

Historic England response to consultation

Sentencing Guidelines for Hare Coursing



25th April 2025

Historic England response to consultation

Sentencing Guidelines for Hare Coursing

Historic England (formally known as the Historic Buildings and Monuments Commission for England) is the government's statutory adviser on all matters relating to the historic environment in England.

We are a non-departmental public body established under the National Heritage Act 1983 to help conserve England's historic environment and promote awareness, understanding and enjoyment of it.

The historic environment^[1] includes all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged and landscaped and planted or managed flora.

Historic England welcomes the opportunity to provide feedback to the Council's draft Hare Coursing Guideline; and its identification of 'heritage' and the opportunity to bring to the attention of the courts the loss, harm and impact that can be caused to heritage assets through loss and damage and the victims of those crimes.

Since 2010, English Heritage has been working with the National Police Chiefs' Council (NPCC), The Crown Prosecution Service, Police and Crime Commissioners, National Rural Crime Network, Local and National Parks Authorities and Community Safety Partnerships to develop the Heritage Crime Programme.

Historic England has adopted the term 'Heritage Crime' which it defines as '*any offence which harms the value of England's heritage assets, and their settings, to this and future generations*'.¹

Heritage assets form an intrinsic part of historic environment. They are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance because of their heritage interest. They include designated heritage assets for example listed buildings, scheduled monuments, protected wrecks and also assets identified by local authorities as having a heritage interest (local listing).

Heritage assets are subject to crime as are other ordinary buildings and sites. However the harm that can be caused to heritage assets is often greater because of their special heritage interest and their unique, irreplaceable nature.

Also, the victim is not just the owner of the asset, but also the local community, the nation and future generations for whom they are secured, along with those you manage and care for them, who are often volunteers.

Research published by English Heritage, '*The extent of crime and anti-social behaviour facing designated heritage assets*' (English Heritage, 2012), highlighted that, in 2011, over 200 crimes were committed against heritage assets across England every day.²

Many of these offences resulted in the partial or total loss of historic fabric through the impact of vandalism or arson. Disturbing as these figures may be, they appear only to scratch the surface of the true extent and impact of the issue.

¹ <https://historicengland.org.uk/content/docs/legal/memorandum-understanding-eng-pdf/>

² <https://historicengland.org.uk/content/docs/legal/researchsummary-pdf/>

Heritage Crime gradually strips a country of its links to the past, its culture and the enjoyment and celebration of them. One of the objectives of the Heritage Crime Programme has been to develop 'Guidance for Sentencers' in order to assist the courts when sentencing offenders who have committed crimes relating to the loss and damage to heritage assets and/or cultural property.

The National Strategic Assessment for Heritage and Cultural Property Crime was published by the National Heritage Crime Working Group in March 2023.

This assessment has enhanced our knowledge and understanding of the threats posed to heritage sites and buildings.

Seven types of crime and anti-social behaviour were identified as active and emerging threats, which included:

Criminal damage and Anti-Social Behaviour (ASB) including the damage caused by the off-road motor vehicles such as those utilised by the perpetrators of hare and stag coursing.

England's historic environment holds a unique place in England's cultural heritage, and it supports and contributes to the sense of national and local identity, economy, society and happiness in daily life in many different ways.

It is also a non-renewable resource of a fragile and finite nature. Once lost it is lost forever. It is of obvious importance that we protect and conserve those significant elements of it for now and for future generations.

Within the consultation there are three offence types that apply to heritage assets:

- Criminal Damage (other than by fire) value over £5000 and racially or religiously aggravated criminal damage Section 1, Criminal Damage Act 1971
- Criminal damage (other than by fire) value under £5000 Section 1, Criminal Damage Act 1971
- Destroys or damages any protected monument Section 28, Ancient Monuments and Archaeological Areas Act 1979

We have, therefore, not attempted to answer all of the questions raised in the consultation but have instead concentrated on those that we feel are relevant to the loss and harm to heritage assets.

5. Do you have any comments on the proposed culpability factors?

The assessment of culpability should highlight the special nature of heritage assets and inform the court they are finite, irreplaceable and sensitive resources belonging to the community as a whole.

Even if no specific heritage offence exists within Section 1 of the Criminal Damage Act 1971, damage caused to heritage assets is in its own right a crime pursuant to Section 28 of the Ancient Monuments and Archaeological Areas Act 1979.

The Sentencing Guideline for offences relating to criminal damage states:

“Factors increasing seriousness – Other aggravating factors:

Damage caused to heritage and/or cultural assets”

6. Do you have any comments on how best to describe the scale of different hare coursing activity in culpability?

The harm model proposed places particularly harmful cases involving injury, fear or distress, extensive damage and serious disruption or inconvenience in a higher category of harm, with all other cases in a lower category.

Historic England believes that damage caused to heritage and/or cultural assets should be added to the '*factors increasing seriousness*.'

8. Do you have any comments on the proposed harm factors?

The harm model proposed places particularly harmful cases involving injury, fear or distress, extensive damage and serious disruption or inconvenience in a higher category of harm, with all other cases in a lower category.

Historic England believes that damage caused as a result of the coursing activity should be identified in this guideline as a '*factor increasing seriousness*.'

Historic England has defined the 'value' of heritage assets as follows:

Physical harm

Direct physical harm to heritage assets will be caused by any form of arson. This is often irreversible as the fabric of the building will have been damaged.

Loss of information/knowledge

Heritage assets are enjoyed by local communities and the nation but also give us a greater understanding of our past. Damage to historic fabric or an archaeological context can result in the loss of historical, architectural, archaeological, artistic or cultural information which would have informed our understanding of the past and formed part of the national record. Loss of information is irreversible harm.

Visual harm

This will occur within the immediate area of the asset itself or a wider area which is the setting of the heritage asset and part of its significance.

Social and emotional impact

Heritage assets often provide a sense of identity and pride in an area and hold a personal and sentimental value to individuals, communities or a particular social group. The impact of crime on this intangible heritage value can also be considered as:

- Additional harm for example, emotional distress.
- Sense of loss of something valued for example, damage to a buried Roman villa. It might be possible to reconstruct a facsimile of the building, however the special value of the asset is irretrievably lost. No replacement will be invested with the sentiment, and respect that forged the original.

Economic impact

Heritage assets are of great value to individuals, communities and groups and it is that intangible heritage value that can drive economic value. For example, a heritage asset which is a public site or building often relies on revenue generated from visitors. A reduction in visitor numbers caused by the social impact of crime or the closure of a site for repairs following arson will result in reduced revenue. The generation of income from tourism will also suffer if crime has an impact upon a heritage asset or the historic environment.

Further the cost of repairs to a heritage asset following arson will be more costly than repairs to an ordinary building as they will need to be undertaken by a specialist contractor using historically appropriate materials and are likely to require special consent. Sometimes consequential loss results from arson.

Repeated criminal and anti-social behaviour may affect the viability of a heritage asset by making insurance costs prohibitive and may lead to valuable items of historic interest being kept under lock and key so they can no longer be enjoyed by a community.

15. Do you have any further comments on the draft guideline?

England's historic environment holds a unique place in England's cultural heritage, and it supports and contributes to the sense of national and local identity, economy, society and happiness in daily life in many different ways.

It is also a non-renewable resource of a fragile and finite nature. Once lost it is lost forever. It is of obvious importance that we protect and conserve those significant elements of it for now and for future generations.

A handwritten signature in black ink, reading 'Mark Harrison' in a cursive style.

Mark Harrison BSc (Hons) FSA

Head of Heritage Crime

Legal and Governance

Historic England

4th Floor, Cannon Bridge House

25 Dowgate Hill

London EC4R 2YA

Phone: 07717 880591 (Primary number)

Office: 020 7973 3361