in the interest of crime prevention should there be a consideration of monitoring the trail setting? Should there be a consideration of what the scent is that's being laid? You know I've noted as well of good practice that's mentioned in the review at 6.46, the video recording of trail setting. There are a number of factors there that if monitored in some way or involved the Constabulary would some way I believe could help people stay within the law and help in a crime prevention sense. Is that a role, if the relevant hunts welcome that, that a Constabulary could play in terms of crime prevention and helping people stay within the law?
- 5.61 **Chief Constable** - I think it's something that (inaudible) we can't compel, we will take legal advice on, but we can't compel them to do it, but I think in relation to the relationships formed with the police and with the public, it would be something that would be really helpful and it's certainly something I think would be useful to explore and I know that some of the hunts had reported that they have videoed the laying of trails etc. and that can be incredibly useful to demonstrate that the trail has been laid legitimately but again it's not something that we can compel but it's certainly something I think we need to explore and it's certainly been picked up as part of the review and have greater understanding that something we need to, out of season, have contact with the hunt and something which I'm really keen to do as soon as the season has finished in the next couple of weeks we have 1) a debrief and 2) a planning session for next year so we're absolutely clear on what our expectations are of each other in relation to policing response and what we could reasonably expect and the hopes to do. And also the anti-hunt behaviour and the approach taken on the anti-hunters once we've got clarity and understanding of each other's role and perspectives. Yes.
- 5.62 **Police & Crime Commissioner** - And whilst I understand Chief Constable that you couldn't compel that co-operation, I can see in terms of crime prevention that it would be very useful advice from police to the hunting community and are very sure that if the hunting community wish to comply with the law, I think that they may well welcome that advice to assist them in complying with the law. I think that would be a very useful offer for Cheshire Constabulary to make to the hunting community. So thank you for that Chief Constable.

**ACTION:** Cheshire Constabulary to provide advice to Hunts in relation to the recording of the setting of trails.

- 5.63 If we move onto another point conducted in the review, we saw a very strong point raised by Mr Pollard regarding the role of Terrier men in the review and particularly the question of legitimacy which was taken in many different ways I think initially by those that read the review. I think that was answered very well actually by Mr Pollard earlier on. With regard to actual police activity with regard to the Terrier men, what checks are undertaken of the operation of Terrier men to ensure that they are erecting lawfully and appropriately?
- 5.64 **Chief Constable** - I think that would - this is an issue I think since the previous question Commissioner is something that we need to reflect on clearly by - I heard the concerns expressed by the audience when the issue of Terrier men was discussed. I have a very cursory overview and knowledge of the role of the Terrier men and the Countrymen as they are now known. But I think it's clearly an emotive issue, it's clearly that something has attracted a lot of questions to you and I sensed from the audience certainly before that it's an issue which we need to understand. We do give guidance, it's very, very cursory, it's very simplistic in relation to the guidance that we would give. We don't get directly involved unless there any specific allegations made by or against particular Terrier men. Although we, certainly the officers who are involved there are enough officers do know and understand the role of the Terrier men, I think the broader understanding for the Constabulary for other officers who may be involved is limited, but I think that this is something that we need to really give some thought to. Our involvement is limited, we will rarely have direct involvement although I know that the wildlife officers will know who Terrier men are broadly, but I think this is something that we need to take away and have a much greater understanding because clearly it's a sense of issue and I think it's something we need to understand in a little bit more detail certainly to advise and ensure that we are seen to be acting appropriately next year.
- 5.65 **Police & Crime Commissioner** - Is there a role there for the Constabulary to work with both pro and anti-hunt interest groups to understand what is the legitimate role of the Terrier men so that we can enforce appropriately?
- 5.66 **Chief Constable** - I think yes the answer to that is yes. I think it's - I have sensed the feeling in the audience and I'm aware of the difficult questions in relation to this so I think it's something which, whilst not directly a policing issue it's certainly an issue which is part of the broader hunt's agenda and I think it's something which is incumbent on us to understand a little bit more detail. And also facilitating that - that understanding, broader understanding between the hunts and anti-hunts as to what the role of the Terrier men and Countrymen is and what they'd be expected to undertake as part of the hunt meet.
- 5.67 **Police & Crime Commissioner** - Ok, thank you Chief Constable. We're going to move onto a couple of questions about future plans of police activity. What are the Constabulary's plans for the future when it comes to the policing of hunting and potential illegal activity associated with wider hunting and anti-hunting activity?
- 5.68 **Chief Constable** - I think the simple answer to that Commissioner really is to develop (inaudible) this is now been for the last 2 or 3 years so we've had since the hunting legislation was introduced in 2005 a limited involvement. I'm not saying for one second it wasn't there but certainly over the last 2 or 3 years I've seen a significant escalation. Me as the Chief Constable you have my absolute commitment that we will do and we will continue to take it seriously, we have to gain the trust and confidence of our communities, we have to be seen to be impartial and making sure, I think the key thing, is 1. We're seen to be professional in terms of communicating to both sides with the broader communities, we would review the hunting activity this year looking at lessons learnt. On the positives, we've seen significant increase in the number of incidents reported. We've seen increase in the number of crimes reported, (I'm choosing my words carefully) that may not be more crimes it just may be hopefully that the public have got the confidence to report crimes and they will be investigated when it's appropriate to do so. So I think taking it forward, I want to look at where we can - we are seen as one of the leaders in the country in relation to this but we're not complacent. The first thing we need to do is make sure the 11 recommendations are captured and are addressed. The second thing, during the course of the closed hunt season that we've got that communication, that dialogue with everybody concerned so we understand each other's perspectives and next year, or later on this year when the hunt season starts again, that we have a firm commitment that there will be a policing - a low key policing presence but we want to continue

to work impartially with everybody involved; so it'll be the commitment from me that we will continue to do so.

- 5.69 But I think one thing I would like to see is where we now have national guidance, we have CPS guidance. We set down absolutely clearly what the expectations are; what Cheshire Constabulary will or will not do so it's made absolutely clear from the outset in relation to our approach. We do have operation orders, operation plans which we use through the weekends and when the hunt takes place, but I think we need to communicate though to be completely open and transparent with both the pro and anti-hunt in the broader communities of what the expectation is of Cheshire Constabulary.
- 5.70 We've got absolutely nothing to hide. I do not want in any way, shape or form to be seen to be underhand and I just want to be absolutely clear that we will communicate with everybody concerned, not one particular group or another. We have to be impartial but also seen to be impartial which is absolutely critical from my perspective.
- 5.71 **Police & Crime Commissioner** - So is it fair to say that we'll see some very clear messages going out to the general public with regard to this end and agreed approach to both sides of this community as we go forward as to what they can expect?
- 5.72 **Chief Constable** - Yes, I think again building on this year Commissioner I'm looking at the lessons learnt. I think that dialogue is absolutely critical making sure that we utilise everybody who has been involved, listen to people's views and then set down clearly the outcome of this year so we will communicate quite clearly in relation to how many crimes have been reported and what the progress (inaudible) in terms of the crimes that are committed etc. Some of them - I know we'll come to them later on I can't go into because the subject to ongoing legal advice and investigation, but I think we need to be absolutely transparent in opening sense of like our approach this year 2018-19 and then what we've learnt and what our approach would be next year to 19-20.

**ACTION:** Cheshire Constabulary to communicate with all stakeholders in relation to the future approach to hunting within Cheshire.

- 5.73 **Police & Crime Commissioner** - Thank you Chief Constable. We touched on the recording of allegations and offences earlier on. This is something I am very keen to scrutinise on an ongoing basis. I think both the review today picked up how complex the picture was in terms of recording hunt related incidents. Is there, and I don't suppose there necessarily is, but is there a brief or simple answer about how we address that so that we can be right on top of this in terms of scrutiny in a relatively simplistic way?
- 5.74 **Chief Constable** - I think the answers to the question is it is very simplistic in terms of collating information but at the moment our IT systems don't lend themselves to it so we are required - there isn't a specific, when you go into the police and IT system, a category of hunt related activities - there are broad categories there but I wouldn't want to do a search on one particular term because it would not throw anything. So for example, if you approach our IT system the name 'hunt' that will throw up the name, literally the name as in surname 'Hunt'. So we've got to be really, really careful. So wherever the name is utilised we've got to be very careful. We are as confident as we can be the officers who are sat in the room that they will do a manual search of commander control, so when you contact the police a report is recorded on our commander control system, and if it then transpires that it's a criminal offence then that is recorded on a separate system called Niche our crime recording system. At the moment the way the officers do it is that they will put it together manually into one simple spreadsheet. I can tell you we are as confident as we can be that we've seen significant improvement in the way that the data is collected and presented and we've got a far more accurate picture mapped into the same place this year as opposed to last year. And that will continue for this year until we have an IT system that we can trust and I'm afraid we're going to use this manual system for the time being.
- 5.75 **Police & Crime Commissioner** - I accept that's quite intensive but obviously required so that we can monitor the situation as we go throughout this year, so thank you for that one. I wanted to touch on the issue of training the police officers in relation to the Hunting Act and hunting offences.

So the review talks quite positively about how training is being implemented. Could you just briefly give us a run through of what training police officers have regarding the Hunting Act and the policing of hunts?

- 5.76 **Chief Constable** - Certainly, we have cross the county we have dedicated - we have two dedicated wildlife officers who do, as well as their day jobs, so they do have a day job as well so they're not purely dedicated to wildlife and hunts etc. and they've attended a national course which (inaudible) Constabulary I think in total we have about 16 officers who have completed the national course and that gives you a broad overview in relation to wildlife, crime wildlife offending, so it's not just hunting it's much, much broader than that in terms of rural crime.
- 5.77 We have five members of the Special Constabulary; sixteen police officers I think at the last count, but we also have as part of the rural wildlife strategy is the rural communities, just 26 they will have PSCOs that will be given additional training and support in relation to that broad understanding of wildlife crime. I'm not in any way suggesting that that is a detailed or definitive training, the training is very much intended to give an overview, a broad awareness and understanding as opposed to a detailed legal understanding of the legislation as you've heard today, it is pretty complicated. However we do have Detective Sergeants and certainly a Detective Inspector who has a much more detailed and thorough knowledge of training.
- 5.78 What we would do is the officers who are deployed on the ground would receive a briefing, they will be given a reminder of the legislation that the officers sat in the room what we would call the 'subject matter experts' so if any officers did come across anything and need advice, the first thing we would say to them is you need to speak to the officer on the ground who they would advise you in relation to securing and preserving evidence, what is and is not a criminal offence, how you secure evidence and what you need to do and there are good standard operations in progress. Officers on duty will also be given - there's a very simple power point presentation which is just intended to give an overview of the legislation. We also have simple aid memoirs, a single card the officers carry with them that again give them if needed a quick reference a guide to hunting.
- 5.79 All the officers now carry laptops and IT if they did need to do so however it can be pretty difficult giving what we're dealing with and they do have access to legal databases etc., but the direction from me and senior officers - if in doubt contact the wildlife officers who are on duty every hunt day for advice and guidance.
- 5.80 **Police & Crime Commissioner** - So recognising that those elements of advice are available, but recognising that police officers could attend hunts where allegations have been made that aren't specifically trained in hunting legislation or rural activity, what are the checks and balances in place to ensure those officers receive appropriate advice by those that are specialised in the area?
- 5.81 **Chief Constable** - I've just been handed the details of a number of officers trained. As it stands at the moment we have 292 officers and PCSO who had a degree of training over site. I just really do want to emphasise though that that is very much a broad introduction and an overview. Some of them will have regular dealings, some certainly on the east of the county and some of them not the case. The general approach is that they move onto should we say yes there is a briefing given they know certainly the importance of wildlife and particularly the hunting legislation, they know the significance and they know that it is a priority of the Constabulary, but any doubt whatsoever of the direction is to contact the duty officers, the wildlife officers who will act as, who will give advice and guidance.
- 5.82 Whilst them officers were on duty, I've sat with them on Saturday, their phone never stops. They're contacted by officers from across the county asking for advice and guidance. They also listen to the radio channels so they will also be aware of what is going on across the county and they are extremely proactive in intervening where they need to do so to give appropriate advice and guidance.
- 5.83 **Police & Crime Commissioner** - So are you confident Chief Constable that the current training is enough or is there anything we could do particularly over the kind of coming year to encourage that knowledge that officers have?



- 5.84 **Chief Constable** - I think we need to develop and enhance - it was a quick fix that was put in. I think learning the lessons certainly of this year given a more detailed knowledge and understanding is something we need to do, so what I will ask is that the training package as it stands is reviewed and any changes in legislation, any case or any learning that we've had particularly over the last few months is incorporated in the training and then that's rolled out from summer early autumn this year to all officers across the Constabulary.
- 5.85 **Police & Crime Commissioner** - Mr Pollard mentioned earlier on some training for enforcement professionals I think it was mentioned on page 22 of the report in 5.42. In the report there were three recommendations there that were seen as perhaps relevant to Cheshire Constabulary. Are you or the Constabulary aware of those recommendations on the website and what might be your view on whether they are relevant? So perhaps page 22 of the report, 5.42.
- 5.86 **Chief Constable** - Yes thank you for that Commissioner. Yes, I can confirm to seek training in relation to hunting practices; consult with other constabularies and ensure the call centre officers have been briefed. Yes we are aware of those and they have been incorporated in the action plan which (inaudible) written as being the rolled out across the constabulary. So yes we're aware of them and we also ensure that as this report was written last year they're updated and refreshed if there's any further learning we need to adopt, that would be introduced in the training package this year.
- 5.87 **Police & Crime Commissioner** - Just to note Chief, and I do think that those three recommendations are valid and would really strengthen the Constabulary's approach to enforcement where required.
- 5.88 **Chief Constable** - Certainly.
- 5.89 **Police & Crime Commissioner** - Ok, Chief Constable, some questions now again resident led on the question of impartiality. So, feedback from some residents seems to suggest a perception that there's a lack of interest at times from Cheshire Constabulary when it comes to enforcing the hunting act or policing activity around hunts. That's very often for me I think a confidence issue in the Constabulary and obviously to police by consent the public need to have confidence in their police force. How do you plan to overcome this?
- 5.90 **Chief Constable** - It's regrettable. It's certainly not what I want to hear as the Chief Constable that people think that we're not taking it seriously or are taking sides. Have we got it right all the time? No we haven't. I think what we have done certainly in the past few years has been on a learning journey and it's something we have listened to and we have evolved and changed our approach to dealing with hunting, but I think the key thing here is there's a point a made earlier on is that is communication. It's about communication with everybody involved so we know each other's expectations. Being clear and transparent in everything that we do in terms of investigations is current and when they're concluded and we're not afraid to communicate sometimes I'm afraid that we have to communicate bad news, so for example the complaints been made, we're unable to prosecute for various reasons but I think it's incumbent on us just to explain why that's the case.
- 5.91 I think the key thing in terms of being seen to be impartial is adopting a consistent approach we've got specially trained officers. We have officers on the ground. We've changed or learnt in relation to our communications how we communicate 1) with officers but 2) with the public and 3) really not underestimating how serious an issue this is for some of the rural communities in Cheshire. This is something we take seriously, it is a priority. I can give you a level of detail that I can assure you very, very few forces in the country would be able to give you in relation to our knowledge of the legislation, how it's implemented and certainly the outcome is what we're dealing with in terms of number of offences, number of incidents etc., and other forces are coming to us asking us for advice and guidance, so I suppose in terms of reassuring, giving the confidence of the communities we really want you to support us and we want you to come forward if there are offences being committed by whoever they may be, whether that's pro or anti, we need to know about it. We will then adopt a proportionate investigation and I think we want you to have the confidence to come forward. In order to do that, we need to demonstrate 1) that we would take it

seriously, 2) that we'll keep you updated and 3) we will communicate appropriately in terms of any changes in policy or procedure that we implement. I think it's that whole cycle of building a relationship, gaining the trust and confidence of that community which can only develop by being seen to be impartial and keeping people updated as what they're doing and probably more importantly why we're doing it.

5.92 **Police & Crime Commissioner** - Thank you Chief Constable. In terms of fairness and impartiality, are staff or officers of Cheshire Constabulary permitted to participate in hunts, and should they be declaring an interest if they do?

5.93 **Chief Constable** - From a legal perspective there is no reason why they can't - I can't give you any details as to whether any do. I don't know is the simple answer. There is no legal reason why. I'd have to check in relation to whether it would constitute a business interest, so I'd have to check that and let officers - if we - if a police officer does require a particular business interest whether they own property or not or have another occupation, then they are required to 1, have it approved before they do that and it's got to be approved by a - they've got to be vetted and approved by a senior officer. Whether participation in a hunt, I don't think it does but I'll have to go away and check that.

**ACTION:** Chief Constable to confirm whether staff or officer participation in hunting would constitute a business interest or any other declared conflict of interest.

5.94 **Police & Crime Commissioner** - Ok. Could I make a suggestion that we take the matter to the Cheshire Constabulary ethics panel so that it can have some consideration by all involved and that there's some guidance given either way on the matter?

5.95 **Chief Constable** - Yeah certainly.

**ACTION:** The Cheshire Constabulary Ethics Panel to consider whether officers and staff should declare an interest if participating in hunts.

5.96 **Police & Crime Commissioner** - Thank you Chief Constable. Ok. What action is taken against those in the anti-hunt and pro hunt community who are alleged to have harassed and pursued those with opposing views?

5.97 **Chief Constable** - I think I'll come back to we have definitive details here in relation to complaints that have been made over the course of the years. So we have specific Hunting Act legislation and I can give you an overview of that, but they are - they tend to be captured under a number of different offence categories. So, I won't read them all out but they're a number of different offences here. So if - you mentioned cybercrime before, clearly that is a huge issue of concern for us. If businesses have been affected I am deeply concerned about that. I will ask for the one case that we referred to just to be looked at again. There is cyber dependent or cyber enabled crime, cyber dependent - cyber enabled crime is where it's a traditional offence so it could be related to animal distress etc. or intimidation which is just conducted over the internet or by social media etc.

5.98 I think it's very difficult to be definitive in relation to give names etc., but what I can say it's certainly with the offences that we've got recorded we've got a number of harassment or animal distress, fear of violence and broad harassment offences which have been reported and been recorded and some of them remain under investigation. So the simple answer is where a criminal offence is reported it will be recorded as a criminal offence as such and then, if it's appropriate to do so, will be investigated accordingly.

5.99 **Police & Crime Commissioner** - In your experience is there any reluctance to progress prosecutions linked to hunting activity whether that be pro or anti hunt?

5.100 **Chief Constable** - I think it's really complicated. I think once an allegation has been made then it's incumbent on us to secure and preserve evidence and the simple fact of the matter is on occasions we've had cases where a complaint has been made but then for various reason we've

had five cases where the victim or the person reporting has been either unable to identify an offender or on occasions been unwilling to support any formal prosecution.

- 5.101 We've had initial complaints been made for a number of offences, particularly common assaults where the victim for various reasons has decided at a later stage to withdraw and not to proceed with the allegation. We are required to - we still record the allegation and depending very much on the circumstances even if the victim withdraws the allegation, certainly if it's a serious offence and serious harm has been done, then we will proceed. As it stands at the moment we have a total of 51 offences reported, it is slightly above that but this was accurate as to two weeks ago. As it stands today we've got 11 currently ongoing. Of the 40 that have been concluded we've had one case is before the courts which I can't comment further and two cases are being dealt with at a relatively low level through restorative justice that's damage and assault. We have 11 cases still under investigation and then that is the criminal offences. That does not include the Hunting Act offences we're trying to face (inaudible) five cases which are being investigated and they will be in the very near future referred to the Crime Prosecution Service to make a decision.
- 5.102 **Police & Crime Commissioner** - Thank you. So let me touch on that kind of relationship between police and the CPS and that process if I may. So what is the process from a member of the public reporting an offence to the police to the point of submission of evidence from the CPS?
- 5.103 **Chief Constable** - It would depend very much on the circumstances with some offences we will, certainly more serious offences, we will gather the evidence, secure the evidence. Make enquiries. Interview the suspects. Interview the victim. Gather CCTV footage, mobile phone footage, etc. etc. Some offences, common assault for example, we will make a decision. So we will, as police officers they will make a decision and say there is a likelihood of a successful outcome. Some offences, the most serious offences, they have to be referred to the CPS, that is for them to make a decision. And again the Hunting Act legislation, they are all referred to the CPS.
- 5.104 We do have (inaudible) CPS of what is a dedicated CPS case worker who will deal as a single point of contact. So we'll be in contact with them in relation to the five allegations about the kills of foxes over the last few months. Once we have the evidence, once we've conducted the investigation again it depends on the nature of the offence. The vast majority of these it will be a police decision on what happens and we need to judge each one on its merits, one is the strength of the evidence available and do we feel that it's appropriate - we have sufficient evidence to prefer a charge or summons the individual to court. That's it so far. We've got the one case of assault that's ongoing, two dealt with via low level restorative justice and then 11 currently still under investigation.
- 5.105 **Police & Crime Commissioner** - Ok. There is some perception that there is a reluctance of Cheshire Constabulary to refer matters to the CPS. I know from previous conversations that some of that is based on evidential requirements. Can you explain a little bit further about that for us?
- 5.106 **Chief Constable** - It depends very much, I would be - like I don't want to seem to be off-loading things to the CPS where we don't need to do so, I think on occasions we have a good working relationship with the CPS. It can be appropriate that we will make an early contact with them which we do. So part of the learning we've had from North Yorkshire police, for example, we've had a number of successful prosecutions is rather dealing with cases as individual case basis, where you've got the potentially bringing them together if we do that and that's what we're doing with the five cases I referred to.
- 5.107 The assurance I will give you is there is certainly not a reluctance on behalf of the Constabulary I certainly would not want that to be the case or any reluctance whatsoever to prosecute for any hunt related offences or offences that are associated with the hunt and there is a subtle difference. Clearly we have to judge every case by a case-by-case basis. The reassurance I can give you Commissioner is we have a far better knowledge and understanding of the offences as reported this year on where we're up to than we have previously.

- 5.108 In terms of whether you judge us, in terms of outcomes, if it's purely on the outcome then the outcomes at the moment you're looking at 51 offences reported so far, we've got one before the court, two dealt with and 11 ongoing. That may appear to be low but we have to judge each on its own merits on a case-by-case basis and what we do as part of the debrief of this year is to look at have we explored every opportunity? Have we taken appropriate action? And where we feel we haven't, obviously learn from that and implement it next year.
- 5.109 **Police & Crime Commissioner** - So what's the process there between the Constabulary and the CPS to check the best evidence is provided by the Constabulary to the CPS?
- 5.110 **Chief Constable** - If I was to give for example a particular case from last year from Boxing Day, we will compile the evidence on what's called an MG5, so they put all the evidence together on a file which will be submitted. If the CPS decide that a charge will be preferred or will be made then we will deal with it appropriately. If they decide that for whatever reason that there is insufficient evidence to pursue or it's not in the public interest and the two tests are applied by the CPS, then what we will do is look at why. Why were they unsuccessful? Is there a failing on our part, something that we haven't done or not done as well as we could have done? Or is it simply a matter of that CPS have decided that simply there's not the evidence to charge or lay charges in the particular instance.
- 5.111 So what we will do is we'll look at it on a case-by-case basis. If there are any issues for us in terms of any failures, we will take that and we will deal with it but we - I want to make sure that we are exploring every option and then again it comes back to the point I made earlier on about being impartial and gaining that trust and confidence of the public. What we will do is where a victim has made a complaint and we don't pursue a particular criminal allegation, we will make sure that they are advised and updated accordingly. We're required to do that under what is called the 'Victim's Charter'.
- 5.112 **Police & Crime Commissioner** - So where an investigator has sent the file to the CPS and the CPS send it back and have chosen not to pursue, is there anything that the Constabulary can do to challenge that decision?
- 5.113 **Chief Constable** - Yes, there is. We do have the opportunity to challenge any decision by the CPS and that would be by a senior officer. There are certain criteria that would need to be fulfilled and reasons why we're challenging and I can't answer specifically for the hunt related legislation, what I can say is it's something we do frequently within the Constabulary on other offences. So yes you're quite right Commissioner, there is the opportunity there if we felt that for whatever reason a charge could or should have been referred and it hasn't, then there is the option for us to challenge that decision. That's not necessarily saying that the CPS will change their minds but if we felt strongly enough with clear evidence and clear arguments as to why, then we have got the ability to challenge the CPS decision.
- 5.114 **Police & Crime Commissioner** - So there seems to be a substantial and fairly strong process within what you've explained there Chief Constable. Given that process and given the Constabulary's approach to it, why in your view then do you think over that '15, '16, '17 period that Cheshire, linking into the question before to Mr Pollard, has had no prosecutions in this area?
- 5.115 **Chief Constable** - We have had some prosecutions, it's - the information I've had, so for example the Hunting Act which I think we had one in 2017, there may be various reasons while that wasn't brought to the attention, it wasn't the traditional what I would call hunting with - with - with horses but we did have one successful prosecution going back to 2017. That said, I'm the first to accept, it isn't what we would categorise (inaudible) certainly for the purpose of this meeting hunting on horseback etc., it was more a case of hunting with dogs on foot where the individual was detained. We had the evidence available, I won't go into the reasons why but we had pretty good evidence in terms of CCTV etc., and the individual was successfully prosecuted.
- 5.116 So I think the point I would make here is the point that Ian made earlier on is it is not insurmountable. Yes the legislation does, the Hunting Act legislation does pose some challenges,

but they're not insurmountable and we need to ensure that we explore every option we can to secure and preserve evidence. In terms of why, I suppose that's an issue for me really Commissioner, to go away and look at really understand and satisfy myself that all reasonable lines of enquiry have been pursued.

- 5.117 I'm disappointed to hear the point about the cybercrime which I will look into but I need to be satisfied and what we can't do is charge or prefer charges where the evidence simply is not available, or we don't have the evidence to hand to justify the charge, we cannot do that. But what we can do is make sure that we as a Constabulary have explored every option we possibly have to secure and preserve as much evidence as we can to produce what would be a cogent case to hopefully justify a prosecution, that's whether it's the Hunting Act legislation or criminal allegations, Road Traffic, Assault, etc., which may have occurred around any hunts by whoever.
- 5.118 **Police & Crime Commissioner** - Thank you Chief Constable. It was regularly mentioned in the review about the Boxing Day incident, it's been brought to my notice that the feeling of some people that have written to me that Cheshire Constabulary sent more than one case to the CPS. It's been put to me that there were at least another additional two. I suppose this may be a partial question for the review panel, partial question for yourself, but why is it that we've not kind of heard a lot about the other two if it is the case that others have been sent to the CPS but haven't been successful? There's been a large focus on the Boxing Day one, are there any lessons to be learned from the alleged other two cases that got beyond the Constabulary to the CPS but didn't result in any convictions?
- 5.119 **Chief Constable** - I think the safest thing for me to do there as you know it's easier to dodge the question and set the facts right and go away and satisfy myself exactly what has been referred to the CPS. My understanding is that there were a total of four referred to the CPS in 2017, that said, just to make the point in relation to hunting legislation, that wasn't in relation to hunting on horseback etc., so whether other hunting as we said right at the beginning that the Hunt Act legislation covers so hunting, hares, etc., it is my understanding is that there was four referred to the CPS during 2017. Clearly we will be referring - we referred the case in Boxing Day 2017 and we will be referring further cases in due course, but rather than me guess let me get the details absolutely right in terms of what we have and have not referred to the CPS over the past two years.
- 5.120 **Police & Crime Commissioner** - Could I request that to come to me in a briefing form which then I could help to use to amend any potential actions plans that we were looking at to the future?
- 5.121 **Chief Constable** - Certainly.

**ACTION:** The Commissioner is to be provided with a briefing that details the cases referred to the CPS during the review period.

- 5.122 **Police & Crime Commissioner** - Thank you very much Chief Constable. Now we talked a lot about prosecution there. We've talked a lot about the CPS. I want to just go back to the matter that we referred to earlier on that really crime prevention is a key role within the Constabulary for it to play. Officers out there and particularly our fantastic PCSOs are there for reassurance, they're there for preventing crime in its first instance before it gets to a level of reports, investigation, prosecutions, etc. And it seems to me that perhaps there's a stronger role we could play to ensure compliance with the law and I know we touched on this earlier, but this has been running round my mind as we've kind of gone through the last kind of hour or so of questions. And I refer this back to my experience of the local community where local planned events like walking days, like carnivals, like freedom marches of our armed forces, anything that affects a roadway, anything that's even on private land but is a big event like a concert, a festival, within local authorities, require an event plan that goes to a committee that usual involves local authority planners, the fire and rescue service for their opinion for the police, etc.
- 5.123 I was just thinking Chief Constable, what was your opinion if we could get some co-operation with those organised activities or events, again on either side of this debate, but particularly with the

initial events, what would your opinion have been Cheshire Constabulary trying to assist compliance with the law, to engage in crime prevention advice and to keep people very much within the law of suggesting an event plan. And we talked about the issues of intention, we talked about recklessness, etc., we've talked about plans, but it just seems to me (and perhaps I'm far too simplistic with this) but this comes as I kind of think through the debate I've heard and the answers today, if there was an event plan which referred to the type of scent used to lay a trail and when it was laid, if there was an event plan that covered an indicative map of the trail particularly to avoid the other offences involved with public highways, areas that don't have permission to travel on the land and perhaps even ignoring places where mammals are likely to live in terms of an indicative map of a trail for an event plan. If that event plan was to include things like confirmation of the landowner's permission to be on the land, if the event plan was to cover things like what the actual role of the Terrier man was on that day for that hunt in those circumstances. If the event plan covered things like procedure for calling off hounds to prevent hunts via what has been referred to as accidental pursuance of a mammal. That kind of even plan in my simple mind as a member of the public would ensure compliance with the law. It would show that police engaged in crime prevention. It would show that we were very keen to ensure a partnership with those involved in the hunt community to ensure their compliance with the law. What I do recognise is that this would rely on an ability from those involved in organising the hunt to agree to these plans which then could ensure better compliance with the law. What would be your opinion of an invitation to those taking part in these hunt activities of making that suggestion as a Constabulary of an event plan that could ensure the proper legality of such an event?

5.124 **Chief Constable** - I think to answer you in simple terms Commissioner we would welcome it. It think it would be something that would be appropriate. It would be helpful all round for everybody, not just for the police for both sides and the broader communities and it is something that we are versed in, we do plan extensively, so any events that we have we have an event planning process, a procedure so we will capture what exactly an event is, what are the threats and risks etc. and what's the expectation all round. So for example, if we police a football match we - everything is a clearly laid out plan which sets out the policing approach, the style, the tone. What we will do, what we won't do what expectations or what the legal framework is etc., it would clearly be something I couldn't instruct individuals to comply with it's something we would welcome co-operation and support but I certainly think in the interest of open and transparency and co-operation and working together, it would be something we could at the very least explore and I'm personally on behalf of the Constabulary I think it's something we would welcome, it would assist us to give - I think the degree of planning does take place, there is planning that does take place in relation to the hunts that has been this year. It's probably a little bit more informal than as you've suggested but we do have liaison, we do have communications. We do have a broad idea of which hunts that are out and where they're likely to be and whether there's any - there's likely to be any protest activity, but I think setting out that clear expectation and understanding of each party would be something, personally speaking, I would like that.

5.125 **Police & Crime Commissioner** - I would agree Chief Constable, in terms of safety, public safety, certainty, ability to act within the law, ability to keep everyone involved safe, should be the prime concern of this Constabulary and I would applaud the Constabulary if they were to take on this measure to work with everybody to make sure that everybody is acting appropriately within the law and work towards our real aim which is the prevention of crime. It's much better to prevent rather than prosecute in my mind and to serve the people of Cheshire to our best ability.

5.126 **Audience Member** - Here here.

5.127 **Police & Crime Commissioner** - I would just call for the best co-operation of everybody involved in removing this potential for us to reduce crime and to keep everybody safe because that's the essential role of a public service that is here to enforce the law legitimately, to keep people safe and to police without fear or favour. So if I can applaud that approach and look forward to your report and negotiations for the coming year as you attempt to implement that kind of approach.

5.128 **Chief Constable** - I think yes I'm fully supportive I think the other thing - the point I would like to make in terms of feedback I have from officers, you mentioned about crime prevention, you've talked about public safety, the other added concern, and one of the main reasons my officers are

on the ground on the weekends and on hunts is for public safety; and it can be extremely dangerous and the last thing I want is anybody getting injured, whether that be hunts, anti-hunt, members of the community or dare I say police officers, none of us want that. So I would fully support us taking any action we possibly can to be seen to police impartially, independently, but also with the support of everyone involved. As you've just said, preventing crime, but more importantly keeping people safe.

**ACTION:** Cheshire Constabulary to liaise with the pro-hunt and anti-hunt communities to agree a coordinated and planned approach to hunting activities for the 2019/2020 season onwards.

- 5.129 **Police & Crime Commissioner** - Thank you Chief Constable. We mentioned earlier on that some guidance has come out following the completion of the review, I think you mentioned towards the end of last year. Does that qualify now as kind of NPCC (that's the National Police Chief Constables Council) does that qualify now as advice and guidance for police services up and down the land?
- 5.130 **Chief Constable** - Yes it does and the reason I'm hesitating Commissioner is it's marked as (I know the person whose written this and I've had extensive dealings with him over the past 12 months or so in relation to a number of aspects.) Yes the answer is, it does pull together advice and guidance, some of it from practitioners it includes CPS guidance. The only bit that concerns me is it's marked as 'sensitive'. Without getting into the details I don't see any reasons why it should be marked as 'sensitive' so any reason it couldn't be in the public domain.
- 5.131 What I will do as soon as we've finished this meeting I'll make a call to see whether it needs to be something called GPMS, so it's Government Protected Marking Scheme, so we couldn't circulate this. So under my national portfolio I've written guidance about the management which has been circulated. I'll need to speak to the writer the author of it just to see is there any reason why not. Certainly I can't see anything in here that would justify it but he may know something we can't.
- 5.132 But the answer to your question is, yes, there is advice available and we already use this, we've already adopted it; it forms very much the - it comes from part of advice from the CPS and other broader advice has been issued over the past few years in relation to wildlife, the policing of wildlife crime.
- 5.133 **Police & Crime Commissioner** - In interest of transparency I would suggest that at the very least that could be shared with the public representatives such as myself and we could make requests as to whether that could be shared wider just in the spirit that we can ensure that everybody is fully aware of the National Police Chiefs' Council approach to this which should set the standard for how police services up and down the country respond. I'd certainly welcome a discussion with you Chief Constable about how we make sure matters included are directly involved in the action plan as you suggest we already had.

**ACTION:** The Commissioner is to be provided with a copy of the NPCC guidance and the Constabulary is to ensure that such guidance is reflected in the Constabulary action plan in relation to the policing of hunting.

- 5.134 Ok Chief Constable we're getting towards the end of our session, but not quite there. I realise that since the end of this review which was the Autumn of last year, there has actually been an increase in activity, certainly that comes into my mail box. I believe an increase in the number of foxes killed over the period of the last few months. An increase in reports of allegations of offences etc. I recognise that I don't have a role where I can have an involvement in live cases and I think that that needs to be understood by the public, particularly when writing to me as you regularly do about live cases that are ongoing. The Police and Crime Commissioner can't get involved in the live case. I need to be able to respect the independent operation of police officers while a case is live. I'd like everybody to have a really good understanding of that. Having said that I know that there have been, and I've seen allegations of assault on a number of occasions that have been written in, both to myself and I've seen in the media. I have seen allegations of deaths of foxes. I have seen a recent allegation that foxes may have been stolen or let out of a particular premises.

- 5.135 Is there any update Chief Constable that you could provide on, either current or if not current, recent investigations to at least give some reassurance that these have been recorded, whether they are currently being investigated. I know you touched on this very briefly before but when the public might be likely to know what the outcome of the direction of these cases would be. I understand some of that information, you may not be able to give me, but could you give me as much as you're permitted to?
- 5.136 **Chief Constable** - Yes certainly and again in the interest of the transparency I'll tell you everything we can disclose. We have what's called a Section 39 common assault which is a relatively low level of assault, but that's the individual has been summoned to court and that is ongoing. So I know a number of people in the room may be aware of that, but it would be inappropriate, I can't go any further at this stage than to say that the individual's been summoned to court and that will be dealt with in March this year. That relates to an initial appearance in January this year for an offence that was committed earlier on at the back end of last year.
- 5.137 We do have one case that attracted quite a lot of social media attention, a number of people will have seen it, it appeared on Facebook etc., where a decision was taken by the police, the allegations of - related to assaults on two parties and they were both recorded as assaults, Section 39 which is a common assault. Because it was Section 39 it was not referred to the Crown Prosecution Service. A Detective Sergeant made the initial decision, that was supported by a Detective Chief Inspector to ratify and ensure that the rationale and the decision making was found appropriate and we got a number of learning from that specific example.
- 5.138 We've had two cases I mentioned before that have been dealt with by restorative justice, so with the permission of the person who's made the complaint, one relates to an abuse, a verbal exchange; the other one relates to damage to a car and the person who was responsible agreed to make good, repay for the damage that had been caused.
- 5.139 I suppose the main issue we've got eleven offences are still under investigation which relate to a number of different categories so, Section 47 Actual Bodily Harm; Malicious Communications; Public Order related offences and Criminal Damage offences.
- 5.140 I suppose the main one which most people in this room will be interested in is not recorded as a criminal offence as such, but is the allegations in relation to the kills of five foxes that have taken place during the course of the season, which date back to November last year and I think the most recent one was January of this year. We've taken advice from Crown Prosecution Service; we've taken advice from another force, we've pulled those together, a file is being prepared as we speak and will be submitted to the Crown Prosecution Service, we are in a really, a tight statutory timeframe, so we need to have that file in well before six months and we are await a decision from the Crown Prosecution Service on whether they feel it's appropriate to summons the individuals concerned. We have taken witness statements; we have footage where it's available; we have conducted examinations of foxes when we're able to do so and we've also interviewed key people who were alleged to have been involved.
- 5.141 So I can't see a great deal more at this stage because it's an ongoing case but there are five cases which will be submitted to the Crime Prosecution Service within the next couple of weeks at the absolute latest and naturally I'll ensure that one, you're aware and when you do have an update it will be communicated appropriately.
- 5.142 **Police & Crime Commissioner** - Thank you for that update Chief Constable. I think a very useful update that Cheshire Constabulary are sending cases to the Crown Prosecution Service and at least one you mentioned there is due to appear then within the court system.
- 5.143 If I may just say I have received a number of correspondences relating to an assault activity I think that was highly, particularly covered on Social Media and there was some public surprise that there wasn't a prosecution for what many of the members of the public did regard as quite a serious assault. I know that there are kind of comments made throughout Social Media as well that there were was an occurrence before the clip that was published on social media etc. and



occurrences that followed that one. Could you give some assurance Chief Constable that 'two wrongs don't make a right' and a kind of public assurance that if assaults are evidenced, relevant evidence is put forward and that's supported by people with statements and all the relevant boxes are ticked along that line to a prosecution, that those matters will be taken very seriously and this isn't simply considered as, you know if two people carry out an assault on each other perhaps that there is no prosecution to follow? That shouldn't just naturally follow should it without other circumstances being present?

5.144 **Chief Constable** - No, absolutely not. The particular event you're referring to Commissioner (inaudible) there's one particular event on a particular day, time. Two specific incidents within that event. We had some footage from mobile phones. We also took statements. We also interviewed a number of people concerned. The Detective Sergeant made a decision based on the entirety, so everything that they had to hand whether it be footage obtained, also the statements that were given and then independent statements that were given, provided by members of the public. The decision that they made was that they did not feel it met the evidential threshold for various reasons, which I won't go into here, but they viewed the allegation in its entirety; so taking into consideration what was reported, taking into consideration the footage, also the interview, whether individuals were interviewed by police officers and any independent statements. I think we did have one independent statement for that occasion. A decision was taken at that stage not to pursue the matter and both parties were made aware, to not pursue either allegation. Two crimes were recorded, two common assault offences were recorded but were deemed to be investigated but no action - formal action was taken on that occasion. Both individuals were made aware of that and we explained the reasons why.

5.145 I think I know it's caused a lot of concern, I understand that, so it was reviewed by a Detective Chief Inspector who was satisfied that the approach we'd taken given the information they had at that stage was appropriate and proportionate. I understand the concern when you've seen something on social media and it appears pretty graphic as that did. But the assurance I will give you is that the full context, the full circumstances were taken into consideration on making that decision. Part of that was footage but there were other evidential issues which were taken into consideration when they made the decision. That was reviewed by a senior officer.

5.146 Clearly some learning for us, so if any key learning that comes out of that we will introduce in our approach for the future going forward making sure that we do secure evidence immediately, the best evidence that we possibly can at the time, secure any footage from mobile phones and also give the individual concerned the opportunity to give their version of events at the earliest possible opportunity. This took place in January this year, it was investigated extremely promptly, extremely quickly because we knew the concerns that it would cause, but the decision was made and supported by a senior officer that on that occasion there wouldn't be any formal action taken by the police on that incident.

5.147 **Police & Crime Commissioner** - Thank you Chief Constable for your response to that and the coverage of that matter, it - for many I think it was very difficult to understand the decision within the process that exists, but I do welcome your willingness and ability to give that response within the position that you're allowed to do with these cases. So I do thank you for that.

## 6. CLOSING REMARKS & NEXT STEPS

6.1 **Police & Crime Commissioner** - I do realise that, and it's not out of tradition for me unfortunately to run slightly over time on meetings, those that may have been at meetings with me in the past may realise that. We have just gone 5 minutes beyond the suggested closing of the meeting but I think I did give a 5-10 minutes grace at the start for people to be able to arrive quite safely. I do intend to be available for a few moments after for any other discussions as per the break.

6.2 Can I just make some closing remarks though that I think it's really important to recognise both the review that took place over the last year and today's meeting isn't the end of this matter or this discussion or this process. I know this meeting hopefully will have gone very quickly for some of you; it has been a good few hours contribution. I think we just need to perhaps draw the - draw some future

thoughts together from the meeting we've had today and the process so far, because I don't think it's realistic to think we can cover everything today or to change an approach simply with a meeting.

6.3 So I am going to suggest that there are a number of steps that need to take place following that review, recognising the feedback to the review. Following today's meeting which I hope everyone has found of interest and perhaps of use, I do intend to summarise that an action plan does need to be produced, monitored, in terms of its implementation by the Chief Constable and Cheshire Constabulary to outline not only how the recommendations from today will be implemented but also the discussion and outcomes that we've had today on future plans beyond the 11 recommendations will be implemented. Because it's clear to me that the 11 recommendations whether recommendations from an independent review and not my recommendations or your recommendations, they will be supplemented by the outcome of today's discussions. I will create then an action plan which I will pursue through my regular scrutiny boards which are all public meetings. I don't usually get this level of attendance but let me tell you you're very welcome to come back to those scrutiny boards to see my scrutiny of the implementation of the action plan that will flow from the review and today's meeting.

**ACTION:** Cheshire Constabulary to develop an action plan to respond to the independent report recommendations and actions resulting from today's scrutiny board. The action plan is to be presented at the next public scrutiny board.

6.4 As usual I will publish all of those papers and minutes on my website and that's on the Cheshire PCC website. I will continue to work with the Chief Constable to monitor all incidents and outcomes of investigation to ensure that Cheshire Constabulary is enforcing legitimately and appropriately the law under the Hunting Act of 2004.

6.5 I can say already with regard to the areas that we picked up of legislated change, I've already met with a group of Cheshire MP's and that was all MP's invited before anyone kind of might think they were selected MP's. All 11 MP's of Cheshire have been invited to meet with me and will be invited to meet with me in the future as well, to explore how we can strengthen the legislation in relation to illegal hunting and I assure you that I will continue to have those conversations to ensure that we can get crime prevention to ensure people comply with the law that is, but unfortunately not the law as somebody would like it to be. That is for MP's and the legislator to take on, I'm not one of those, but I am a campaigning Commissioner and where I think somethings need change I will get involved to represent my 1,050,000 residents to put those views forward as fairly as I can on their behalf.

6.6 I think today as well as the review will create a fairly robust action plan going forward. I think some suggestions have come out of there in terms of recommendations going forward; I think we've had some suggestions and recommendations that have come out of today's meeting as appropriate to the meeting that will actually be firm action plans to implement and to take forward.

6.7 What I would like to do as well, just again, is a quick thank you for everybody that's shown an interest both in the independent review and this meeting today and the whole debate. I don't think that this was every an easy debate. I knew it was always going to be a difficult debate; it was always going to be an emotive debate for people with both sides.

6.8 Just quickly realising that I should apologise for those that have been looking at the back side or the back of my head for most of the morning as I've been scrutinising the Chief as well. But this hasn't been an easy thing but the easy things aren't necessarily the things that deliver results. People told me this wouldn't be an easy subject to take on, but that doesn't mean you don't take something on just because it's difficult or just because it's going to cause a bit of (inaudible) or lots of contacts calling you this, that and the other. That is actually part of this job as being a public representative.

6.9 I'd like to thank you for the co-operation and respect that you've shown me today as your public representative as well because my request has been largely honoured and I really, really do value that as I'm sure you value the nature of the meeting. We know it's a matter that people have firm opinions and views on, but I think we've been able to have a really useful discussion today, obviously a discussion between myself and the review team and the Chief, but please do accept it has been driven by almost 200 questions received by myself.

6.10 So just to confirm that all the minutes, questions and responses from today will be published on my website as soon as my staff has the ability to do so. I hope people will take a look at those to remind themselves of what was discussed. I hope you will follow my future scrutiny meetings to watch the implementation of these recommendations and I hope that all involved will consider my recommendations that have been put to the Chief Constable today if we are going to develop a different culture in Cheshire and a different approach to enforcement which I believe the Chief Constable has given me a vision for a future plan that is different from the plan of the past, in terms of enforcement around the Hunting Act today.

6.11 I suppose all that remains is for me to kind of guarantee my future cooperation and openness with all involved. Thanks to everyone again for attending and wish you a safe journey home. Thank you very much.

*Duration of meeting: The meeting commenced at 09.45 and finished at 12:50.*