Public safety at Boxing Day and New Year's Day Hunt Meets

This submission is written by Action Against Foxhunting.

Purpose
To advise councils of the potential risks to public safety by allowing a hunt to meet on council owned land. It includes relevant legislation.

We consider

1. Risks to public safety
2. Council's responsibility
3. Risk Assessments
4. Insurance
5. Protesters
6. Points for Action

1. Risks to Public Safety

Horses

An equine event is always high-risk. Horses are large animals, with the ability to inflict significant injury on a person. Additionally, horses are easily spooked in large crowds. The temperament of each horse is unknown. Accompanying the hunt will be a number of other riders, some of whom will be completely unknown to the hunt. The competence of these riders is also unknown. Some of these riders will be children. Taking a large number of horses, with unknown temperaments, and a number of riders with unknown skills into a place where the public – many with children and dogs – is a significant risk.

Potential injuries include:

Horse stepping on a member of the public's foot.
Horse backing into, or moving sideways, into a person.
A horse falling on to a person
A horse kicking a person.
A horse biting a person.
A rider falling from a horse, and injuring a member of the public.

Horses will also leave dung on the ground. In winter, the surface is likely to be wet and slippery anyway. The addition of horse dung will increase the risk of slips.

Meets are attended by people of all ages. Elderly people and children are particularly at risk from injuries by horses. Many people bring their own dogs. These dogs might not be used to horses and might behave unsafely.

Horses are animals, and as such, are unpredictable.

Vehicles

If vehicles are moving nearby the meet, the risks are significant. Even when the road is not closed, members of the public may wander about in the road, to see the horses and hounds.

Potential injuries include:

Car colliding with and injuring a person.
Car colliding with a horse, and injuring the rider.
Car colliding with hound.

Children are particularly at risk.

Hounds

Hounds are usually allowed to run free among the public. Potential risks are:

Hound knocks over a person.
A member of the public pets a hound and the hound passes a disease to the person (for details of diseases, see annex 1)
Hound fouls in public area and a person slips in it.
A child plays near hound fouling and picks up a disease – this applies to urine and faeces.

2. Council's Responsibility

Occupiers Liability Act 1957, the Health and Safety at Work Act 1974 and the Dangerous Dogs Act 1991.

Occupier's Liability Act 1957 (OLA)

This Act makes the Council, as the owner of the land, responsible for the safety of everyone who uses their land at all times. This is particularly relevant because council land is still open to the public while the event is taking place.

Even if the council has seen the hunt's insurance and the hunt's risk assessment, the council itself is STILL responsible for public safety.

The OLA requires the landowner to have a site-specific risk assessment.

It is possible that if the council ignores its responsibilities, and an incident occurs, individual councillors might find themselves personally responsible.
https://www.legislation.gov.uk/ukpga/Eliz2/5-6/31/contents

The danger to the public from the hunt meet cannot be overstated. This is particularly significant because the council land remains open.

Health and Safety at Work Act 1974

Council land is usually a public place, meaning that anyone can access the area.

However, if the hunt is a business (many are) and they also use the space, the Health and Safety at Work Act 1974 (HSWA) applies.

The HSWA covers not only the business and its staff, but EVERYONE affected by their activities. Failure to observe the HSWA is a criminal offence.

When the hunt arrives, the land becomes a "shared premises" with the public – and under section 3 (1) (b) HSWA, the employer shall make a suitable and sufficient assessment of – 'the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him or his undertaking'.

Therefore, in addition to the duty of care under the Occupiers Liability Act 1957, BOTH the council and the hunt have a duty to make a 'suitable and sufficient assessment' under this act.

The Management of Health and Safety at Work Regulations 1999 (MHSW regulations) create further requirements including

(a) The requirement to assess risks to members of the public arising out of or in connection with the conduct of the organisation (ie a requirement to do risk assessments)
(b) The requirement to make and give effect to appropriate measures for the effective planning, control, monitoring and review of preventative and protective measures.
(c) The requirement to appoint at least one competent person to undertake the necessary health and safety measures.

The Council, contractors or hunt may have workers who will be in the area – so they have a duty to co-operate.

Failure to consider the safety of the public is a **criminal act.**

Dangerous Dogs Act 1991

On December 10th 2021, John Sampson from the Western Hunt in Cornwall, was convicted of allowing dogs to be "dangerously out of control" (Dangerous Dogs Act 1991). The hounds killed Mini, a pet cat, on March 8th 2021. Council land is accessible to the public at all times, and to domestic animals. The legislation also makes it an offence if a person is worried or afraid by the dogs. Around 30 hounds usually attend meets, arriving unleashed and free to roam, unless they are corralled. Thirty unleashed dogs are highly likely to worry the public. The Council is responsible for keeping the public safe on land it owns.

3. Risk Assessments

Both the organiser of the event AND the landowner must have an event and site-specific risk assessment.

The Occupiers Liability Act requires the landowner to have a site-specific risk assessment; additionally, the landowner must complete an event-specific risk assessment for the hunt meet.

The landowner must see the hunt's risk assessment and check it carefully before allowing the meet. All the above risks must be considered, together with specific risks associated with this meet in this area and in this town.

[NB none of the hunts' risk assessments seen by AAF have been specific to the event and the area. They have all been generic and submitted simply because they were required. The substance of the risk assessment has gone unnoticed by the councils].

4. Insurance

Standard, Public Liability Insurance provided to hunts ***does not include cover for injury to persons.*** It provides cover for property only.

The council must insist that the hunt's insurance includes cover for injury to persons.

5. Protesters

Given the high-profile nature of these events, it is likely that anti-blood sports protesters will attend on the day.
The council must consider whether it is prudent to allow a controversial group such as a hunt to display in public on land owned by them.

6. Actions for council

The council must satisfy itself that it has not, by agreeing to allow the hunt to use their land, knowingly put the public at risk. Handing this responsibility over to the organisers is not sufficient.

The council must satisfy itself that all the relevant legislation is being observed, by the hunt and by the council. If they do not, they will be held liable for any breaches of the law that are within its control.

The council must satisfy itself that if a person is injured in any way, the hunt's insurance will pay. Standard hunt insurance does not cover injury to persons.

The council must satisfy itself that if a person is injured, and it is because the council did not heed the warnings in this submission, they have sufficient ***personal*** resources to cover any compensation claims.

The council must satisfy itself that the costs incurred by the council is justifiable – or alternatively, recover their costs from the hunt.

The council must satisfy itself that it is prudent to allow a controversial group to gather and celebrate on council owned land.

The council must take full responsibility for the safety of everyone who uses their land during the meet.

Pip Donovan
Action Against Foxhunting
www.actionagainstfoxhunting.org
info@actionagainstfoxhunting.org

11 January 2023

Annex 1

Bio-security

It is important to note that hunt dogs are generally fed a raw meat diet from fallen stock. The hunts provide a 'flesh run' to collect fallen stock from farms. This provides food for the dogs and means farmers have a cheaper solution for the removal of dead animals.

Raw meat diets can be contaminated with bacteria, including

Salmonella,
E coli,
Listeria,
Clostridium,
Campylobacter.

Animals eating raw meat diets are more likely to shed a variety of potentially disease-causing bacteria (Joffe et al, 2002; Finley et al, 2007). Of even greater concern is the issue of antibiotic resistance. A study found that 21% of all raw meat diets sampled were contaminated with salmonella and that these bacteria showed resistance to 75% of the antibiotics tested. Raw meat feeding has been linked to higher rates of shedding highly drug resistant E. coli.

As well as the bacteria risk, there is the risk of parasites – raw feeding can transmit parasites to pets. The parasites include
tapeworms (Echinococcus granulosus and Taenia species)
various cyst forming Protozoa.
Neospora (known to cause abortion in sheep).

These parasites can cause disease not only in our pets, but also in people and livestock.

Recently, ITV ran a disturbing national exposé of this very issue.

https://www.itv.com/news/2022-02-02/secret-footage-exposes-shocking-scenes-of-dead-animal-disposal

Hidden cameras at five sites in England and Wales revealed hazardous waste exposed at all of them, satellite image analysis suggests there could be dozens more.

The risks are heightened for hounds routinely fed raw flesh and offal from fallen stock, and a number of studies have shown that this is associated with high worm burdens in hounds. A wide range of pathogens have also been recorded in British hounds, including notifiable diseases. There are similar problems with maintaining and spreading parasites. (Harris S. & Dorning J. (2017). *Hunting with hounds and the spread of disease*).

If up to thirty dogs pass through at the same time, it is likely that at least one of them will stop to urinate or defecate. Their excrement may well contain pathogens dangerous to the public - in particular to children whose immune systems are immature. Even if a child does not touch the excrement, a domestic dog is highly likely to investigate a hunt dog's leavings, and then interact physically with their own family shortly afterwards.

Additionally, dog fouling is unpleasant for anybody.