

MINUTES



The Associate Parliamentary Group for Animal Welfare

An all party group for members of both houses at Westminster formed to promote and further the cause of animal welfare by all means available to the Parliaments at Westminster and in Europe

ENFORCEMENT OF ANIMAL WELFARE LEGISLATION

Tuesday 20th JANUARY 2014 1730hrs – 1900hrs

Committee Room 8

House of Commons, London, SW1A 0AA

Political Members: Rob Ffello MP, Neil Parish MP, Baroness Masham, Lord Trees, Mark Pritchard MP, Bill Wiggin MP, Georgina Kester (Office of Simon Hart MP)

Associate Members: Marc Abraham PupAid), Mike Radford (Aberdeen University), Vicki Craighill (PDSA), Ian McParland (Good Dog Partnership), Tina Hay (Good Dog Partnership), Hannah Jordan (Lord Trees), James Legge (Countryside Alliance), Elaine Toland (APA), Nicola Paley (PfMA), Sarah Hormozi (PfMA), Nicola Cooper (Borough of Poole), Paul Herring (Network for Animals), Nicola Markwell (Redwings Horse Sanctuary), David Bowles (RSPCA), Lorraine Plat (Blue Fox), Arnot Wilson (Dog Union), Debbie Matthews (Vets Get Scanning), Chris Laurence (RSPCA), Keith Davenport (OATA), Chris Newman (REPTA), Phil Sketchley (National Pet Month), Beverley McMahon (National Pet Month), Anna Wade (Born Free Foundation), Nicky Needham (BIAZA), Peter Sctoo (CASC), Neil Smith (RCVS), Peter Egan (DRF), Liz Tyson (CAPS), John Blackwell (BVA), Ben Sundell (Battersea), Michael Webb (Battersea), Will Little (BVA), Cordelia Britton (Wild Futures), Helena Cotton (BVA), Susie Child (BVA), Rachel Hevesi (Wild Futures), Robyn Pemie Ritchie (Dartmoor Pony Research), Faye Stacey (People4Ponies), Stephen Charlton (Cockapoo Club for GB), Guy Desso (Animal Welfare Party), Heidi Anderson (Chance Pixies), David Anderson (Chance Pixies), Aileen Ward Greyt Exploitations), Becky Thaites (Blue Cross), Linda Cattle (WoodGreen), Ben Myring (RCVS), Tim Morris (Defra AHWB), Alpesh Patel (Dr Hadwen Trust), Adam Rahman (Four Paws UK), Keiran Harkin (Four Paws UK), Tom Sheppard (LACS), Tom Quinn (LACS), Rosalind Leeming IFAW), Philip Mansbridge (IFAW), Claire Robinson (RSPCA), Lenny Rolles (RSPCA). Chief Inspector Dermot Murphy (RSPCA), Inspector Patrick O'Hara (Metropolitan Police), Mark Berry (Companion Animal Welfare Forum/Stockton on Tees Council),

1) Introduction

Update on Dog Strategy – The Strategy has just been sent out with a letter to all policy teams – Conservative, Labour, Liberal Democrat, Green and UKIP and also to DEFRA. The Group is selecting its three key priorities and will meet in February to decide what to focus on. It is likely that we will be following up work on enforcement and resource whilst the General Election is underway.

2) Enforcement of Animal Welfare Legislation

Patrick O'Hara (Metropolitan Police)

Inspector at the Metropolitan Police who works in the status dog unit. My department is unique as we have a dedicated section that looks at elements of the Dangerous Dogs Act and elements of the Animal Welfare Act . We also have additional and enhanced training over most local police forces. Around 80 per cent of our work is related to the Dangerous Dogs Act but that leaves 20% for other work under the Animal Welfare Act. By the end of this financial year we expect that 130 animals will be taken in by the Met under Animal Welfare legislation principally dogs but other animals too. The Met gets 40 calls a week relating to animal matters and each gets followed up. We have a good rehoming policy, and whilst a large part of our work relates to the nastier side of offences we have rehomed 118 dogs

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this year. All the kennels we use to house seized dogs have rehoming policies and of course we try our best to send the animal home. This week I walked in on Monday morning to find we had picked up 4 cases of cruelty over the weekend. Some really nasty end of the scale animal welfare cases coming our way.

Animal welfare has been the preserve of the RSPCA but in the last 8 months the police have started dealing with these matters more. We have been lucky that we have been able to call the RSPCA to come out and be the bedrock for animal welfare law. However that is slightly changing and we are finding shifting sands in that world and we are taking up more jobs of this nature. One case involves 27 dogs, 6 puppies and cats from one property where the individual was a hoarder and a number of the dogs were underweight showing a lack of understanding that simply feeding an animal does not give it enrichment or meet the five needs. That matter will come to court in the next 5 to 10 days and will hit the press, which will raise the profile and plight of some of these animals.

Another cases we dealt with touches on the humanitarian side. A particular case involved an elderly female with cancer where we took the dog in and looked after it for months also facilitating visits for the dog to go to the hospital to visit the lady.

The third case I will mention involves human trafficking where a young lady from the eastern block was brought across and sold into slavery. She lost everything in her life and we had to take her dog in, a German Shepherd, and we held it for three months until we were able to find it a new home. We ensured that home fostered the dog so that lady can have the dog back when she is back on her feet.

There is the London election next year and a general election this year and the main challenge we foresee is there will be financial troubles. This year we managed to save £400,000 off the budget in kennelling with a 28% increase in the number of dogs coming through the system. Those financial difficulties will play ahead as we go forward. I have renegotiated the contracts for our new providers so we will see a reduction in the number of facilities we have. The challenges ahead are to nail down the strategic partnerships between our charities, mainly the RSPCA and local government and then make sure we know where we all stand. Animal welfare legislation is a patchwork quilt of legislation so we need to look at how that can be made into a workable policy. We get varying levels of service from our local authorities across London. We need to work smarter and to have debates over prevention to negate the need for higher-level action later on.

Mark Berry (Companion Animal Welfare Forum)

The service structure at Stockton on Tees where I am an officer is the Environmental Health Manager with a Principal Environmental Health Office beneath and then officers for Animal Health, Public Health, Pest Control, and Animal Welfare. This is more than most local authority and we operate as a unitary body.

The service provision that comes under Statutory duties is Stray Dogs which is a 24/7 service and animal licensing, boarding, pet shops and breeding. Under Non-Statutory sits dog fouling, strays of other animals, handover of all animals, animal welfare issues – cruelty/abandonment, welfare offences, nuisance complaints relating to all animals, dangerous dogs, attacks on people/animals, micro-chipping, neutering and promotion of responsible pet ownership. We provide all these services at Stockton but only the first two are the ones we have to provide. Many councils will only perform the statutory ones. With regards to licensing, we only tend to license those that come through to us asking for licences rather than going out looking for those who should be licensed, as there is no resource to do this.

At my council complaints have risen relating to animal welfare. From 2008 to the current year service demand is going up and up. Last year we dealt with 4000 service requests. Why is it going up? The social economic climate has certainly had an impact. The total dogs dealt with have also risen. There are 735 stray dogs a year of which 65% are returned to owner and 35% are abandoned and unwanted. Out of these a large percentage were status dogs where numbers are going up. Of the 750 approximately 300 are classed as status dogs so just under 40%. The last two or three years have seen an explosion in these breeds which are also the biggest percentage of unclaimed dogs. They are difficult to re-home too.

The issues preventing animal welfare enforcement are:

Not a statutory duty - not something that local authorities are expected to do and so are not funded to do.

Lack of suitably qualified and experienced staff

Lack of resource and facilities/other work pressures – kennelling, pest officers becoming dog wardens and having to do two different jobs.

Costs involved in instigating prosecutions/boarding of animals

The key partners in effective enforcement are veterinary surgeons, legal section, RSPCA/Dogs Trust and animal welfare organisations and the Police. These relationships are very important and if they break down it becomes very difficult to do the job. Good advice comes from the RSPCA legal team who have helped us with cases.

The proposed new legislation, amendments to existing legislation and introduction of compulsory micro-chipping have pros and cons but they will not make any difference if we do not address some fundamental issues already in existence. These include:

Clear Government policy on companion animal enforcement - who is expected to do it? Is the RSPCA? Is it some other body?

More detailed examination of resources needed by LAs to carry out extra responsibilities – missed opportunity tie in resource for both Animal Welfare Act and need to provide 24/7 provision for strays (£4 million allocation nationally was totally inadequate).

The solutions to tackle the problems facing good animal welfare enforcement are:

Better joined up working between agencies, local authorities, police, RSPCA. The creation of recognised enforcers network on a regional basis would be helpful. It happens in little pockets but there needs to be a recognised enforcers network on a nation level and then drilled down into regions. Bringing all intelligence together to target those people known to be the problem is also important.

National database to log all animal welfare enforcement and provide traceability for those convicted of offences, linked to micro-chipping database perhaps. NED database for equines in 2016 may be opportunity to link companion animal welfare information onto that.

Fast-track systems for proceedings where animals are being detained to reduce financial burden for LA's to encourage enforcement.

All of the above needs to be made to happen with national co-ordination and monitoring.

Chief Inspector Dermot Murphy RSPCA

At the RSPCA we cover England and Wales only with a limited number of inspectors who have different roles and we respond to a variety of complaints regarding companion animals, wildlife and farm animals.

The RSPCA faces a number of serious challenges and the main one includes the fact we are a limited resource. We also have to deal with the public expectation and their knowledge of the law. Often they think we have more powers than we do. Getting the public to understand where to report different issues is also tricky. The Animal Welfare Act established the five welfare needs and people are quick to point out where it is breached but it is more complicated than that. We try to work with owners as removal of the animal is a last resort.

The whole animal welfare enforcement throughout the country is patchwork, the system is dysfunctional and there are gaps with animal welfare enforcement. The service spoken about this evening by the local authority and the police is not replicated across the country – some are good, some are bad. The issues blur over lines too which makes it difficult for each body to work out who should take responsibility. So for example we do not deal with stray dogs and usually it is passed onto the local authority but if the animal is at risk we must act or if the local authority does not respond or is closed we must act.

Securing court time and setting trial dates is so difficult. Often the owner will not want to give the animal up so the animal has to be boarded privately where there are high costs. A case will come to court and we need a solicitor with multiple hearings. Securing court time / setting trial dates is difficult and then the relating costs - e.g. during a case an animal will need to see a vet, be boarded and we will need a solicitor. Where an animal has suffered we have to have a vet examine it and then act as an expert. These are three big costs I have mentioned in the vet, boarding kennels and the solicitor. The time in setting a plea date for a defendant to go to court if they pled not guilty means it goes to trial and that can take weeks and even months. If there are multiple witnesses it can take even longer whilst the animal remains in care.

Recently there was an RSPCA prosecution review called the "Wooler review" which had some useful recommendations within it such as the need to be more embedded with the Criminal Justice System (CJS). This comes back to the dysfunctional nature of animal welfare legislation as it has evolved rather than been set out clearly as a process. We have to speed up case management – the time it takes for one of our inspectors having one animal removed to the submission of the case for review must be improved. We admit that we need to change processes as some RSPCA systems are out of date and we must keep up with changes within CJS.

However do not forget, the Wooler Review says: "there can be no doubt that the RSPCA makes a major contribution and brings expertise that is too valuable to be lost." That is not something that be rested on so we need to go through a period of change to bring us up to date.

Questions

Neil Parish MP – From all three of you it seems the main issue is about resources and who is responsible for what and how we join it all up? Is that a fair summary? How would you bring the resources together?

Patrick O Hara – I have some ideas and Dermot and I plan to sit down and look at the partnership approach. Personally I am not a fan of private prosecutions going through the courts. The perpetrator should be prosecuted in the same way as any other offence by the police, local authorities and CPS. We miss a trick in sharing information when private prosecutions are made as that information does not go onto the computer. We have committed to looking at that and then if we shift the RSPCA resource from prosecution then they could assist in the evidential trail and provide guidance to get things through the court rather than spending money on solicitors and court fees. The next issue is that if I was to lay charges today against someone it would take 2 months on average before they receive their first court date. More often than not people are not arrested at the scene and instead they are invited for an interview, a file is then created and this all takes time. This needs to be streamlined as a process. If we could get to a stage where there are statutory time limits to process them from one hearing to the next then it would improve the situation.

Mark Berry – The Animal Welfare Act is a fit and useful piece of legislation which we all use. There are other bits of legislation like those relating to Pet Shops which are over fifty years old and breeding legislation that needs bringing up to modern day standards. Ultimately it is about clearly defined roles and resources. There are pockets of good partnership working but the local police force do not seem to have the resources that the metropolitan police have. We need close links for intelligence.

Dermot Murphy – The whole system needs to be more structured. We have taken private prosecutions since our inception. The Wooler review did not say we should not do this, it is more about the need for changes in the process such as things being recorded on the right systems as Paddy stated, closer working links with the Criminal Justice System.

Stephen Charlton (Cockapoo Club of GB) – The tightening up of the interpretation of the Animal Welfare Act and relating law should be the priority e.g. whether or not it is five litters a year you need in order to apply for a breeding licence. The current legislation is read in many different ways and we should all be singing from one song sheet.

Phillippa Robertson (Cariad) - It is good to hear some enforcement work is successful. Cariad has spent years investigating licensed dog breeders, pet shop license holders and backyard breeders and we have lots of evidence on contraventions of animal welfare legislation. However taking these types of complaints forward is very difficult. What should we do with all this evidence? The same perpetrators keep going up and we know who they are but nothing is done.

Nicola Cooper (Borough of Poole) The sale of pets on social media has had an effect on increased service demands? In Poole and I wonder if Mark sees this as a problem which needs to be tackled?

Mark Berry – Certainly social media and the Internet in general with people selling or giving away dogs and breeders who are not licensed is a major issue. We provide a free handover service where people need to get rid of a dog so we can assess the dog and deal with it rather than it being done online. It goes back to education and a proportion of society who see animals as a disposable commodity that can be bought and sold over the Internet.

Dermot Murphy – Breeding and the interpretation by local authorities of the legislation around that does vary. Of course only a small amount of it is statutory for them and the problem is reflective of that. The licensing officer may also be in charge of many other areas so the person is not properly prepared for the role. Also dog breeding has changed with so many imported through misuse of Pet Passport Scheme so people are dealing in dogs rather than breeding them. On the specific issue of the collection of evidence of dog breeding I am happy to meet up with you and have a look at what we can do with that information.

Amy Ward (GreytExploitations)– Racing greyhounds are covered by the Animal Welfare Act but enforcement of that is with the GBGB. There is only one regulatory rule which comes from the welfare act rule 174 which is seldom used in discipline where a trainer is found guilty of giving class A substances. The chance to flag that up for a criminal charge is missed as it is not pursued as a welfare issue. I would like the bodies here to consider that. I ask that it be noted that the GBGB is not protecting greyhounds welfare in the commercial racing industry, it is not enforcing the AWA.

Mike Radford (Aberdeen University) On private prosecutions I understand why the police are against them but be warned because in Scotland where there is no tradition of prosecution the SSPCA investigates and passes the file to the COPFS officer and as they are under-resourced so generally there is no prosecution because animal welfare has to compete with a whole plethora of criminal law. In relation to Defra, one of the criticisms from the Wooler review is that in relation to the Animal Welfare Act, it was Defra's Act but they abdicated any responsibility for seeing how it worked.

Dr Angela Wright (CIWF) Any comments on legislation for farm animals?

Neil Parish MP – There are many more rules for farm animals and Defra hold more responsibility in this area.

Mark Berry – From farm animals we certainly enforce welfare from farm to abattoir. Once in the abattoir it goes over to the FSA. Legislation wise it tends to change and evolve much quicker than companion welfare as it is often led from the EU. We have a statutory duty to do farm animal enforcement and we inspect farms on a risk-based approach. Focus in on intelligence led inspections so the number and frequency of inspections have reduced because the staff numbers have reduced. There are assurance schemes for farmers to sign up too but it all comes back to self-regulation which I do not think works as people cut corners.

Dermot Murphy – Compared to the majority of other nations we have high standards for farm animals. They are still covered by the Animal Welfare Act and there have been numerous prosecutions but there are also technical offences such as tagging and logging. On racing greyhounds we would look under the Animal Welfare Act and giving a dog a drug is something for which we could prosecute.

Patrick O’Hara – I have had meetings with the CPS and we have engaged in conversations relating to enforcement of the Dangerous Dogs Act. One idea is we might look at dedicated courts for specific subject matter or dedicated prosecutors who could oversee and provide a consistency of approach.

Tom Quinn (LACs) We have received reports from the public on dog fighting with dogs going missing. Does that happen with your own experiences? Will joined up working help to tackle this?

Faye (People4Ponies) For repeat offenders, welfare enforcement is not tackled and the issue is pushed from one body to another such as trading standards, police, environmental departments, RSPCA. Why is there not as central fund to do this work and why do I have to fund a private prosecution because someone else has broken the law?

Elaine Toland (APA) The diversity of species of exotic pets poses challenges. We have proposed positive lists to limit types of animal to be kept and traded. Would these help in your work?

Dermot Murphy - On dog fighting it sits within two networks – localised people with dogs who are intimidating people often tied in with other antisocial behaviour and then there is the organised dog fighting often involved in more serious crime. The first one needs localised police intervention and the second one is getting the intelligence between different agencies. Some of the time we have repeat offenders. Horses are such a huge problem and a part of the problem is lack of enforcement of the horse passport which are legal requirements. They are in the process of passing new legislation to deal with fly-grazing which we welcome. Exotics have grown and are an increasing trend. A list of animals you cannot keep would be a good idea and would help tackle the growing problem.

Mark Berry – The Private Members Bill deals with fly glazing not welfare so it allows the local authority to impound a horse and deal with it for 4 days. It will help reduce costs of keeping the horse but the big cost is the bailiff in dealing with the horse initially. Massive overbreeding of horses and value plummeting has caused many welfare problems which need tackling in different ways.

Neil Parish MP – We need to consider the issue of resource more and how the existing legislation could be more effective. I will speak to Defra ministers about this issue but I know the APGAW sub-group for dogs will be doing some work on it over the next few months. I think if the police, the RSPCA and local authorities can find better ways of working together it would help a great deal and I would encourage those discussions. I also think tidying up of old legislation would assist in help with enforcement and Marisa will write to Defra setting what is required out.

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