

PREM 49/883

483
CONFIDENTIAL

10 DOWNING STREET

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FILE TITLE:

HUNTING

SERIES

HOME AFFAIRS.

PART:

2

PART BEGINS:

17 APRIL 1998

PART ENDS:

5. OCTOBER 1999

CAB ONE:

~~PART CLOSED~~
LABOUR ADMINISTRATION

PREM 49/883

PART

CLOSED

DATE CLOSED	5. October 1999
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Series : **HOME AFFAIRS**

File Title : **HUNTING**

Part : **2**

Date	From	To	Subject	Class	Secret
01/10/1999			Transcript of BBC Radio 4 Today programme: Class War	U	0
02/10/1999		PM	Fox Hunting Bill	U	0
05/10/1999	HS	PM	Hunting	C	0

Series : HOME AFFAIRS

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Part : 2

Date	From	To	Subject	Class	Secret
21/04/1998	LP	HS	Hunting	U	0
22/04/1998	Ch.Staff	PM	Foxhunting	R	0
23/04/1998	HA/PS		File note: Hunting	C	0
23/04/1998	HA/PS		File note: Jack Straw: Hunting and voting reform	C	0
27/04/1998	Ch.Staff	PU	Foxhunting	C	0
04/06/1998	HO	HA/PS	Hunting	C	0
08/06/1998			Wild mammals (hunting with dogs) bill: Options for the future - June	U	0
30/06/1998	HA/PS	PM	Foxhunting	C	0
01/07/1998	HA/PS	HO	Hunting	C	0
02/07/1998	HO	HA/PS	Hunting	C	0
29/07/1998			PMQ: Fox Hunting	U	0
30/07/1998	PU	PM	Hunting	R	0
25/08/1998	MAFF	EA/APS	Licences for foxhunting on forestry commission land	U	0
28/08/1998	SO	SS/WO	Licences for foxhunting on forestry commission land	U	0
04/09/1998	EA/APS	PM	Foxhunting on forestry commission land	R	0
04/09/1998	SS/WO	SS/SO	Licences for foxhunting on forestry commission land	C	0
07/09/1998	EA/APS	WO	Licences for foxhunting on forestry commission land	R	0
09/09/1998		EA/APS	Licences for foxhunting on forestry commission land	U	0
10/09/1998	WO		To forestry commission: Licences for foxhunting on FC land	C	0
11/09/1998		WO	From Forestry commission: Licences for foxhunting on forestry com	U	0
24/09/1998	PU	PM	Hunting - Referendum proposal	C	0
28/09/1998	MOD	EA/APS	Licences for foxhunting on forestry commission land	U	0
02/10/1998	SO	MOD	Foxhunting on MOD land	C	0
24/11/1998	PRESS	HA/PS	Foxhunting - for information (extracts from the field magazine)	U	0
04/12/1998	HO	HA/PS	hunting	C	0
08/12/1998	PU	POL	hunting	C	0
15/12/1998		PM	From Chair, HAC: Hunting with dogs - PLP consultation	C	0
08/01/1999	MS/SO	PUS/MOD	Foxhunting on government land	U	0
21/05/1999	HO	HS	hunting	R	0
16/06/1999		Ch.Staff	Letter from Baker, IFAW - MORI poll - hunting ban	C	0
30/06/1999	HS	PM	Hunting with hounds	C	0
05/07/1999	PU	Ch.Staff	latest on hunting	R	0
08/07/1999	Ch.Staff	PU	foxhunting	C	0
09/07/1999	HO	PRESS	hunting line	U	0
12/07/1999	CWO/Lords	Ch.Staff	foxhunting	U	0
12/07/1999	HS	PM	hunting	U	0
15/07/1999	PU	Ch.Staff	Rural strategy and hunting	U	0
16/07/1999	HS	PM	hunting	R	0
23/07/1999	PA/PS	PM	hunting	R	0
23/07/1999	PU	PM	hunting	R	0
26/07/1999	Ch.Staff	PU	foxhunting	R	0
30/07/1999	PU	PM	The countryside and rural areas (and hunting)	C	0
02/08/1999	Ch.Staff	PM	hunting	C	0
02/08/1999	PPS	PU	The countryside and rural areas (and hunting)	C	0
03/08/1999	PA/PS	Ch.Staff	hunting	C	0
03/08/1999	SCU	PM	draft article on rural issues and the countryside alliance	U	0
17/08/1999	ms/cabinet office	HS	race equality employment targets for ethnic minority staff	C	0
01/09/1999	HS	PM	Hunting	C	0
23/09/1999	PU	Ch.Staff	Hunting Inquiry options	C	0
30/09/1999	PU	Ch.Staff	A possible inquiry	C	0
01/10/1999		PM	PM's on Radio 4 Today programme: Fox Hunting	U	0



PERSONAL AND IN CONFIDENCE

Prime Minister

HUNTING

We corresponded earlier about the suggestion that we should set up an enquiry into hunting. I gave you advice on the best form one could take, but also said that I thought that it would be unlikely to provide a way through.

2. I have however reflected on this, not least following the Party Conference. I sense that some of the anti-hunt MPs have gone off the boil on the matter - and can see that our apparent position is not playing particularly well in rural areas. At the same time, they do want us to deliver on legislation.

3. A way through, I believe, is to combine the announcement of a short, sharp inquiry into the impact of hunting with a pledge made at the same time that legislative options will be put before the Commons on a Shop's Act basis and in Government time later this coming Session if possible (99/00), and if that is not possible then definitely early in Session 00/01.

4. An inquiry could, however, cost around £500,000. The most I could offer towards this entirely unbudgetted expense is £200,000. I must ask if DETR, which covers rural policy, and MAFF, put up the remainder (ie £150,000 or 30% each). I could not go ahead with the inquiry without this.

5. We do need to make some urgent decision on this - I would be happy to discuss this as soon as possible.

Jack Straw

5¹⁵
October 1999

PERSONAL AND IN CONFIDENCE

(f)

(B)

Tp - DN
PMcFadden
cc PV
JLB - 11.

44

Are you doing a note?

DN

DN

I need feedback for earlier note to Jonathan on an inquiry.

17



02/10/99

The Rt. Hon. T. Blair, M.P.,
10, Downing Street,
London SW1

Roger Gale, M.P.

House of Commons
London, SW1A 0AA

01227 722366 (Private Office - a.m. only)
01227 720393 (FAX - 24hr)
0171 219 3000 (House of Commons)
0171 219 4343 (Members' messages)

1. cc. Pat McF
Liz L
2. CS

Prime Minister,

I am prompted to write this letter by the appearance of your "cabinet enforcer", Jack Cunningham, on the BBC PM programme last night and by his attempts to dismiss your now repeated assertion that "the foxhunting bill (Michael Foster's Bill) was defeated in the House of Lords" as of no consequence.

As one who put his own embryonic Ministerial career on the line in the interests of the anti-foxhunting cause and was a sponsor of that bill I believe that I have a Parliamentary right to take issue with you.

You stated, during the Frost interview, that the foxhunting bill was defeated in the Lords and you repeated that claim on the same programme. The bill, as we are both aware, fell in the Commons and your Government declined, as of course it has a right to do, to give it Government time.

You were, in making your statement, either ignorant, which in a Prime Minister is dangerous, or deliberately dishonest, which is worse. As you have re-stated your claim it would seem that the latter is the case.

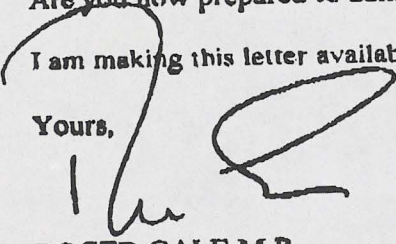
Having said publicly on television that your Government would bring in a bill to end the hunting of wild animals with dogs and implying that this would be done in this Parliament you are now backtracking furiously.

If you are prepared to deliberately deceive the public over this issue why should you be believed over any other?

Are you now prepared to admit that you did not, in the Frost interview, tell the truth?

I am making this letter available to the Press and will be pleased for you to publish your response.

Yours,


ROGER GALE M.P.
North Thanet

TRANSCRIPT

Programme(s)	BBC Radio 4 Today Programme
Date & time	Friday 1 October 1999 / 08:10 hours
Subject / interviewee	Class War/Tony Blair
Prepared by:	John Love
Contact numbers:	0171 261 8989 to 8992 - Pager 01459 137 572 - 24hrs, every day

James Naughtie: Tony Blair has had one message in essence for his Party this week. The Government's got a great deal to do before it can say it's fulfilled the pledges it made at the election. He claimed that the foundations had been laid for some kind of new society but his theme has been that much of the hard work has yet to be done. His speech and all his exhortations at the dozens of social gatherings he's visited in the evenings here at Bournemouth have all been deliberately couched as challenges. His Party may be well ahead of the Tories in the latest polls but it's on how they deliver in their promises in the next couple of years that the country will make it's judgement. Indeed the preliminary judgement from some of the Prime Minister's critics is harsh indeed. Far from setting people free, the Telegraph today says that he is encouraging tribal hatred and he's leading a bullying intolerant, dishonest Government. What does he say to that and how does he tackle some of the problems that now confront him and he must solve if he is to retain public confidence? The Prime Minister is here. This question of intolerance and bullying has become a theme of the week and people see it in several policies that you are pursuing. Let me start with one and see if we can clarify what the situation is. On hunting, we still don't know if the Government is committed to the ban that it says it wants in this Parliament or not, is it?

Blair: It's a free vote for MPs. I personally am against hunting and as we've made clear all along and as Margaret Beckett made clear yesterday, we have to find Parliamentary time for the voters in the House of Commons and last time it was blocked in the House of Lords. But I don't regard the Government as bullying and intolerant and if the only example that can be given by people, is that we are allowing MPs a free vote on foxhunting, it seems to be a criticism without much substance and I think the real reason why the Daily Telegraphs of this world are angry is that their own political party, the Conservative Party, is a complete wreck and that we've got a Government that's setting out a confident agenda for the future.

Naughtie: *Will there be a foxhunting ban put before MPs in this Parliament or not?*

Blair: We're looking for the way of doing that now as we've said. And the MPs had a go at it before and it was blocked in the Lords and no doubt at all we will find some way of putting to the MPs again in some form or other.

Naughtie: *In this Parliament?*

Blair: In this Parliament yes. But the programme of the Government has got to be worked out by the Government at a future date and again we've always made that clear.

Naughtie: *Sounds a bit cautious. I mean, here's your Party here, most of it, not all of it, but most of it wanting this ban. Saying this is something we want to do. Marchers come here on Tuesday during your speech and say we are going to ban foxhunting and here you are saying*

well, you know, we've got a majority of 180 but we'll have to find a bit of time. Sounds as if you're running a little scared.

Blair: No well we don't have a majority in the House of Lords. The Conservatives have an inbuilt majority of 4 to 1, permanently in the House of Lords. And also look, if you're asking about one of the big issues determining the future of the country, I don't think even the most ardent opponent of foxhunting would say this is the great issue.

Naughtie: *Nobody's suggesting it is. I'm just saying that it's one of these things that's left hanging in the air. You make a song and dance about it, you get a great cheer. You've got to say what you're going to do and when.*

Blair: Yes exactly. But we have done that. But the point that I'm making to you is that it depends on the legislative programme of the Government and the priorities of the Government we set already. Schools and hospitals and crime and transport and sorting out the economy, reforming the Welfare State. It's a massive programme of reform the Government's got underway. And I think great thing about this week is that we've seen a Labour Party confident in itself as new modernising Labour Party. People have been phoning in supporting what Government Ministers have done and we've really been inundated this week with support and what I'm saying to people is don't just support us by saying that we like Jack Straw's speech or we liked David Blunkett's speech. Come and join us, let's build a mass membership Party and deliver the type of one-nation politics that the Labour Party, not the Conservative Party, the Labour Party today stands for.

Naughtie: *One-nation politics, a democracy, why does it improve a democratic accountability and the nature of democracy in this country to remove a hereditary Upper Chamber and replace it with one that may not be elected at all. I mean descendants of Charles the Second's mistresses replaced by you friends?*

Blair: But they're not my friends. I mean this is again one of these great Tory myths. Let me just tell you at the moment.....

Naughtie: *How can an appointed Chamber be an improvement for democracy?*

Blair: Well firstly, I'll can to the issue of an appointed Chamber. But first of all let's just get the facts. The fact is that we have an inbuilt Conservative majority of 4 to 1 in perpetuity. Do you think the Daily Telegraphs of this world need an inbuilt majority in one Chamber of the Parliament for the Labour Party to be saying why not leave it as it is. They'd be saying a monstrous anti-democratic measure. Now as for how you then appoint members of the House of Lords now, I am the Prime Minister who is suggesting for the first time that we should take the patronage away from the Prime Minister and give it to an independent Commission. And as for whether we have an elected element or not that is what precisely what the Commission, headed by Lord Wakeham, is looking at at the moment and we will have his deliberations in due course.

Naughtie: *Do you accept that without an elected element it's something which will cause quite a bit of outrage and concern in the country?*

Blair: Well, first of all let me say, a nominated Chamber is far better given that there is an independent system of nomination, than a hereditary Chamber. But having said that, I mean I'm not going to comment on it until we get Lord Wakeham's... It wouldn't be very sensible to set up

an independent Commission and comment on it beforehand, but let's wait and see what he comes up with.

Naughtie: *On this issue of the way the Government behaves, we had Mr Meacher last night standing up and saying look it may be necessary, because of problems we all know exist in the countryside on house prices, to have zones where people can't have second houses. Now you stand up and say we're not going argue against wealth and the freedom of people to decide what to do with it within certain limits. Mr Meacher says ah well they mightn't have second homes here and here and here. Which is it?*

Blair: First of all the Government has got no plans to stop owning second homes anywhere. All Michael.....

Naughtie: *So he's talking off the top of his head?*

Blair: No he's not talking off the top of his head but there is a problem with people in rural areas and if you want my view of what people care about in rural areas, they do care about housing, crime, schools, hospitals etc all of which the Government's trying to tackle and he's simply drawing attention to this problem. But we're not going to stop people owning second homes.

Naughtie: *So the policy that he.....*

Blair:most MPs own second homes for obvious reasons.

Naughtie: *Well he said very straightforwardly that he has got one himself. But an idea that zoning to stop second homes in particular parts of the country is out full stop?*

Blair: Well we have no plans whatever to do that. But he's totally right in raising the issue of homes in rural areas and how we make sure that we can provide housing for people because it's important to do so. But you know when you ask about this bullying and intolerance, what are the Right Wing press going to say about this Government when it comes to power. They'll say one of two things. Either what they wanted to say was with the old Labour Party, red in tooth and claw were doing terrible things to the country and we are an incompetent Government. They can't say that. We're running a better economic system than the Conservatives. We've got the lowest inflation, the lowest mortgage rates for over 30 years, our policies on the New Deal are actually being supported by people in Europe. The CBI coming out today for saying the minimum wage has not harmed jobs despite what the Conservatives say, you know. So they can't say we are an incompetent Government so what do they do because we've got a large majority they call us bullying intolerant. They say, for example, about me that I never turn up to Parliament though I've given more Parliamentary statements, answered more Parliamentary questions than my predecessor in the same period of time in Government. All you've got to realise about the forces of Conservatism in this instance is that they are people who want to hold this country back from doing the very best that it can.

Naughtie: *You said in your speech that there was Conservatism on the right and you've outlined what you think that is, and you've said that there was Conservatism on the left.*

Blair: Correct.

Naughtie: *What is it and who practices it?*

Blair: Well you can see it in the changes that those people who oppose changes...

Naughtie: *Well tell us, what is it?*

Blair: ... in the Labour party. Those people who, for example, said that when we said to young people, we are going to give you a proper job opportunity on the New Deal, but if you don't take it you lose your benefit. Those people at the moment who are saying they don't like the reforms we are putting through in schools, those people who, for example, said that the literacy/numeracy strategy in our primary schools - they've just delivered the best primary school results this country's seen in years. So, there are plenty of forces of Conservatism on the left as well and what I am saying to the country is, 'Look, there is a huge world change out there technology is revolutionising everything, we are going to have to make real changes as a country to keep up and be a great country in the Twenty first Century' and that is a message not just to the right and the Daily Telegraphs of this world who want to turn the clock back and everything, but it's also a message to people even within my own ranks, who say, for example, that defending public services means keeping them as they are. It doesn't, it means modernising them, getting the investment in for the changes necessary to improve them.

Naughtie: *Is it a message to Ken Livingstone saying that by not going along with the change in the Party he is disqualifying himself from being a candidate for Mayor of London?*

Blair: No it's not, but I've said all the way through that the issue of how the Party approaches the Mayor will be determined by the Party in due course. Yes, but I'm afraid you'll get nothing more out of me on that.

Naughtie: *Well let me ask this, do you think that anybody who is already forward as a candidate has said or done anything which by itself is a disqualification?*

Blair: You won't get me to go back on what I've already said on this which is that the Party makes its decisions in due course on the method of selection.

Naughtie: *Well you don't want to go back let me ask you to go forward on it. Do you think that there are any members of the Cabinet who may yet join the race?*

Blair: I haven't the faintest idea is the answer to that but there's none that...

Naughtie: *You can't say 'No'.*

Blair: Jim, I can't answer for the individual members of the Cabinet, but I don't know of any.

Naughtie: *But you know, Prime Minister, that half the people in this town anyway think that Frank Dobson is being is having, his arm twisted and may end up joining the race.*

Blair: Well I can tell you that. I've not twisted Frank Dobson's arm at all.

Naughtie: *You haven't?*

Blair: No.

Naughtie: *Would you be surprised if he joined the race?*

Blair: Well, I don't know and I haven't the faintest idea that he has any plans to do so and the last comments that I read from Frank on the subject suggest that he is very happy in the excellent job he is doing as Health Secretary.

Naughtie: *What is the big problem that you now face. You see, you stand up and say, 'well look we are miles ahead of the Conservatives we've got rid of the Conservative instincts in Britain we are pressing on' which is the...*

Blair: Well I don't think we have really.

Naughtie: *Ah, right.*

Blair: I mean I don't think we have got rid of of, when I talk about Conservatism I mean a reluctance to face up to change. Now I think you can make a case for saying that in a curious way, and I've actually said this to my own Party in the past, that in the 1980's...

Naughtie: *I was going to say...*

Blair: ...the Labour Party...

Naughtie: *In the Conservative decade Mrs Thatcher changed everything.*

Blair: Exactly, and that the Labour Party was far too conservative in its response to the changes that were being made. What I think now is interesting about this week is that the Labour Party has found its feet. It has found its confidence. It now recognises yes we are a new and modern Party but we still do believe in the basic values of the Labour Party and those values, provided they are not hindered by out-dated dogma and doctrine and policies is best for the future.

Naughtie: *Class envy is leftist Conservatism is it?*

Blair: Yes. I think class envy is not what the country needs at all. I think what it needs is the idea that we should develop the potential of people to the full. When I say that, take education. Alright we have received these excellent results now for eleven year olds. There is still thirty percent, thirty percent, that's hundreds of thousands of kids who leave our primary schools every year and they can't read and write and add up properly. There are children in secondary schools that are able, good children and are going to leave with no qualifications at all. There are children who would love to go to university but aren't able to do so at the present time. Now these are the things we've got to change in this country and the forces of Conservatism in education are the people who say it only matters to educate an elite, the old Tory way, and people within our own ranks who say, 'well if there is social deprivation you can't have decent education'. Rubbish! You know you can provide decent education as well as tackling the problems of social deprivation.

Naughtie: *If you are going to produce the practical changes on which you have asked to be judged and on which the country will judge you at the end of this term of office, you are going to have to have a Cabinet that performs. Do you miss Peter Mandelson?*

Blair: Well, that's quite the cleverest way of getting in to asking me to comment on the reshuffle.

Naughtie: *I don't think it's clever, it's pretty obvious.*

Blair: Well, it's a pretty obvious question and it's a pretty obvious answer. I don't discuss reshuffles.

Naughtie: *But I'm not talking about the reshuffle...*

Blair: I think you are really

Naughtie: *Well, if you want to discuss it you can, but I'm asking you whether you miss Mr Mandelson in Government.*

Blair: Well if you asked me whether he's a very able guy and was an excellent Cabinet Minister, the answer is 'Yes'. If you are asking me 'what about the reshuffle', or about whether he is going to come back into Government, the answer is I don't discuss the reshuffles and I don't discuss who is going to come back into Government or whether they are going to come back in.

Naughtie: *So he could?.....are you saying no more?*

Blair: I am saying no more because you can try out any which way you like but it isn't very sensible for Prime Ministers to talk about who is or is not going to come into their Cabinets or Governments.

Naughtie: *But he is still a man you trust?*

Blair: Yes, I've always had a high regard for Peter and he's paid a very heavy price for what he has done and I'm not taking away from anything I've said before. But whether he comes back into Government or not is a decision that I have to take at a later time and I am not speculating about it because it wouldn't be a very sensible thing to do.

Naughtie: *Prime Minister, thank you.*

Blair: Thank you.



02 OCT 1999

1 October 1999

The Prime Minister
10 Downing Street
London
SW1

Dear Sir

I listened to your interview on radio 4's today programme this morning with interest. Twice you inaccurately attributed the defeat of the anti-hunting bills to the House of Lords. This is wholly inaccurate and misleading. The Foster Private Members Bill, like the McNamera Bill before it, was withdrawn from the House of Commons before it ever reached the Lords. The Lords cannot therefore be attributed with the wrecking of these measures in any way.

I would be grateful if you would amend this mistake with a public apology, otherwise it can only be taken as a wholly misleading slur against this House.

Yours sincerely

Edward Heath

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OF THE PUBLIC RECORDS ACT

PRM49/883/1

Letter
dated 1
Oct 1999



10 DOWNING STREET

LR✓

lee

Fox hunting

I Think This should
point to a committee of
Inquiry. Can you write
this up into a concise paper
to put to Tony at R and
next week:

- Office of Inquiry, chaired
by who? Membership. For etc

- Promise of time for a bill
in 4th session (but at were to
get it the Lords
- try of amendment (one
Lords reform is right).

✓✓



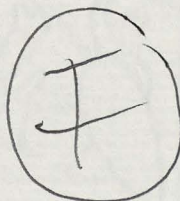
10 DOWNING STREET
LONDON SW1A 2AA

From the Prime Minister's Policy Unit

Close Summer

This is all that I
could find that
was pertinent.

Cj



RESTRICTED

From: Liz Lloyd
Date: 23 September 1999

Jonathan Powell

cc: David North
Pat McFadden

Hunting : Inquiry Options

Jim Gallagher has pulled together the attached note on the options for an inquiry. He and I do not think that it is sustainable after all that has been said and done to run with an inquiry without a firm commitment to support a PMB with government time or a government bill in the fourth session.

One important factor is that next year's countryside bill is liable to amendment by those who oppose hunting. This could wreck that Bill and would also raise the issue of hunting in a very uncontrolled way. We need to find a way of showing that people will have another opportunity to vote on the issue "as soon as we possibly can".

I think that means promising to give government time to a Bill in the fourth session. If we want to have an inquiry Jim's paper sets out the options.

Just a one point of detail - we would only choose the chair of the Independent Committee, the parliamentary options are in the hands of the Whips and the DETR sub-committee is chaired by Andrew Bennett.

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RESTRICTED

RESTRICTED - POLICY

FOXHUNTING: OPTIONS

Background

The PM is committed to allowing a free vote on banning hunting with hounds, in this Parliament. There is no commitment to Government time for legislation – though this seems likely – nor to the successful passage of a Bill.

The Countryside Bill has a place in next year's programme. It contains no provisions on hunting; but we could not guarantee that amendments on hunting would be outside its scope. Hunting amendments would be time consuming and put the Bill at risk, with knock-on effects on the whole legislative programme.

Options

The options for dealing with this are:

Do Nothing	Seek to persuade backbenchers not to amend the Bill, so as not to risk losing it (say, in the Lords). <i>Might work with promise of 4th Session legislation. Does nothing to mollify Countryside lobby.</i>
Commons Select Committee Inquiry	Invite [Countryside sub-committee of DETR] Select Committee to inquire into effects of a hunting ban. Look at Economic, environmental and other effects. Delay legislation till considered Report. Involves backbenchers prior to free vote. <i>Would help justify delay and keep backbenchers active, but would not mollify countryside lobby much. Report unlikely to be very balanced, given composition of committee. But would guarantee to complete in 3rd Session and allow</i>

RESTRICTED - POLICY

legislation in fourth.

Joint
Commons/Lords
Inquiry

Same remit and would justify delay in legislating. Would be seen as more favourable to countryside. Prepares ground in the Lords and involves backbenchers to some degree. Finish in third session. *Ups significance of issue.*

Appoint independent
Committee of Inquiry
[Chaired by, say,
Land Economist]

More formal remit on effects of ban, likely to produce more balanced report, but does not involve backbenchers. Welcome to countryside lobby. Would provide real information for decision, *but might take longer than one year (eg if needed new research).*

Conclusion

Doing nothing is a risky strategy, and some sort of inquiry is recommended. Choice between a Select Committee and Independent Inquiry is between more involvement and ownership by backbenchers versus more balanced approach, though with risk of running on into 4th Session. If Ministers are willing to bear risk of running on, then independent inquiry is best.

Recommendation

HO/DETR/Cabinet Office should be asked to recommend remit, membership, timetable, and handling strategy for announcement in November/December.

RESTRICTED - POLICY

RESTRICTED

Jonathan Powell ✓

From: Liz Lloyd
Date: 30 September 1999

cc: David North
Jim Gallagher
Pat McFadden

A possible Inquiry

You asked Jim and me to draw up a possible plan for an inquiry - attached.

As you know I do not think that this is a runner unless we promise fourth term legislation with government time, which in turn will look like we have prejudged the issue. The pro-hunters only want an inquiry to slow the process down and I doubt whether they would ever accept the conclusions. It is also debateable whether there is a body of people who have not yet made up their minds.

As ever the hardest part is the membership. In this area in particular it will be very hard to find a dispassionate chair. (A lawyer is one possibility but they tend not to stick to a fixed timetable.)

On the positive side, like the Scottish referendum, it might help to close the issue, and it would certainly deflect attention for a while.

9

HUNTING with Hounds: A POSSIBLE INQUIRY

What would it look at:

- 1) the possible economic effect of a ban
(how many jobs lost etc)
- 2) the possible environmental effects
(would foxes overrun the countryside)
- 3) whether different animals should be treated in different ways
- ie stags, foxes and hares
- 4) [recommend any palliative measures] e.g. drag-hunting as an alternative

DRAFT TOR

To consider [the existing evidence] and advise upon the economic and environmental effects of a ban on hunting of live animals with hounds; [and to recommend any measures which should accompany such a ban].

TIMING

As long as needed, but at least 12 months. 18 would be the maximum defensible to allow it to enforce a vote in this Parliament.

Possible Membership

Academic Chair	(needs a degree of detachment); probably best to be an economist; but an academic lawyer or even a geographer or biologist might do.
A (land) economist	(Some expertise in rural economic development)
An ecologist	
A farmer	
Land Management	(? National Trust)
Interest	
Local Authority Member (LGA)	

Sources

National Trust, Countryside Agency,
LGA, NFU, Universities

Next Steps

Minute HO/DETR to come up with formal TOR and recommendations for membership. Announce one have finalised and sounded out Chairman.



(P)

Top DN
cc: u(10)

CONFIDENTIAL & PERSONAL

Prime Minister

HUNTING

... You asked for advice on the options for an inquiry into the effects of a ban on hunting. A note on these options is attached. If we were to go down this road, I would on balance recommend a specially convened independent panel. This would cost between £1/4 million - £1/2 million, and could not be met from Home Office funds.

2. However, I would strongly counsel you against pursuing any inquiry option at this stage. It will simply be seen as a brazen delaying device - and it will not work.

3. Indeed, the mere announcement of an inquiry could serve to inflame sentiment in the PLP, and make you the object of severe criticism that you were ratting not just as a manifesto commitment but on repeated personal commitments. A large majority of MPs has made up their mind on the issue in favour of a ban. They will not be persuaded by an inquiry, not least because in turn they are exposed by their own public promises from which they cannot now move.

4. We do now have to deliver on this commitment. The only way we can do so is by a promise of government time for legislation on a ban.

5. I would be happy to discuss this with you.

Jack Straw

1 September 1999

CONFIDENTIAL & PERSONAL

APPENDIX

HUNTING – FORMS OF INQUIRY

At this juncture, an inquiry could provide facts about hunting and consequences of a ban (which Government cannot readily obtain in other ways) as well as help us demonstrate progress on the subject within the possible legislative programme.

2. The options boil down to a choice between a Parliamentary review (such as a Joint Select Committee) or a specially convened panel with a chairman independent of Government. On balance, I recommend the appointment of a specially convened panel. This would cost £¼m - £½m. It could not be met from Home Office funds.

3. Terms of reference should be to *"inquire into the economic, social and conservation consequences of a ban on different types of hunting with hounds and report findings to the Secretary of State for the Home Department - in particular, on the impact on agriculture and the rural economy, alternatives to hunting, and implications for pest control"*.

4. An inquiry should be set a period of 9 months from being established in which to report.

Options

5. We have, of course, a number of options available, both Parliamentary and non-Parliamentary. On the Parliamentary side, it would be possible to establish a Joint Committee of both Houses, or an ad hoc Select Committee. And there are already in place the Home Affairs Select Committee and the Associate Parliamentary Group for Animal Welfare. Outside of the Parliamentary sphere, the options are setting up a Royal Commission, some form of Public Inquiry (in this case, more an investigation), or a Ministerial review.

6. If there were a review it would best be received from the political arena, and open up membership of the panel to a wider choice of experts than a Select Committee will allow. Given the view of the PLP on this issue, the pro hunting

RESTRICTED - POLICY

lobby would be likely to claim that the outcome of a Parliamentary review was pre-judged. Of the non-Parliamentary options, a Ministerial review carries the same disadvantages and Royal Commission is too elaborate for the task. The investigation should therefore be conducted by a specially convened panel, headed by someone independent of Government.

7. The best model of its kind is the recent Jenkins' commission on voting.

Terms of Reference

8. The review should concern itself with the practical questions raised by any ban on different forms of hunting:

- effect on jobs (direct and indirect);
- replacement of the services that hunts perform (eg, collection and disposal of dead livestock from farms, management of woodland owned and managed by hunts, support of other acreage managed for hunting);
- disposal of hounds (and perhaps horses);
- fox control methods;
- role of footpacks and fox control societies in dealing with foxes;
- implementing a ban (most hunting takes place on private land).

9. The terms of reference would embrace these points and recognise that banning different forms of hunting will have varying impact.

Ln cc Davis

This is a pathetic piece of work.



I agree that we can have an inquiry into how to introduce a ban, coupled with a promise of time for a bill.

Why not an independent inquiry headed by a junior Home Office minister with answers on it?

Prime Minister

✓

(f)

Top DN

cc: u(ro)

cc: Jonathan Powell

I still think it will be ok if we promised legislative time for a pmg next session

g

HUNTING

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1 September 1999

CONFIDENTIAL & PERSONAL

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RESTRICTED - POLICY

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→ foxhunting file

From: David Bradshaw
Date: 3 August 1999

Prime Minister

cc:

Rob and Liz said you wanted a draft article - probably for the Telegraph - prepared on rural issues and the Countryside Alliance for use some time this week. This is the first attempt by James Humphreys and myself which, we hope, follows the general line of argument you wanted. Liz has read it and suggested changes which are included. Both James and I are here tomorrow to make the changes you may want.

David

Speak to me

Over the next few weeks and with the help, I suspect, of the Telegraph itself, we are going to hear a great deal from the Countryside Alliance. There will be no shortage of passion in their campaign because hunting with hounds raises great emotion both from those who support it and from those who oppose it.

But no matter what the passion generated, it is well always to remember that hunting is not the main issue of concern in rural areas. Hunting with hounds remains very much a minority pastime even in those areas of our countryside where it has a rich tradition. I know this and so do the Countryside Alliance.

It's why we have seen the Countryside Alliance and hunt supporters trying to broaden out their campaign. Hunting with hounds is deliberately pushed by them into the background behind imaginary threats to shooting and fishing, of thousand of ramblers tramping across the flowerbeds of private gardens, or swathes of our beautiful countryside concreted over to build new homes or of farmers abandoned and rural motorists punished.

Instead of discussing the merits of hunting with its opponents, they want instead to paint any move to abolish it as part of an attack on the whole rural way of life or, at its extreme, a war against those living in the countryside waged by an uncaring urban-based Government.

I understand why the Countryside Alliance want to do this. I also know it is nonsense. The Countryside Alliance is an organisation created solely to defend hunting with hounds. I don't think there is anything wrong with that. But I do think it is wrong to try and pretend that their priorities are somehow the same priorities of those who live in rural areas. They are not.

But before I get onto how this Government is addressing the real priorities of those who live in rural areas, let me knock down some of the scare stories that we will be hearing over the next few months.

First, there is no threat to shooting and fishing. This Government will not allow any ban on country pursuits such as fishing or shooting. It is as simple as that.

Second, far from untrammelled access across private gardens and woodland, our proposals to increase access to the countryside are sensible and fair and are increasingly recognised as such by landowners themselves. Access would only be to open land – mountain, moors, down and heath land – and not to fields of crops or gardens. Landowners will be free to close open land, for example during the shooting season or to protect rare breeding species.

Thirdly, this New Labour Government has not abandoned farming. I'm not going to pretend sections of farming are not suffering real difficulties. They are. But it is nonsense to suggest, as our political opponents are trying to do, that these problems started with the election of this Government.

Farming incomes have been in decline for years. This Government has provided millions in extra help to keep Britain farming. Long overdue reform of the Common Agricultural Policy will also bring a brighter future for farmers and reduce over-production and waste. We have also given the new Countryside Agency extra resources to boost the rural economy.

The biggest disaster to hit farming has been the BSE crisis. This was just one of the problems this Government inherited from the last one. But while the Tories made things worse by their incompetence and extremism at home and abroad, we have successfully worked with our European partners to get the beef ban lifted. We will now give our farmers all the support we can in the difficult task of recapturing lost markets.

But nothing exposes Tory hypocrisy more than planning. They allowed huge areas of our countryside to be destroyed when in power – a direct result of building just four out of ten new homes on brownfield sites. Our target is to see 60% of new housing on recycled sites. It's a target we intend to reach and we are investing in our cities to make them more attractive places to live.

At the same time, we are encouraging the building in rural areas of more low-cost homes so young people are not forced out of the villages in which they live because of high house prices. We want to see thriving villages and a vibrant rural economy. The countryside is not a museum. It is a place where people live and work.

That's why the real priorities of those living in rural areas are similar to those living in our towns and cities despite what the Countryside Alliance would have us believe. People, wherever they live, want good schools for their children and good healthcare. They want low crime, low interest rates, better public transport, more jobs.

All these priorities are important to help sustain strong communities in rural and urban areas. They are also the priorities of this New Labour Government. So all areas are benefiting from the £40 billion extra investment in education and health. It's money to improve standards in our schools and hospitals, modernise buildings and equipment, to recruit more doctors, nurses, and teachers.

It's investment which has provided new services such as NHS Direct, the nurse-led helpline which is a particular boon to those in isolated areas. It's investment which has helped, for instance, cut the number of infants in classes of over 30 in Cornwall and Devon from over 13,000 at the election to less than 1,000 by this September.

But I also accept that the special needs of rural areas have to be addressed. So we have also stepped up protection for village schools, improved rural health services, helped protect village shops through lower business rates and found £170m over three years for extra rural buses which has already provided 1,500 new and expanded services.

The New Deal has helped cut long-term youth unemployment by over 50% since the election in rural and inner-city constituencies. It's fallen by over 70% in the New Forest, by 71% in South Norfolk and 57% in Richmond in Yorkshire. But we have also given the new Regional Development Agencies a specific remit to bring badly-needed jobs to rural areas.

Inflation is low and on target and mortgage rates are lower than for 30 years. This has helped homeowners wherever they live. But we have fought hard to get Cornwall, West Wales and the Highland and Islands the best ever deal in European funding.

This all shows a Government tackling the real priorities of rural areas – a Government getting the fundamentals right for the whole country with dozens of initiatives to make life better in rural areas, from boosting tourism to ensuring they don't lose out over lottery funding.

But we are also a Government which keeps our promises. We promised in our manifesto to give Parliament a free vote on fox-hunting. It should have come as no surprise that this happened. The result was a clear expression of popular will that fox-hunting should come to an end and we will ensure there is an opportunity to take this on.

A majority of people – and a majority of country people – want hunting with hounds consigned to history along with bear-baiting and cock-fighting. This is what the Countryside Alliance was set up to oppose. Let's not be led off the scent by false trails but debate hunting as hunting alone.

ENDS

~~Rob~~ Yes. RESTRICTED → file

Thank you. Is
Liz speaking to R
RSCA?

From: Rob Read
Date: 3 August 1999

JONATHAN POWELL

cc: Liz Lloyd

HUNTING

Liz Lloyd and I had a meeting at Chequers this morning with the Prime Minister to run through options on hunting.

First, the PM said he was keen to get up an article, before he goes away, which isolates this as a hunting only issue, and tackles the other scares – eg in relation to fishing and shooting; rambling through gardens and woodland etc. He wants to point out that those who are trying to run these scares are seeking to disguise the fact that the issue is simply foxhunting. He also wants to pin this clearly as a manifesto commitment – so this can't be said to be unknown or uncalled for.

He also wanted to add in the important context of what Government is doing for the rural economy (eg money for farmers, beef ban lifted), rural protection (eg brownfield sites, greenbelt increased) and rural community generally (more money for education, rural buses etc).

He does not want the article to indicate in detail what is going to be done on hunting, rather to use it as a way of clearing away the issues that are wrongly getting entangled with it. He also said he wanted Dave Fursden's comments on the draft when we had generated it. [We have discussed with David Bradshaw and he is kicking off first draft.]

However, on the judgement as to whether it is right to run the article now, he

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- 2 -

said he wanted Peter's view. Liz will speak to him. [The collective view from Bill, Liz and David is that it would be foolish to set this off again in the empty media spaces of August which would then be filled by opponents, and also so far off from any substantive announcement. Better to run it at the start of September when the issues subsequently arising in the media can be tackled by a full team.]

Second, on the way ahead on the substance of hunting itself there were a number of points:

- (i) he wanted the option explored of some kind of commission of inquiry to "establish the facts" and look at the implications of a ban on jobs, the rural economy etc. [Subject to views, I will now commission advice from the Home Office on possible options, including the interdepartmental study which you said the Countryside Alliance favoured.]
- (ii) If we do go down the inquiry route, he was uncertain as to who would be best to head the body – it would be necessary to have someone who could ensure they minimised the difficulties any inquiry gave rise to. Liz's view was that the commission needed a hunter as a senior member to ensure it commended the respect of the hunting community;
- (iii) The PM confirmed he would prefer a private members bill, although he recognised this could not be guaranteed. He was quite strongly against running a government bill, given the time this could take from other Government measures in the Lords. He recognised that a PMB might require Government time to get through the Commons, but did not rule this out. (A commission of inquiry might help cut the time taken there.)

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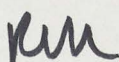
In particular, he did not favour Jack's suggestion of a Government-backed "Sunday-trading" type bill.

- (iv) He was not clear at the meeting as to whether to run with a straight ban or an opt-out – although on Liz's and my original note he said he favoured offering the choice of an opt-out or an opt-in;
- (v) On timing, he thought one could consider signalling, in advance of Party Conference, that there would be another chance to see through the manifesto commitment – our preference being another PMB facilitated by Government. A committee of inquiry could also be announced, depending on where we have reached on this approach by then. We could make clear privately we did not see the bill coming in the third session;
- (vi) In the meantime, he wanted RSPCA etc to be up and making the case, otherwise it gave all the ground and the arguments to the pro-hunt lobby.

In closing, the PM made two final points. First, that he wanted to discuss this further with Derry. And second, that whatever outcome, he did not want to be hemmed by the inquiry, nor to lose other bills over this.

Third session legislation

In relation to we also touched on options for the third session. He was content for the countryside bill to be run in the third session. However, we need to judge whether there is space alongside a somewhat expanded "crime and probation" bill, which he also favours. I have minuted separately on that.





Passed
to Cheques

From: Jonathan Powell
Date: 2 August 1999

PRIME MINISTER

cc: Liz Lloyd
David North

HUNTING

Charles Moore came to see me this morning as an unofficial emissary of the pro-foxhunters. They were desperate to know what was going on. We should not underestimate the strength of feeling. It would be very hard to enforce any ban. What about an inter-departmental enquiry?

I said that no decision had been taken, nor would be before the autumn. Feelings were strong on both sides. But those who supported foxhunting should be worried by the antics of some of their supporters. And the resort to extra-Parliamentary action by some people on that side had certain ironies to it.

The idea of an interdepartmental enquiry was interesting, but what would it amount to? He said he had no clear idea. But it would be mad to legislate without taking all the factors into account. Liz: I would be grateful if you could get some work done on this over the summer, not as an alternative to a ban, but as a first step.

He said they were trying to get the march on the Labour Party Conference this autumn and limit the numbers.

[Handwritten signature]

File

From: Jeremy Heywood

Date: 2 August 1999

LIZ LLOYD

cc: Philip Bassett
James Humphreys
Bill Bush
Anji Hunter
Alastair Campbell
Owen Barder
Jonathan Powell
Rob Read
Jeremy Heywood
David Miliband
David Peel
Lance Price
Sally Morgan

THE COUNTRYSIDE AND RURAL AREAS (AND HUNTING)

The Prime Minister was grateful for your minute of 30 July.

The Prime Minister broadly agrees with your analysis. He particularly agrees that we should rule out a pesticide tax and other perceived threats as soon as possible. He also likes the idea of drawing a line on shooting and fishing and making some positive announcements on the conservation side. However he is not attracted to the idea of setting up a Rural Unit in the Cabinet Office.

More generally, he commented as follows:

I agree with this, as marked, but there are two simple things we are missing. Hunting is the issue. The Tories are behind the Countryside Alliance. We have therefore (a) to get to safe ground on hunting; and (b) to make a big impact rebuttal of the surrounding lies eg, hunting, fishing etc. I suggest I do an interview possibly now, setting out the rebuttal. But what can we do on hunting? We could set up a Commission to look at it as well as maintaining our position. Let us discuss."

You and Rob are going to Chequers tomorrow to take this forward.

9/2
g:\docs\ppp\countryside and rural areas mrm.doc

From: Liz Lloyd
Date: 30 July 1999

Prime Minister

cc: Philip Bassett
James Humphreys
Bill Bush
Anji Hunter
Alastair Campbell
Owen Barder
Jonathan Powell
Rob Read
Jeremy Heywood
David Miliband
David Peel
Lance Price
Sally Morgan

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The countryside and rural areas (and hunting)

This is going to become much more of a problem for us in the coming 3 months.

The Countryside Alliance are planning to mount a huge campaign at Conference, again conflating the hunting argument with a rag bag of other rural gripes.

Those I have spoke to at the NFU and CLA are variously describing the situation as "sitting on a tinderbox" or "very difficult".

The view coming up from the countryside is that they feel they are dispensable that when push comes to shove with the party the rural community is sacrificed e.g. access e.g. hunting. We are facing some more difficult announcements as well - on meat charges and some elements of the PIU study.

Key to any strategy is a clearer view of where we are going on hunting, so that we can diffuse and pre-empt the attacks from wherever they might come.

I do an interview possibly now, setting out the rebuttal. But what can we do as hunting. we is set up a Committee to look at it as well as meeting or position let us discuss that week

However, our target audience is broad and stretches from the commuters who now form a large part of semi-rural communities, farmers who are still struggling with a high pound and very low farm income, and conservationists who think that we do not care enough for English countryside.

The following are suggestions for a strategy for the coming months. Many of them will need central direction, from the press office and SCU here. But the one thing that everyone I speak to wants to see is a personal commitment by you for agriculture and the rural way of life.

1. Reforming Government to take account of Rural Matters.

At the minimum we should look at a commitment to "rural-proof" any policy. The recent proposals on Housing Benefit for example disadvantage rural claimants by £6 to £1 for urban dwellers, and that sort of example just does not get picked up in the normal course of decision-making. [because MAFF do not see it as their job]

A more advanced proposal would be to set up a Rural Unit in the Cabinet Office on the model of the SEU. It would embody all that has worked for the SEU. It would be genuinely cross-cutting, joined up government on an issue which the government traditionally does not do very well and it would be a powerful signal. It would be able to involve outsiders, e.g. farmers, small rural businesses and greens to get a more practical take on rural issues. This unit would a) hold a watching brief to rural-proof policies, b) undertake specific policy tasks, c) prepare the rural white paper d) provide a briefing pack on key rural issues for Ministerial visits e) be more media-savvy in the rural press than DETR and MAFF.

N/O.

2. Policy/announcements

For the farming community it is not so much a question of announcing new policy, but ruling out the threats that they perceive as hanging over their heads.

For instance ruling out a pesticide tax, extending access to woodland areas and deferring further the charges on the industry would make a big impression.

On the conservation side, there are some really positive announcements on wildlife legislation (strengthening the protection of SSSIs) and the establishment of a new National Park which could be included in the next Queen's speech. They, of course, would welcome a pesticides tax as would most consumers.

We also need to draw the line on shooting and fishing, by firmly stating that they will be protected under a Labour Government, to quell an unease there.

These three elements could be drawn together for a very substantial speech by you, perhaps as part of the NW tour before the focus of Conference. Setting up the new rural unit would be the main focus. You could easily divert to a market town such as Skipton if you were visiting Burnley. Indeed if you do not visit a rural area, it will be perceived as another "Townie Tony" tour.

3. Visits

A visit or statement by the Prime Minister is obviously the most important symbol that the government values the countryside. It is absolutely necessary that the government makes a clear and definitive statement that it has a coherent approach to rural areas, and that they are valued for their own particular qualities before hunting re-ignites the old rural/urban divide. If we wait until after

agree
give
this do
it at
soon.

Conference it will look like we have been bounced into it by the Countryside Alliance and the Tories. I think that the above ideas would make a good package. Philip Bassett and others will work up a proper rural storyline over the next weeks.

In addition we do need to involve other Ministers. Some ideas:

- Blunkett to visit the Norfolk Education Action Zone
- Sending the two junior Ministers at MAFF and DETR to rural areas as your eyes and ears. They could start in Cornwall for a week charged with writing a report for the PM. They could discover the; local demand for a proper University, and report back to you to OK it, so giving them real influence for their next trip.
- MAFF to promote British food and wine, by holding a summer picnic
- Auditing the amount of lottery money which has gone into rural areas (DCMS)
- Asking the Better Regulation Unit to see which regulations were not appropriate for rural areas - e.g. regulations on bonfires
- John Prescott and Nick Brown to hold a Rural Summit (in a remote area)
- Creating a University for Agriculture by connecting all the agricultural colleges.
- TB or MAFF to write to all farmers about the future with their CAP cheques.
- Contract with Rural Areas. Make a new announcement on rural e-services by promising that 80% of rural areas will be covered by NHS direct in the next 3 years. Devise a contract with rural areas on new e-services in 5 key areas, health, education, employment etc.

Do you agree with the analysis and are you attracted to the proposed solution?

CJ

Yes.

hear the response of the Secretary of State. *[Interruption.]* Order. The House must come to order. Conversations are much too noisy.

Clare Short: Thank you, Madam Speaker. No. I do not accept that my suggesting that there needs to be international pressure on both sides to gain access rather than telling the public that the problem was lack of resources was in any way an error. The pressure of international public opinion made the Government of Sudan change their mind on flights and access and led the Sudan People's Liberation Army to agree to the ceasefire which, as the hon. Lady knows, it was unwilling to do at first.

It is true that the USA is providing support for capacity building to the factions in the south. I have spoken to Brian Attwood, the head of USAID, about the need to back the ceasefire. Others worry that some elements in the Administration take the position that the hon. Lady put forward. It is absolutely crucial that countries do not line up on the war because of their criticism of the Government of Sudan and allow the people of Sudan to continue to suffer. We must do better to get everyone to work seriously for a negotiated settlement in Sudan.

Mr. Gary Streeter (South-West Devon): While I understand entirely what the Secretary of State is saying about the need for peace, and in wishing her well in her pursuit of a long-term political settlement, will she take the opportunity this afternoon to give a clear and unequivocal message to the British people that she now accepts that in the south of Sudan at least, more money, food and medical supplies are urgently needed to keep people alive? Will she wholeheartedly endorse the public appeals now being made by UK aid agencies?

Clare Short: No. As I said to the hon. Gentleman, no one should play games with the crisis in Sudan. Millions of people are in danger of dying while 90 per cent. of the money that is provided goes on air drops. We are spending money on aeroplanes while people starve. Much of the food that is getting in is being diverted by fighters from the people in need. We need international concern about Sudan to keep pressure on both sides, first to get in massively more food—and we need the ceasefire for that—and secondly, to press for a negotiated settlement. That is what is needed and that is what I ask British public opinion to seek.

Southern Africa

7. **Helen Jackson** (Sheffield, Hillsborough): What assessment she has made of the impact of the measures announced in the comprehensive spending review on aid to community development in southern Africa. [51326]

The Secretary of State for International Development (Clare Short): We are reviewing our programmes in southern Africa to ensure that they deliver poverty reduction and sustainable development. Community involvement is essential to ensure that services meet the needs of poor people. Total expenditure in the region will be about £70 million this year.

Helen Jackson: I thank my right hon. Friend for that reply. Like my colleagues, I congratulate her and the

Government on reversing the decline in aid spending that took place under the previous Government. I understand that she has recently visited Mozambique, which is of course one of the poorest nations in southern Africa. Does she plan—and if so, how—to increase the percentage of aid that goes to local, community-based projects in such countries, which help the people there?

Clare Short: I am grateful to my hon. Friend. Yes, I have just visited Mozambique. It is one of the poorest countries in the world, where 65 per cent. of people live on the equivalent of less than half a dollar a day. The World Bank reckons that living on a dollar a day is abject poverty. It is incredible that, despite Mozambique suffering everything monstrous that history can throw at a country, the people and the Government at all levels are determined to make progress—and are making it. I am very optimistic about likely progress in Mozambique. We are likely to treble our programme over the next few years from the extra resources made available, and we shall work with the Mozambique Government and local communities to involve all in improving health, education, economic management, enterprise development and crop-growing. There is lovely land in Mozambique, but much of it is under-used. Government systems and local communities need to work together to sustain progress in Mozambique.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1.[51350] **Mr. Lawrence Cunliffe** (Leigh): If he will list his official engagements for Wednesday 29 July.

The Prime Minister (Mr. Tony Blair): This morning, I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall be having further such meetings later today.

Mr. Cunliffe: Does my right hon. Friend agree that legislation to abolish the cruel hunting of animals with dogs for human entertainment will never be accepted by the committed anti-democratic Members of Parliament on the Opposition Benches? Will he assure me that he will find ways in which to honour his and our party's pledge to accommodate a Bill similar to that promoted by my hon. Friend the Member for Worcester (Mr. Foster) so that, once and for all, we can abolish the despicable, barbaric practice of hunting animals with dogs?

The Prime Minister: Hon. Members have made clear their view, with a very large majority indeed in favour of banning hunting. My right hon. Friend the Member for Worcester—[HON. MEMBERS: "Right honourable?"] My apologies; no doubt he will be in due course, but not quite yet. Of course, the private Member's Bill promoted by my hon. Friend the Member for Worcester (Mr. Foster) failed through the action of its opponents, not the Government. My right hon. Friend the Home Secretary has discussed with him and others ways in which we can make progress on this issue. I cannot, of course, speculate about the next Session, although the Government's

priority will be to ensure both that our full legislative programme is intact and that we honour our manifesto commitments.

Mr. William Hague (Richmond, Yorks): If the Prime Minister's welfare reforms are going as well as he has always said, why did he sack the Secretary of State for Social Security and provoke the resignation of the Minister for Welfare Reform?

The Prime Minister: I assure the right hon. Gentleman that welfare reform will continue as we have set out in our Green Paper. Indeed, we have accomplished more welfare reform in our 15 months in office than the Conservatives did in 15 years. Of course, most of that reform has been opposed by his party.

Mr. Hague: Is it not time for the Prime Minister to drop the pretence and admit that his programme of welfare reform in the past year has been an abject failure? Did he call in the former Secretary of State on Monday and say, "Congratulations on your numerous successes. You are fired"? Did he call in the former Minister for Welfare Reform and say, "You are so important to the Government in this Department that it is time you moved to another one"? Is not the truth that he has lost one of the few men of principle in his Government, whose name he has traded on and whose reputation he has used a substitute for action? Is it not a fact that that Minister found that he did not have sufficient authority to act, demonstrating that, on this subject, the Prime Minister has been talk, talk, talk without a clue as to what to do?

The Prime Minister: Let us deal with the facts, Madam Speaker. In relation to my right hon. Friend the Member for Birkenhead (Mr. Field), I have the greatest respect for him—but I must decide who is in the Cabinet. The decision as to who is in the Cabinet is mine alone.

In respect of the specifics, over the past 15 months, we have reformed student finance; brought in proposals to reform legal aid; changed lone parent benefits; introduced £3.5 billion for young people getting off benefit and into work; proposed a fundamental reform of the Child Support Agency; and put together the first-ever comprehensive strategy on benefit fraud. Each of those actions—plus the working families tax credit and the action to get disabled people off benefit and into work—has been opposed by the Opposition. They still will not say—perhaps the Leader of the Opposition will do so now—whether there is a single part of the welfare budget that they propose cutting. Perhaps he will do it now.

Mr. Hague: It is my job to ask the questions and his job to answer them. He talks about his respect for the right hon. Member for Birkenhead. Other Ministers must be hoping that, by this time next year, he has not developed the same respect for them. He talks about the importance of welfare reform, but no new Minister for Welfare Reform has even been appointed.

Will the annual report of the Government, to be published today, tell the real story of the last year—that welfare bills are higher than a year ago; that waiting lists are higher; that class sizes are higher; that taxes are higher; that interest rates are higher; that inflation is higher; that exports are falling; that unemployment is rising; that output is stagnating—[*Interruption.*]

Labour Members had better listen to this list because it will haunt them. Exports are falling; unemployment is rising; output is stagnating; industry is on the brink of recession; agriculture is in recession and the cronies are in clover. When will the Prime Minister stop his power struggles with the Chancellor and tackle the real problems of this country?

The Prime Minister: The right hon. Gentleman accused me of not giving any specifics, but I have just given him a long list of our specific reforms. We have had two weeks since the comprehensive spending review. He still does not tell us whether he is in favour of more spending or less. We have given him a list of the social security changes. He still does not tell us whether there is a single one of those that he supports or opposes—indeed, he still will not tell us whether he supports the independence of the Bank of England or not, whether he supports any interest rate rises or not or whether he supports the minimum wage or not. He is all very well at the level of generality, but when it comes to specifics, he is Mr. Vague.

We will put through the annual report detailing the changes that we have made. Above all, we shall show how the extra money that we are getting into schools and hospitals will give this country the public services it wants. People can then contrast that record of achievement with the 18 failed Conservative years that the right hon. Gentleman supported.

Q2.[51351] Mr. Ken Livingstone (Brent, East): Given that 14 of the 20 most deprived council areas in Britain are in London, can the Prime Minister understand the concern among teachers and providers of social services at press speculation that the Government are considering switching £500 million of Government grant from London to tackle poverty elsewhere? Can he give the House an undertaking that will set that concern at rest by making it clear that poverty elsewhere will be tackled out of new resources that have been set aside, and will not involve taking resources from some of the poorest boroughs in Britain in London?

The Prime Minister: There are no such proposals to cut hundreds of millions of pounds from the education budget—or, indeed, any other sum from any other service—in London. There are always such scares before the negotiations on standard spending assessments. The Government recognise that it costs more to provide services in London than in most of the rest of the country, and that there are many deeply deprived areas of London. We are determined to let nothing get in the way of our getting those extra resources that we have provided into the schools and hospitals. My hon. Friend will be aware that what some of the most deprived areas in London and elsewhere need is the new deal for tackling unemployment, the new deal for communities, the extra money for housing and the extra help for education, which will lift the standards and spirits of people living in the inner city of London.

Mr. Paddy Ashdown (Yeovil): The Prime Minister talks about specifics. May I ask him a very specific question on the central issue of welfare reform? When the outgoing Minister for Welfare Reform, who resigned on

FOXHUNTING

"There is a great deal of false argument being put forward by the pro-hunting lobby." (Widdecombe, Observer, 11 July 1999)

- Last session, the Private Members Bill to ban fox hunting secured an overwhelming majority on the free vote promised in our manifesto. This result accords with the view of the majority of the public.
- I said last week that "We are now looking at ways of bringing [the bill] forward in a future session that allows people to have a vote and carry it through." [BBC Question Time]
- When asked about this in the House [in July 1998] I made perfectly clear "the Bill promoted by my HF the Member for Worcester failed through the action of its opponents, not the Govt. My RHF the Home Secretary has discussed with him and others ways in which we can make progress on this issue. I cannot, of course, speculate about the next Session, although the Govt's priority will be to ensure both that our full legislative programme is intact and that we honour our manifesto commitments. (29 July 1998, Col 364-5)
- My HF [Minister of State in Home Office] made clear on Monday that we were considering a number of options for this. We will make an announcement on our specific proposals soon to take this forward.

Rural

- Quote Shadow Home Sec: in respect of hunting "town versus country claim is irresponsible for it attempts to divide Britain." (11/7/99)
- Previous Tory Govt no friend of rural areas. 450 village schools closed since 1983. Only 1 in 4 parishes with daily bus service. Building on greenfield sites was almost 60%.
- We have given extra £170m for rural public transport. Set 60% target for brownfield sites. Extra 30,000 hectares have been added to the green belt. New rate relief scheme to protect rural post offices and small shops. New Deal for young unemployed in rural areas like Cumbria. Our rural white paper – first for over 20 years – will make clear how we will support sustainable local communities.
- More Labour MPs with rural seats than any other party.

FOXHUNTING

Party funding

- No question of policy being changed at behest of any lobby group. We made clear our position on hunting in our Manifesto.
- The "Political Animal Lobby" have made donations to the Labour party. There is no secret in that since we published this fact in 1997 Annual Report. I understand that they have also made significant donations to the Conservative Party, the Liberal Democrats and other parties, including the Greens.
- I would have thought – given the revelations this week – it would not be in the Opposition's interest to raise the question of openness and influence in party funding.

Meetings with IFAW

- Officials and Ministers have met with individuals and groups from all sides of the debate – eg [meetings with pro-hunting groups?]. We will continue to do so.
- We have made clear today that officials in No 10 [Jonathan Powell and Liz Lloyd] held a meeting last Tuesday with representatives of the RSPCA, LACS and IFAW. This followed previous meetings with the Countryside Alliance and other interested parties.
- Fox hunting was among a number of annual welfare issues that were discussed. It is not true to say that any threat was made about an anti-hunting advertising campaign nor was I even aware of the meeting. Nor was there any reason for him to be so, as officials do not discuss every routine meeting with me.
- It was a routine meeting with a group of people perfectly entitled to put their views to the government.

HUNTING WITH DOGS: SCOTLAND

Issue

The Scottish position on hunting with dogs.

Facts

As in England and Wales, fox hunting is a legal activity although using dogs to hunt deer is illegal in Scotland under the Deer (Scotland) Act 1996.

Introducing legislation to extend the ban on hunting with hounds – eg to fox hunting is a matter for the Scottish Parliament. The Scottish Executive has announced its legislative programme for 1999/2000 and has made it clear that it has no plans to introduce further legislation banning hunting with dogs.

Fox hunting is not prevalent in Scotland – there are only 9 mounted hunts using dogs mostly operating in the Borders and Dumfries and Galloway regions.

Recent media speculation about the possibility of the Scottish Parliament moving to ban fox hunting in Scotland has prompted a strong reaction from the pro-hunt lobby although there is also significant support for a ban.

Line to Take

While responsibility for this matter in Scotland transferred to the Scottish Parliament on 1 July, I understand that the Scottish Executive has no plans to legislate on the subject.

Executive Committee, National Union 1971–76. *Other:* 1966, Hon. Treasurer 1976–86; Member, Court of 1960; Kt 1972; KStJ 1986. *Name, Style and Title:* the County of West Yorkshire 1983. A Conservative. Wetherley, West Yorkshire, BD20 6LP Tel: 01535 603895.

Weir; cr. 1919

led his father 1982; educated Marlborough; Trinity College. Married 1992, Rachel Sian Shapland Davies Weir, born February 8, 1935. *Address:* The Lord

side; cr. 1941

ron, GCB, CMG, DSO. Born September 21, 1924. Educated Tonbridge. Married 1950, Audrey de Colonel Hon. T. G. B. Morgan-Grenville, OBE, (later). *Armed Forces:* RN 1943–52; Lieutenant, RN company 1952–59; English Electric Computers Ltd; Cryosystems Ltd 1964–68; London Manager, Development Co. Ltd 1968–84; Market Co-ordinator, Defence Consultant, Rolls Royce IPG (formerly *nittees:* Member, Select Committee on European Affairs B 1985–92. *All-Party:* Deputy Chairman, Vice-President 1977–80, 1984–87; Hon. Secretary, 1995–; Member and Past Treasurer, All-Party *al Bodies:* Member, IPU 1959. *Other:* Member, President, Institute of Patentees and Inventors 1975; Chairman 1976–83; Vice-President, European Electric 1982; Member, Court of Essex University 1982–. Hon. 1981–82. *Publications:* *Highroad to Command*, 1981. *Other:* Sailing, shooting. *Clubs:* Royal Ocean Racing Club, born July 1, 1956. A Conservative. *Address:* The Lord Colchester, Essex, CO4 5RB Tel: 01206 272860.

drew Mackay Irvine; cr. 1987; PC 1997; QC 1978

ret Christina Irvine. Born June 23, 1940; educated Hutchesons' Boys' Grammar School, Glasgow; (LB); Christ's College, Cambridge (Scholar, BA, 1962). College, Cambridge 1996; Hon. LL.D., Glasgow 1996. Mary, youngest daughter of Dr James Shaw Nair, MA (2 sons). *Career:* University Lecturer, 1965–69; Called to the Bar, Inner Temple 1967; Bench Walk Chambers 1981–97; Bench of the Court 1985–88; Deputy High Court Judge 1987–97; of Northern Ireland 1998. *House of Lords:* Shadow *lesman:* Shadow Spokesman on Legal Affairs and Select Committees on: House of Lords' Offices President: British-American Parliamentary Group, 1990. World Federation of Mental Health. *Other:* 1990–2001 Committee; Member, Committee of the George and Thomas Hutcheson Award 1998. *Trusts,*

ISLWYN (Life Baron, UK), Royston John (Roy) Hughes; cr. 1997; DL



Son of late John Hughes, Miner. Born June 9, 1925; educated Ruskin College, Oxford. Married June 10, 1957, Marion, daughter of John Appleyard, of Scarborough (3 daughters). *Trades Union:* Has held numerous offices in TGWU from 1959; Chairman, Parliamentary Group TGWU 1968–69, 1979–82. *Armed Forces:* Served 2nd Btn, Welch Regiment. *Councils, Public Bodies:* Coventry City Councillor 1962–66; DL, Gwent 1992–. *House of Commons:* MP (Labour) for Newport 1966–83 and for Newport East 1983–97. *Spokesman (Commons):* Front Bench Spokesman on Welsh Affairs 1984–88. *Select Committees (Commons):* Member, Speaker's Panel of Chairmen 1990–97. *Backbench Committees (Commons):* Chairman: Parliamentary Labour Party Sports Group 1974–84, Parliamentary Labour Party Steel Group 1977–97. *All-Party Committees (Commons):* Joint Chairman: All-Party Roads Group 1982–97, All-Party Motors Group 1987–97, All-Party Rugby Union Group 1993–97. *International Bodies (General):* Member, Executive British Group, Inter Parliamentary Union 1986–92, Treasurer 1991; Member, Council of Europe 1990–97. *Party Groups (General):* Secretary, Coventry Borough Labour Party 1962–66; Chairman, Welsh Parliamentary Party 1969–70. *Miscellaneous:* Chairman, Welsh Grand Committee 1982–84, 1990–97; Spokesman, Pensioners' Convention 1998–. *Special Interests:* Steel, Motor Industry, Sport, Road Programme, International Affairs. *Recreations:* Rugby, soccer, cricket, gardening. *Sportsclubs:* Vice-President: Crawshay's (Wales) Rugby XV 1991–, Glamorgan County Cricket Club. *Name, Style and Title:* raised to the peerage as Baron Islwyn, of Casnewydd in the County of Gwent 1997. Labour. *Address:* The Lord Islwyn, DL, Chapel Field, Chapel Lane, Abergavenny, Gwent, NP7 7BT Tel: 01873 856502.

IVEAGH (4th Earl of, UK), Arthur Edward Rory Guinness; cr. 1919; Viscount Elveden; 4th Viscount Iveagh (UK) 1905; 4th Baron Iveagh (UK) 1891; 4th Bt of Castle Knock (UK) 1885



Son of 3rd Earl. Born August 10, 1969. Succeeded his father 1992. *Heir:* His brother, Hon. Rory Michael Benjamin Guinness, born December 12, 1974. A Cross-Bencher. *Address:* The Earl of Iveagh, Iveagh House, 41 Harrington Gardens, London, SW7 4JU E-Mail: lord-iveagh@the-iveagh-trustees.co.uk.

J

JACOBS (Life Baron, UK), (David) Anthony Jacobs; cr. 1997; Kt 1988



Son of Ridley and Ella Jacobs. Born November 1931; educated Clifton College; London University (BCom). Married 1954, Evelyn Felicity Patchett (1 son 1 daughter). *Career:* Chairman: Nig Securities Group 1957–72, Tricoville Group 1961–90, 1992–94, British School of Motoring 1973–90. *Party Groups (General):* Joint Treasurer, Liberal Party 1984–87; Vice-President, Social and Liberal Democrats 1988, Chairman, Federal Executive 1988. *Other:* Chairman, Board of Governors, Haifa University, Israel. *Miscellaneous:* Crown Estate Paving Commissioner. *Honours:* Kt 1988, FCA. *Recreations:* Golf, reading, theatre, opera, travel. *Sportsclubs:* Coombe Hill Golf (Surrey). *Name, Style and*

file

From: Jonathan Powell

Date: 26 July 1999

LIZ LLOYD

cc: Rob Read
David Miliband
David North
Alastair Campbell

FOX HUNTING

The Prime Minister has commented on your note that his preference is for a combination of:

- a Private Member's Bill;
- a choice between an opt-in and an opt-out referendum; and
- some form of inquiry so that the pro-hunting lobby cannot complain we have not listened.

But we should meet and discuss before the break.

JP

RESTRICTED

PRIME MINISTER

From: Liz Lloyd/Rob Read
Date: 23 July 1999

cc: Jonathan Powell
David Miliband
David North

HUNTING

Options for content

On the assumption that do nothing is not an option the options for the way ahead are simple enough:

1. Back on outright ban. (This is most likely what any Private Member's Bill would propose.)
2. Back a referendum for local areas to get out of a ban (This we take it is your preferred approach, if forced to choose.)
3. Offer the Commons an explicit choice of outright ban, opt in, opt out. (This is what Jack recommends.)
4. Set up Royal Commission. (This is what the hunters want. We cannot see how it squares with what we have said so far.)

However, the path to each them is somewhat complex and uncertain. Which route we choose really depends on what final outcome you are aiming for.

The best approach might be to prepare for a favoured option and then wait to see what the PMB ballot throws up before announcing a way ahead.

Legislative vehicle

There are many permutations of PMBs, straight Government bills, or a free vote on a "Sunday trading act" type bill, made more complex by the potential use of the Parliament Act etc. The attached annex runs through each option and some of its implications in detail.

RESTRICTED

The key points on each are:

- Private Members Bills: the positive thing is that Government can be truly independent at the start. However, if we want to see the bill delivered, in practice, we have to make Government time available so we don't save much if any time, and providing time prejudices our independence. The additional negatives are that we can't control it - or even guarantee one is run in either session. We think it would also be unlikely that a private member would want to take through anything other than a straight ban.
- Government Bill: this is easier to control both in terms of the outcome and when it is introduced. It is slightly more expensive in terms of Government time. A complete guess is it takes space of 2 Government bills if the Lords kick against it. The government would clearly be involved in the legislation and directly responsible for the outcome.
- Sunday trading approach: the Government puts forward a choice of options on which the Commons votes. The bill goes to the Lords with only one option, but they do then get a similar choice to the Commons. (But note the Parliament Act applies to the bill as it leaves the Commons.) The Government can genuinely say it was neutral but risks appearing to brought about the ban. Again the risk is that MPs vote for an option the Government privately doesn't favour;
- Use of the Parliament Acts: note Parliament Act could apply to any measure which passed the Commons, whether PMB or Government bill. And it could also apply in the next session of a new Parliament. So again the Government would come under pressure in the following session, even a bill failing in the fourth session
- Some combination of the above: you could, for example, after a PMB has been introduced and failed, introduce a Government bill late on in the same session and guillotine it through as giving effect to the clear will of the Commons. If the Lords reject it, you could use the Parliament Act late in the next session to get it through.

Rather obviously, which legislative option you adopt is largely dependent on what you actually want to achieve.

Which if any of these options do you want explored further?

Timing, consultation and lines to take

There is an interaction between which legislation you choose, whether you offer initial consultation, and what you say in the meantime. The longer you leave a final decision, the less time you have to prepare ground for the Queen's Speech. There does not have to be an explicit reference to foxhunting, but if there is not then you will need a clear line on how you were intending to fulfil your Question Time commitment. The other factor to be aware of is that the hereditaries may rebel on the Lords bill in the autumn spillover if an early Government announcement on hunting leads them to think they can stay around for the third session and kill a hunting bill.

Timing

3rd session: there is a free slot but it could mean dropping another measure from the programme if we were to attempt to take such a controversial Bill through. The prospect of an outright ban still exists since we cannot guard against another PMB (but it would most likely fail through lack of time without government support, and put us on the spot again).

4th session: this risks enraging the PLP and other animal welfarists who are currently supportive, but who fear we will go back on our word. This could be neutralised if we made it our clear and explicit intention to legislate in the 4th session.

Neutralising the hunters (consultation)

We think we have a strong line if we offer either opt out or opt in referendums – although the hunters don't quite see it like that. However, we could use the time before or during the passage of a bill to explore and minimise the downsides.

For example, if we went for the fourth session, we could set up a Commission of Inquiry next session to look at how to minimise the economic impact and other issues which tend to be raised at the same time. Even if it is a third session bill, we could use a special standing committee to examine these wider issues before the bill has its report and third reading.

Line for the summer

Whatever approach you adopt, we need a line which will run over the summer until we are ready to announce a way forward. I gather Lance has discussed the following with you. Are you content?

Line to take

"The government's policy is for a free vote on hunting with hounds."

"We acknowledge that the House of Commons has spoken strongly on the issue."

"We will bring forward further plans in the autumn, but have not been able to do so before recess because of the pressures of business and other important priorities."

"We are happy to listen to arguments from all sides, but the House of Commons has made its view known very clearly."

Scotland

Finally, no-one can know exactly what will happen in Scotland. But it is quite possible that a PMB will be introduced and become law next year. There is no second chamber to delay if the will of the Parliament is behind the measure. However, they have never dealt with a PMB before and the views of the MSPs are not a known quantity on this. But the way ahead should become clearer in the Autumn when the Scottish Parliament returns and opinion firms up.

Run

Private Members Bill

Bottom line on PMBs is there can be no guarantee a foxhunting PMB would be introduced or that, if introduced, it would be in a form the Government wanted. However, if the right bill did get introduced, then it would most likely fail in the first session – either in the Commons, if its opponents just talked it out, or through failing to get agreement in the Lords. Opponents may be tempted to let a Bill go into the Lords – knowing the Lords would kick it out and that it would disrupt the Government. But most likely they would not want the bill to pass the Commons stages since the Parliament Act could then come in to play and they would find it much harder to block.

Commons stage

The top 6 members who win spaces in the ballot – 2 weeks after the start of the session – are guaranteed a second reading for their bill. Those nearer the top get into select committee earlier and stand a better chance of making progress. Unless the Government makes extra time available on the floor of the House, they only have the 13 Private Members' bill Fridays to make progress.

There is no guarantee that any of the top 6 in the ballot will want to take on a foxhunting bill. If they choose other bills, there is nothing the Government can do to make them change their mind. And on the contrary they could indeed choose a form of bill which took an approach the Government did not favour – eg outright ban, or opt-in referendums.

It is relatively simple for the opponents of a measure to prevent a Private Members' Bill passing through the Commons. The stage that they work on is report or 3rd reading. As long as they can put down and speak to amendments so that the bill is still being debated by the time the PMB Friday ends, the bill will have to go to the end of the queue for the next available Friday. And so on, until it runs out of time.

So, for the Commons, the PMB route simply takes up time that would otherwise be devoted to other PMBs which are not a route for legislation that has priority for Government.

However, as before with the Foster bill, pressure would build up on Government to make time available for the measure, if it secured a strong vote at second

reading (which a hunting measure would) and if it became clear that opponents in the Commons were talking it out.

Lords stage

Even if it clears those Commons hurdles, given the nature of the bill, once it passes to the Lords, it becomes a Lords bill and – in theory – any member of the Lords could take it up. In practice, the Commons sponsor would have identified and worked with a Peer to promote the bill in the Lords. The relative lack of formal structure in the Lords is such that Commons PMBs can in theory be taken at any stage and occupy as much or a little time as the Lords want to give them. Nor does Government business take priority over PMBs – if they are put down first on the order paper they are taken first. In practice, they are usually taken on Fridays or in dinner hours and the Chief Whips office agrees time with the peer concerned who then co-operates with the Government. PMBs are usually whipped, but can be allowed a free vote in the Lords as with the Commons.

With a fox hunting bill however, all parts of the House would have an interest in the allocation of time, and they would certainly expect it debated in prime time. As for the number of days devoted to it – that wholly depends on how strong the opposition and the cross-benchers felt about the proposal. It could carve out days and days from time the Government wanted for other priority measures.

If it succeeded in passing the Lords, unless unamended, it would then have to return to the Commons and be taken through commons consideration of Lords amendments on one of the remaining PMB Fridays. Given that it could be at the bottom of the pile and have no time, the Government again would come under huge pressure to give time.

If the measure failed to make it through the Houses in the session, the Parliament Act could be used to get the measures through in the next year, but most likely that would have to be a bill in Government time since there would be little likelihood of another top 6 MP ready to take the same PMB through.

Government bill

A bill in Government time is much more straightforward and in the control of Government. If you wanted a particular outcome, however, eg an opt-out referendum model, you might have to whip the party since a free vote could lead to the bill being amended – say on a lib dem amendment - to put in place a complete ban.

It does not have to be announced explicitly in the Queen's Speech. It can be introduced at any time in the session – although the later you leave it the more it looks as if you are seeking to bounce the Lords by curtailing debate and using the parliament act in the next session. It would probably need to be guillotined through the Commons since the Opposition would most likely not agree a timetable and without that the Opponents could just spin out debate for days and days. Once passed by the Commons, the Parliament Act could apply so that the same measure passed again by the Commons next session would become law whatever the Lords did.

In the Lords, the House rather than Government controls the time. If peers wanted to, they could devote as many days as they wanted to the measure. A finger in the wind guess is that, in reality, they might take up time which might take say one or two major bills out of the Government's programme by demanding say 10 days in committee stage etc as they explored every possible amendment and variation on the bill. They could take more if they wanted.

The fly in the ointment here is that some hereditaries are threatening not to go quietly this session, if they have the prospect of staying on and defending foxhunting in the next session (albeit under immediate threat of execution by means of the parliament act applying to the Lords reform bill).

And one completely unknown quantity is how the interim House might seek to flex its muscles over such an issue. There are powers which the House by convention does not exercise – eg throwing out secondary legislation, voting against clear manifesto commitments (the Salisbury convention). As a “more legitimate” chamber they might justify delaying actions by claiming they had more right to use these powers now they were free of most hereditaries.

My own judgement is that by taking a gross amount of time or by using powers previously dormant, however, and they would realise they were diminishing their leverage on future reforms of the Lords if, as unelected members, they were so clearly defying the will of the elected Commons.

"Sunday-trading" type approach

This would be a variation on a straight Government bill. As was done with Sunday trading, the Government would introduce a measure which had a series of choices – eg an outright ban, an opt-out referendum etc – on which the House would vote. Whichever won, in whatever complex voting process was used, would be the model which then went to the Lords. They could consider all the options again and change them – and the Commons could accept as much or as few of the changes as they wished. But if the Lords outright rejected the bill, the Parliament Act could only apply to the bill as it originally left the Commons.

All the other considerations in relation to Government bills as described above apply here. Again, the risk is that by putting this through on a free vote – which by definition it has to have – on outcome not favoured by the Government could become law. But the official stance of the Government would be neutrality. The interesting feature of this is that the Government could with strong justification argue that, by presenting a choice and leaving it as a free vote, it was entirely neutral and merely facilitating the strongly expressed will of the House.

The other take on neutrality is that – however strongly based the Government protestations of neutrality – the public perception could well be much more simple: this was a Government bill and the result was a ban on foxhunting – ergo the Government had banned foxhunting. It would need some careful presentation and labelling to spin this the other way.

cc: Gile **RESTRICTED** + back to M
(including visit
over 1 yr)

→ 1) RB
2) LZ
to see count. I
have written

From: Liz Lloyd/Rob Read
Date: 23 July 1999

PRIME MINISTER

cc: Jonathan Powell
David Miliband
David North

HUNTING

Options for content

On the assumption that do nothing is not an option the options for the way ahead are simple enough:

1. Back on outright ban. (This is most likely what any Private Member's Bill would propose.)
2. Back a referendum for local areas to get out of a ban (This we take it is your preferred approach, if forced to choose.)
3. Offer the Commons an explicit choice of outright ban, opt in, opt out. (This is what Jack recommends.)
4. Set up Royal Commission. (This is what the hunters want. We cannot see how it squares with what we have said so far.)

However, the path to each them is somewhat complex and uncertain. Which route we choose really depends on what final outcome you are aiming for.

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There are many permutations of PMBs, straight Government bills, or a free vote on a "Sunday trading act" type bill, made more complex by the potential use of the Parliament Act etc. The attached annex runs through each option and some of its implications in detail.

RESTRICTED

My reference is
for a combination of

Jonathan

- PMB
- opt/in ; opt/out choice
- some form of inquiry so that hunters
don't complain we haven't listened.

But we also need to discuss

From: Liz Lloyd/Rob Read
Date: 23 July 1999

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4. Set up Royal Commission. (This is what the hunters want. We cannot see how it squares with what we have said so far.)

However, the path to each them is somewhat complex and uncertain. Which route we choose really depends on what final outcome you are aiming for.

The best approach might be to prepare for a favoured option and then wait to see what the PMB ballot throws up before announcing a way ahead.

Legislative vehicle

There are many permutations of PMBs, straight Government bills, or a free vote on a "Sunday trading act" type bill, made more complex by the potential use of the Parliament Act etc. The attached annex runs through each option and some of its implications in detail.

The key points on each are:

- Private Members Bills: the positive thing is that Government can be truly independent at the start. However, if we want to see the bill delivered, in practice, we have to make Government time available so we don't save much if any time, and providing time prejudices our independence. The additional negatives are that we can't control it - or even guarantee one is run in either session. We think it would also be unlikely that a private member would want to take through anything other than a straight ban.
- Government Bill: this is easier to control both in terms of the outcome and when it is introduced. It is slightly more expensive in terms of Government time. A complete guess is it takes space of 2 Government bills if the Lords kick against it. The government would clearly be involved in the legislation and directly responsible for the outcome.
- Sunday trading approach: the Government puts forward a choice of options on which the Commons votes. The bill goes to the Lords with only one option, but they do then get a similar choice to the Commons. (But note the Parliament Act applies to the bill as it leaves the Commons.) The Government can genuinely say it was neutral but risks appearing to brought about the ban. Again the risk is that MPs vote for an option the Government privately doesn't favour;
- Use of the Parliament Acts: note Parliament Act could apply to any measure which passed the Commons, whether PMB or Government bill. And it could also apply in the next session of a new Parliament. So again the Government would come under pressure in the following session, even a bill failing in the fourth session
- Some combination of the above: you could, for example, after a PMB has been introduced and failed, introduce a Government bill late on in the same session and guillotine it through as giving effect to the clear will of the Commons. If the Lords reject it, you could use the Parliament Act late in the next session to get it through.

Rather obviously, which legislative option you adopt is largely dependent on what you actually want to achieve.

Which if any of these options do you want explored further?

Timing, consultation and lines to take

There is an interaction between which legislation you choose, whether you offer initial consultation, and what you say in the meantime. The longer you leave a final decision, the less time you have to prepare ground for the Queen's Speech. There does not have to be an explicit reference to foxhunting, but if there is not then you will need a clear line on how you were intending to fulfil your Question Time commitment. The other factor to be aware of is that the hereditaries may rebel on the Lords bill in the autumn spillover if an early Government announcement on hunting leads them to think they can stay around for the third session and kill a hunting bill.

Timing

3rd session: there is a free slot but it could mean dropping another measure from the programme if we were to attempt to take such a controversial Bill through. The prospect of an outright ban still exists since we cannot guard against another PMB (but it would most likely fail through lack of time without government support, and put us on the spot again).

4th session: this risks enraging the PLP and other animal welfarists who are currently supportive, but who fear we will go back on our word. This could be neutralised if we made it our clear and explicit intention to legislate in the 4th session.

Neutralising the hunters (consultation)

We think we have a strong line if we offer either opt out or opt in referendums – although the hunters don't quite see it like that. However, we could use the time before or during the passage of a bill to explore and minimise the downsides.

For example, if we went for the fourth session, we could set up a Commission of Inquiry next session to look at how to minimise the economic impact and other issues which tend to be raised at the same time. Even if it is a third session bill, we could use a special standing committee to examine these wider issues before the bill has its report and third reading.

Line for the summer

Whatever approach you adopt, we need a line which will run over the summer until we are ready to announce a way forward. I gather Lance has discussed the following with you. Are you content?

Line to take

"The government's policy is for a free vote on hunting with hounds."

"We acknowledge that the House of Commons has spoken strongly on the issue."

"We will bring forward further plans in the autumn, but have not been able to do so before recess because of the pressures of business and other important priorities."

"We are happy to listen to arguments from all sides, but the House of Commons has made its view known very clearly."

Scotland

Finally, no-one can know exactly what will happen in Scotland. But it is quite possible that a PMB will be introduced and become law next year. There is no second chamber to delay if the will of the Parliament is behind the measure. However, they have never dealt with a PMB before and the views of the MSPs are not a known quantity on this. But the way ahead should become clearer in the Autumn when the Scottish Parliament returns and opinion firms up.

RW

Private Members Bill

Bottom line on PMBs is there can be no guarantee a foxhunting PMB would be introduced or that, if introduced, it would be in a form the Government wanted. However, if the right bill did get introduced, then it would most likely fail in the first session – either in the Commons, if its opponents just talked it out, or through failing to get agreement in the Lords. Opponents may be tempted to let a Bill go into the Lords – knowing the Lords would kick it out and that it would disrupt the Government. But most likely they would not want the bill to pass the Commons stages since the Parliament Act could then come in to play and they would find it much harder to block.

Commons stage

The top 6 members who win spaces in the ballot – 2 weeks after the start of the session – are guaranteed a second reading for their bill. Those nearer the top get into select committee earlier and stand a better chance of making progress. Unless the Government makes extra time available on the floor of the House, they only have the 13 Private Members' bill Fridays to make progress.

There is no guarantee that any of the top 6 in the ballot will want to take on a foxhunting bill. If they choose other bills, there is nothing the Government can do to make them change their mind. And on the contrary they could indeed choose a form of bill which took an approach the Government did not favour – eg outright ban, or opt-in referendums.

It is relatively simple for the opponents of a measure to prevent a Private Members' Bill passing through the Commons. The stage that they work on is report or 3rd reading. As long as they can put down and speak to amendments so that the bill is still being debated by the time the PMB Friday ends, the bill will have to go to the end of the queue for the next available Friday. And so on, until it runs out of time.

So, for the Commons, the PMB route simply takes up time that would otherwise be devoted to other PMBs which are not a route for legislation that has priority for Government.

However, as before with the Foster bill, pressure would build up on Government to make time available for the measure, if it secured a strong vote at second

reading (which a hunting measure would) and if it became clear that opponents in the Commons were talking it out.

Lords stage

Even if it clears those Commons hurdles, given the nature of the bill, once it passes to the Lords, it becomes a Lords bill and – in theory – any member of the Lords could take it up. In practice, the Commons sponsor would have identified and worked with a Peer to promote the bill in the Lords. The relative lack of formal structure in the Lords is such that Commons PMBs can in theory be taken at any stage and occupy as much or a little time as the Lords want to give them. Nor does Government business take priority over PMBs – if they are put down first on the order paper they are taken first. In practice, they are usually taken on Fridays or in dinner hours and the Chief Whips office agrees time with the peer concerned who then co-operates with the Government. PMBs are usually whipped, but can be allowed a free vote in the Lords as with the Commons.

With a fox hunting bill however, all parts of the House would have an interest in the allocation of time, and they would certainly expect it debated in prime time. As for the number of days devoted to it – that wholly depends on how strong the opposition and the cross-benchers felt about the proposal. It could carve out days and days from time the Government wanted for other priority measures.

If it succeeded in passing the Lords, unless unamended, it would then have to return to the Commons and be taken through commons consideration of Lords amendments on one of the remaining PMB Fridays. Given that it could be at the bottom of the pile and have no time, the Government again would come under huge pressure to give time.

If the measure failed to make it through the Houses in the session, the Parliament Act could be used to get the measures through in the next year, but most likely that would have to be a bill in Government time since there would be little likelihood of another top 6 MP ready to take the same PMB through.

Government bill

A bill in Government time is much more straightforward and in the control of Government. If you wanted a particular outcome, however, eg an opt-out referendum model, you might have to whip the party since a free vote could lead to the bill being amended – say on a lib dem amendment - to put in place a complete ban.

It does not have to be announced explicitly in the Queen's Speech. It can be introduced at any time in the session – although the later you leave it the more it looks as if you are seeking to bounce the Lords by curtailing debate and using the parliament act in the next session. It would probably need to be guillotined through the Commons since the Opposition would most likely not agree a timetable and without that the Opponents could just spin out debate for days and days. Once passed by the Commons, the Parliament Act could apply so that the same measure passed again by the Commons next session would become law whatever the Lords did.

In the Lords, the House rather than Government controls the time. If peers wanted to, they could devote as many days as they wanted to the measure. A finger in the wind guess is that, in reality, they might take up time which might take say one or two major bills out of the Government's programme by demanding say 10 days in committee stage etc as they explored every possible amendment and variation on the bill. They could take more if they wanted.

The fly in the ointment here is that some hereditaries are threatening not to go quietly this session, if they have the prospect of staying on and defending foxhunting in the next session (albeit under immediate threat of execution by means of the parliament act applying to the Lords reform bill).

And one completely unknown quantity is how the interim House might seek to flex its muscles over such an issue. There are powers which the House by convention does not exercise – eg throwing out secondary legislation, voting against clear manifesto commitments (the Salisbury convention). As a “more legitimate” chamber they might justify delaying actions by claiming they had more right to use these powers now they were free of most hereditaries.

My own judgement is that by taking a gross amount of time or by using powers previously dormant, however, and they would realise they were diminishing their leverage on future reforms of the Lords if, as unelected members, they were so clearly defying the will of the elected Commons.

"Sunday-trading" type approach

This would be a variation on a straight Government bill. As was done with Sunday trading, the Government would introduce a measure which had a series of choices – eg an outright ban, an opt-out referendum etc – on which the House would vote. Whichever won, in whatever complex voting process was used, would be the model which then went to the Lords. They could consider all the options again and change them – and the Commons could accept as much or as few of the changes as they wished. But if the Lords outright rejected the bill, the Parliament Act could only apply to the bill as it originally left the Commons.

All the other considerations in relation to Government bills as described above apply here. Again, the risk is that by putting this through on a free vote – which by definition it has to have – an outcome not favoured by the Government could become law. But the official stance of the Government would be neutrality. The interesting feature of this is that the Government could with strong justification argue that, by presenting a choice and leaving it as a free vote, it was entirely neutral and merely facilitating the strongly expressed will of the House.

The other take on neutrality is that – however strongly based the Government protestations of neutrality – the public perception could well be much more simple: this was a Government bill and the result was a ban on foxhunting – ergo the Government had banned foxhunting. It would need some careful presentation and labelling to spin this the other way.



cc JPs
DN
LL
SM
RR
rec'd by line?

RESTRICTED - POLICY

Prime Minister

HUNTING

Summary

In my minute of 12 July, I said I would let you have more detail on the idea of using the shops legislation of 1994 as a model for handling the issue of foxhunting.

Recommendation

2. I recommend:

- (i) that we proceed to deal with foxhunting with a Bill which contains options for change, as described below;
- (ii) before Recess, the Home Office announce our intentions through a PQ;
- (iii) at this stage, not commit ourselves to the legislative vehicle and timing, other than to say we would try to ensure that legislation is brought to a conclusion in this Parliament.

3. As the Sunday trading laws fell into disrepute, in the 1980s, there was passionate support for options for reform. But there was also passionate antagonisms to each of the options. This stalemate was demonstrated in Parliament when it first voted to support change, but the Bill to give effect to change was defeated in the Commons. It was clear there was little common ground on the way forward.

Sunday Trading Act 1994

4. The Sunday Trading Bill of 1993 resolved the dilemma in a unique way. The Bill provided for the reform of the law on Sunday trading by the introduction of one of three different options for reform. The Bill was drafted in a way to enable the different options to be included on the face of the Bill. Each option reflected the policy aims of the campaigning group that supported it. The then Government did not argue in favour of one option or another and MPs, including Ministers, were given a free vote.

RESTRICTED - POLICY

RESTRICTED - POLICY

Procedural Mechanisms for a foxhunting Bill

5. Drawing from the experience of the Sunday trading legislation, a foxhunting Bill could be drawn up, and progressed in Parliament, as follows.
6. On introduction in Parliament, the Bill would contain all options for change. The options could be:
 - (a) banning hunting across England and Wales altogether;
 - (b) banning hunting but allowing opt-out referendums;
 - (c) banning hunting but allowing opt-in referendums;
 - (d) licensing hunts, as proposed by the Middle Way Group.
7. At Second Reading, the issue before the House then would be whether it agrees in principle that the status quo should be replaced by one of the options in the Bill. If the Bill did not achieve the Second Reading then hunting would continue as now.
8. After Second Reading, the choice between the options for change would be made in a Committee of the whole House. This could be done by separate groups of amendments each of which would have the effect of leaving just one of the options for change in the Bill and removing the others. (Other parts of the Bill would be dealt with in Standing committee, in the usual way).
9. The Bill would then proceed to the Lords. The Bill would only contain one option at that stage. Provided the Bill secured a Second Reading, arrangements would be made for the Lords to consider any of the options which had previously been removed in the Commons.
10. If, first time round, the Lords rejected the Bill at Second Reading, and the Bill falls they would, in effect, have chosen the status quo. Provided the Bill was re-introduced not less than one year later, and precisely in the form in which it left the Commons, the Parliament Acts could, if needed, be invoked. If, first time round, the Lords amended the Bill and the Commons rejected the amendments, the Bill could not proceed to Royal Assent and would fall. However, the Parliament Acts could be invoked if it was re-introduced into the Commons in the next session in the form in which it left it. If the Lords rejected the re-introduced Bill on Second Reading, the Bill would proceed to Royal Assent. If the Lords gave the Bill a Second Reading after its re-introduction under the Parliament Act, but substituted another option, the Commons could accept that option if it wished. If however, it rejected the option, the Bill would become law in the form in which it left the Commons.

RESTRICTED - POLICY

Attractions

11.
 - By giving Parliament the opportunity to decide from a range of options, the Government will be seen to be standing back from the issue.
 - The main campaigning groups will have their policy aims considered equally by Parliament.
 - Parliament will have the opportunity to consider in detail a range of ways of dealing with the issue.

Difficulties

12.
 - The time the Bill is on the floor of the House is extended because of the need for the Committee stage to be partly on the floor of the House.
 - The process could get very messy, with every prospect of the Commons preference being rejected in the Lords.
 - The convoluted mechanism will not divert the Commons from legislating for an all-out ban, if that is their wish.

13. I am satisfied, though, that the potential difficulties are outweighed by the presentational benefits of the certain outcome - an all-out ban - not seen to have been steam rolled through.

Legislative Vehicle

14. It could either be by a Private Member's Bill if one is selected high enough up the ballot (but with a promise of Government time), or a Government Bill. But I do not think we need announce, at this stage, the vehicle to be used, so long as we agree to use the facilities at the Government's disposal to try to ensure that legislation is brought to a conclusion.

Timing

15. Our public commitment is to try and bring matters to a conclusion in this Parliament. But we have a number of other important priorities for legislation - including Manifesto commitments - both in my area and in others. I could not guarantee that a hunting Bill would not seriously disrupt our overall programme for the 3rd or 4th Session, depending on when it was introduced.

RESTRICTED - POLICY

Next Steps

16. I seek your agreement to my recommendations, in summary:
- (i) the principle of a Bill as I have described;
 - (ii) before 27th July, announce our intentions, by way of an arranged Parliamentary Question. I would be grateful for a response in time to obtain HS agreement.
17. I am sending a copy of this minute to Sir Richard Wilson.

Jack Low

16 July 1999

CONFIDENTIAL - PERSONAL

Jonathan Powell

From: Liz Lloyd
Date: 15 July 1999

cc: Sally Morgan
Owen Barder
Rob Read
Hilary Coffman
Anji Hunter

Rural Strategy and Hunting

The verbatim record of Question Time is: "It will be banned. We will get the vote to ban it as soon as possible".

Dennis Carter's view is that it will be virtually impossible to complete Lords reform if we announce that we are moving further on hunting with legislation next session before early November. He would prefer a Royal Commission and thinks that a consultation document might help providing there is no early commitment to legislate.

The NFU have hardened their position and are moving towards a much more active opposition to ^{ban} hunting. Some in the leadership would prefer this not to be the case, but the activists are seized. NFU leadership feel they are sitting on a tinder box and any more perceived attacks on agriculture e.g. Meacher having a greater role, will lead to chaos. All the pro hunters want to put it to a Royal Commission. The Countryside Alliance is organising their own Conference in October, and will also use Party Conferences to raise it too.

The feedback from Eddisbury is that hunting has to a limited extent mobilised Labour supporters and there is some evidence that it is having an impact on voting intention.

CONFIDENTIAL - PERSONAL

Jack Straw thinks we do need to announce something before recess. He thinks the best way forward is a Shops Act model with legislation in the third session. The Commons would decide on one option of those offered (outright ban, referendums in and out) which would then go to the Lords.

I think we need to do two things:

1. Show that we are being fair on hunting by offering an opt-out referendum (either alone in a Bill, or in Jack's model);
2. Split hunting off from other rural issues without pandering to the tweed lobby.

Options.

Commitment to rural way of life.

Obviously the sooner the better, with the following components

- a) MAFF. A revitalised MAFF with agriculture/farming still as key objectives. We need to make sure that more outsiders (farmers, ag-business people, agri-environment people) are seconded into MAFF, because despite its Whitehall reputation as a producerist department it is seen as profoundly producer unfriendly by its client group.
- b) Speech/visit statement by TB - maybe during the regional tour on his personal commitment to a healthy and thriving ag industry although there will be tough times and hard choices. (A tough message is fine, providing the basic support is there). This could be 1 August when the Beef Exports flow.
- c) Other country sports. We need to draw a clear line quickly on this, and ensure that the Home Office does not move to tighten shotgun control soon, and that we make some commitment on fishing.
- d) Agricultural burdens. I am not sure how we do this, but we can't impose more burdens on the agricultural industry - e.g. SRM charges. We will need to rule out pesticide tax and red diesel changes, agricultural rates reviews etc.

With this in mind we may need to revise further the PIU study and delay its publication.

- e) Commitment on "real" countryside issues. Transport – we may need to differentiate rural for urban policy. Housing, again we might need a tailored strategy. Stick firm on access to show that we are for the majority in the countryside and not the few. Consider going with this next session, not least to prevent both access and hunting being 4th session.

On hunting

I assume our end point is legislation on opt-out referendums in the 4th session. We should not underestimate how hard it will be to get there.

- 1) One way might be to launch a very short scrutiny group in the autumn with outsiders on how to take this forward, perhaps using the Countryside Agency. It should look at the mechanisms for setting up a referendum, triggers and the economic and social impact. It should recommend on how to implement a ban with opt-outs where there was significant public demand. They should also advise on the best type of legislation - e.g. the Shops Act model as Jack Straw proposes, or a simple Bill on a ban with opt-outs.

The difficulty is getting people to do this. Most people see this as black and white. Whilst it would be a commitment to ban hunting, it falls short of an outright ban, and does not satisfy the hunters' demand for a real Royal Commission.

- 2) Or we could simply indicate that either through a stand alone Bill or a Shops Act model, we will take this through the 4th session.

We need to look for the right legislative vehicle. The amount of time taken out of the Government's programme will be roughly the same whether PMB or government Bill. However, the further the Government goes in preparing the ground for the legislation - eg in setting up a scrutiny group or issuing a consultation document - the harder it will be to present this as a Private Member's Bill. In addition, the PMB route is not entirely within the control of Government - for example, we cannot guarantee that a member in the top 6 of the ballot would want to take on a hunting bill. Or on the other hand, that if an anti-hunting MP were on the list that they would not want to run with an all-out ban. Rob's view is that this seems to point towards making this a Government bill rather than a PMB with Government time. But this can be kept under review. It is worth noting now that a measure introduced and failing in the final session, can be reintroduced under the Parliament Act in the first session of the new Parliament.

There will be some pressure to take this on before recess, but I think this is avoidable. However, we do need a line which both government and the party can use over the summer.

I think we should collect views, from here, Jack and business managers, and then put these options to TB, agree the end game, agree the line for the summer and then set up an implementation taskforce, led by someone here so that we can organise this effectively.

I attach Jack and Dennis' latest views.

63



*From the Government Chief Whip
House of Lords
London SW1A 0PW*

Tel: 0171-219 3131

JONATHAN POWELL

FOXHUNTING

You asked for a brief note on the business management aspects in the House of Lords in handling a Foxhunting Bill. These are my preliminary thoughts. As background, the temperature has been raised in the Lords, and this may have an effect on the attitude of Peers in the Third Reading debate on the Lords Bill.

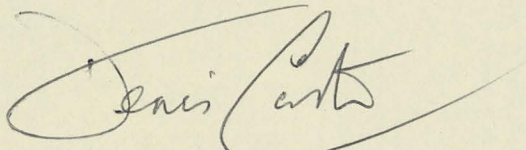
The first thing to stress is we cannot guarantee that a House without the hereditary peers will easily approve a bill to ban foxhunting. Many life peers are opposed to a ban, including Lady Mallalieu and others on our own benches. The Conservatives, and indeed many crossbench, life peers may well be wound up by the pro-hunting lobby. There will of course also be 92 hereditary peers remaining. The elections for the 92 will take place during the spillover and we may now find that an individual's attitude towards a ban on foxhunting may form a significant part of the canvassing process. It may well be that hereditary peers end up electing at least some of their number on a "Save Foxhunting" ticket!

There is a Lords business management angle to the question whether the bill should be a Government Bill or a Private Member's Handout Bill. This is because as you know in the Lords Private Members' Bills do not have their own insulated time. A troublesome Private Member's Bill which the House wishes to debate at length takes time on the floor of the House away from other business. The argument, which may well run in the Commons, that the bill can be contained if it is a Private Member's Bill does not apply in the Lords.

Secondly, any Government bill added to next session's programme will mean that something else needs to be displaced (although this is of course a decision for Margaret Beckett and QFL Committee). The option of tacking an amendment on to another bill is unattractive, as the whole of that bill could be put at risk if the Lords insist on removing the anti-hunting clause.

The next question must be whether any bill should be introduced next session or in the fourth session. Whether a Government or Private Member's Bill, the Parliament Acts would apply to any such bill, provided that it began its progress in the Commons and not in the Lords. The Parliament Acts apply to a bill which is passed by the Commons in two successive sessions, whether or not of the same Parliament. Therefore, if the bill were introduced in the fourth session and the Election were called at the end of the fourth session, the Government would have the option of passing the bill under the Parliament Acts in the first session of the next Parliament (provided we won the Election!).

If the Government were considering calling an Election at the end of the fourth session, then the option of whether a bill should be introduced during that session, thrown out by the Lords (if this happens) and then the Government were to go into the General Election with a promise of delivery as part of its manifesto could certainly be explored. This is of course on the proviso that the Parliament Acts have not been amended following the Wakeham Commission in such a way as to preclude this.

A handwritten signature in dark ink, appearing to read 'Denis Carter', with a large, sweeping flourish extending from the end of the signature.

DENIS CARTER

12 July 1999



(f)

Tap: HA/PS
COS
PU
Press
AA/PS
Qs

Prime Minister

HUNTING

Following your announcement on Question Time last Thursday, No. 10 briefed on Friday that we would be bringing forward a more specific proposal by the Summer Recess. I will let you have a draft by the end of the week.

2. I have come to the view that in practice we will have to proceed as the previous administration did with the 1996 Shops Bill - ie providing a number of alternatives, from which the Commons could then chose. This would include clauses:

- (a) banning hunting across England and Wales altogether;
- (b) allowing opt-out referenda;
- (c) allowing opt-in referenda.

3. Given the unqualified nature of your support for (a), I think there is no possibility of being able to divert the Commons from legislating for an all-out ban, if they wish, I would be glad of your agreement on this.

4. The legislation vehicle to be used is in many ways subsidiary. It could either be by a Private Member's Bill if one is selected high enough up the ballot, but with a promise of Government's time, or a Government Bill.

John Birt

12 July 1999

SKP 12/7/99



Prime Minister

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John Birt


12 July 1999

10p. 1111 -
✓ COS
✓ PU
Press
PA/PS
Qs

*Together
yes, but*

*I have no idea
if they discussed
substance, or just
style of answer.*

SKP 12/7/99

Hunting line

As the Prime Minister has made clear, Ministers are actively considering ways of taking forward this issue.

The House of Commons voted overwhelming in favour of a ban on hunting last year. However, Mike Foster's bill was withdrawn following the opposition of a small number of MPs.

We have been discussing ways of bringing this issue to a conclusion, ~~ideally~~ before the end of this Parliament. We hope to make an announcement of our specific proposals soon.

cc Rob
Ac
Godric
DN
SM
Tanehe

Agreed line to
take between
HO & No10 (incl Ac)

CONFIDENTIAL

SLF

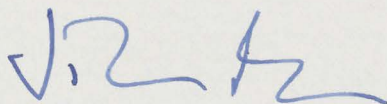
From: Jonathan Powell
Date: 8 July 1999

LIZ LLOYD

cc: David North
Sally Morgan
Anji Hunter
Alastair Campbell
David Miliband
Kate Garvey

FOX HUNTING

The Prime Minister has commented on your note of last night that we will have to do something on this. It may gee up the troops a bit. He would like to have an office discussion on it at the beginning of next week. Kate will fix.



JONATHAN POWELL

CONFIDENTIAL

CONFIDENTIAL

From: David North/Liz Lloyd
Date: 7 July 1999

PRIME MINISTER

cc: Jonathan Powell
Jeremy Heywood
Sally Morgan
Anji Hunter
Alastair Campbell

HUNTING WITH HOUNDS

1. Jack has minuted you on hunting. His main points are:

- the expectation within the PLP that the Government should act on its manifesto commitment is now rising again;
- backbenchers still want a total ban, but are prepared to accept an opt-out referendum (counties could decide to hold a referendum on whether to opt-out of a national ban). But they do not support an opt-in referendum (i.e. counties could decide to hold a referendum on whether to introduce a ban in their areas);
- we should decide now on an outright ban or an opt-out referendum system.

Jonathan and Liz met the big animal groups this week. They will live with a referendum, but are threatening to start campaigning against us if we do not indicate a move in their direction. They would obviously prefer an outright ban. Their polling shows that opinion is hardening in favour a ban, in rural as well as urban areas. (72% overall favour a ban, with 68% in rural areas.)

2. The other alternatives are:

- simply to tough it out until after the Election (arguing that we have kept to the manifesto commitment of a free vote on the issue). But everyone thinks this will cause real problems with the PLP and animal lobby;
- a licensing regime so that hunts are better regulated and controlled or a Royal Commission. But this would command little or no support in the PLP who would accuse us of betrayal

CONFIDENTIAL

3. Other factors you need to be aware of are:

- The politics have changed as Ann Widdecome is a strong and public opponent of hunting with hounds. This could make handling easier if the Home Office manages the Bill. But advocating one of the referendum options might let her off the hook (i.e. she could argue that she supported an outright ban, not something in between);
- either an outright ban or a referendum option would require primary legislation. Jack thinks we should avoid the last session before the Election. But Sally thinks this is manageable;
- a Private Members Bill might be the best option for legislating, though we would need to give an assurance that the Government would provide time for such a measure;
- there are other animal welfare issues (e.g. banning fur farms; or amending the 1911 Animals Act to deal more effectively with farm animal welfare problems) which we might add to an opt-out referendum option to win over some of those who want an overall ban.

4. Mike Foster has been briefing that Jack Straw is going to make an announcement on Monday 12 July in response to three oral PQs tabled for that day. Many people think that No 10 is blocking this (not true). IFAW are also looking at raising hunting in the Eddesbury by-election. We need the Home Office to dampen down expectations that an announcement will be made on Monday.

5. If we are to avoid another confrontation with the PLP on this issue, I think that we need to decide soon, and make it very clear that we will announce a concrete plan in the autumn.

6. The only reason not to make an announcement before recess is to avoid stoking up the Lords.

7. The 2 essential steps, I think, are

- ✓ a) to get the HO to reply on Monday that we will make a substantive announcement in the autumn
- ✓ b) to agree to a ban with referendums to opt out where counties want to. We then need to identify a Minister to deliver this in practice, probably through a government supported Private Member's Bill next year.

What is your view?

we will have to do
something. It may
be get up the troops a bit.
We have a trial office
dinner - it is
Monday



CONFIDENTIAL

Prime Minister

HUNTING WITH HOUNDS

Summary

As you know, I have held a number of meetings with Mike Foster and other colleagues over the last 12 months on the issue of hunting with hounds. A meeting of the backbench Home Affairs Group in June last year was attended by about 150 Labour MPs, most of who demanded Government action on the issue.

Earlier this year, the Group issued a questionnaire to all Labour MPs asking for their views on local referendums. The outcome was no surprise – most wanted a total ban but were prepared to consider an opt-out referendum option. There was no support for an opt-in referendum solution. We have used these meetings and the PLP consultation to draw some of the heat out of the guidance and to buy some time. My view is that it would become damaging for us to continue with this strategy for much longer. We risk alienating both sides of the argument before we come to a decision and looking weak and indecisive and breaking our promises into the bargain.

I met with Mike Foster again last week to discuss the issue further. It is my intention to go back to him with more concrete proposals of what we intend to do on this issue before the summer recess.

This Minute goes through the various policy options available, the possible legislative vehicles, and timing and political considerations.

Recommendation

I recommend that the Government now move to provide a legislative opportunity for either an “opt-out” referendum or an outright ban. Given your own persistent statements in favour of a ban (some very recent), the manifesto commitment, the rising head of steam on the issue in the PLP and among party members, no other options are in my judgement sustainable. Unless we move positively on this soon you will face increasing pressure at Party Conference and in the run-up to the next election, with major handling problems within the PLP. (I also hope you will doubly take note of this recommendation because of my own personal position on the issue. Mine is a reluctant, but now settled conclusion.)

1. Policy options:

Keeping the status quo

The first option is to do nothing. We would continue to argue that we have kept to the letter of the manifesto commitment for a free vote on the issue – and the blame for the failure of the Foster Bill lies squarely with its opponents in the Commons.

This would, however, cause serious handling problems with the PLP who will continue to press for action. While we may have kept to the strict letter of the manifesto commitment, it is hard to argue that we have kept to its spirit, which certainly implies that a majority vote would lead to change. These handling problems will increase as the first stage of Lords reform is completed in November and as the next General Election looms nearer.

Licensing hunts

A proposal made by the Middle Way Group is for a licensing regime to ensure hunts are regulated and better controlled than the existing position of Master of Foxhounds rules.

This is a non-viable option. It would enrage majority backbench opinion who would see it as licensing cruelty. Breaching this point of principle puts the Government in a more vulnerable position than it is in at the moment.

Opt-in referendum

This would give a local authority (probably at county level) the power to hold a referendum on whether hunting hounds should be outlawed in their particular geographical area.

As I have said, this would not find favour with majority opinion in the PLP who would seek to amend any legislation to allow for opt-out referendums (as below). It would also fail to win over the pro-hunting lobby who – for quite opposite reasons – would fear that the vast majority of counties would vote for a ban.

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This would be supported, if reluctantly, by most Labour MPs opposed to fox hunting. Delaying our decision will not make it any easier to prevent legislation being hijacked. If we propose an opt-out, but were beaten by votes for a total ban on the free vote we would have the worst of each option. Some, of course, would oppose it on the basis that this is an issue on which Parliament should decide is either right or wrong. Once enacted, however, we should be under no illusions about the local difficulties referendums could cause – both in terms of the practical procedures and law enforcement issues.

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2. Possible legislative vehicles:

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The Government would undoubtedly need to give an assurance that it would provide time for such a measure. This has been used very rarely and only in the most exceptional circumstances. The best example is the Abortion Act 1967. The Abortion Act was given Government time in which to be debated, without which the Act would probably not have been passed.

Existing Government legislation

Attaching clauses on hunting to planned government legislation obviously has attractions, although it should be borne in mind that any such bill would be made highly contentious as a consequence.

Last year, I discussed with Hilary Armstrong the possibility of using the forthcoming Local Government Bill in this way and the idea was not rejected. The only other option I am aware of is that the DETR is also working up proposals for a Countryside and Conservation Bill. The intention is to produce a rural white paper in the autumn with a view to a Bill in the following fourth session. The White Paper will feed into the priorities for the Countryside Agency, which will take this forward (see below).

Stand-alone Government Bill

This would be the preferred option for many in the PLP. It would be introduced on a free vote much in the way that the legislation on handguns and age of consent were handled.

3. Timing:

There is obvious continuing pressure for action as soon as possible. If a decision was taken to introduce legislation, consideration would have to be given as to how close to the next General Election that should be. My instinct is that it would not be sensible for the government to jeopardise other important measures by introducing hunting legislation in the last session before the election.

A further option would be for the Government to make a public commitment in the next few months to take action on this issue after the next election. A more precise promise could then be made in the manifesto to include, as a consequence, to include a pledge to introduce Government legislation on a free vote.

We managed to prevent any of our members reinstating the Foster Bill as a Private Member's Bill this session by a combination of Lords reform and PLP consultation. We need to have taken a view in advance of this year's ballot, so that we are not bounced into another PMB.

4. Political considerations:

It is worth noting that Shadow Home Secretary Ann Widdecombe is a fervent opponent of hunting with hounds. She spoke to this effect during the passage of the Foster Bill. This could provide the Government with some political cover for action. It would be difficult for the Opposition to claim this was an example of Labour overruling the interests of the countryside when their spokesperson was personally in favour of an outright ban. On the other hand, a referendum option could allow Miss Widdecombe to gain some credit with the pro-hunting lobby in the Conservative Party, who would oppose proposals which they could all describe as a political fudge and practically impossible to operate.

John Shaw

^{4.}
30 June 1999

This minute is copied to Sir Richard Wilson and Liz Lloyd.



From: Liz Lloyd
Date: 5 July 1999

Jonathan Powell

cc: Sally Morgan
Lance Price o/r
Pat McFadden
David Miliband
David North



Latest on Hunting

We have still not made a decision on our preferred option. The options remain:-

1. Do we want to tough it until after the election? I think this would be impossible to manage with the PLP and the animal folk.
2. If we have to move on hunting before the election we have the following options.
 - a) outright ban - immediate or phased. (The softest version of this is to announce a firm intention to legislate first thing next parliament.)
 - b) local referendum in or out - the PLP would currently buy an opt-out of a ban referendum but would be very hard to persuade to support an opt-in ban. The danger with this option is that Ann Widdecombe might be able to wriggle out of supporting the measure. I.e. she could argue that she supports an outright ban or nothing.
 - c) some kind of licensing - as proposed by the hunters and Kate Hoey

Timing: we would need to legislate. I think that the year before the election would give too much of a focus, but Sally thinks it is manageable.

Unfortunately all this seems to be bubbling up again encouraged by the efforts of Mike Foster who has been briefing that Jack Straw is going to make an

announcement on Monday 12th July on the government's position in response to 3 oral PQs tabled for that day. There is also a connection with the Eddesbury by-election, where IFAW are currently polling on the hunting vote.

Jack is about to write to TB with the options, pointing out that the political backdrop has altered with Ann Widdecombe at the shadow Home Office post.

We have so far shown little inclination to make a final decision. We will need to decide a holding line at the very least for next Monday, but all the indications are that the animal people and the PLP are starting to get restless.

There other a few other animal options around.

- a) government supported bill banning mink farming. The PMB was blocked by Eric Forth this year. Otherwise it is a good move.
- b) Taking more powers to deal with on farm animal welfare problems (a small amendment to the 1911 Animals Act which the Tories are apparently looking at)

If the general view is that it would be useful to have one piece of animal welfare legislation this year (I don't think it will take the sting out of hunting) I would go for (a).

I do think we need to focus on this soon with TB to see if he will accept a Bill for opt-out referendums introduced in the year before the next election to be announced in the next few weeks.

43



CONFIDENTIAL

(f)

DN
CC: DA
PJ

Prime Minister

HUNTING WITH HOUNDS

Summary

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Earlier this year, the Group issued a questionnaire to all Labour MPs asking for their views on local referendums. The outcome was no surprise – most wanted a total ban but were prepared to consider an opt-out referendum option. There was no support for an opt-in referendum solution. We have used these meetings and the PLP consultation to draw some of the heat out of the guidance and to buy some time. My view is that it would become damaging for us to continue with this strategy for much longer. We risk alienating both sides of the argument before we come to a decision and looking weak and indecisive and breaking our promises into the bargain.

I met with Mike Foster again last week to discuss the issue further. It is my intention to go back to him with more concrete proposals of what we intend to do on this issue before the summer recess.

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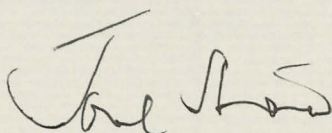
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th
30 June 1999

R17/6

FL



IFAW

30 Years of Action

INTERNATIONAL FUND FOR ANIMAL WELFARE

(meeting fixed for 6/7)

Mr. Jonathan Powell
Chief of Staff
10 Downing Street
Westminster
London
SW1A 2AA

16 June 1999

4/2

✓

I have one of yours.

3

Dear Mr. Powell,

I am enclosing our most recent MORI poll figures showing support for a ban on hunting with hounds strengthening and a significant drop in opposition to it. I thought it might be of some interest to you to see that support for a ban is now as high as it has ever been. In rural areas alone support for a ban is now four times larger than opposition to it. I have also attached, information on a previous poll indicating the public's preferences regarding the opt-out version of the proposed referenda.

I have also enclosed a legal opinion, part of which makes it clear that it would not be possible to claim that the manifesto commitment will have been met by the Foster Bill vote. We are concerned that this year's Government Annual Report may claim that the manifesto commitment on hunting has been met – something that we would have to challenge.

I would welcome any comments you may have. If you would like any further information, please let me know.

With best wishes,

M. Baker.

Mike Baker
IFAW UK Director

Legal advice cc : Mr George Howarth MP
Rt Hon Jack Straw MP
Rt Hon Lord Williams of Mostyn QC
Ms. Liz. Lloyd

(X)

Warren Court, Park Road, Crowborough
East Sussex TN6 2GA England

Tel: Crowborough (01892) 601900
Fax: (01892) 601926
<http://www.ifaw.org>

LATEST MORI FINDINGS ON HUNTING WITH DOGS

National MORI poll, 23-26 April 1999

Overall sample size 2,032

To what extent would you support or oppose a ban on hunting with dogs in Britain?

	All	(Oct 1997)	Labour voters	Rural dwellers
Support	72	(64)	85	68
Oppose	12	(23)	5	17

National MORI poll, 11-14 December 1998

Overall sample size 1,926

If, by the time of the next election, the Government has not imposed a ban on hunting, which, if any, of the following describes how you would view the Government?

	All	Labour voters
I would trust them more to deliver their promises	5	7
I would trust them less to deliver their promises	41	41
This would have no impact on my opinion of the Government	43	42

MORI focus group, 22 April 1999

Newcastle upon Tyne area

Government Action

The Labour party is felt to have made a U-turn on its stance on hunting, and perceptions of why the Government has done this reflects poorly on the Government's integrity. The basis of the U-turn is thought to primarily be because wealthy fox hunters have threatened to withdraw political support and funding unless the position was changed;

I totally agree with everything the Labour Party does, I'm staunch Labour, always have been, but I think on this issue I was a bit disappointed with the amount of pressure put on them by the rich landed gentry; and that's exactly what they've done, bowed to that pressure rather than go with their gut feeling. The thing they promised in the General Election was that they'd ban it and they haven't done so.

Female, 41-60 years old, C2, resident in non-urban area.

They'll probably turn around and say 'Ban this and you won't get my money for the next election...if you kick this idea out of stopping all the hunting of foxes and that, we'll make sure you won't get any money for the next election'.

Male, 41-60 years old, C2, resident in non-urban area.

From: A Ban on Hunting With Dogs: Focus Groups Conducted for IFAW, MORI, April 1999

MORI social
research

Public Opinion on Hunting with Dogs

Deadline 2000

Research Study Conducted for
IFAW



IFAW

INTERNATIONAL FUND FOR ANIMAL WELFARE

December, 1998



MORI/FAW
Topline

1,926 interviews among adults aged 15+
 All interviews conducted in-home, face-to-face, over 155 sampling points
 Fieldwork dates: 11-14 December 1998
 Data edited and weighted to the national population
 Base 'All', (1,926)

- Q1. SHOWCARD Hunting wild animals, such as foxes, with dogs is currently allowed and remains a controversial issue. A national ban on hunting with dogs is being considered with the freedom for local areas to opt out of that ban and continue to hunt in their local areas if they vote to opt out in a local referendum.

How strongly do you support or oppose a national ban on hunting with dogs, letting local communities decide whether or not they wish to continue to hunt in their local area?

SINGLE CODE ONLY

	%
Strongly support	33
Tend to support	20
Neither support nor oppose	15
Tend to oppose	11
Strongly oppose	19
Refused/Don't know	2
Support	53
Oppose	30

RESTRICTED

From: George Howarth

21 May 1999

P cc Ministers
Justin Russell
Ed Owen
Liz Lloyd
Jonathan Powell

Home Secretary

C: DN
RR

HUNTING

I spoke to Mike Baker of International Fund for Animal Welfare (IFAW) last night about the fox hunting issue.

2. He gave me a copy of a summary of the latest Mori Polling (copy attached) which shows support for a ban on hardening. They also intend to do some further focus group work on the referendum proposals. He agreed to let me have a full copy of the Mori Survey and Focus Group findings when they are completed.

3. The League Against Cruel Sports are going to increase the level of publicity, starting this weekend with a photo-opportunity opposite the Millennium Dome involving a naked person in a bath of blood. Their theme apparently is: end the bloodbath by the millennium.

4. Basically, IFAW's politics for the moment amount to holding the line for a total ban without criticising the Government but, if nothing at all is resolved quite soon, they will switch their fire away from the issue and on to the Government.

5. One interesting piece of information he passed on is that they have had a legal opinion on our manifesto commitment which, he says, indicates that it was a *de facto* commitment to a ban. He promises to send me a copy of the opinion.

6. Mike also told me that they have substantial resources available to mount a high profile publicity campaign unless they get a clear impression that the issue is progressing, possibly leading to a Private Members' Bill in the next session.

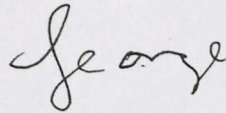
7. Another route they are thinking of pursuing is to lobby the Scottish Parliament to bring about a ban there; as a means of embarrassing us.

8. They are in the process of arranging to meet Liz Lloyd and Jonathan Powell at No.10 in early to mid June and depending on the response at that meeting, there will possibly be an escalation of activity shortly after that meeting.

9. My impression, although he did not put it in these terms, is that we could just get away with a referendum option, but only if it was on an opt out rather than opt in basis.

RESTRICTED

10. For the record, I think the referendum option would be politically extremely difficult for us. It may not succeed in providing a solution which public opinion would find acceptable. Although I would value Gareth's view on this, it would still meet problems in the Lords as matters now stand. And, in their present mood, the PLP might not stick to their guns on this issue.

A handwritten signature in cursive script, appearing to read 'George'.

GEORGE HOWARTH

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THE SCOTTISH OFFICE

Minister for Agriculture, the Environment and Fisheries
Lord Sewel

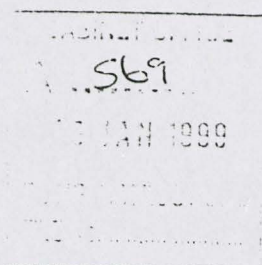
Dover House
Whitehall
London SW1A 2AU

Telephone 0171-270 6709
Fax 0171-270 6716

John Spellar Esq MP
Parliamentary Under-Secretary of State for Defence
Ministry of Defence
Whitehall
London
W1A 2HB

(P)

8 January 1999



Dear John,

WLB 4985
recd 13/1
C. Mr. Lickert
JE w Angus
Lapsley

FOX HUNTING ON GOVERNMENT LAND

Elliot Morley, Jon Owen Jones and I have been considering the issue of licences for fox hunting on Forestry Commission land in 1999/2000.

As you know, for the 1998/99 season, the Forestry Commission and the Ministry of Defence issued licences which allowed fox hunting on their land from 1 September 1998. There are, however, sound animal welfare arguments for delaying the start of fox hunting in future seasons until 1 October. Fox cubs are still not fully grown in September. They are very inexperienced, and have little knowledge of the country beyond their immediate home range. Hunting them at this time inevitably drives them into unfamiliar territory where they cannot evade the hounds. Delaying hunting until the start of October could therefore make a real difference to animal welfare, as the cubs would be significantly more mature by then.

On the other hand, hunting is a legal and traditional activity which, in many parts of Britain, usually starts in August. In some areas, delaying the start date on Government land would simply mean that the hunts went elsewhere, in which case there would be no net effect on animal welfare. In other areas, where the hunts have no alternative areas to hunt, a delay to the beginning of October could have significant economic repercussions on the hunt and on employment in the area.

As you know, the Forestry Commission considered not issuing licences before 1 October in 1998. However, the legal advice was that such a decision would be likely to be subject to a successful legal challenge. The Commission therefore issued licences for hunting in September, as did the Ministry of Defence, of course.

WM
13/1

Our solicitors have advised us that the risk of a successful legal challenge could be significantly reduced if the decision were based on the results of public consultation over the proposal.

We therefore propose to issue a consultation paper, setting out the arguments for and against delaying hunting until 1 October, and inviting respondents to submit their views before we make a decision. We would send the consultation paper to all the hunts, the hunt associations and the main associations opposed to hunting, but we do not intend to circulate it to the public. The consultation paper would not, of course, discuss whether hunting should be banned entirely on Government land.

In view of the Prime Minister's request that "there should be better co-ordination of decision making on the arrangements for fox hunting on Forestry Commission and MoD land", we consider that the consultation paper should cover both Forestry Commission land and Ministry of Defence land. Given the political sensitivity of hunting issues in general, we would also need to agree the consultation paper with George Howarth and Jack Cunningham.

This would not, of course, mean that the same decision would have to be taken for all Government land, as there may be good reasons for treating different land differently. In any event, the Scottish Parliament and the Welsh Assembly will be fully operational by then, and they may come to different conclusions.

If you are content, we shall ask Forestry Commission officials to work with your officials to prepare a draft consultation paper for our approval.

In view of their interest, I have copied this letter to George Howarth, Jack Cunningham and Sir Richard Wilson, as well as Elliot Morley and Jon Owen Jones.

✓
Ours etc.

John

JOHN SEWEL

Ian Cawsey MP



HOUSE OF COMMONS
LONDON SW1A 0AA

17 DEC 1998

Tony Blair MP
Sedgefield
House of Commons

15th December 1998

Dear Tony

Hunting with Dogs – PLP Consultation

Earlier in the year Jack Straw attended a meeting of the PLP Home Affairs Committee to discuss this issue. Apparently this was the best-attended departmental committee ever!

At the end of the meeting it was agreed that members would be consulted on finding a way to move the matter forward. As a result the enclosed consultation document has been produced. It predominately asks about the use of referendums and how they might be established. However, there is the opportunity for other comments you might choose to make.

I realise that some members might feel this is too much of a compromise. I was a sponsor of Mike Foster's Bill and have not changed my mind! But I would still urge you to complete the entire questionnaire because if this is the only legislative option available, then we need to ensure it accurately reflects the views of the PLP.

You have until January 31st 1999 to reply. I look forward to reading your comments and it is hoped we can circulate a report summarising members views as soon as practicable.

With best wishes

Ian Cawsey MP
Chair, PLP Home Affairs Committee

Give to Liz
Lloyd for info

1. cc Angus Hepburn.
2. 6th

Pl. 84 -

Copy - 100 - to cc
circulate to all relevant
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Hunting with Dogs - A Way Forward?

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- 2. The proposal – Local referendums, a way forward?**
- 3. How would local referendums work?**
- 4. Conclusion**
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Introduction - Labour's Commitment to Animal Welfare

At the last election, the Labour Party manifesto stated:

"We will ensure greater protection for wildlife. We have advocated new measures to promote animal welfare, including a free vote in Parliament on whether hunting with dogs should be banned by legislation."

Early achievements

Since the election the Home Office, MAFF and the DTI have worked closely together to deliver on our manifesto pledge. Real improvements in animal welfare have been achieved and significant progress has been made in a number of areas, including:

- Securing an agreement at the intergovernmental conference - treaty protocol on animal welfare, recognising that animals are sentient beings
- Securing an end to the testing of cosmetic, tobacco and alcohol products on animals
- Making more resources available to fund research into alternatives to the use of animals in experiments
- Enhancing inspection of establishments involved in scientific procedures
- Increasing the number of animal welfare experts on the Animal Procedures Committee, which advises on the use of animals in scientific procedures
- Imposing tougher regulations on the transportation and export of live animals
- An agreement on the phasing out of high seas drift nets – reached during UK Presidency

Meeting the pledge for a free vote

In the 1997-98 parliamentary session, the MP for Worcester, Michael Foster, topped the ballot for Private Members' Bills and decided to introduce a Bill to ban hunting with dogs. This provided the Government with the opportunity to meet its specific pledge on this issue and allow a free vote. The Government agreed not to whip either its backbenchers or Ministers and in November 1997, the House of Commons voted by 411 to 151 to give the Bill a second reading. This was the largest ever vote in favour of a Private Members' Bill.

In spite of the overwhelming support expressed for the Bill by the House of Commons its passage was blocked by a small and determined group of opponents who exploited the limitations of the Private Members' Bill process to ensure the Bill ran out of time.

In the face of this opposition the only way that the Foster Bill could have made progress in the 1997/98 session would have been for the Government to allocate time to consideration of the measure. However, Ministers expressed reservations about doing this on the grounds that members of the House of Lords, where pro-hunting interests are well represented, had made it clear that they would be prepared to disrupt other elements of the Government's legislative programme should a Bill to ban hunting with dogs be brought forward. As a result, in spite of the massive 'free vote' in its favour at Second Reading the Foster Bill fell.

Prospects for progress

Opinion polls show that seven out of ten voters would support banning hunting with dogs. There are, however, those who passionately object to a total ban and it is also clear that any future Bill with this aim would encounter significant opposition from pro-hunting interests in the House of Lords.

The Government's commitment to reform the House of Lords in the 1998/99 parliamentary session will change the picture but not completely. It opens up the possibility of legislation to ban hunting with dogs but the Stage One reform of the House is likely to retain a substantial block of hereditary peers, who are likely to do everything they can to block a total ban.

It is with this in mind that this consultation paper seeks to explore the arguments for local referendums as a way of arriving at a legislative solution. This paper, from the Officers of the Labour Party's Departmental Committee on Home Affairs provides Labour MPs with an opportunity to look at the various options and consider whether there is an appropriate solution to this contentious issue.

The Proposal – Local Referendums, A Way Forward?

It is the view of the large majority of Labour MPs, as evidenced in the second reading vote on the Foster Bill, that hunting with dogs is cruel and unnecessary. We believe this argument has been well made and clearly won.

However, hunt supporters argue that the view held by the vast majority of MPs does not reflect the view of those people living in areas where hunting with dogs predominantly takes place. They claim that the vote on the Foster Bill by MPs in the House of Commons reflects the dominance of the urban voice in Parliament over the rural one. Polling evidence presented by the Campaign for the Protection of Hunted Animals would suggest this is not the case. Detailed polling carried out by MORI in October 1997 showed that 63% of rural people questioned were personally opposed to people hunting with dogs compared with 79% of urban people.¹

Nevertheless, pro-hunt supporters continue to argue that the imposition of a nationwide ban would not effectively reflect local rural opinion and it is to address this claim that we have brought forward this consultation and proposed that local referendums may present a way of breaking the logjam.

Why local referendums?

Giving local people the chance to decide for themselves whether hunting should be allowed in their areas would guarantee that policy making on this issue was not driven by the concerns of central government. It is argued that such an approach would empower local people to decide on issues that affect them and would be consistent with the Labour Party's manifesto aim of encouraging 'local decision-making'.

Whilst in Opposition the Labour Party became increasingly concerned at the growing centralisation of power in the UK and the tendency of central government to ride roughshod over regional and local opinion. The failure of successive Conservative Governments to legitimise decision making in the eyes of the Scottish people, for example, began to seriously undermine the Union.

These concerns have informed many of the radical constitutional reforms proposed by the Labour Government since May 1997, including the establishment of a parliament in Scotland and directly elected assemblies in Wales and London. In order to ensure these major changes enjoyed local support the Government held referendums on each.

¹ Base: 3,010 adults aged 18+, 18-27 October 1997

There is also a precedent for holding local referendums on controversial moral issues. Under the Licensing Act 1964, there is provision for the people of Wales to hold local polls every seven years to decide whether licensed premises should open on Sundays. This has proved to be an effective and popular solution to a controversial issue.

How would local referendums work?

The proposal to permit the holding of local referendums on the issue of hunting raises a series of detailed questions. Broadly speaking there are six key questions:

- (1) Should the legislation create a national ban on hunting with dogs which local areas could then 'opt-out' of or should it allow for hunting with dogs to be banned only where local areas 'opted in' to a ban?
- (2) What would represent an effective electoral area for the holding of local referendums?
- (3) How would a local referendum be triggered?
- (4) What question should be asked?
- (5) How long should a decision remain in force?
- (6) Who will pay for the referendum?

This section of the consultation paper proposes some alternative answers to these questions.

- (1) **Should the legislation create a national ban on hunting with dogs which local areas could then 'opt-out' of or should it allow for hunting with dogs to be banned only where local areas 'opted in' to a ban?**

Opting Out

Under this option primary legislation would set out the prohibition on hunting with dogs and effectively make this activity illegal across the country. However, it would also allow for local referendums to be held to decide whether a particular area should be exempt from or 'opt out' of the national ban.

Commencement of the ban could be deferred for a set period to allow time for any referendums that might be triggered to take place.

If the purpose of the legislation is to allow the Government to honour the intent of its manifesto pledge and implement the outcome of the second reading vote on the Foster Bill then this option makes most sense.

Opting in

A second option might be to require local areas wishing to end hunting with dogs to 'opt in' to a ban. As with the 'opt out' option the legislation would set out the prohibition on hunting but the activity would be permitted unless and until a local decision was taken by referendum to ban hunting locally, i.e. 'opt in' to a ban.

(2) What would represent an effective electoral area for the holding of local referendums?

A decision would also need to be taken as to the most appropriate geographical area to hold a referendum. Two important considerations would need to be taken into account in examining the options: (i) the chosen area would need to be coterminous with electoral registers, and (ii) the chosen area would need to allow for effective enforcement.

Parish

Some have argued that parish referendums would enable decision-making to be made as close as possible to the people actually affected by any decision to ban hunting. They would, however, cause enforcement problems given that hunts often pass across parish boundaries. It should also be noted that in most areas of the country there is no strong sense of community and often little administration at parish level. There are also large parts of the country that are unparished and other arrangements would have to be made for those areas.

District

Districts provide both administrative and electoral arrangements which would suit the purpose of local referendums. Yet many districts are small in size and could therefore present the same enforcement problems as parishes. The sheer number of districts across the country could result in there being hundreds of separate referendums, producing a complicated patchwork of results.

County

County referendums would make enforcement of local bans much easier. Hunts are less likely to cross county boundaries and police force areas tend to conform to the same geographical area. What is more, counties conform much more to local people's sense of history and identity.

Police force areas

Some police force areas (like West Mercia, Northumbria, Thames Valley) cover more than one county. In many areas the County and Police force boundaries are coterminous but public identity is an issue for those that are not. But given that any ban will have to be enforced by the police, this might be most the effective area.

Regions

England is divided into ten standard regions. Referendums could be held in these regions. Wales would be a separate, single area. Large areas lessen enforcement problems but can be seen as too large to ascertain a local view.

(3) How would a local referendum be triggered?

Legislation allowing for the holding of local referendums on the issue of hunting with dogs would need to set out an appropriate trigger mechanism. Several options are set out below:

Local petition

Under this plan a minimum number of residents of a particular area would need to sign a petition in order to trigger a referendum. This would ensure that there is a substantial degree of support for a particular position to justify a poll. All signatures would need to be checked against the electoral register and a reasonable number of the signatories would have to be contacted to establish that they had really signed the petition and that they were aware of what they were signing. A reasonable minimum number of signatures might be 10% of residents.

Local authority vote

In this case the referendum could be triggered by a vote of the relevant local authority. There could be problems if counties were chosen as the geographical area although perhaps a referendum could be triggered if a majority of its constituent districts voted for one. In areas of two-tier local government it would have to be established which level has the responsibility.

Nationwide referendums

There could be a national requirement for every area to hold a referendum. This could be held either simultaneously (which would probably make the exercise cheaper and help turnouts) or within a specified timetable.

(4) What question should be asked?

The question could be left to each local area although this would not be entirely satisfactory as the process could be manipulated and thereby jeopardise the referendum's legitimacy. The question would have to be neutral in tone and substance and it might make more sense for it to be enshrined in legislation to ensure uniformity across the country. The question could be, for example, 'Do you want to allow hunting with dogs to take place in [relevant area]?'.

(5) How long should a decision remain in force?

Any referendum plan would need to consider how long decisions taken by local poll should remain in force before a further poll can take place. The length of time before a referendum could be triggered would probably need to be determined in advance, say five or ten years. The Licensing Act provisions for Welsh referendums provide for polls every seven years.

(6) Who will pay?

Should it be the Government or the local authority, or should those seeking permission to hunt be required to fund such a referendum.

Conclusion

This paper does not set out an exact blueprint for resolving the long-standing debate on this issue. Instead it seeks to raise questions and start a debate about a possible legislative solution to this issue.

It is hoped that consultees will look at the various options and procedures and assess which offer the most appropriate way forward.

Responding to the consultation

Attached to this document is a response form that we hope you will complete and return. This will help us to get an overview of opinion on the specific issues addressed in the consultation. Anyone wishing to submit a full written response should feel free to do so. All comments will be gratefully received and should be sent to:

Ian Cawsey MP
Chair, Labour Party Departmental Committee on Home Affairs
House of Commons
London SW1A 0AA

The deadline for responses is 31 January 1998

RESPONSE FORM

Please complete the following details before answering the questions set out below:

Name:

Constituency: _____

- (1) Do you support the use of referendums to ban hunting with dogs? Please tick one of the boxes below:

YES	
NO	

- (2) If you answered no to Q1 what should the government do to ban hunting with dogs

WHETHER OR NOT YOU ANSWERED YES TO Q1. PLEASE COMPLETE THE REST OF THE QUESTIONNAIRE WITH YOUR PREFERENCE

- (3) Should legislation **ban all hunting** with dogs but allow referendums to opt out of the ban where this is supported? Please tick one of the boxes below:

YES	
NO	

- (4) Should legislation permit hunting with dogs but allow **referendums to establish bans** where this is supported? Please tick one of the boxes below:

YES	
NO	

- (5) Which area is the most appropriate to hold local referendums? Please tick one of the boxes below:

Parish	
District	
County	
Police force area	
Regions	
Other (please specify)	

- (6) How would a referendum be triggered? Please tick one of the boxes below:

Local petition	
Local authority vote	
Nationwide referendums	
Other (please specify)	

- (7) Should the question in the referendum be set down in the primary legislation?
Please tick one of the boxes below:

YES	
NO	

- (9) How long should local referendum decisions remain in force before being open to challenge?

5 Years	
7 Years	
10 Years	
Other (Please specify)	

- (10) Who should pay for the local referendums?

Government	
Local authority	
Those seeking permission to hunt	

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

DEADLINE FOR RESPONSES IS 31 JANUARY 1999

8/12

8/12

Angus Lapsley

To: Liz Lloyd
Cc: Sally Morgan; Jonathan Powell; Rob Read
Subject: hunting

I showed TB the HO note of yesterday on hunting and told him how well Foster had done on the media.

His response was "But we want this toned down pending the Lords Reform"

angus

hm.

From: THE PRIVATE SECRETARY
RESTRICTED



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

Angus Lapsley Esq
10 Downing Street
London
SW1A 2AA

4 December 1998

PM

Dear Angus,

To note. Foster was good on the radio this morning, denying that the Government had let him down and making it clear that either version of the referendum scheme could be looked at.

TOP - AL
C: LL
PU

HUNTING

Angus.
7/12

The Home Secretary met Mike Foster on Tuesday 1 December to discuss the way forward on this issue. They discussed the two referendum options. It was apparent that Mr Foster would not be persuaded to accept an opt-in referendum scheme.

that's because Jack hasn't tried

During the course of the discussion Mr Foster indicated that he hoped to publish a consultative document soon. I understand that Paddy Tipping may be able to obtain the final version of this document which I will forward to you.

It would be helpful, in the meantime, to agree lines to take. I attach a copy of the current lines. If this document is issued I think we will come under renewed pressure to say something positive and a steer from you would be helpful.

I am copying this to Sebastian Wood.

Yours ever,

Ailish

AILISH KING-FISHER

but we want this
towed down
pending the Lords
reform.

- We have fully kept to our Manifesto commitment on this issue, which was to allow a free vote.
- Mike Foster's Private Member's Bill failed through the actions of its opponents, not the Government.
- The Home Secretary has met with the supporters of the Bill to look at ways of dealing with this issue.
- The Government's priority is to ensure the successful passage of the full legislative programme as set out in the Queen's Speech.

From: Hilary Coffman
Date: 24 November 1998

Angus Lapsley; Liz Lloyd; Peter Wilkinson

FOX-HUNTING – FOR INFORMATION

I attach a copy of a recent letters page from “The Field” magazine, and draw your attention to the letter headed “Tony’s View on Hunting”. This may not cause a problem but you should be aware of it. I have spoken to John Burton.

Letters

FRAN HILARY COFFMAN

FROM FRAN ABRAMS

OIL RIGS INTO FARMS?

From Mr D M Fynsong

There are two independent debates currently being voiced about North Sea oil rig platforms and their use in in-shore salmon farming: firstly, how best to dispose of "retired" oil rig platforms; and secondly, the effects of sea lice on farmed salmon and sea-trout populations.

It has been discovered that salmon which are farmed in still-water lochs are infested with sea lice. These, in turn, affect the indigenous sea-trout population. However, salmon farmed in cages off-shore shed their sea lice in an open-sea environment. They pose less of a problem to the local sea-trout population

in all areas of the Scottish economy where this work would be undertaken.

David Fynsong
Luton, Bedfordshire

TONY'S VIEW ON HUNTING

From Mr N Welch

With regard to Baroness Mallett's *Comment* (August issue) on the possibility of using local referendums to implement the Government's manifesto commitment to enable a Bill to abolish hunting, I believe it is unsafe to be complacent. The Prime Minister will seek to "side-step the pitfalls" in his efforts to avoid souring relations with the countryside community. To maintain his own image as the "People's PM" he must continue to appear to be all things to all men, including the vociferous anti-hunting lobby.

As one of the PM's constituents I wrote to him asking for his personal attitude to hunting. His agent, John Burton, replied on his behalf:

"As Tony's agent, I am glad of the opportunity to send you his views on the

Wild Mammals (Hunting with Dogs) Bill. Several Tory Lords have expressed to Tony that hunting is the most important thing in their lives, and that they would be prepared to take any action necessary to ensure that they can continue to practise their 'sport' [sic].

"While it is possible in the Commons to guillotine discussion on a certain Bill, that practice is not permissible in the Lords, and so if the Wild Mammals Bill came to the Lords they are allowed to talk on the subject for one year. This means that it would be impossible for the Government to get any of its Bills through Parliament, and legislation included in the next Queen's Speech would automatically fall.

This means that the reform of the House of Lords has to take place before any foxhunting Bill goes before Parliament.

"I hope that this explains the reason why the Government has acted in the way it has to the Wild Mammals Bill. However, it is perhaps worth pointing out that Tony's views on foxhunting have not altered since the election, and that he is still against the fox being hunted by dogs."

In view of this clear statement of the PM's views on foxhunting I believe that if his principles govern his actions we can expect him to expedite the progress of any anti-hunting Bill that might be presented in Parliament as soon as may be after he has achieved his much-vaunted reform of the House of Lords.

Norman Welch
Darlington, Co Durham

A DEE SUCCESS

From Mr A Bradford

Michael Wigan reports the Dee gillies' group chairman opining that the Dee's catch-and-release programme has made "no perceptible difference at all" (*A Last Gasp For The Springer?* July issue).

The programme has achieved the release of an average of well over 1,900 salmon per annum. At a conservative estimate that means over four million extra eggs have been laid annually which would otherwise have been lost if those fish had instead been killed.

For those who understand the natural processes at work the release of those fish is highly significant and it is clearly understood that the programme will take some time to produce results. The majority of the offspring from the 1995 season's run (when the programme was first introduced) will leave the river as smolts in 1998 and 1999 and therefore we do not look for their return until at least 2000.

Approximately 50 per cent of the salmon caught on the Dee are now released. Some beats achieve well over 80 per cent and if all

could do likewise at least an extra 2.25 million eggs would be spawned. At present, those fish are being killed.

Killing fish seems hardly a logical step in the present circumstances. It is disappointing that some do not yet seem willing to make their own simple and very low-cost contribution towards the future of salmon.

I am aware that the problems facing salmon today are mainly of marine origin. Of the fish which survive the current high marine mortality the Dee's catch-and-release programme aims that as many as possible are allowed to spawn. I applaud all those who continue to release our fish and especially the four this season who, on the beats I manage, have even released their first ever salmon.

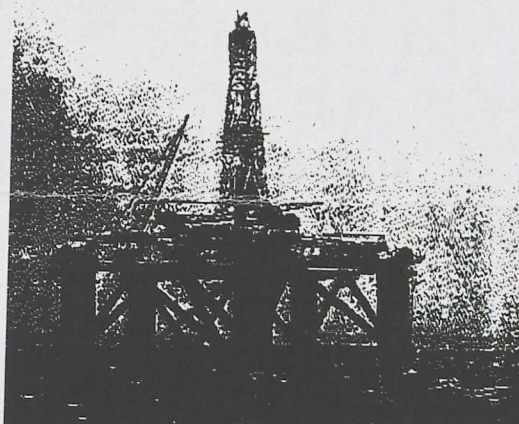
Andrew Bradford
Chairman, The Dee District
Salmon Fishery Board

WHERE TO FISH IN 2025?

From Mr A Oglesby

My attention is drawn to the letter from Luke Comins in the July issue. In a perfect world one has to agree with all that Mr Comins has to say. Back in the Thirties, when I was a small boy, it was virtually impossible to catch anything but a wild-bred trout in my home county of Yorkshire. Could Mr Comins please tell where I might catch a wild brown trout in the county today?

The sport of brown (and certainly rainbow) trout fishing has virtually become totally artificial and people are already saying that it is more fun to go to a reservoir and catch a fish of nigh or



SEAN DUNN/ENVIRONMENTAL IMAGES

because the sea lice are more thinly spread into the open sea.

Off-shore caged salmon farms are open to the elements and the mood of the sea. A safer haven for these off-shore farms could be created and the sea lice problem eradicated if a sheltered environment could be provided by using three or four off-shore oil rig platforms.

The Government and oil company sources tell us that it will cost £150 million to dispose of each unused rig. But would re-positioning four unused oil rigs for salmon farming cost far less than £600 million?

However, why not do both: dismantle some rigs on-shore and utilise other rigs for salmon farming? This will produce jobs



THE SCOTTISH OFFICE

Minister for Agriculture, the Environment and Fisheries
Lord Sewel

Dover House
Whitehall
London SW1A 2AU

Dr S D Cholerton
Private Secretary
Parliamentary Under-Secretary of State for Defence
Ministry of Defence
Whitehall
London
SW1A 2HB

Telephone 0171-270 6709
Fax 0171-270 6716

2 October 1998

Your ref: D/US of S/JS/22/1/2/1

✓ Top Ar

cc R

Dear Simon

FOX HUNTING ON MOD LAND

I am sorry for the delay in replying to your letter of 6 August. I have also now seen a copy of Mr Kernohan's letter to APS/PM.

My Minister, Lord Sewel, noted from your letter that the Ministry of Defence would be issuing licences for fox hunting on its land with a start date of 1 September, and he asked me to thank you for letting him know and to say that he was quite content. He thought, however, that it would be more helpful to delay replying until it was clear what the Forestry Commission would be doing.

As you know, the Commission issued licences in September to those hunts that had traditionally hunted in September, thus establishing a common date with the Ministry of Defence for this season.

As Mr Kernohan says in his letter, we need to pursue early discussions to ensure the harmonisation of dates next year, and my Minister intends to write to yours shortly putting forward proposals on how to take this forward.

I am sending a copy of this letter to the Private Secretaries of the Prime Minister, the Welsh Secretary, the Chancellor of the Duchy of Lancaster and the Parliamentary Secretary at the MAFF.

Yours sincerely

Jacqueline Campbell
JACQUELINE CAMPBELL
Private Secretary



MINISTRY OF DEFENCE
WHITEHALL LONDON SW1A 2HB
Telephone 0171-21 82111/2/3

SECRETARY OF STATE

MO 10H

28 September 1998

cc: CH of A (F.I.)
PU

Angus
Dear Clare,

LICENCES FOR FOX HUNTING ON FORESTRY COMMISSION LAND

Thank you for sight of your letter to June Milligan of 7 September setting out the Prime Minister's thoughts on the arrangements for foxhunting on MoD and Forestry Commission land.

Following discussions with the Master of Fox Hounds Association (MFHA), standardised licences were issued by the MoD which run from 1 September to no later than the end of next April and ensure that the conduct of hunting is tightly and strictly controlled. The MoD pursued parallel discussions with the Forestry Commission with the aim of establishing common start and end dates for this year's hunting season. This was unfortunately not possible before 1 September, when the MoD proceeded with the issue of licences for foxhunting on the Defence Estate.

The Forestry Commission has now established common dates with the MoD for this year's season and foxhunting is being conducted on Forestry Commission land against the standardised agreement signed with the MFHA. We therefore now have a consensus between MoD, Forestry Commission and the MFHA.

With respect to next year, we would hope to pursue early discussions with the Forestry Commission and MFHA to ensure the harmonisation of dates, assuming that foxhunting is still legal. With regard to the terms of future licences, new controls would be adopted if necessary following a review of this year's activities. I am advised that the MFHA would accept this.

The MoD appreciates that this is an important and emotive issue. The present arrangements represent a pragmatic and workable approach for this year and

Clare Hawley
10 Downing Street

QR



Recycled Paper

The MoD appreciates that this is an important and emotive issue. The present arrangements represent a pragmatic and workable approach for this year and are the result of a close and ongoing dialogue between the Defence Estates Organisation and the Forestry Commission on behalf of the MoD and MAFF respectively.

I hope that this helps to clarify the position. I am copying this letter to the private secretaries of Donald Dewar, Nick Brown, Jack Cunningham, Sir Richard Wilson and Peter Edwards (Forestry Commission).

yours. Hugh Kernohan

(H D KERNOHAN)
Private Secretary

CONFIDENTIAL

From: Liz Lloyd
Date: 24 September 1998

Prime Minister (602)

cc: Jonathan Powell
Sally Morgan

Hunting - referendum proposal

I attach a copy of a paper which has been prepared by Ed Owen on the various options for a referendum on hunting. It is a very open-ended paper designed to set out the various options. It does not support one option in particular.

As discussed in July the plan is for a member of the PLP to publish it to stimulate debate, probably after Conference as things are quite quiet at the moment. No member of the PLP could publish a paper which supported an opt-out referendum (your preferred choice) and carry enough others with them at the moment.

The key may well be Mike Foster, who is sympathetic to a ^{out}opt-~~in~~ model, but who will be hard to convince to support a ⁱⁿopt-~~out~~ model.

However, publishing this paper may well flush out views.

The paper is expected reasonably soon, I assume you are content with this plan.

Liz
—
xc Angus
Sally
to see Puri's Combs.
Note explaining why not

✓
5/10

Liz } I am worried about
anything saying opt-out
when we may want
opt-in. Don't we just have
to do a deal?

CONFIDENTIAL

POLITICAL - NO FURTHER COPIES TO BE TAKEN

From: Ed Owen
Special Adviser
Room 751
Private Office

cc George Howarth
Norman Warner
Liz Lloyd

☎ 273 2852

22nd September 1998

Jack

HUNTING

This is my first stab at an option paper on the hunting referendum proposal.

I am grateful to Bernard Bennett-Diver and Gay Catto for providing their technical advice on this.

Are you content for me to send a copy to Clive Soley, Mike Foster and Ian Cawsey for their comments?

I do not think that this paper should be published before Conference. That would risk raising the temperature on the issue. For the moment at least, it is relatively quiet.

However, it might be worth having a chat with Mike Foster this Sunday or Monday in Blackpool to keep him in board. He is very useful in cooling down the hotheads on this issue, and has a reception with the League Against Cruel Sports on Wednesday evening. Shall I arrange?



ED OWEN

HUNTING A SOLUTION

INTRODUCTION

At the last election, the Labour Party manifesto said:

“We have advocated new measures to promote animal welfare, including a free vote in Parliament on whether hunting with hounds should be banned by legislation.”

In the 1997-98 parliamentary session, the MP for Worcester, Mike Foster, introduced a Private Members Bill to ban hunting with hounds. In November 1997, the House of Commons voted on a free vote by 411 to 151 to give the bill a second reading. The bill was withdrawn, however, after the delaying tactics of a number of predominantly Tory and Lib Dem MPs ensured the bill would run out of parliamentary time.

Opinion polls suggest that there is considerable popular support for action on this issue, both in Parliament and in the country as a whole. There are, however, those who passionately object to a ban, and it is clear that any future bill with this aim would encounter significant opposition from pro-hunting interests in the House of Lords.

It is with this in mind, that this paper seeks to explore the arguments for local referendums as a way of taking this issue forward. It does not offer a single solution - indeed, there is any number of different ways of holding local referendums. Hopefully this paper will provide an opportunity for Members of Parliament and outside bodies to look at the various options and consider whether there is an appropriate solution to this contentious issue.

WHY LOCAL REFERENDUMS?

The issue of hunting is a controversial one. It arouses strong feelings on both sides of the argument, and shows no sign of abating. The debates on the Foster Bill illustrated that.

The problem for the proponents of hunting is that there appears to be the widespread popular view that hunting is cruel and should be banned. Yet for hunting's opponents, it appears that getting a bill through Parliament on this issue would be extremely difficult - and would probably hinder the chances of other Government measures becoming law.

Giving local people the chance to decide

This logjam can be broken by giving local people the chance to decide for themselves whether hunting should be allowed in their own area. In those areas where there is strong support for a ban, hunting will not be allowed; where there is strong support for hunting to continue, then the activity will be permitted.

Such an approach would be consistent with the Labour Party's manifesto aim of encouraging "local decision-making" and giving local people more power to decide on issues which affect them.

History of Referendums

The Government has already held referendums on the establishment of the Scottish Parliament, Welsh Assembly, and the strategic authority for London. In addition, the White paper on Local Government, published in 1997, sought to encourage democratic innovations locally, including referendums. [Check facts and dates]

There is also a precedent for holding local referendums on controversial issues. Under the Licensing Act 1964, there is provision for the holding every seven years of local polls in Wales to determine whether licensed premises should open on Sundays. Allowing local people to decide on what was, and is, a very controversial issue has been effective and popular.

HOW WOULD LOCAL REFERENDUMS WORK?

Referendums could be an effective and popular way of settling the hunting issue locally. There are, however, a host of questions concerning how such polls would be run.

Would, for instance, the local referendum decide whether a particular area 'opted in' to a ban, or 'opted out' of a national ban? What would the question on the ballot paper be? How would the poll be triggered? What area will it cover? This paper does not intend to take a view on which of the many options is most appropriate. But it does hope to begin a debate as to the best way forward.

Opting-in or opting out?

1. Opting in

Under this option, local referendums would be held to decide whether to institute a ban locally. In other words, hunting would be permitted - i.e. the status quo would remain - unless and until a local decision was taken after a referendum.

Legislation would set out the prohibition on hunting, yet whether the act applies in a particular area would be dependant on a local resolution following a referendum.

2. Opting out

Under this proposal, local referendums would be held to decide whether a particular area should be exempt from a national ban. Polls would be held to reverse a general presumption that hunting should be outlawed.

Legislation prohibiting hunting would apply across the country but for those areas which have opted out following a referendum.

Commencement of the ban could be deferred for, say, one to two years to allow those areas that wish to opt-out the chance to hold referendums. It would also allow those whose livelihoods are affected by a ban on hunting adequate time to make appropriate arrangements.

Which areas would be covered?

A decision would need to be taken as to the most appropriate geographical area to hold a referendum and, consequently, whether an area opts-in or opts-out of a ban on fox hunting.

The important considerations here are that the particular area must be both coterminous with electoral registers and allow for effective enforcement.

In England, the choice is between parish, district (including the 32 London boroughs and the City of London) or county. The establishment of unitary authorities complicates the matter further.

i) Parish

Parish referendums would enable decision-making to be made as close as possible to the people actually affected by any decision to ban hunting. They would, however, cause enforcement problems given that it is quite likely that hunts pass across parish boundaries. It should also be noted that in most areas of the country, there is no strong sense of community identification with parish boundaries and often little administration at that level.

ii) District

Districts provide both administrative and electoral arrangements which would suit the purpose of local referendums. Yet many districts are small in size and could therefore throw up the same enforcement problems as those raised with parishes. The sheer number of districts across the country could result in there being hundreds of separate referendums, and a complicated patchwork of results.

c) County

Counties would make enforcement of local bans much easier. Hunts are less likely to cross county boundaries and police force areas tend to conform to the same geographical area. Yet critics may argue that the size of many counties could produce a situation where the majority voice of the urban population overrules the minority rural one. The lack of uniform county administration across the country could also cause problems, although they could be overcome by grouping the constituent districts.

How will referendums be triggered?

Both the opt-in and opt-out options require some mechanism to trigger local referendums. These include:

a) Local petition

Under this plan, a minimum number of residents of a particular area would need to sign a petition in order to trigger a referendum. This would ensure that there is a substantial degree of support for a particular position to justify a poll.

There are problems however. All signatures would need to be checked against the electoral register and a reasonable proportion of the signatories would have to be contacted to establish that they had both signed the petition and that they knew what they were signing. This could be costly and time-consuming.

b) Local authority vote

The referendum could be triggered by a vote of the relevant local authority. There could be problems if counties were chosen as the geographical area, although perhaps a referendum could be triggered if a majority of its constituent districts voted for one.

c) Nationwide referendums

There could be national requirement for every area to hold a referendum. This could be held either simultaneously (which would probably make the exercise cheaper and help turnouts) or within a specified timetable.

What question should be asked?

The question could be left to each local area but this would probably lead to manipulation and so jeopardise the referendum's legitimacy. It would need to be neutral in tone and substance and probably enshrined in legislation to ensure uniformity across the country.

How long should a decision remain?

Any referendum plan would need to consider how long that decision remains in place before a further poll can take place. It is quite possible that public opinion in a particular area would change based on the experience of a local ban or refusal to ban.

The length of time before a further referendum could be triggered would probably need to be determined in advance, say five or ten years. The Licensing Act provisions for Welsh referendums provide for polls every seven years.

CONCLUSION

This paper does not set out an exact blueprint for resolving the long-standing debate on this issue. Instead, it seeks to raise questions and start a debate.

The referendum has often served as an effective arbiter in our democracy, and is therefore a mechanism worth pursuing as part of the debate about hunting.

Hopefully, people will look at the various options and procedures and assess which, in their view, offers the most appropriate way forward on this issue.

All comments will be gratefully received.



Forestry Commission

The Department of Forestry for Great Britain



June Milligan
PPS/Secretary of State for Wales
Welsh Office
Gwydyr House
Whitehall
London

231 Corstorphine Road
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EH12 7AT

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From The Secretary
to the Commissioners

Frank Strang
11 September 1998

Dear June,

LICENCES FOR FOX HUNTING ON FORESTRY COMMISSION LAND

Thank you for your letter of 10 September to Peter Edwards.

The Secretary of State has asked about the terms of the proposed licences. I can confirm that they have not changed since we sent the full text to all forestry Ministers on 25 August, together with copies of the detailed instructions to forest districts.

We have noted the Secretary of State's request in respect of the issuing of licences in Wales. As I explained on the telephone, if any licences are to be issued before 1 October, the first step will be for hunts to make a specific request and demonstrate, by custom and practice, that they have traditionally hunted over FC land in September. Past experience suggests that we are not likely to receive many such requests in Wales (and we shall certainly not be proactive in eliciting any). We are, however, under much greater pressure in Scotland and England. Once hunting is underway there, we cannot rule out similar pressure in Wales. Whilst we would have to go through the administrative steps I have described above, we would still need to deal with any requests with reasonable despatch. However, if it would help the Secretary of State, we would be happy to ensure that you are informed when any licences are actually issued.

I am copying this letter to Clare Hawley at No 10, David North, Ken Thompson, Ken Lindsay and Katrina Williams and Sir Richard Wilson.

Yours ever
Frank

Frank Strang

Top AL
cc: CH
PJ
Pm



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TY GWYDIR
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*Oddi wrth Ysgrifennydd
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*From The Private Secretary
To The Secretary of State
for Wales*

10 September 1998

Dee Peter

(P)

LICENCES FOR FOX HUNTING ON FORESTRY COMMISSION LAND

I have alerted my Secretary of State - who is absent from the office today - to the contents of your submission to Ministers of yesterday's date.

He has asked me to respond to you on his behalf. He does not wish you to issue licences for fox hunting on Forestry Commission land in Wales please until he has seen the terms of the proposed licence, and until his discussions with Ministerial colleagues on the matter are concluded.

I would be grateful if you could take account of his request in proceeding.

I am copying this letter to Clare Hawley at No 10, to David North, Ken Thompson, Ken Lindsay and Katriona Williams, to David Bills and Sir Richard Wilson.

Yours sincerely,

June

JUNE MILLIGAN
Principal Private Secretary

Peter N Edwards Esq
Forestry Commission
Secretariat

BY FAX

RB

RESTRICTED - POLICY

file



10 DOWNING STREET
LONDON SW1A 2AA

From the Assistant Private Secretary

7 September 1998

Dear June

LICENCES FOR FOX HUNTING ON FORESTRY COMMISSION LAND

The Prime Minister has seen your Secretary of State's letter of 4 September to the Secretary of State for Scotland and the letter of 28 August from Lord Sewel to your Secretary of State.

The Prime Minister shares your Secretary of State's view that fox hunting is an important issue and he recognises both the strength of his personal feelings, and the depth of his knowledge on this issue. He wishes to ensure that the Government can establish a set of policies which responds to legitimate concerns about hunting and which will be effective. However, he believes that there is a serious risk that action this month would be vulnerable to legal challenge and could provoke flouting of the controls by hunts which would undermine achievement of that wider objective. He feels that the risk of successful legal challenge is too strong, and the likely consequences too damaging to the Government's longer term interests on foxhunting for this to be a viable option.

The Prime Minister considers that the Government can take credit this year for having ended fox hunting on MOD and Forestry Commission land in August. The agreement which has been reached with the Masters of Foxhounds Association on the better management of hunting on MOD land and the similar agreement which appears achievable for Forestry Commission land are positive steps. The Prime Minister believes that any further movement in the starting date of fox hunting on Government land should be a matter for 1999. He would like early agreement on a common position on the starting date for fox hunting on Forestry Commission land next year so that, if the decision is to move to the beginning of October, it is taken forward in a way which minimises the risk of a successful legal challenge. There should also be better co-ordination of decision-making on the arrangements for fox hunting on Forestry Commission and MOD land.

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I am copying this letter to private secretaries to Donald Dewar, Nick Brown, Jack Cunningham and George Robertson, Sir Richard Wilson and Peter Edwards (Forestry Commission).

Yours

Clare

CLARE HAWLEY

Dr June Milligan
PS/ Ron Davies

Y SWYDDFA GYMHEIG

TY GWYDIR

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Oddi wrth Ysgrifennyddi Gwladol Cymru



The Rt Hon Ron Davies MP

WELSH OFFICE

GWYDYR HOUSE

WHITEHALL LONDON SW1A 2ER

Tel: 0171 270 3000 (Switchboard)
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Fax: 0171-270 0561

From The Secretary of State for Wales

4 September 1998

CH

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 AL 0/1
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LICENCES FOR FOX HUNTING ON FORESTRY COMMISSION LAND

I have noted Lord Sewel's concerns about giving the Forestry Commissioners a Direction not to issue licences before 1 October.

However, I remain convinced that this is the right course of action for us to take.

I agree that the main issue is animal welfare. Fox cubs are still not fully grown in September. They are very inexperienced, and have little knowledge of the country beyond their immediate home range. Hunting them at this time inevitably drives them into unfamiliar territory where they cannot evade the hounds. Delaying hunting until the start of October would make a real difference to animal welfare, as the cubs would be significantly more mature by then. I believe that this welfare issue is an important point of principle which we could deploy with force if there were to be a legal challenge.

Lord Sewel makes much of the legal advice that we have received. However, I note that the advice is only that a legal challenge would probably be successful; indeed the advice includes the statement that it is never easy to predict the outcome of such a challenge. In these circumstances I think that we should be prepared to give the Direction and defend it in the courts if necessary.

The Masters of Foxhounds Association has already accepted that the Commission wants to stop cub hunting on its land. Yet if the hunts are allowed to hunt in September however it will not be possible to stop them hunting cubs.

I do not consider that we need to come to the same decision as the Ministry of Defence. Indeed I made it clear to John Spellar before he came to his decision that I believed the first of October is the right date for all Government Departments.

PA 4/9



The Ministry of Defence has its own reasons for allowing its neighbours to hunt over its land, and these do not apply to the Forestry Commission.

Nor do I think that we should be too concerned about the practical difficulties when considering this point of principle. Hunting is only allowed on Commission land by permission, and under certain conditions. If a hunt breaks these conditions then its permission will be withdrawn. If a hunt continues to hunt without permission, then the Commission will need to enforce its rights as a land owner, perhaps by taking legal action. While we do not wish to be drawn into unnecessary conflict, we cannot allow special interests to run roughshod over the law.

I was further disappointed by Lord Sewel's response to both Elliot Morley's and my decision to opt for issuing a direction as I believe it runs counter to the principles of devolution. Of course, it would create severe presentational difficulties if a Scottish Minister overturns the decisions of the Welsh and English Forestry Ministers, particularly if those decisions relate only to England and Wales and not to Scotland.

I hope that you will therefore agree to our issuing a Direction along the lines of the attached. If this still gives you difficulties, I trust that you will not stand in the way of English and Welsh Ministers, who would wish to make a Direction that applies to England and Wales only.

I have copied this letter to the Prime Minister, Nick Brown (in Elliot Morley's absence), Jack Cunningham, Lord Sewel, Sir Richard Wilson and Peter Edwards (Forestry Commission).

A handwritten signature in dark ink, appearing to read 'A. Dewar'.

Rt Hon Donald Dewar MP
Secretary of State for Scotland
Scottish Office
Dover House
Whitehall
LONDON SW1A 2AU

MINISTERIAL DIRECTION

The Secretary of State for Scotland, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales, pursuant to Section 1(4) of the Forestry Act 1967, hereby jointly direct the Forestry Commissioners not to give fox hunts or fox control societies permission to enter Forestry Commission land before 1 October 1998. In this Direction, the phrase "Forestry Commission land" means land which has been placed at the disposal of the Forestry Commissioners in accordance with Section 39(1) of the Forestry Act 1967.

Signed:

Lord Sewel

Elliot Morley

Rt Hon Ron Davies

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URGENT

From: ~~Clare~~ Hawley
Date: 4 September 1998

PRIME MINISTER

cc: Jeremy Heywood
Angus Lapsley o/r
Liz Lloyd o/r

FOX HUNTING ON FORESTRY COMMISSION LAND

There is an impasse with Ron Davies over fox hunting on Forestry Commission land in Wales. The attached paper details the issue. Ron is vehemently and personally opposed to allowing hunting in September when he feels cubs are still young enough to be particularly vulnerable. He wants to direct the Forestry Commission not to allow licences to hunt until 1 October.

The hunting season has traditionally started in August, but this year the Commission has got reluctant agreement from the Masters of Foxhounds Association (MFHA) to delay this. They now want to hunt in September as they have traditionally done – and as MOD have agreed they can over MOD land.

The process has been muddled and the signs that the MFHA would accept 1 October as a start date were then reversed. It is now clear that any attempt to stop licences being issued will be met by legal challenge which the hunters are likely to win – particularly as it is now already September, and they had legitimate expectations of hunting by this date. Indeed they have warned the Forestry Commission they will start next week with or without licences. There are 125 hunts in England, 17 in Wales and 6 in Scotland which normally get licences.

A Direction to the Forestry Commission not to grant licences would have to cover England, Scotland and Wales and be signed by all 3 Ministers. John Sewel

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RESTRICTED - POLICY

URGENT

- 2 -

does not want to direct the Commissioners, and while Nick Brown holds less strong views he feels given the legal/political problems that this is not now a possible course of action. Ron would be happy to give a direction, defend it in the courts, and would be prepared to do so for Wales alone. Apart from doubts about the legality of this, the adverse consequences of such action would be widespread both legally and politically.

While it is arguable that there are animal welfare grounds for delaying hunting until 1 October, and such a move would be popular in some quarters, Ministers are in a weak legal position to do so. It would also jeopardise the carefully negotiated and constructive draft agreement between the Forestry Commission and the MFHA on controlling the conduct of hunts.

It seems sensible to issue licences for September and concentrate on conducting a proper consultation process on the timing of foxhunting on both MOD and Forestry Commission land in time for the 1999 season. This may solve the problem. Devolution may also mean that the issue is treated on a more regional basis in future.

We need a decision urgently. Ron Davies is not prepared to climb down without intervention from you. Are you content for the attached letter to be sent?

Clare Yes. Perhaps
shows the risks
& cost of legal
challenge ever made
in the letter

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10 DOWNING STREET
LONDON SW1A 2AA

4 September 1998

LICENCES FOR FOX HUNTING ON FORESTRY COMMISSION LAND

The Prime Minister has seen your Secretary of State's letter of 4 September to the Secretary of State for Scotland and the letter of 28 August from Lord Sewel to your Secretary of State.

The Prime Minister shares your Secretary of State's view that fox hunting is an important issue and he recognises both the strength of his personal feelings, and the depth of his knowledge on this issue. He wishes to ensure that the Government can establish a set of policies which responds to legitimate concerns about hunting and which will be effective. However, he believes that there is a serious risk that action this month would be vulnerable to legal challenge and could provoke flouting of the controls by hunts which would undermine achievement of that wider objective.

The Prime Minister considers that the Government can take credit this year for having ended fox hunting on MOD and Forestry Commission land in August. The agreement which has been reached with the Masters of Foxhounds Association on the better management of hunting on MOD land and the similar agreement which appears achievable for Forestry Commission land are positive steps. The Prime Minister believes that any further movement in the starting date of fox hunting on Government land should be a matter for 1999. He would

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like early agreement on a common position on the starting date for fox hunting on Forestry Commission land next year so that, if the decision is to move to the beginning of October, it is taken forward in a way which minimises the risk of a successful legal challenge. There should also be better co-ordination of decision-making on the arrangements for fox hunting on Forestry Commission and MOD land.

I am copying this letter to private secretaries to Donald Dewar, Nick Brown, Jack Cunningham and George Robertson, Sir Richard Wilson and Peter Edwards (Forestry Commission).

cc Angus Lapsley or
Liz Lloyd o/r

From: John Elvidge
4 September, 1998

CLARE HAWLEY

cc Sebastian Wood
Andrew Campbell

FOXHUNTING ON FORESTRY COMMISSION LAND

1. We discussed earlier today, with officials from the Forestry Commission, MAFF and the Welsh Office, the recent Ministerial correspondence on this subject.

ISSUE

2. The issue is whether to allow fox hunting this year on Forestry Commission land in September, or whether hunting should only be allowed from 1 October. The MOD has already agreed to allow hunting on its land from 1 September. **We advise that Ministers should take the advice of the Commission in favour of September and consider a move to October for next year.**

BACKGROUND

3. The Forestry Commissioners have taken the view that, although there should be a presumption against allowing hunting on Forestry Commission land before 1 October, they would be on weak legal grounds if they sought to enforce this decision now. In their view, therefore, individual hunts should be allowed to start earlier where they can demonstrate a legitimate expectation that they should do so (such as the local hunting seasons traditionally beginning in September).

4. MAFF, Scottish and Welsh Ministers, acting jointly, could issue a direction to the Commissioners, prohibiting hunting on Commission land until 1 October. Ron Davies wants to do so. He has argued that fox cubs are not fully grown in September and have little knowledge of the country beyond their immediate home range. Delaying hunting until October, when they would be more mature, would give them a greater chance of evading the hounds. John Sewel does not want to direct the Commissioners. Nick Brown holds less strong views (although Elliot Morley's instincts on this issue are closer to Ron Davies's).

CONSIDERATIONS

5. The Commission normally issues licences to around 125 hunts in England, 17 in Wales and 6 in Scotland. Over half traditionally hunt over Commission land in September.

6. This year, the Commission and the MOD have sought, for the first time, to reach an agreement with the Masters of Foxhounds Association (MFHA), as a way of ensuring that the activities of individual hunts are controlled (for example, to prevent the digging out of foxes in most circumstances). MOD reached agreement in August, which allowed foxhunting on MOD land in September. In MOD's view, failure to reach agreement with the MFHA would have reduced the amount of land available for training, with detrimental consequences for the Territorial Army and low intensity training by the Special Forces. In previous years, the MOD has allowed hunting on its land in August.

7. The Forestry Commission has also allowed hunting on its land in August in previous years. Although its intention this year had been to allow hunting from 1 October, and initial indications from the MFHA's negotiator were that agreement on this basis might be possible (on the basis of which Elliot Morley wrote to 2 people, informing them of the Commission's intention not to allow hunting until 1 October) it subsequently became clear that a significant number of hunts themselves would not sign up to an October start.

8. Subsequent legal advice received by the Forestry Commissioners suggests that a decision not to allow hunting on Commission land until 1 October would be likely to be overturned through judicial review - or would be unenforceable in the Courts under Commission byelaws. Both forms of legal challenge by hunts are regarded as certain. The legal advice is that, while there can be no certainty in such matters, the likelihood is that a Ministerial direction would also be successfully challenged in the Courts. A direction would also call into question why foxhunting was permissible on MOD land in September, but not on Commission land. (There seems to have been poor co-ordination on decision making this year, which needs to be remedied next year.)

9. There is an argument for not allowing hunting on MOD or Forestry Commission land until October, for the reasons advanced by Ron Davies. Such a move would be popular in some quarters - but would be vulnerable to successful legal challenge. Ron Davies would be happy to give a direction and defend it in the courts if necessary and would be prepared to do so for Wales alone if necessary. However, the potential adverse consequences could not be confined to Wales (and there are doubts about the legality of different directions in different countries on this issue). A legal dispute would:

- raise the profile of this issue, unhelpfully (eg in relation to the wider issue of legislation on hunting);
- probably provoke open breach of the Forestry Commission's controls by some hunts, which might expose weaknesses in the controls which there would be pressure to remedy by legislation;
- probably encourage hunts to take a more intransigent stance in future;
- lead the MFHA to withdraw from its provisional agreement with the Commission to improve the management of hunts, including the reduction of practices such as the digging out of foxes.

If the Government were defeated, it could make it more difficult, depending on the reasons given in the court judgement, to impose restrictions in future years on the starting date for hunting on Commission land.

10. Allowing the Commission to proceed as they propose, allowing some hunting in September, would leave open the possibility of moving in a more orderly way next year to a decision being taken that fox hunting on Commission or MOD land should not start until October - if that is what Ministers wished; while

- enabling the Government to point out that on both MOD and Commission land fox hunting this year had not begun in August (when cubs are at their most vulnerable and dependent on their mothers) and progress has been made on agreements on better management of fox hunting.

11. If the Prime Minister agrees our assessment that a Ministerial direction should not be issued to the Forestry Commissioners, I attach a draft letter for you to send to Ron Davies's office.



JOHN ELVIDGE



THE SCOTTISH OFFICE

Minister for Agriculture, the Environment and Fisheries
Lord Sewel

Elliot Morley Esq MP
Parliamentary Secretary
Ministry of Agriculture, Fisheries and Food
Nobel House
17 Smith Square
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SW1P 3JR

file

01 SEP 1998

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Bulfox? - yes.
28 August 1998

Dear Mr Morley

LICENCES FOR FOX HUNTING ON FORESTRY COMMISSION LAND

I have been considering the Forestry Commission's submission of 25 August, and I have received copies of your reply of 26 August and Ron Davies' of 28 August. I note that the Forestry Commissioners have decided, on the basis of legal advice, that they should accede to requests for permission for fox hunting on Forestry Commission land in September from those hunts that can demonstrate that they have traditionally hunted over the land in September. I also note that you and Ron Davies feel that we should direct the Forestry Commission not to give permission for hunting in September, but to delay it until 1 October. Of course, all three forestry Ministers must agree the terms of a Direction, or agree that this requirement does not apply.

While I appreciate your understandable desire to reduce fox hunting on Commission land, I am concerned about giving the Commissioners a Direction as you suggest.

First, I think that we must consider the legal position carefully. I do not believe that we should give the Commissioners a Direction if our decision to do so is likely to be successfully challenged in the Courts. This would not only encourage the hunts to take a stronger stance in future, but would also be seen as an abuse of power by the Government. So we must be reasonably confident that our decision will stand up to legal challenge. Government should not act in a way contrary to the legal advice it receives. We rightly react strongly when Local Authorities act in opposition to the legal advice they receive. This principle should be applied consistently.

I assume that your wish to give the Commissioners a Direction is based on reasons of animal welfare. I understand that the main animal welfare arguments for delaying the start of hunting are that the foxes born this year will be one month older and therefore more experienced at escaping from danger, and that more of them will have separated from their parents. On the other hand, research shows that young foxes are already independent of their

QR

parents by the beginning of September, even if they are still living with them. The research also shows that the dispersal of juveniles occurs between September and February, which does not help to justify a 1 October start date.

I note from the submission that the Forestry Commission's Whitehall solicitor has considered these and other relevant points, and concluded that a legal challenge would be likely to succeed, whether a decision was made by the Commissioners or by Ministers. You may, of course, wish to seek your own legal advice on the likely success of a challenge.

Second, we need to take account of the Ministry of Defence's decision to allow fox hunting on its land from 1 September. The Government would be put in an embarrassing position if we had to explain in court why we had decided to direct the Forestry Commissioners not to allow hunting in September on Government land managed by them, when we were allowing hunting on Government land managed by the Ministry of Defence.

Third, there are the practical implications. Issuing a Direction preventing hunting in September will make it more difficult for the Commission to enforce the conditions in the permissions to hunt. As you know, the Forestry Commission has negotiated an agreement with the Masters of Foxhounds Association (MFHA) which contains all the conditions, apart from starting and ending dates, that you and Ron Davies have requested. If this agreement is concluded, then the Commission will be able to work with the MFHA to control the hunts and enforce the conditions. If the agreement is not concluded, then the Forestry Commission will have to rely on its bylaws to enforce the permissions. However, the penalties for failing to comply with the bylaws are fairly minor (a fine of up to £500 and up to 50p per day for continuing offences), even if a successful prosecution is possible. The Commission would probably have to resort to seeking injunctions against the hunts, with all the difficulties that this would entail. It would obviously be much better if the Commission could conclude its agreement with the MFHA by allowing hunting in September.

For all these reasons, I believe that we would be wrong to give the Forestry Commissioners a Direction over this matter. I recognise that there may be some presentational difficulties, but I think that we should keep the line that this is a matter for the Forestry Commissioners. The Commissioners have, after all, already significantly tightened up the conditions in the new licences.

We obviously need to agree this quickly so that the Forestry Commission can tell the hunts whether they can hunt in September.

I have copied this letter to Nick Brown, and sent a similar letter to Ron Davies which I have copied to Jon Owen Jones. In view of the wider implications of our decision, I have also copied that letter to the Prime Minister, Jack Cunningham and Sir Richard Wilson.

Yours sincerely

Mike Watson

JOHN SEWEL

(approved by the Minister and signed
in his absence.)

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From: Mr P N Edwards
Forestry Commission
Secretariat

1. Mr Edwards - by fax

Thank you. Mr Morley has noted the Forestry Commission's decision. He has also spoken to Mr Brown. Mr Morley wishes to direct the Commission not to issue licences before 1 October as originally agreed.

Tel: 0131 314 6245 (Direct Line)
0131 334 0303 (Switchboard)
GTN: 7135 6245
Fax: 0131 316 4891
e-mail: peter.edwards@forestry.gov.uk

c. Jones PS/Mr Morley
Date: 25 August 1998
26 August 1998.

To: PS/Lord Sewel, Scottish Office
PS/Mr Morley, MAFF
PS/Mr Jones, Welsh Office
PS/Secretary of State for Wales

cc: see list below

LICENCES FOR FOX HUNTING ON FORESTRY COMMISSION LAND**Purpose**

To advise Ministers of the latest developments affecting the issue of licences for fox hunting on Forestry Commission land.

Recommendation

That Ministers note that the Forestry Commission will shortly be issuing licences for fox hunting for the 1998/9 season. Ministers will, however, need to consider whether they wish to give the Forestry Commissioners a Direction on the starting date for the licences.

Timing

Urgent. If Ministers wish to give the Forestry Commissioners a Direction, this should be done before the end of August.

BACKGROUND

1. In her minute of 19 May, PS/Lord Sewel confirmed that Lord Sewel was content for the new licences to be issued.
2. In his minute of 28 July, PS/Mr Morley said that Mr Morley was content for the new licences to be issued, subject to (a) serious or repeated transgressions leading to a permanent ban, and (b) the English and Welsh seasons ending at the same time. I confirm that significant transgressions of the permission will lead to a permanent ban, and that the same rules for the end of the season will apply throughout Britain.

3. In her minute of 30 July, PS/Mr Davies said that Mr Davies was content for the new licences to be issued, on condition that no licences were issued for hunting in Wales in March in areas where there was no likelihood of allegations of lamb losses. I confirm that the only hunts which hunt over Commission land in Wales in March are in sheep-farming areas where the farmers would undoubtedly require the Commission to shoot foxes if hunting were not allowed.

4. All three Forestry Ministers have therefore confirmed that they are content for the new licences to be issued.

5. The Masters of Foxhounds Association has now signed the master agreement "in escrow" (which is explained in paragraph 9 below), and the Chief Executive of Forest Enterprise has issued an instruction to his staff setting out the new arrangements for issuing licences for fox hunting on Forestry Commission land. This specifically excludes reference to the starting date for hunting. I enclose a copy of the instruction (Ref LM454).

6. There is now one remaining problem - the starting date for hunting on Commission land.

STARTING DATE FOR HUNTING ON FORESTRY COMMISSION LAND

Background

7. In our minutes of 9 July to PS/Mr Davies and 23 July to PS/Mr Morley we said that the Forestry Commission's intention was that all the licences for hunting on Commission land should start on 1 October. (This restriction would not, of course, apply to the 30,000 hectares of Commission land where third parties have a legal right to hunt.) This decision was based on our understanding that the Masters of Foxhounds Association would sign the master agreement with a 1 October start date.

8. Since then, as you know, the Ministry of Defence has agreed to allow hunts to hunt over its land from 1 September. PS/Mr Spellar explained the reasons for this in his letter of 6 August (copy attached), noting that "Mr Spellar recognises that there may be presentational difficulties associated with the difference in hunting start dates between the Ministry of Defence and the Forestry Commission".

9. The Masters of Foxhounds Association, no doubt emboldened by the MoD's decision, has now refused to agree to a 1 October start date on Commission land. The start date has therefore been left out of the master agreement, which the Association has only signed "in escrow". "In escrow" means that a document has been signed on condition. In this case, the agreement will not be concluded unless the Commission allows hunting from 1 September.

10. You will recall that this agreement is designed to ensure that the Masters of Foxhounds Association has a central role in controlling the activities of the hunts, and our ability to enforce the licence conditions will be greatly reduced if the Association has not legally concluded the agreement.

11. We have therefore taken further legal advice over the implications of not licensing hunting before 1 October. In particular, we asked about the likelihood of a legal challenge being successful. Such a challenge could arise in one of two ways - either by a request for a judicial review of our decision or, more likely, by a hunt simply hunting over our land without permission. In the latter case, we would have to go to court to enforce our byelaws.

12. Our solicitor has advised that, while it is never easy to predict the outcome of such a legal challenge, it would probably be successful. In other words, the Commissioners would be found to have acted beyond their powers if they did not allow hunts to hunt over Commission land in September. This assumes, of course, that the hunts concerned had traditionally hunted over the land in September and that they therefore had a "legitimate expectation" that they would continue to be allowed to do so.

13. While our solicitor accepted that it was legitimate for Commissioners to take account of animal welfare, we have to accept that the case is stronger in August, when some cubs are still dependent on their mother, than in September; research by Harris and Lloyd shows that, by then, the cubs are independent.

Commissioners' Decision

14. In the light of the above points, the Commissioners have reconsidered the starting date for hunting on Commission land. They concluded that, while there should be a presumption that hunting should not start before 1 October, they would be on weak legal grounds if they sought to enforce this, and so they would have to allow exceptions. Commissioners decided that, if individual hunts ask for permission to hunt earlier, and can demonstrate, on the basis of well-established custom and practice, that their legitimate expectations are such that they should be allowed to start earlier, the Commission will grant them a licence to hunt from 1 September, or their usual start date, whichever is the later.

15. The Commissioners considered whether there should be exceptions to this policy, for example in the New Forest. They concluded, however, that there were no legally sufficient grounds for having a different start date in the New Forest, where mechanisms such as zoning reduce the potential for conflict with other users of the Forest.

16. The Commissioners also considered another factor which is specific to Wales. Last year, our local staff persuaded all the hunts in Wales not to hunt on Commission land until October, and our local staff will try to do so again this year. Nevertheless, these hunts may well request a licence to hunt in September 1998. Our solicitor advised that, if we refused such requests on the grounds that the hunt did not hunt over Commission land in September 1997, a legal challenge would probably still be successful. So Commissioners decided to treat the hunts in Wales in exactly the same way as those in the rest of Britain, as outlined in paragraph 14 above.

Implications of Commissioners' Decision

17. The Commission normally issues licences to 125 hunts in England, 14 in Wales and 6 in Scotland. Over half of these traditionally hunt over Commission land in September. It is therefore quite likely that these hunts will ask for licences to hunt over Commission land in September 1998.

18. Following their decision outlined in paragraph 14 above, the Commissioners intend to issue licences to those hunts that do make such a request, but only if they have traditionally hunted on Commission land in September. These licences will allow them to hunt from their usual start date, or 1 September, whichever is the later.

19. There is a presentational problem, in that Mr Morley has written to two people (Ken James and John Bryant) informing them of the Commissioners' decision not to allow hunting over Commission land before 1 October. We suggest that Mr Morley writes to them again, informing them that the Commissioners have changed their decision; we shall provide draft letters for Mr Morley.

Ministerial Direction

20. If Ministers are not happy with the Commissioners' decision, they can, of course, over-rule it by giving the Forestry Commissioners a Direction.

21. The Forestry Act 1967 states that "the Commissioners shall, in exercising their functions under this Act, ... comply with such directions as may be given to them by Ministers. Directions given by the Ministers ... shall be given by them jointly, except in so far as they make arrangements that this subsection shall not apply." This means that Directions will normally be given by all three Ministers, but if, for example, Lord Sewel wished to give a Direction that applied to Scotland only, he could only do this with the agreement of the other two Ministers.

22. If Ministers were to give the Commissioners a Direction not to issue licences for hunting on Commission land before 1 October, it is likely that a hunt would challenge this, in the same way as if the decision had been made by the Commissioners. We have therefore sought legal advice on the likelihood of such a challenge being successful.

23. Our solicitor again advised that, while it was never easy to predict the outcome of such a legal challenge, it would probably be successful. In other words, Ministers would be found to have acted beyond their powers if they gave the Commissioners a Direction not to allow hunts to hunt over Commission land in September. This assumes, of course, that the hunts concerned had traditionally hunted over the land in September and that they therefore had a "legitimate expectation" that they would continue to be allowed to do so. Ministers may, of course, wish to take further legal advice.

24. If Ministers are minded to give the Commissioners a Direction we shall be happy to provide further advice and a draft Direction for signature.

Summary and Conclusions

25. While maintaining a presumption that hunting should not start before 1 October, the Commissioners have decided to grant requests for licences to hunt on Commission land from 1 September, or the hunt's usual start date, whichever is the later. This will only apply to those hunts which have traditionally hunted over Commission land in September.

26. The Commissioners will not issue licences before 1 September, but they will need to be ready to start issuing licences on that day. So Ministers will need to decide before the end of August if they wish to give the Commissioners a Direction about the starting date for hunting on Commission land.

27. The Director General, David Bills, would be very happy to discuss this with Ministers if they would find this helpful.

Peter N Edwards

Peter N Edwards

cc: PS/Perm Sec, Scottish Office
PS/Perm Sec, MAFF
Perm Sec, Welsh Office
Secretary, FC
Mr Morton, FC
Ms Low, SOAEFD
Ms Allfrey, MAFF/CARD
Ms Jackson, WOAD
Mr Elder, Scottish Office
Mr Simpson, MAFF
Mr Adams, Welsh Office
Mr Roberts, Welsh Office


Ministry of Agriculture, Fisheries and Food

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Mr P N Edwards
 Forestry Commission Secretariat
 231 Conistorphane Road
 Edinburgh, EH12 7AT

2 September 1998

Dear Mr Edwards

FOXHUNTING

You asked for legal advice on the powers of Ministers to give directions to the Forestry Commission to delay the start of the foxhunting season.

In my letter of 21 August advising the Commission that in my view they would be likely to be challenged successfully if they delayed the start of the season, I mentioned the need to establish "Chinese walls" within the Legal Department in order to ensure that separate advice could appropriately be given should the question of Ministerial directions arise. In the circumstances, for the avoidance of doubt, I have arranged for Andrew Young to take the lead in advising the Commission with Sue Spence in our Litigation Department, while Mayur Patel and I will advise Ministers. At the moment, however, I would expect much of what we say to be the same in respect of both parties, which is why I see no particular difficulty in my now giving advice to Ministers. All correspondence will also be copied to David Pearson here.

The first question which you sought advice was the question of whether, if Ministers directed the Commissioners not to issue licences before 1st October, the Ministers' direction could be susceptible to successful legal challenge. Both Mayur and I think it could. We recognise that Ministers are (arguably) not bound so closely by the constraints which affect the Commissioners themselves under the Forestry Act 1967; and also that in previous pronouncements Ministers have stated a preference for the 1st October date. Nevertheless, in considering any direction, a Court will expect Ministers to have acted in accordance with the broad aims of the legislation, and with principles of administrative law which require them to act reasonably and with an open mind. While there is (as yet) no absolute requirement to give reasons for a Ministerial decision, we think it most unlikely that in this case a judicial review could be fought without giving some indication of the Ministers' approach. From what we have seen so far of the correspondence, the likely justification for a direction imposing a delayed start would be based on animal welfare considerations, but it appears that these considerations do not stand up to close scrutiny, and there has been no weighing in the balance of this aspect in comparison with others, such as pest control or economic arguments. We think it very likely that Ministers would lose a judicial review which was fought on this basis.

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Three further factors also make Ministers' position difficult. First, despite the previous references to the 1st October date, hunts will say that there has in fact been prevarication which has led them to expect that the date would not be enforced and that earlier, traditional, dates would continue to apply. Secondly, the fact that MoD Ministers have picked an earlier start date will be difficult to justify (and may be politically embarrassing), and thirdly, the fact that Ministers are taking a less tolerant line than the Commissioners, who are (in effect) their statutory advisors on forestry matters, will emerge in the course of any challenge and will again be difficult to explain.

I should perhaps emphasise that it is not the case that Ministers could never give a direction to the Forestry Commission on foxhunting; I realise that the foregoing may give that impression. If, for example, there were rather stronger reasons in support of the 1st October date, but the Forestry Commission nevertheless favoured issuing licences from September, then there might be challenge-proof justification for Ministers taking a different view and in quite legitimately imposing a direction.

You also asked about the extent of Ministers powers of direction, and in particular whether English and Welsh Ministers could give a direction which applied in England and Wales alone. Mayur and I think the answer must be "no". Section 4(5) of the 1967 Act specifically requires directions to be given jointly by all three Ministers "except in so far as they make arrangements that this sub-section shall not apply". I am not aware that such arrangements have been made, and to do so now would be regarded by a Court as circumventing the Act. There does of course remain an outstanding question of whether all three Ministers could make a direction which applied geographically to a more limited area, so that Scotland (for example) was excluded. The Act is not clear about this, but we think that what is probably contemplated is that directions are intended to be phrased in a way that is general in nature, so that the interests of all three Ministers are legitimately engaged, even if in some instances the practical effects are more limited because of particular local conditions. A direction on foxhunting which specifically excluded Scotland would not come within that category. It goes without saying, of course, that if Ministers did issue a direction to restrict foxhunting on a localised basis, the fact that different conditions prevailed in Scotland would further weaken the integrity of the justification for such a measure in the event of a challenge.

I should perhaps add that the foregoing is based on my understanding of law in England and Wales - though I doubt the position in Scotland would be much different.

A copy of this letter goes to Judy Allfrey and to David Pearson, Sue Spence, Andrew Young and Mayur Patel.

Yours ever,

Francis Nash

FRANCES NASH

2SEP4FN DDC

- 2 -

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PARLIAMENTARY UNDER-SECRETARY OF STATE
FOR DEFENCE

Ms Jacqueline Campbell
Private Secretary
Parliamentary Under Secretary of State
Scottish Office
Dover Street
Whitehall
London SW1A2AU

D/US of S/JS/22/1/2/1

6 August 1998

*Dear Jacqueline,***FOX HUNTING ON MOD LAND**

I am writing to set out the position with respect to fox hunting on MOD land. My Minister, the Parliamentary Under Secretary of State for Defence, John Spellar MP, yesterday agreed in principle that we should issue single year licences to hunts, which have traditionally held licences or have enjoyed such rights, beginning on 1 September and terminating at the very latest on 30 April.

The new licences will be drawn up under the terms of a draft agreement between the Master of Foxhounds Association (MFHA) and the Chief Executive of our Defence Estates Organisation. The draft agreement, which is similar to the one being negotiated between the MFHA and the Forestry Commission, bans "digging out", except where foxes are injured or sick, and provides for greater control of both hunt members and followers than has hitherto existed.

Traditionally hunting on the Defence Estate has begun at the beginning of August, but mindful of extensive lobbying against "cubbing", whereby inexperienced foxhounds are trained to hunt, often involving fox cubs, we have delayed the start date to 1 September and have achieved agreement with MFHA on this basis.

Although we have not been formally consulted, I understand other Ministers were minded in favour of a later start date for licences and that subsequently the Forestry Commission have announced that they will issue licences with a start date of 1 October for hunting on their land.

In opting for 1 September, Mr Spellar has taken into account the likely consequences of failure to reach agreement with the MFHA which would include the withdrawal of a significant and undetermined amount of private training land available to the Armed Forces. Although our estimates are crude, withdrawal training on private land, particularly in Wales, would be roughly equivalent to the loss of one major training area, against the background of a current shortfall in training land.

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Significantly, the impact would be the loss of low intensity training carried out by the Special Forces, who conduct some 90% of their training on private land, and by the Territorial Army and Cadets. My Minister is very concerned about the discouraging effect that withdrawal of private training land would have on the TA at a time when we are under fire for the changes to the TA announced as part of the Strategic Defence Review.

Mr Spellar recognises that there may be presentational difficulties associated with the difference in hunting start dates between the Ministry of Defence and the Forestry Commission (although I understand that the 1 October decision was a matter for Forestry Commissioners and not Ministers), but the Minister is in no doubt that the choice of 1 September is right for our Department.

We are now making final amendments to our agreement with MFHA. It is intended to sign the agreement next week with no public announcement. Licences will be issued thereafter.

I am sending a copy of this letter to the Private Secretaries of the Deputy Prime Minister, the Welsh Secretary, the Chancellor of the Duchy of Lancaster, the Minister without Portfolio, and the Parliamentary Under Secretary of State at the MAFF.

-Yours ever

Simon Cholerton

DR S D CHOLERTON
PRIVATE SECRETARY

**MANAGEMENT
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Faxed to PM
318
FAXED

From: Liz Lloyd
Date: 30 July 1998

Prime Minister

cc: Sally Morgan
Jonathan Powell
Angus Lapsley

Hunting

Just to keep you up to date with where we are.

The PLP anti-hunting people were delighted by your response yesterday at PMQs which they read as a firm commitment to introduce legislation.

Jack met the Mike Foster group recently, and has agreed that it would be a good idea if Ian Causey, as chairman of the PLP Home Affairs Committee, was to put out a technical discussion paper on referendums floating both opt in and opt out, and many other permutations of local referendums. Mike Foster's people are still very far from accepting an opt-in referendum, and so this is a sensible way forward.

The paper should come out before Conference and will ensure that the debate is still live and situated firmly in the PLP.

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HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

Angus Lapsley Esq
10 Downing Street
Westminster
London
SW1A 2AA

Saved (Hunt) yes
2 July 1998

Dear Angus,

HUNTING

Thank you for your note of 1 July recording the Prime Minister's views. We were grateful for the early indication you gave us yesterday ahead of the meeting between the Home Secretary and sponsors of the Bill last night.

The Home Secretary explained to Mr Foster that he was not in a position to make any kind of announcement on Friday regarding hunting. A Government commitment to action on this issue would require collective agreement which it was simply not possible to achieve before Friday. The delegation accepted this but pressed the Home Secretary to agree to say something before the summer recess, which the Home Secretary agreed to work towards. The delegation asked whether the consideration was for an "opt-in or opt-out" option. The Home Secretary said again it would not be possible to make a decision on this before Friday but he did acknowledge that he understood the arguments for the "opt-out" option. The Home Secretary suggested that Mr Howarth could say, on Friday, that the Government would be happy to meet with the sponsors of the Bill to discuss the way forward.

The delegation appeared to understand the difficulties outlined by the Home Secretary. Indeed Mr Soley made the point that it would be better to say very little on Friday rather risk having to backtrack later on.

The suggested line to take for Mr Howarth if asked on Friday is:

" The Government is conscious of the strength of feeling in the House on this subject and I [or we] will be more than happy to meet with the sponsors of the Bill to talk about this issue "

If asked if there is a proposal to ban hunting by local referendum:

" This is one, of many options, that is being discussed "

I am copying this letter to Rupert Huxter, Jan Polley, Liz Lloyd and Sally Morgan.

Yours ever,

Ailish

AILISH KING-FISHER



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

1 July 1998

Dear Ken,

HUNTING

We spoke earlier this evening about this. As I explained, the Prime Minister was grateful for a chance to see the proposed PQ answer, which would have announced that the Government intended to look into the idea of local referenda as an alternative to a statutory nationwide ban on hunting.

The Prime Minister continues to think that there is merit in this idea. However, on balance he thinks that it is premature to announce it whilst we are so uncertain about the positions of both the pro and anti-ban lobbies. He would like to be clear that a substantial section of the pro-ban lobby, in particular within Parliament, could accept something along these lines. His feeling at the moment is that this is not yet the case.

His inclination is that at the end of the day the pro-ban lobby would have to be prepared to live with a model under which a local ban came into force only if a referendum agreed it, rather than having the ban as a "default" option.

There is clearly a political management task here. However, the Prime Minister is also anxious that the practical and legislative implications of the local referenda model are fully thought through before we go much further publicly. It would be helpful if he could see a paper by officials on the options for exactly how such a scheme would work in practice, the problems that might be inherent in it and how legislation would need to be framed to put it in place.

I am copying this letter to Rupert Huxter (Office of the Minister without Portfolio), Jan Polley (Cabinet Office) and to Jonathan Powell, Liz Lloyd and Sally Morgan here.

V
lowB,

Angus

ANGUS LAPSLEY

Ken Sutton Esq,
The Home Office

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File

Prime Minister

From: Angus Lapsley
Date: 30 June 1998

cc: Peter Mandelson
Jonathan Powell
Alastair Campbell
Liz Lloyd
Rob Read
Sally Morgan

FOX HUNTING

As you know, the Foster Bill finally runs out of time on Friday when the last opportunity for consideration of Private Member's Bills passes. In fact, it will not get that far, because Foster intends to withdraw the Bill on Thursday.

Jack Straw wants to use this as the occasion to announce that the Government is thinking about the local referenda idea and has sent us the attached draft PQ.

There are two main questions for you to address:

- how should the Government respond to the formal end of Foster's Bill?
- to what extent is now the time to float the local referenda idea and how specific should we be?

On the first, if it were not for the local referenda idea, we would be saying something like:

Government promised free vote and delivered it. We made clear from the start that the Government could not provide additional Parliamentary time. Let's be clear that it is those who oppose the Bill who have used parliamentary tactics to frustrate its passage. – but not much more than that, unless we have a particular signal to send.

In itself, this would not be a major story, though there will inevitably be press speculation about what happens next.

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On the second question, we have some doubts about what Jack intends. The argument for doing it would be if we thought that the pro-banners would welcome it. In practice, Jack is being quite coy about the extent to which they have told him they will wear it, which suggests that a lot of them will not. Jack is meeting Foster and his lot tomorrow and any "deal" may become clearer. Liz feels that there is more work to be done to get the PLP on side, whilst Jonathan has pointed out that from the other side there are already mumblings of discontent about the idea. Alastair also has doubts about the substance. Peter feels that we need to get more out of the Home Office first on the how the scheme would actually work.

There is a risk therefore that what remains a potential solution (and Liz/I still feel that it is the most promising way out of an intractable problem) is marred by a premature launch. Certainly, the PQ answer should be much more non-committal as possible. We would suggest deleting the last two paragraphs, thereby avoiding going as far as saying that we "see merit" in the proposal and not getting into the issues around triggers or timescales. Whilst we might brief that this is the way forward, we would not want to be tied to too specific a public statement.

There is also a timing question. Thursday is your NHS speech and there is a risk of it being overshadowed by this.

On balance, this looks premature.

Do you favour:

- just letting the Foster Bill fall without any further comment from us on what happens next?
- or, letting Jack launch the local referenda idea (albeit in less detail than he proposes) on Thursday.

Angus

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Top - RR AL

cc RR
PU
QDRAFT PQ AND ANSWER ON HUNTING WITH HOUNDS**Question:**

To ask the Secretary of State for the Home Department if he will make a statement on the issue of hunting with hounds?

Answer:

In its manifesto, the Government was committed to a free vote on hunting with hounds. A Private Members Bill to prohibit such activities was introduced by the Hon Member for Worcester. That bill secured a second reading in the House of Commons after a free vote of MPs on 28 November 1997 but no further parliamentary time is available for it to progress any further. [This assumes the question is answered after 2.30pm Friday]

The Government recognises that many Hon Members on both sides of the House hold strong opinions on hunting with hounds. The Hon Member for Worcester's bill also raises wider questions about the procedures for Private Members' Bills, and I am pleased that my Rt Hon Friend, the President of the Council and Leader of the House of Commons, has said that the Modernisation Committee will look into these issues after the Summer recess.

In recent weeks, representations have been made to me concerning the possible use of local referendums to allow local people the right to decide whether hunting with hounds should be prohibited in their areas. *I intend to give this issue further consideration*

The Government believes that there may be merit in such a proposal and is giving it further consideration. Local referendums on hunting with hounds would be consistent with the Government's manifesto aim that: "Local decision-making should be less constrained by central government and also more accountable to local people."

As part of its consideration of this issue, the Government is studying a number of suggestions which have been made concerning the geographical areas, timescales and triggers which would be required if such referendums were to be used.

HS: spoke to Mike Foster

he will withdraw on ^{Thursday} ~~Wednesday~~ as opposed to letting

so Howarth does have to stand up

table tomorrow; for answer on Thursday

Home Sec. is still looking at the options - he's had the pros & cons of each put to him & favours the idea of local referendums. Home Office officials are not at all keen on this & have clearly pointed out potential problems, but apparently he

sees it as a politically attractive compromise that meets backbench concerns. He's thinking of meeting Business Ministers to discuss

On the 3rd July, it is virtually certain that this Bill will die. The pressure to give a commitment to future action.



2.6

Home Office Emma

Can you talk to R. Straw's office + ask

cc to

where thinking ✓ send Home Office

has got to an options, and particularly

Consideration of local

referendum points

made on page 1/2.

Are you all these objections

Government will come under intense

to Home Sec

getting

advice

being weighed in advice to the Home Sec?

This paper seeks to examine the options and the likely consequences of each.

Option A Do and say nothing further

Pressure within the Parliamentary Labour Party for action comes from a small number of backbench Labour MPs, who openly support animal rights, and a larger number who are impressed by their postbags on this issue and want the matter resolved. A concerted lobbying campaign is currently being aimed at Labour MPs who supported the Bill, urging them both directly and through their local press, to force a Government commitment to a ban.

Outside Parliament, the three main pressure groups who supported the Bill, the RSPCA, IFAW and LACS are, for different reasons, unlikely to be able to mount a campaign on the same scale again in the near future, but they will continue to make public protests.

Another Private Members Bill in the autumn is a possibility. Attempts are also likely to be made to insert clauses to ban hunting into Government measures. Consequently disruption of the Government's legislative programme is likely.

Option B Commit the Government to providing sufficient time for the passage of legislation to outlaw hunting within this Parliament.

The Government would forfeit the support of the countryside which it has largely retained since the election. Widespread protests would result, targeted, unlike the Hyde Park Rally and the March, at the Government itself. The passage of such legislation would present enormous difficulties in the Lords, whether reformed or not. If such a ban become law it is now becoming increasingly clear that widespread civil disobedience, from a hitherto wholly law abiding section of the population, is a real possibility. What is certain, is that disaffection and alienation of a significant part of the rural population will follow, and will be likely to result in a lack of co-operation with the authorities and to serious law enforcement problems. As the Home Secretary has already publicly stated, the Government has no mandate for this course. Legal challenge in the British and European Courts would result, particularly if no enquiry preceded any legislation.

Option C Local Referendums

This option would fail to address the Government's problem for three main reasons;

1. It would not get the Government "off the Hook";
2. It would create enormous legislative difficulties and subsequently be largely unenforceable;
3. It would create a "running sore" with no final resolution.

The likely consequences of Government support for the introduction of local referendums, which would or could result in a ban on hunting are as follows:

- (A) The Government would be seen as trying to abdicate its responsibility for this issue and its actions would be seen as an indication of weakness.
- (B) Currently decisions on where hunting may take place are taken at truly local level by each farmer or landowner deciding whether the hunt may or may not cross their land. To remove the decision from those directly affected, would increase rural unrest by signifying that the Government was prepared to allow those who live in urban areas to impose their opinions on the way of life of rural communities
- (C) Major public protest against the Government would follow.
- (D) Neither the animal rights lobby which has declared such proposals as "unworkable", nor the countryside lobby, which would include the farming organisations, would support this option.
- (E) To render an activity legal in one field yet illegal in the adjoining field would create impossible difficulties of compliance for the hunts, and impossible difficulties of enforcement for the authorities. The potential difficulties, when neither hunts, nor in some cases police forces, nor wild animals operate within set County, District or Parish boundaries, are plain.

If an activity should be illegal on animal welfare grounds it should be illegal everywhere. To allow local referendums on moral grounds on an issue which must attract criminal sanctions cannot be right.

- (F) A "Pandora's Box" of other referendum issues is likely to follow enabling legislation, some of which may create serious difficulties for the Government in the future i.e. local treatment of paedophiles, use of pesticides, shooting and fishing etc.
- (G) The cost to the public purse would be considerable. Campaigning for further referendums by the losers would in many places follow each change of council. If held in conjunction with local authority elections, this issue would dominate campaigning. If held independently, past experience has shown that local referendums on hunting attract a very low turnout – under 10% in the best recorded instance – and are won by the pro-hunting lobby who are highly motivated to turnout as the March demonstrated. No anti-hunting demonstration has ever been other than relatively small. Disruption of local communities by constant and repeated campaigning is inevitable.
- (H) Local government licensing of hunts would require the establishment of a new bureaucratic system, again at significant cost. In some areas there are many different types of packs. Hunting without a license or in contravention of a license would have to attract criminal sanctions or be wholly ineffectual and the cost of enforcement again would be considerable.
- (I) The potential for differing approaches around the country would lay the whole process open to judicial challenge and review, including EU challenge, and the expense of these cases would presumably have to be borne by each local authority.

- (J) Questions of compensation may well arise in relation to loss of employment and profit, reduced property values and the need for additional expenditure by farmers in dealing with fallen stock, casualty animals and pest control.
- (K) A minefield of difficulties would be created by any attempt to introduce such legislation. Disruption of Government business would be severe. The Government should be aware that the effects of the Foster Bill have been to politicise a section of the community who have never before resorted to political protest. It is no exaggeration to say that many are ready to be sent to prison in order to become martyrs to a cause which is central to their lives. Moreover they are on the whole decent, hard working, law abiding citizens. Many are women, many are elderly. They are not criminals and attempts to demonise them will not make them look like criminals. Nor will the animal rights lobby go away. It is well funded, well organised and completely dedicated. Even if a ban on hunting were introduced, the Government would then face a similar campaign against shooting.

Option D A Royal Commission

There is no doubt that this issue has to be settled nationally and in order to work, it has to be settled with the full co-operation of all responsible parties.

The only practical way forward is for the Government to seek a professional and independent assessment of the case for field sports, the findings of which would enable the Government itself to introduce legislative changes if so advised or to reject calls for legislation with authority.

On the day the Foster Bill fails, the Government should announce that it intends to appoint a Royal Commission to look critically, and in detail, at field sports in general and not solely at hunting with hounds.

It is worth noting that the last Royal Commission into field sports reported exactly fifty years ago and that, fittingly it was appointed by a Labour Government. Its findings, known as the Scott Henderson Report, remain every bit as compelling and relevant today as they were in 1948.

The spread of urbanisation and of roads has rendered the British countryside fractured, more isolated from life in our cities, and some would say endangered. A Government which rightly prides itself on its one nation approach, should take the lead in rebuilding the relationship between town and country. A Royal Commission could provide just the platform for a lasting solution to this perennial problem.

The hunting community must however also recognise that the size of the majority at Second Reading for this Bill is indicative of widespread public disquiet to which they must respond. An independent review body must be set up urgently to review how hunting can take place. It could possibly issue licences and determine how it is conducted, according to codes of practice and in line with greater scientific knowledge, consider complaints and penalise breaches. This will be done by the start of the next hunting season.

From: THE PRIVATE SECRETARY

CONFIDENTIAL



HOME OFFICE

QUEEN ANNE'S GATE

LONDON SW1H 9AT

Angus Lapsley Esq
Private Secretary
10 Downing Street
London
SW1A 0AA

Dear Angus,

1. cc; Sally

liz

Peter Mandelson

JPO

4 June, 1998

2. jrh.

Az.

3/6.

HUNTING

I attach, for your information, a copy of a note from the Home Secretary to me following a meeting he had with Clive Soley MP on Tuesday 2 June.

Yours ever,

Ailish

AILISH KING-FISHER
Assistant Private Secretary



Miss King-Fisher

Hunting

I met Clive Solely MP to discuss the issue of Hunting on 2 June. We discussed the possibility of legislation to provide for local referenda to ban hunting, resulting in a criminal offence against hunting, the application determined by local referenda. For the purposes of this scheme the area would be defined as any county. The referendum would only be triggered if a simple majority of the districts in the county voted in favour of a common form resolution within a set period of time. Districts for these purposes would be non-metropolitan districts, Welsh districts, London boroughs, metropolitan boroughs or unitary districts.

We considered possible vehicles for such legislation, these ranged from a private member's bill with a promise of government time if necessary, clauses to an appropriate Government Bill (e.g. Criminal Justice or a ?Local Government Bill, the latter has some advantages in scope) or a free standing Government Bill.

Mr Solely said, from earlier soundings, he thought there would be good support for something along these lines and would come back to the me, at which point the issue of timing will need to be addressed.

3 June 1998

JACK STRAW

file

From: Jonathan Powell

Date: 27 April 1998

LIZ LLOYD

cc: Angus Lapsley o.r.
Rob Read

FOX HUNTING

The Prime Minister would like to see the Home Office assessment of whether a local strategy really works rapidly.

V-Z h

JONATHAN POWELL

From: Angus Lapsley

Date: 23 April 1998

Note to file

cc: Jonathan Powell
Peter Mandelson
Liz Lloyd
Sally Morgan

HUNTING

The Prime Minister held a short meeting on hunting this morning. The above copy recipients and I were present.

The Prime Minister had seen the Home Secretary's letter of 8 April to the President of the Council, reporting that he no longer believed that the Government could avoid promising a legislative vehicle for banning hunting in this Parliament.

The Prime Minister remained of the view that it would be a significant political mistake for the Government to introduce a blanket ban through Parliament. However, he recognised the strength of feeling about the issue in the PLP.

The Minister without Portfolio agreed. Some kind of concession was needed. He was attracted to the idea, first advanced by Nick Palmer MP and Clive Solely MP, of giving local authorities the power to decide whether or not to allow hunting in their areas. The Prime Minister also found this attractive.

In discussion, the following points were made:

- such a scheme might involve Parliament legislating to give local authorities the power to issue licences to hunt with hounds (possibly subject to certain conditions). Hunting without a licence would become a criminal offence;
- local authorities might take this decision themselves, or could hold referenda;
- the advantages of this scheme were that it avoided the Government having to impose a solution and took the "town vs country" element out of the debate;
- however, there was a risk that the Bill introducing the scheme could be amended unless it had widespread support in Parliament. There was also a risk of simply exporting a political problem from Westminster to local government.

The Prime Minister concluded that he would ask the Home Secretary to look into the idea. He would need to be clear about the practicalities of the scheme and its political ramifications. A key judgement was whether the PLP and animal welfare groups would accept it as a surrogate for a total ban. (Liz Lloyd and Sally Morgan both felt that these groups could be persuaded. What they felt most strongly about at the moment was the lack of any clear direction). The idea would best come from within the PLP, not the Government. The Government's acceptance of it should be accompanied by an initiative to explain how much was being done on animal welfare as a whole. Liz, Sally and I should work on these points. The Prime Minister would speak to Jack Straw today.

Angus

From: Angus Lapsley
Date: 23 April 1998

Note to File

cc: Jonathan Powell
Peter Mandelson
Sally Morgan
Liz Lloyd
Pat MacFadden

JACK STRAW: HUNTING AND VOTING REFORM

The Prime Minister had a brief discussion with Jack Straw this morning. Sally Morgan and I were also present.

Hunting

The Prime Minister made it clear that he had not been impressed by Jack's *volte face* on hunting. He remained strongly of the view that a Government Bill on hunting would be a major political mistake. However, he was prepared to look for another way through and wanted Jack to investigate the option of giving local authorities the power to decide whether or not to ban hunting in their areas.

Jack agreed to do this. The preliminary view from Home Office lawyers was that the scheme was feasible, though he felt strongly that it should work on the basis on local referenda. It would be a disaster to simply hand the political problem over to local authorities. The Prime Minister agreed. Sally added that she thought that the PLP were looking for a way through.

It was agreed that Jack would stop the joint minute from him/Ann Taylor/Nick Brown. For the time being, as little as possible should go down on paper between departments. (I have since agreed with Ken Sutton that we will not tell Ann or

Nick's office what is up until Home Office have done a bit of work on the scheme. If, for whatever reason, it is not a runner, we do not want the idea to have gained too much currency. Jack's office will hold off responding to Ann's latest letter. If anyone thinks this is the wrong approach, let me know.)

Voting reform

Jack mentioned that the Party would shortly have to submit evidence to the Jenkins Committee on its views on voting reform. Jack proposed to draft this himself, in conjunction with Pat. He was anxious that the Prime Minister then saw it. His own view was that the evidence should stress the importance of maintaining a clear link between MPs and their constituencies. John Prescott's views would also be important.

The Prime Minister agreed to this process. He would want to meet Jack to discuss the issue in more depth when the evidence had been prepared.

Angus

RESTRICTED

Pa

From: Jonathan Powell
Date: 22 April 1998

PRIME MINISTER ✓

cc: Liz Lloyd
Angus Lapsley

FOXHUNTING

You are meeting the three of us to discuss foxhunting tomorrow. I attach Liz's earlier note covering Jack Straw's letter and a subsequent letter from Ann Taylor.

Essentially your colleagues are trying to close off your options and we need to decide what to do.

You have lost your main ally on foxhunting in the Cabinet. He and the business managers are determined to agree to a bill on foxhunting during this Parliament coupled with some sort of enquiry. The vast majority of the PLP actively support a bill (it is the force of this PLP opinion that has changed Jack's mind, plus the fact that he does not think he can draw his criminal justice bill tightly enough to resist a fox hunting amendment next session).

We need to work out a strategy, and to do that we need to know where you want to end up. It seems to us it is going to be difficult if not impossible to resist a bill during this Parliament. Do you agree, or is your aim to avoid any legislation even if that means holding out by yourself with no political cover? If you are prepared to consider legislation how do you want to get from here to there?

JP

RESTRICTED



The Rt Hon Ann Taylor MP

PRIVY COUNCIL OFFICE

68 WHITEHALL LONDON SW1A 2AT

21 APR 1998

Dear Jack,

fly

Hunting

Thank you for your letter of 8 April proposing you, Nick and I prepare a joint minute to the PM on how we proceed on hunting. Nick and I agree with this approach. I hope my minute of 6 March (particularly Option 3) will provide us with a base from which to start, although I also recognise that we will need to spell out the historical reasons for the expectations expressed by the PLP.

I am not opposed to the Home Affairs Select Committee looking into the issue (or, for that matter, a Special Select Committee doing so). However, we must be absolutely certain that our asking a Committee to undertake this task would not be seen as an attempt by us to delay the matter further. A firm commitment to legislating, for example in year 3, would therefore have to accompany any such enquiry.

On the issue of incorporating alternative options into the bill, my two concerns would be that the implications of this for time-tabling were fully considered and that all the options put forward were acceptable to the Government. It may be the case that we decide whether or not to include such options nearer the time at which the bill would be published.

I am copying this note to Nick Brown and Jane Kennedy and to Sir Richard Wilson, Angus Lapsley and Liz Lloyd.

Yours,

ANN TAYLOR

The Rt Hon Jack Straw MP
Home Secretary
Queen Anne's Gate
London SW1H 9AT

