

Review of the Implementation of the Welfare of Animals Act (Northern Ireland) 2011

Final Report - February 2016



Department of
**Agriculture and
Rural Development**

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Executive Summary

On 31 March 2014 the Northern Ireland Assembly debated a Motion calling for a review of the implementation of the Welfare of Animals Act (NI) 2011 (the 2011 Act), particularly to sentencing guidelines and practices, to ensure that the maximum effectiveness was being brought to bear to combat animal welfare offences. Michelle O'Neill, the Minister for the Department of Agriculture and Rural Development (DARD), supported the Motion as she wanted to see sentences imposed by the Courts which fit the crime and act as a deterrent to animal cruelty. Following the debate Minister O'Neill initiated the Review of the Implementation of the Welfare of Animals Act (NI) 2011 (the Review), which was taken forward in conjunction with the Department of Justice (DOJ).

The Review held five Stakeholder Discussion Sessions during late July and early August 2014 with a wide range of stakeholders. Separate discussion sessions were held for each of the following sectors: farmed animals; multi-species and veterinary; wild animals; cats and dogs; and equines. Stakeholders attending these events included statutory organisations, welfare charities, rescue and re-homing organisations, industry representative bodies and special interest groups. Feedback from these sessions, as well as written evidence submitted by stakeholders, allowed the Review to consider the issues and generate emerging recommendations which provided the basis of an Interim Report, which was published by DARD in February 2015. A twelve week consultation period followed publication of the Interim Report. Consultation responses helped inform this Final Report.

The Review considered the implementation of the 2011 Act under the following six themes.

Sentencing

Stakeholder feedback from the consultation on the Interim Report again expressed concern about perceived unduly lenient sentencing and a perceived lack of consistency in sentencing. The Review compared sentencing options available in other jurisdictions and also looked at sentencing guidelines. The Review recommends increasing penalties available as follows:

- **Summary Offences** - Increase the maximum penalty on summary conviction for the offences of **causing unnecessary suffering** (section 4) and **animal fighting** (sections 8(1) & 8(2)) to twelve months imprisonment, a fine not exceeding £20,000, or both.
- **Indictable Offences** - Increase the maximum sentence for conviction on indictment, from two years imprisonment to five years.
- The Review also recommends that the following summary only offences be amended to make them hybrid, which will allow the most serious cases to be heard in the Crown Court:
 - Supplying, publishing, showing and possessing with intent to supply photographs, images or video of an animal fight;
 - Breaching a disqualification order; and
 - Selling or parting with an animal pending the outcome of an appeal to a deprivation order.
- Finally, the Review recommends that the range of ancillary post-conviction powers available to the courts following conviction for animal fighting offences be extended to be available following a conviction for supplying, publishing, showing and possessing with intent to supply photographs, images or video of an animal fight. This would, for example, give courts the power to confiscate an animal from an owner convicted of supplying images or video of an animal fight, and to disqualify such persons from owning or keeping animals.

In advance of this Final Report being published the Agriculture Minister Michelle O'Neill and Justice Minister David Ford agreed to accept the recommendation (implementation of which requires primary legislation) to allow it to be introduced as soon as possible. The amendment is being taken forward in the DOJ Justice (No.2) Bill, which provides an appropriate legislative vehicle for the timely introduction of these sentence increases.

The Review is not recommending the introduction of minimum sentencing or aggravated offences, as suggested by some stakeholders, on the basis that minimum sentences would affect the Judiciary's ability to take all factors into account when sentencing, and aggravated offences would potentially make it more difficult to obtain a conviction due to the necessity to prove the aggravated element.

In September 2014, the Justice Minister announced his intention to carry out a wide-ranging review of the current Unduly Lenient Sentencing (ULS) scheme, which applies to the most serious cases heard in the Crown Court. As part of that work, he agreed to a request from Minister O'Neill to consider the inclusion of animal welfare offences under the scheme.

To assist that work, DARD and DOJ commissioned the Review team to advise on the specific animal welfare offences which should be included in the ULS scheme and make recommendations accordingly.

In doing so, the Review sought to identify cases which generated a high level of public concern and had the potential to damage public confidence in the Criminal Justice System. The Review also examined those cases to establish whether common themes applied regarding the specific offences involved.

The Review found that the offence of **causing unnecessary suffering** (section 4), which is a hybrid offence, featured regularly in the cases sampled and recommends that it be added to the ULS scheme.

The Review also recommends that **animal fighting offences** (section 8(1) & (2)) should be included in the ULS scheme. While these offences appeared less frequently in the cases sampled, the Review found that cases of this nature give rise to considerable concern amongst the public, thereby warranting inclusion in the scheme. DARD and DOJ have agreed that these offences are appropriate to be considered under the ULS scheme which is being progressed by DOJ.

Delivery Structures - farmed animals

The 2011 Act provides DARD with enforcement powers to ensure that the needs of farmed animals are being met, that they are not subjected to unnecessary suffering, and that farmed animals in distress are dealt with appropriately. Enforcement is carried out by DARD Veterinary Service (DARD VS).

The Review examined the current management, administrative and enforcement arrangements within DARD VS. It also considered: DARD policy on the checking and enforcement of Disqualification Orders; the use of resources; training and guidance for inspectors and call handlers; and whether performance standards should be set.

The Review recognised that the recent enhancement to the Animal and Public Health Information System (APHIS) for farm animal welfare work will enable DARD VS to produce more in-depth and useful management information than was previously available and will facilitate the use of new performance indicators. Once the system has bedded in, the Review recommends that all performance targets are reviewed.

The Review found that DARD VS local managers currently exercise discretion before arranging inspections instigated by any anonymous or potentially vexatious calls. This is considered to be an appropriate approach.

Staff in the DARD Direct Offices have responsibility for monitoring individuals with Disqualification Orders. Targeted inspections associated with disqualified herd or flock keepers are carried out at least annually, which is consistent with the approach taken by Councils. This

is in addition to any other occasions when officials would respond to complaints from members of the public, other agencies and DARD staff regarding potential breaches of Disqualification Orders.

The Review recommends that DARD VS use lessons learned from case reviews as a learning opportunity for enforcement staff and that training (including training of call handlers) be regularly reviewed.

The Review found that inspections are carried out to the required standard and this was evidenced by audit reports. DARD VS has processes in place to refer vulnerable people to the relevant authorities and to direct those in need to support services.

Delivery Structures - non-farmed animals

The introduction of the 2011 Act gave Councils statutory powers to appoint inspectors to enforce animal welfare in respect of non-farmed animals. Funding for the service is provided by DARD. Prior to that, no single organisation in Northern Ireland was wholly responsible for the enforcement of non-farmed animal welfare legislation. Recommendations have been made to assist Councils in providing a more consistent service, for example, by streamlining processes.

Stakeholders raised a variety of issues which are dealt with in this Report. The main focus of concern was around resource provision for the service; handling of welfare incident referrals from the public and welfare organisations; and timeliness and quality of response to incidents.

The Review notes that, with regard to funding post 2015/16, DARD has initiated a business case for the next Comprehensive Spending Review (CSR). The Review, therefore, keeps the recommendation from the Interim Report, which was welcomed by stakeholders, that DARD and the Animal Welfare Project Board continue to review the required level of funding for enforcement of the non-farmed animal welfare service and that Councils continue to seek efficiencies where possible while maintaining the current levels of service.

While acknowledging that Councils are autonomous, the Review recommends that each Council adopts a consistent approach in relation to delegating the power to instigate legal proceedings.

Councils employ trained call handlers, and these are based in the five Council locations. Animal welfare calls are prioritised based upon guidance from the Royal Society for the Prevention of Cruelty to Animals (RSPCA). The prioritisation allows them to deal with cases based on the urgency of the situation.

Delivery Structures - wild animals

The 2011 Act provides the Police Service of Northern Ireland (PSNI) with similar powers to those provided to DARD and Council-appointed inspectors, as well as powers that allow only constables to seize animals involved in fighting offences. Since the 2011 Act was introduced the PSNI has taken responsibility for dealing with welfare offences involving wild animals and for the more serious animal welfare offences, such as animal fighting or where other criminal

activities are involved. As well as dealing with wild animals and serious criminal activity involving animals, the PSNI also has legal responsibility where an animal is found wandering on the road under the Animals (NI) Order 1976 and the Roads (NI) Order 1993. The number of reports received by the PSNI in relation to animal welfare has reduced since Councils took on their enforcement role in April 2012.

Stakeholders called for a dedicated animal welfare unit within the PSNI and questioned the level of knowledge within the organisation regarding its role in relation to animal welfare. While recognising that the operating model adopted by the PSNI is an issue for the Chief Constable, who is operationally independent, the Review considered the approach to the delivery of animal welfare. The PSNI has in excess of 6,800 officers available to respond to incidents. These are fully trained officers who are skilled to investigate and deal with a variety of offences. They have specialist assistance from a Wildlife Liaison Officer (WLO), if necessary. This operating model means that local officers can be available quickly in any location to deal with an incident. The Review considers this approach to be rational and notes that it appears to be working well.

PSNI officers and staff have access to an extensive internal website which contains information and legislation on animal welfare, and is continuously updated. The PSNI WLO also provides training to all new PSNI recruits. The new recruit training will begin in May 2016 following a recommendation in the Review. The wildlife and animal welfare element will include agreed input from the Councils' Animal Welfare Officers (AWOs). This training collaboration has already been undertaken for the training of call handler managers, as a first step.

Consideration was given to how the PSNI monitors Disqualification Orders, and the Review recommends that an enhanced system of monitoring be put in place to include unannounced visits, as well as a risk-based assessment policy.

Working Together (facilitating enforcement)

The Review examined how the three enforcement bodies work together to implement the 2011 Act; how they work with their legal teams, the Public Prosecution Service (PPS), and the Northern Ireland Courts and Tribunal Service (NICTS); and how Councils work with animal charities.

The Review recommends that the three enforcement bodies meet regularly to discuss enforcement of the 2011 Act and to share best practice and lessons learned from specific investigations, including NICTS when required. This includes working together to develop templates for Disposal, Deprivation and Disqualification Orders for use by prosecutors. This will also provide opportunities to discuss and address areas of concern that are cross-cutting.

The Review examined how Councils work with animal welfare organisations and recommends that Councils meet annually with key animal welfare representative groups to discuss enforcement of the 2011 Act with regard to non-farmed animals. Councils should continue to work with organisations that are in a position to take ownership of animals which may be re-homed as a result of Disposal Orders granted by the Courts, pending consideration of a licensing system for such organisations.

Following representation from stakeholders the Review considered access to conviction data for enforcement bodies and animal re-homing organisations. Access to criminal record data may only be provided once a strict set of criteria has been met adhering to control procedures. The criteria and procedures include: ensuring that the IT systems used for handling the data are capable of handling information to a restricted level; and that staff working with the data have the appropriate level of security clearance and training to cover their data protection responsibilities. DARD was successful in an application for access to the Criminal Records Viewer (CRV) and is considering options to provide relevant Council staff with similar access to conviction data.

The Review spoke to all the enforcement bodies and found no evidence to suggest that people banned from keeping animals had approached re-homing organisations for animals. While the Review recognises that there may be potential benefits in providing those non-statutory bodies involved in the re-homing of animals with information on individuals who are disqualified from keeping animals, there was no proven case for such information to be provided.

The Review therefore concluded that a better option is to continue to focus resources on front-line enforcement duties. In reaching this conclusion the Review considered responses to an online survey it commissioned aimed at gaining a better understanding of how re-homing organisations conduct their roles. While the Review identified common good practice amongst re-homing organisations, there were some areas where practices differed. The Review therefore felt that re-homing arrangements might be strengthened if DARD, in conjunction with DOJ, where appropriate, work with re-homing organisations to share best practice across the sector. The Review recommends that DARD, with DOJ support, arrange an event bringing animal re-homing organisations together to share best practice and discuss steps that can be taken to ensure the suitability of individuals applying to re-home an animal.

The Review also considered more broadly the issue of the enforcement of Disqualification Orders and considered a range of options which sought to address concerns regarding disqualified individuals who might attempt to re-home an animal. It makes recommendations to formalise and strengthen the monitoring arrangements currently in place which should strengthen enforcement of Disqualification Orders.

Serving the Public

Stakeholders identified concerns around availability of contact information for the relevant enforcement body, asked for a 24/7 provision and highlighted concerns that there was not sufficient publicity in relation to convictions. The Review is pleased to note that since the publication of the Interim Report DARD has liaised with NI Direct and taken steps towards the creation of a single animal welfare web presence. This will bring together information from all three enforcement bodies, including contact details for each of the enforcement bodies and an explanation of their role as well as links to documents on the enforcement bodies' websites, such as the proposed Annual Report, Codes of Practice, Frequently Asked Questions, and copies of press releases.

The Review also considered the feasibility of providing 24-hour contact and response facilities for each of the three enforcement bodies.

The Review concluded that the current system whereby each enforcement body operates its own direct contact arrangements, with better publicity, is the best option and that the case for 24/7 provision, taking into account anticipated need and the resource required to provide the service, was not supported at this time.

Stakeholders commented that the public needs to be educated on the “five needs” of an animal and on animal welfare matters generally. The Review recommends that this information be included in the animal welfare web presence and that enforcement bodies work with the media to increase their understanding of the issues around animal welfare. In addition, the Review considered the potential to improve education and awareness activities, for example in schools, to reduce animal welfare concerns in the long term. The Review recommends that officials in DARD and the Department of Education (DE) should meet to discuss how they might highlight animal welfare educational awareness programmes in schools.

Dog Breeding and Online Pet Sales

Shortly before the initial closing date for the Interim Report consultation process, a BBC Scotland Documentary Programme, “The Dog Factory”, was broadcast across the United Kingdom, initially on 15 April 2015. This significantly raised the profile of dog breeding practices in Northern Ireland, and as a result Minister O’Neill extended the Interim Report consultation period by four weeks to 21 May 2015, so that these issues could be considered further.

The Review found that, on 30 September 2015, there were 25 licensed dog breeding establishments across Northern Ireland accounting for some 1,023 breeding bitches. These are located across six of the eleven Councils.

Some stakeholders expressed concerns that the Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (NI) 2013 (the 2013 Regulations), which regulate dog breeding, do not require verification that socialisation, enhancement and enrichment programmes are implemented. The Review felt that verification of the implementation of these programmes would provide reassurance that both adult dogs and pups in breeding establishments receive appropriate mental and physical stimulation and exercise. It recommends that this requirement be included in the legislation, and in the meantime, the guidelines produced by DARD for Council Enforcement Officers should include steps to require the verification of the implementation of socialisation, enhancement and enrichment programmes during inspection.

The 2011 Act provides Council Enforcement Officers with powers to carry out inspections as and when necessary. Councils carry out an inspection of dog breeding premises on receipt of a licence application. Licences are renewed annually, and the cost of this inspection to the Council is built into the licence fee. In addition, Councils undertake additional inspections should, for example, conditions be imposed on a licence, or if breaches of licensing conditions are reported. The Review recommends that Councils draw up a protocol for risk-

based, unannounced inspections to ensure consistency across all Council areas. In addition DARD should undertake a review of licence fees to take into account the cost to Councils of additional inspections.

A number of stakeholders called for a cap on the numbers of dogs in a breeding establishment. The review considered work commissioned by the EU Dog and Cat Alliance which reviewed the legislation across Europe for dogs and cats involved in commercial practices. No other EU country places a cap on the number of dogs in a breeding establishment. The Review concluded that welfare is not considered to be scale dependent and that the assessment of welfare should be on the condition of the individual dogs themselves and the environment in which they are kept. Placing a cap would also be easy to circumvent, with businesses split to comply with any such requirements.

When buying a pet, it is important that the public are aware of the legislation and the relevant enforcement bodies that they have recourse to. The Review recommends that relevant links/guidance be included on the new animal welfare web presence to assist the public further in this area.

Historically, DARD has applied the legislation relating to petshops only to premises to which the public has access. However, as part of the forthcoming review of the petshop legislation, DARD is considering including the online selling of pets from other premises, including online advertising from a person's home. The Review recommends that DARD includes the issue of selling pets from all premises as part of its consultation when reviewing and revising the legislation relating to petshops, riding and animal boarding establishments.

The Review is pleased to note that, since the publication of the Interim Report, DARD has been working with both the Pet Advertising Advisory Group (PAAG), and the Irish Pet Advertising Advisory Group (IPAAG) who have introduced minimum standards for online sales companies to adhere to when accepting classified advertisements for pet sales.

Equines

The equine issues raised by stakeholders can largely be considered under two headings: traceability; and unwanted equines. Traceability includes topics such as the enforcement of existing legislation, including the transfer of ownership and the need for the registration of premises where equines are kept. Unwanted equines included the topics of abandoned equines, indiscriminate breeding and fly grazing.

One of the issues identified by stakeholders was the lack of up-to-date information about the size of the equine population here and the extent of any problem in relation to abandoned equines. The Review commissioned work to try to establish an evidence base.

In relation to the equine population the Review found that the number of registered equines here is approximately 34,250. This is close to the findings of an NI Assembly Briefing Paper in December 2010 that estimated there to be over 35,000 equines in total in Northern Ireland. In relation to abandoned equines, despite a great deal of effort the Review could not verify the scale of the problems reported by charities. It therefore assessed information on the number of abandoned equines seized by Councils and the PSNI.

During the two and a half year period from April 2012 until September 2014, Councils took into their possession 131 abandoned horses, of which six were returned to their owners. This equates to Councils having to deal with just over four abandoned equines per month (approximately one per week) over the stated period. Figures provided by the PSNI show that, during a 21-month period from 1 April 2013 until 31 December 2014, 172 equines were seized by the PSNI. This equates to just over eight horses per month (approximately two per week). More recently, for the period January to September 2015 the PSNI seized 31 equines that were wandering on the roads with no owners identified. This equates to dealing with just over three equines per month during this nine month period. The care and collection costs associated with these seizures are significant.

In the Northern Ireland context, there is a perception that fly grazed equines may be abandoned. Cases are often reported but following attendance by an AWO there is seldom a welfare concern. The Review did not find sufficient evidence to suggest that the issue of fly grazing is as significant as the problem in Wales and England.

On the basis of the information received and the evidence gathered, the scale of the issue does not suggest the need to introduce primary legislation to deal with abandoned or fly grazed equines at this time.

However, the Review does acknowledge the considerable public nuisance caused by abandoned animals, as well as the significant resource and staff time that the PSNI and Councils have to allocate to deal with them.

To address this, the Review believes that it would be possible to amend the 2011 Act to add a clause to enable an accelerated process for the re-homing and disposal of abandoned, unidentified equines. The Review recommends that DARD consider bringing forward this amendment.

In the meantime the Review recommends that when equines are taken into possession the authority applying for the Disposal Order should clearly inform the court that the equines are not micro-chipped. This should ensure that the courts are aware that it is not possible to establish ownership of the equines and allow them to process the request more quickly. In all cases, equines will still remain in care for a minimum number of days which will be sufficient for any responsible owner to come forward.

Stakeholders viewed the enforcement of the Horse Passport Regulations as a requirement to effectively address issues relating to abandoned horses, such as tracing owners, equine movements, and indiscriminate breeding. While the Review recognises that the Horse Passport Regulations may provide for the identification of horses, it must be recognised that the purpose of these Regulations is to protect the food chain. Issues such as equine traceability and premises registration are outside the scope of the Horse Passport Regulations.

On numerous occasions during the discussions on equine issues the Review felt that a multi-agency approach in relation to communications would be beneficial. The Review is aware that DARD has an Equine Coordination Group, which includes representatives from

policy and delivery branches within the Department as well as the College of Agriculture, Food and Rural Enterprise (CAFRE) and the Equine Council for Northern Ireland (ECNI). The Review recommends that this group develop a communication strategy to ensure that relevant messages are disseminated across the equine industry at all levels in a joined-up and consistent way. It is envisaged the communications strategy would incorporate many of the themes that have arisen in this Review across the range of statutory and industry led issues, for example:

- indiscriminate breeding;
- end of life decisions; and
- passport and microchip requirements.

Other/Related Issues

The Review also considered a range of issues raised by stakeholders during the Discussion Sessions and during the Consultation which, while outside the implementation of the 2011 Act, have been addressed in Sections 10 and 11.

Way Forward

This report has been shared with both Minister Michelle O'Neill and Minister David Ford. The Report will also be shared with the stakeholders who contributed to the Discussion Sessions during the early stages of the Review and all parties that were consulted following the publication of the Interim Report. It will be made available on the DARD and DOJ websites.

Minister O'Neill will be writing to the relevant agencies to ask for their consideration of the recommendations relevant to them. Their responses, including the timescale for implementation of the accepted recommendations, will be included in an Action plan which will be published on the DARD website in due course. The Action plan will be reviewed and updated every six months.



Section 1 Introduction

Introduction

1.1 Background

There has been considerable public, political and media interest in the enforcement of the Welfare of Animals Act (NI) 2011 (the 2011 Act), particularly with regard to non-farmed animals. Public concern has also been expressed in relation to perceived lenient sentencing for animal welfare offences, particularly after some high profile cases, following the introduction of the 2011 Act.

On 31 March 2014, the Northern Ireland Assembly debated and agreed a Private Members' Motion as follows – *That this Assembly notes with concern the number of cases of extreme animal cruelty that have occurred recently, the low number of convictions and the failure to impose the maximum sentence available; and calls on the Minister of Agriculture and Rural Development, in conjunction with the Minister for Justice, to initiate a review of the implementation of animal cruelty legislation, particularly sentencing guidelines and practices, to ensure that the maximum effectiveness is being brought to bear to combat these crimes.*

In response to the Motion, Minister Michelle O'Neill established a Review of the Implementation of the 2011 Act, which is chaired jointly by officials in the Department of Agriculture and Rural Development (DARD) and the Department of Justice (DOJ). An Interim Report of the Review was published in February 2015, and consultation was initiated with stakeholders and the general public. This is the Final Report of that Review which sets out recommendations based on the evidence examined during the Review. A full list of recommendations are included at Annex A.

1.2 The Legislation

For almost 40 years, the main primary legislation regarding animal welfare was the Welfare of Animals Act (NI) 1972 (the 1972 Act). The 1972 Act allowed intervention, and prosecution actions to be taken, forward only after cruelty or unnecessary suffering had occurred.

The 2011 Act introduced a duty of care in respect of all “protected animals” (i.e. animals under the control of any person whether permanently or temporarily) and provided new enforcement powers to allow action to be taken to prevent animals from unnecessary suffering.

The 2011 Act:

- provides the same level of protection for both farmed and non-farmed animals;
- sets out “the five needs” of an animal;
 - 1) the need for a suitable environment;
 - 2) the need for a suitable diet;
 - 3) the need to be able to exhibit normal behaviour patterns;

- 4) any need to be housed with, or apart from, other animals; and
 - 5) the need to be protected from pain, suffering, injury and disease;
- increased the penalties for serious animal welfare offences (to a maximum of two years' imprisonment and an unlimited fine);
 - extended the existing powers of enforcement by making new powers available to Councils to appoint inspectors to implement and enforce provisions in respect of non-farmed animals, such as domestic pets and horses;
 - strengthened the powers of the Police Service of Northern Ireland (PSNI) in respect of animal fighting, including dog fighting;
 - provides for the making of regulations to secure the welfare of animals, to license or register activities involving animals and to prohibit the keeping of certain animals; and
 - allows DARD to issue, or revise, Codes of Practice (CoP) for the purpose of providing practical guidance to facilitate compliance with welfare responsibilities.

In line with the 1972 Act, welfare organisations and charities do not have powers of enforcement under the 2011 Act.

A list of secondary legislation and CoP made under the 2011 Act can be found at Annex B.

1.3 Review Methodology

Structure

The Review was overseen by a **Review Steering Group** comprising senior officials from DARD and DOJ. This Group agreed the Terms of Reference (Annex C), provided direction for the Review, commissioning work in a number of areas around the implementation of the 2011 Act, and has prepared this Final Report.

A **Delivery Body Reference Group** made up of delivery body stakeholders representing Councils, DARD policy, DARD Veterinary Service (DARD VS), DOJ, Public Prosecution Service (PPS), Northern Ireland Courts and Tribunal Service (NICTS) and PSNI was set up to provide input on operational issues, support the stakeholder discussion sessions and advise on the practical implications of Working Group findings and recommendations.

Initially five **Working Groups** were established to:

- consider the implementation of the 2011 Act across the four key themes and specific workstreams;
- identify the scale and range of issues; and
- explore options for improvement and propose recommendations, as appropriate.

The Working Groups had representatives from Councils, DARD policy, DARD VS, DOJ, NICTS, PPS, and PSNI.

Each Working Group considered stakeholder comments and the workstreams assigned to them. Groups met on a regular basis to discuss and evaluate issues and agree recommendations.

The Review Steering Group and Delivery Body Reference Group also met at regular intervals to discuss issues arising from the Working Groups and provide strategic direction. An Interim Report was published in February 2015 with emerging recommendations.

Consultation

A twelve week consultation period followed publication of the Interim report. Consultation responses helped inform this Final Report.

A wide range of stakeholders were invited to comment on the Interim Report and its emerging recommendations, including statutory organisations, welfare organisations, rescue/re-homing organisations and industry representative bodies. A list of respondents to the consultation is available at Annex D. The consultation opened on 26 February 2015 and closed on 21 May 2015. Information on the consultation and associated papers, as well as a summary of the responses to the consultation can be found at the following address – <https://www.dardni.gov.uk/consultations/interim-report-review-implementation-welfare-animals-act-ni-11>

The Review developed the recommendations published in the Interim Report, taking into consideration the comments from respondents to the consultation. Those findings are included in this Final Report.

In response to issues raised by respondents to the consultation, two additional Working Groups were established to review comments on dog breeding, including online selling of pets and equine related issues. The Working Groups explored options for addressing the issues raised in the responses to the consultation and proposed recommendations, as appropriate. These Working Groups were more subject specific and had smaller membership but also consulted with outside organisations and animal welfare groups.

1.4 Review Themes

Following consultation on the Interim Report, the Review gave further consideration to the implementation of the 2011 Act under the following six key themes:

Sentencing - The sentencing of those convicted of the most severe cases of animal welfare offences has often attracted attention from the public, elected representatives and the media. Penalties under the 2011 Act include imprisonment, a fine, having animals taken away, and/or disqualification from keeping animals in the future. The Review considered the penalties by comparison with those available in other jurisdictions and the sentencing framework for animal welfare offences and considered what improvement could be made in this area.

Delivery Structures - Welfare enforcement for farmed animals is carried out by DARD VS, while the PSNI has responsibility for wild animals, animal fighting and welfare issues where other criminal activities are involved.

Welfare enforcement in respect of non-farmed animals, although funded by DARD, is carried out by Councils using a cluster approach with five Council regions, including a lead co-ordinating Council region.

The Review examined, for each enforcement body how it delivers its animal welfare service including:

- the current management, administrative (including case preparation) and enforcement arrangements;
- existing implementation policies;
- the use of resources;
- arrangements for training and development; and
- the need for performance standards.

Working Together (facilitating enforcement) - Successful progress of a case from initial referral, through investigation to (potential) prosecution, requires effective working both within and between several agencies.

The Review examined how the following work together:

- Councils, DARD and the PSNI;
- Enforcement bodies, their legal teams/the PPS and the NICTS; and
- Councils, animal charities, rescue groups etc.

The Review also:

- considered access to conviction data for enforcement bodies, other than the PSNI; and examined cross-border relationships between enforcement bodies.

Serving the Public – Members of the public must have confidence in how enforcement bodies discharge animal welfare responsibilities. It is essential therefore that members of the public are aware of who to contact should they need to report an animal welfare concern, understand their legal responsibilities when responsible for an animal, and are informed of the enforcement work being undertaken under the 2011 Act.

The Review examined:

- the available public facing material, its prominence, and methods used in publicising animal welfare enforcement;
- complaints procedures; and
- the arrangements in place to inform the public of the effectiveness of animal welfare enforcement in terms of cases investigated, prosecuted etc.

Dog Breeding and online pet sales – The legislation which regulates commercial dog breeding in Northern Ireland is the Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (Northern Ireland) 2013 (the 2013 Regulations) which are made under the 2011 Act. Enforcement of this legislation is carried out by Council Enforcement Officers.

In response to concerns raised around both dog breeding and the online sale of pets, following the publication of the Interim Report, the Review examined the issues raised by stakeholders which can largely be summarised under the following themes:

- Legislation and enforcement;
- Licensing and inspections;
- Breeding establishment requirements;
- Breeder identification;
- Breeding;
- Training for breeders;
- Portal controls;
- Education of the public; and
- Online selling of pets.

Equines – Under the 2011 Act responsibility for enforcement in relation to non farmed animals including equines sits with Councils. The powers and offences in relation to equines are the same as for other non-farmed animals (see section 4.1). In addition to the offences in relation to unnecessary suffering, the 2011 Act makes it an offence if, without reasonable excuse, a person abandons an animal for which they are responsible without making adequate provision for its welfare.

The review considered equine issues raised by stakeholders. These can largely be divided into two main headings: traceability; and unwanted equines.

Traceability included topics such as:

- the enforcement of existing legislation, including the transfer of ownership; and
- the need for the registration of premises where equines are kept.

Unwanted equines included the topics of:

- abandoned equines,
- indiscriminate breeding; and
- fly grazing.

1.5 Way forward

This Final Report has been shared with both Minister Michelle O'Neill and Minister David Ford who have welcomed the work undertaken by the Review. The Report will also be shared with the stakeholders who contributed to the Discussion Sessions during the early stages of the Review and all parties that were consulted following the publication of the Interim Report. It will be made available on the DARD and DOJ websites.

Minister O'Neill will be writing to the relevant agencies to ask for their consideration of the recommendations relevant to them. Their responses, including timescale for implementation of accepted recommendations, will be included in an Action plan which will be published on the DARD website in due course. The Action plan will be reviewed and updated every six months.



Section 2 Sentencing

Sentencing

2.1 Background

Sentencing in criminal cases is a matter for the independent Judiciary taking into account a number of, sometimes complex, factors before determining the appropriate sentence in an individual case. These factors include: the seriousness of the offence; the maximum, and sometimes minimum, penalty set by law; the range of available disposals; the circumstances of the offender including previous convictions; the protection of the public; the impact on the victim; and any aggravating or mitigating factors in the case. Judges are also guided by previous decisions in the courts, especially by guideline judgments from the Court of Appeal or, where appropriate, by magistrates' courts' Sentencing Guidelines.

Judgments or decisions of the Northern Ireland Court of Appeal are binding on the High Court and the Crown Court of Northern Ireland, and their decisions in turn are binding on the county courts and the magistrates' courts. The judgment or decision sets out the factors and sentence appropriate to the individual appeal and is a definitive statement on an aspect of sentencing law. It is given as the 'ratio decidendi' of a case, literally the 'reason for deciding' and is the only part of it that is binding on the lower courts.

However, the binding authority of these decisions on subsequent cases is limited – each sentencing decision is based on the facts of the individual case and previous decisions are binding on the lower courts only if the facts of the case cannot be distinguished in some way from the previous case. The system of binding authority applies less rigorously in sentencing cases, because it is recognised that they are so heavily fact-dependant.

Guideline judgments, which are issued by the Court of Appeal in the context of a particular case, are the exception to this rule in that they give both the decision in the case and provide guidelines. They will state the reason for deciding the appropriate sentence for that offender, but will also provide guidelines to sentencers which are influential in indicating the appropriate approach to take in a similar case. Guideline judgments may be used to provide guidance in relation to new offences in respect of which there is little or no previous guidance available. They may also be given to ensure that existing sentencing guidance for established offences is appropriate as new trends in society emerge.

Sentencing guidelines provide judges with a starting point for sentences and identify a sentencing range either side of the starting point that may be appropriate, taking account of the seriousness of the offence and any relevant aggravating or mitigating factors. They are used to guide or structure the sentencing process and to make the sentencing process more transparent and sentences more consistent.

Guidelines for animal welfare offences heard in the magistrates' courts have been developed by the Lord Chief Justice's Sentencing Group and are available on the Judicial Studies Board website – <http://www.jsbni.com/Publications/sentencing-guides-magistrates-court/Pages/default.aspx>

Guideline judgments for animal welfare cases heard in the Crown Court will become available as suitable cases come before the Court of Appeal.

2.2 Stakeholders were concerned about the penalties handed down for animal welfare offences

The Review considered the penalties available in other jurisdictions for animal welfare offences. In England and Wales, animal welfare offences are prosecuted under the Animal Welfare Act 2006.

The offences are summary only and on conviction for a single offence, the maximum penalty is six months imprisonment and / or a £20,000 fine. Sentencing guidelines have been developed and are available on the Sentencing Council website – www.sentencingcouncil.org.uk/publications/?type=publications&cat=definitive-guideline

In Scotland, animal welfare offences are prosecuted under the Animal Health and Welfare (Scotland) Act 2006. The offences are summary only and, on conviction, the maximum penalty is six months imprisonment and / or a £1,000 fine, except for Section 19 (unnecessary suffering) and Section 23 (animal fights) where the maximum penalty is twelve months imprisonment and / or a £20,000 fine. There are no sentencing guidelines.

In the Republic of Ireland, animal welfare offences are prosecuted under the Animal Health and Welfare Act 2013. On summary conviction, the maximum penalty is six months imprisonment and / or a €5,000 fine. On conviction on indictment, the maximum penalty is five years imprisonment and / or a €250,000 fine.

Previously in Northern Ireland, under the Welfare of Animals Act (NI) 1972 the maximum penalty was three months imprisonment and / or a £5,000 fine on summary conviction. The Welfare of Animals Act (NI) 2011 (the 2011 Act) increased the maximum penalties for animal welfare offences to:

- **Summary offences** – six months imprisonment or a fine of £5,000 (or both) for those convicted summarily in the magistrates' courts and;
- **Indictable offences** – two years imprisonment or an unlimited fine (or both) for more serious offences tried in the Crown Court.

The fact that Northern Ireland is currently the only part of the UK which provides for certain animal welfare offences to be tried in the Crown Court reinforces the view that the current penalties under the 2011 Act are strong.

The Review considered the statutory maximum penalties under the 2011 Act and broadly compared these against the penalties available for other “either way” offences, that is, offences that can be heard in either the magistrates' courts or the Crown Court. It concluded that there was scope within the existing sentencing framework to increase the maximum penalties under the 2011 Act.

At Interim Report stage the Review recommended that DARD should consider increasing the statutory maximum penalties for the more serious summary offences, and for indictable offences, under the 2011 Act as follows:

- **Summary offences** – increase the maximum prison sentence available for those found guilty of the more serious summary offences from six months to twelve months, and the maximum fine from £5,000 to £20,000; and
- **Indictable offences** – increase the maximum prison sentence for those found guilty on indictment from two years to five years (the maximum unlimited fine would remain unchanged).

Increasing the maximum penalties in this way would ensure Northern Ireland has a maximum sentence available on summary conviction that compares favourably with anywhere on these islands. It would bring the maximum fine imposable on summary conviction into line with that available in England, Wales and Scotland (where an offence of unnecessary suffering attracts a maximum fine of £20,000). In addition, it would bring into line the maximum sentence of imprisonment on indictment with the maximum in the Republic of Ireland. Consequently, it would ensure that for animal welfare crime Northern Ireland has amongst the toughest sentences anywhere on these islands. This would help to address the concerns of some stakeholders by underscoring the seriousness with which such offences are viewed.

There was substantial support for this recommendation during the consultation, in particular from animal welfare charities, and the Review agreed that the recommendation should be developed for inclusion in the Final Report.

The Review has developed its recommendations, the detail of which is as follows: -

- **Summary Offences** – Increase the maximum penalty on summary conviction for the offences of **causing unnecessary suffering** (section 4) and **animal fighting** (sections 8(1) & 8(2)) to twelve months imprisonment, a fine not exceeding £20,000, or both;
- **Indictable Offences** – Increase the maximum sentence for conviction on indictment, from two years imprisonment to five years.
- The following summary only offences are amended to make them hybrid, which will allow the most serious cases to be heard in the Crown Court:
 - Supplying, publishing, showing and possessing with intent to supply photographs, images or video of an animal fight;
 - Breaching a disqualification order; and
 - Selling or parting with an animal pending the outcome of an appeal to a deprivation order.
- The range of ancillary post-conviction powers available to the courts following conviction for animal fighting offences are extended to be available following a conviction for supplying, publishing, showing and possessing with intent to supply photographs, images or video of an animal fight. This would, for example, give courts

the power to confiscate an animal from an owner convicted of supplying images or video of an animal fight, and to disqualify such persons from owning or keeping animals.

The Review recommends no change to the penalties available to the courts for the remainder of the offences in the 2011 Act.

These changes will achieve the objective of ensuring that the penalties available to the courts for the most serious animal welfare offences are amongst the toughest sentences available in the British Isles.

The Review is pleased to note that the DARD Minister was keen to implement these changes as soon as possible to ensure strong deterrents are in place for any acts of animal cruelty and asked officials to progress this recommendation as soon as possible. However DARD does not have a suitable piece of primary legislation to bring forward the changes in the current Assembly mandate and looked for other opportunities to progress this issue. With the agreement of the Justice Minister the necessary amendments to sentencing provision in the 2011 Act are being taken forward in the Justice (No.2) Bill which is currently before the Assembly.

2.3 Stakeholders expressed a view that minimum sentences and aggravated offences for animal welfare cases should be introduced

While minimum sentences do exist, for example in certain firearms offences; and life imprisonment is the minimum sentence for murder, it is acknowledged by Government that discretion in sentencing matters should be reserved for the independent judiciary whose role is to maintain the Rule of Law. Hence, the UK legal system is organised to allow Judges, when sentencing, to take into account any aggravating and mitigating factors, the circumstances of the offence and the offender, including previous convictions and guilty pleas or other relevant factors. Minimum sentences make no allowance for the exceptional case, and there is always the potential for such a case.

There are examples of specific aggravated offences which have been created in legislation, such as aggravated burglary. However, where a person is prosecuted for an aggravated offence, it is necessary for the prosecution to prove both that the defendant committed the act that allegedly occurred, and also the aggravated element of the offence. If the aggravation part of that offence is not proven, then the defendant will not be convicted of the offence. The more common approach is for offences to be defined in law and then upon the prosecution proving that the act was committed, it is for the court to determine any aggravating factors. If the court determines that there are aggravating factors this will be taken into account when sentencing and the defendant may receive a higher sentence. The Review noted that the existing sentencing guidelines for the magistrates' courts which have been developed for certain offences under the 2011 Act currently list examples of possible aggravating factors.

The Review found that to define aggravation in animal welfare offences would be problematic. The aggravating element must be separate, that is, the extreme nature of the suffering caused or the specific intention of the assailant to cause suffering cannot

in itself be sufficient to prove an aggravated offence. To define, and subsequently prove, aggravation requires elements of another crime being perpetrated against the animal at the time the animal welfare offence is being committed.

The Review is not recommending the introduction of minimum sentencing or aggravated offences on the basis that minimum sentences would affect the Judiciary's ability to take all factors into account when sentencing, and aggravated offences would potentially make it more difficult to obtain a conviction due to the necessity to prove the aggravated element.

2.4 Stakeholders felt that on the spot fines should be available to enforcement bodies

The Review found that when welfare situations arise, the most important factor is alleviating the suffering of an animal. It is not always appropriate to penalise the owner of the animal, especially for minor welfare issues, which may be easily resolved by providing detail of legislative requirements and guidance. Improvement Notices can be issued if a person is failing to ensure the welfare of animals for which they are responsible. Improvement Notices are successfully used for farmed and non-farmed animals without an on the spot fine. If an Improvement Notice is issued for farmed animals, these are referred for consideration of a penalty against direct agricultural schemes, which are subject to adherence to Cross-Compliance requirements.

The Review is not recommending the introduction of on the spot fines at this time as the evidence available shows that Improvement Notices are effective and allow for follow up action to be taken as appropriate. The Review also notes that failing to comply with an Improvement Notice is an offence, the penalty for which is currently imprisonment for up to six months and a fine of up to £5,000.

2.5 Stakeholders expressed concern about what they perceive to be unduly lenient sentences and lack of consistency in sentencing

As the current legislation has been operating for a relatively short time, consistency in sentencing for these specific offences is difficult to assess. In his Programme of Action on sentencing, the Lord Chief Justice (LCJ) has been taking steps to address issues of consistency, transparency and confidence in sentencing more generally. To enhance the guidance available to the Judiciary in determining the appropriate sentence, the LCJ has established a Sentencing Group to oversee the development of sentencing guidelines and guideline judgments and animal cruelty has been added to the LCJ's Programme of Action on Sentencing. Guidelines have been developed for animal cruelty cases heard in the magistrates' courts.

In 2013, Minister O'Neill wrote to the LCJ to highlight the public concern regarding the perceived leniency of sentences in respect of animal welfare and also to the Justice Minister to ask him to consider specifically animal welfare offences in any future review of the criteria under which the Director of Public Prosecutions (DPP) may apply to the Court of Appeal for a review of an Unduly Lenient Sentence. In September 2014, the Justice Minister announced his intention to carry out a wide ranging review of the current Unduly

Lenient Sentencing (ULS) scheme, which applies to the most serious cases heard in the Crown Court. As part of that work, he agreed to consider the inclusion of animal welfare offences under the scheme. Consequently, the Interim Report did not contain any further recommendations on the issue of unduly lenient sentences. Interested stakeholders were advised to consider the DOJ consultation and report, further details of which can be found on the DOJ website at www.dojni.gov.uk.

Following public consultation on the review of the ULS scheme, the Justice Minister has agreed to add animal welfare offences to the list of offences which can be referred to the Court of Appeal by the DPP where the sentence handed down, in cases heard in the Crown Court is considered to be “unduly lenient”. To assist that work, DARD and DOJ commissioned the Review to advise on the specific animal welfare offences which should be included in the ULS scheme and make recommendations accordingly.

In doing so, the Review sought to identify cases which generated a high level of public concern and with the potential to damage public confidence in the Criminal Justice System. The Review also examined those cases to establish whether common themes applied regarding the specific offences involved.

The Review found that the offence of **causing unnecessary suffering** (section 4), which is a hybrid offence, featured regularly in the cases sampled and recommends that it be added to the ULS scheme.

The Review also recommends that **animal fighting offences** (section 8(1) & (2)) should be included in the ULS scheme. While these offences appeared less frequently in the cases sampled, the Review found that cases of this nature give rise to considerable concern amongst the public, thereby warranting inclusion in the scheme.

This recommendation has been accepted by both Ministers and DOJ are preparing the necessary subordinate legislation to have these offences included in the ULS scheme.

The Review also considered the existing arrangements for promoting awareness of sentencing guidelines. It notes that the proposed changes to the maximum penalties when implemented will have an impact on the current sentencing guidelines. The Review, therefore, recommends that DOJ write to the Lord Chief Justice to share the detail of the new proposed maximum penalties, which are subject to Assembly approval. If helpful, the Review suggests that representatives from DARD and Councils could provide the Judicial Studies Board with a briefing on the background to their respective enforcement roles.

Recommendations

Recommendation 1: DARD considers increasing penalties for animal welfare offences as follows:

- **Summary Offences** – Increase the maximum penalty on summary conviction for the offences of **causing unnecessary suffering** (section 4) and **animal fighting** (sections 8(1) & 8(2)) to twelve months imprisonment, a fine not exceeding £20,000, or both.
- **Indictable Offences** – Increase the maximum sentence for conviction on indictment, from two years imprisonment to five years.
- The following summary only offences are amended to make them hybrid, which will allow the most serious cases to be heard in the Crown Court: -
 - Knowingly supplying, publishing, showing or possessing with intent to supply photographs, images or video of an animal fight;
 - Breaching a disqualification order; and,
 - Selling or parting with an animal pending the outcome of an appeal to a deprivation order.
- The range of ancillary post-conviction powers available to the courts following conviction for animal fighting offences are extended to be available following a conviction for supplying, publishing, showing or possessing with intent to supply photographs, images or video of an animal fight. This would, for example, give courts the power to confiscate an animal from an owner convicted of supplying images or video of an animal fight, and to disqualify such persons from owning or keeping animals.

Recommendation 2: DOJ to consider adding the following hybrid offences to the Unduly Lenient Sentencing Scheme (which would apply in circumstances where these cases are heard before the Crown Court): -

- Unnecessary suffering (section 4), and
- Causing/attending an animal fight (sections 8(1) and 8(2)).

Recommendation 3: DOJ to write to the Lord Chief Justice to share the detail of the proposed increase to the maximum penalties as this may impact on existing sentencing guidelines. Consideration should also be given to giving DARD and local Councils an opportunity to provide the Judicial Studies Board with background about their enforcement roles.



Section 3 Delivery Structures - Farmed Animals

Delivery Structures - Farmed Animals

3.1 Background

The Welfare of Animals Act (NI) 2011 (the 2011 Act) gives statutory powers to inspectors in the Department of Agriculture and Rural Development (DARD), with respect to the protection of farmed animals i.e. any animal bred or kept for the production of food, wool or skin or for other farming purposes. It creates an offence if a person responsible for an animal fails to, whether on a permanent or temporary basis, take reasonable steps to ensure the welfare of that animal. It also provides that:

- an inspector (or constable) may take into their possession an animal which is suffering or likely to suffer (as opposed to waiting until the suffering has occurred);
- a person can be deprived of possession or ownership of an animal on conviction for certain specified offences; and
- a person can be disqualified from participating in animal-related activities following conviction for certain offences.

DARD enforces the Welfare of Farmed Animals Regulations (NI) 2012 (the 2012 Regulations) which were made under Section 11 of the 2011 Act. The 2012 Regulations transpose various pieces of European legislation which establish the minimum standards required to ensure the needs of farmed animals are met. DARD also has responsibility for the licensing and inspection of petshops, animal boarding, riding and zoological establishments, under the Welfare of Animals Act (NI) 1972. This function will transfer to Councils when new subordinate legislation is made under the 2011 Act.

The Review considered how DARD delivers its farmed animal welfare programme, examining current management, administrative and enforcement arrangements and the use of resources within DARD Veterinary Service (DARD VS).

The DARD VS Farmed Animal Welfare Programme is managed under the governance of the Veterinary Service Board (VSB) and is delivered through the various DARD VS workstreams (set out below), each under the direction of a Senior Principal Veterinary Officer (SPVO).

- **Delivery** – the work on the ground is delivered by DARD Animal Health and Welfare Inspectors (AHWIs) and Veterinary Officers (VOs) located across 10 local DARD Direct offices. A 24/7 “on-call” service is provided at weekends.
- **Enforcement** – DARD’s AHWIs and VOs can take a range of enforcement actions to address animal welfare concerns, ranging from providing detail of legislative requirements and guidance, to issuing a legally binding Improvement Notice or potential prosecution. DARD Veterinary Service Enforcement Branch (VSEB) assists with challenging cases and the preparation of prosecution files.

- **Cross-Compliance** – DARD inspects a random and risk-based selection of farm businesses each year to verify compliance with the conditions specified in the 2012 Regulations. Farmers must also comply with a set of Statutory Management Requirements (SMRs) under Cross-Compliance in order to qualify for payments from agricultural support schemes such as Basic Payment Scheme (the replacement for the Single Farm Payment), Areas of Natural Constraint Scheme and Environmental Farming Scheme, and certain payments under the Northern Ireland Rural Development Programme. The SMRs help to protect public, animal and plant health, the environment, and animal welfare. All breaches of animal welfare SMRs are referred for consideration of a penalty against the direct agricultural schemes covered by Cross-Compliance.
- **Welfare programme management** – delivery is supported by a specialist policy and logistics team consisting of VOs and administrators in DARD VS and DARD Customer Service Branch (CSB).

DARD VS carry out between 700 and 1,000 farmed animal welfare inspections annually. Farms are targeted for inspection:

- where previous history gives reasonable grounds to suspect that animal welfare may be at risk of compromise;
- in response to complaints from the general public, other agencies or DARD officials; or
- as part of EU Cross-Compliance requirements.

All farmed animal welfare inspections are carried out to the standard specified in the 2012 Regulations, in exercise of the enforcement powers available under the 2011 Act.

Any non-compliance with animal welfare legislation detected during an inspection may result in the initiation of the enforcement process. Farmers are notified in writing, specifying the nature of the non-compliance, the remedial action required, and the timeframe to achieve compliance if appropriate. The farm is then subjected to follow-up inspection(s) to determine whether the non-compliance has been satisfactorily resolved.

VOs become involved in every case where animals are found to be suffering unnecessarily. They provide a professional opinion and ensure that animals in distress are managed in an appropriate and humane way. Policies and procedures are in place to take animals into possession under Section 17 of the 2011 Act and to care for these animals pending the outcome of subsequent legal proceedings. The DARD VS humane slaughter team assists with the destruction of animals when necessary.

In 2012, DARD VS carried out 703 welfare inspections on farms and found 80% to be compliant with animal welfare legislation. In 2013, there were 722 inspections with 79% compliant. In 2014, 711 welfare inspections were undertaken and compliance improved to 86%. The Review looked at the detail underpinning these figures and found that non-compliance was more prevalent in inspections carried out as a result of risk assessment or because of complaints. This suggests that targeting inspections on the basis of risk assessment is an appropriate means of identifying non-compliance.

DARD VS managers prioritise cases for prosecution based on the principles outlined in the Case Prosecution Policy of DARD's Enforcement Policy. A team of veterinary and technical staff, involved in both the delivery and enforcement workstreams, are trained in investigation and file preparation. Files are reviewed by VSEB managers within DARD VS before submission to the Public Prosecution Service (PPS). In any prospective prosecution two tests are applied – the evidential test and the public interest test. The decision to prosecute and to take a case to Court is made by the PPS. The PPS is wholly independent of DARD VS and its decision is based on an impartial and professional assessment of the available evidence and the public interest.

The following table shows the number of ongoing investigations (cases before the courts) and convictions from 1 January 2012 until 30 September 2015.

Table 1: Number of convictions and cases before the courts for offences against farmed animals from 1 January 2012 to 30 September 2015

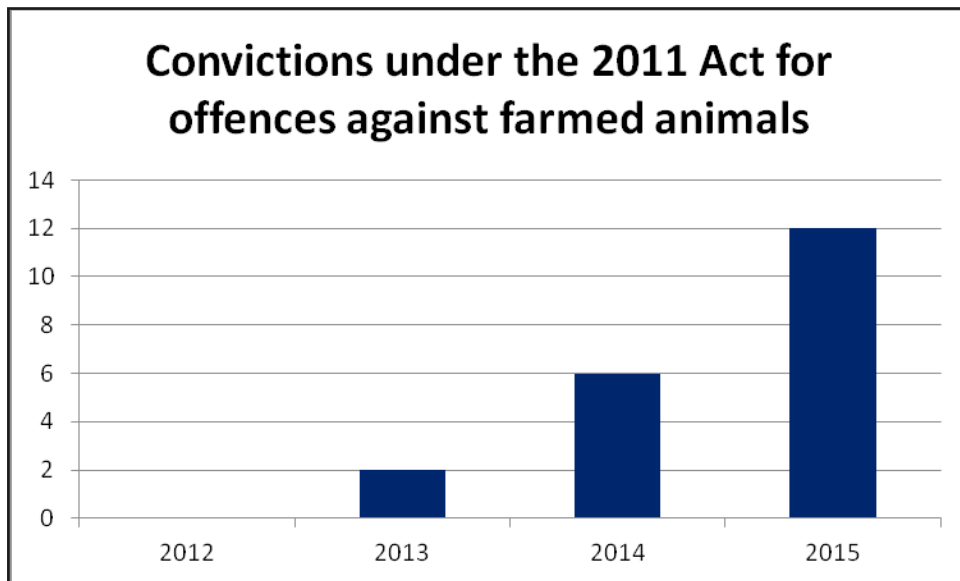
Year	Convictions under the 2011 Act	Cases before the court*
2012	0	1
2013	2	2
2014	6	6
2015**	12	3
Total	20	12

* These figures reflect the number of cases from each year that were ongoing through the courts on 30 September 2015.

**These figures are for 1 January 2015 to 30 September 2015

The following chart illustrates the increase in the number of convictions year on year as the 2011 Act has bedded in.

Figure 1: Number of convictions for offences against farmed animals from 1 January 2012 to 30 September 2015



The Review considered previous audits carried out by the EU Commission's Food and Veterinary Office and the DARD Internal Audit Team, which both examined the approach DARD VS takes to farm animal welfare inspections. Although these audits predate the 2011 Act, they did examine delivery and implementation of previous subordinate legislation and the same standards apply in the 2012 Regulations. These audits did not identify any major concerns and any findings are followed up in line with DARD processes. DARD Internal Audit recently examined DARD VS's Animal Welfare: Seizures and Welfare in Transport processes. Both processes returned a satisfactory result, and the audit's recommendations have been completed as agreed.

The Review also found from discussions with stakeholders and the Farming Unions that farmers are generally aware of their responsibilities in relation to animal welfare legislation and the consequence of non-compliance, through various DARD publications and correspondence. The representatives of the Farming Unions reported few, if any, calls or complaints in relation to DARD's handling of animal welfare issues or implementation of the 2011 Act. DARD has not received any complaints in relation to its animal welfare service through its formal complaints procedure. Further information on the formal complaints procedure can be found at Section 7.8.

DARD Veterinary Service (DARD VS) Case Study

Following reports from the public and findings during inspections, DARD VS established that a convicted offender was continuing to breach animal welfare legislation and cause unnecessary suffering to livestock. The day after the local DARD VS office referred this case to their management team, a meeting was convened and the decision was made to take possession of the animals in order to reduce the risk of unnecessary suffering. Warrants were arranged during the next few days while operational planning took place. Five days after the initial referral, everything was in place for the seizure to happen.

Upon arrival at the premises, the owner became irate at the seizure of the animals and attacked DARD VS staff, for which he was subsequently arrested by the PSNI. DARD VS was aware of a vulnerable adult on site and so had notified a health trust contact prior to the seizure. The health trust was then able to make appropriate arrangements.

Before moving the animals, Veterinary Officers (VOs) assessed them to ensure they were fit for transport and then technical staff began loading them on to a contractor's lorry. DARD's Humane Slaughter team was present for the seizure, and arranged the euthanasia of the individual animals that were unfit for transport.

The animals fit for transport were transported to another premises and VOs examined the animals upon arrival to ensure that no difficulties had arisen during transport. The veterinary staff carried out Tuberculosis and Brucellosis tests and documented the condition of every animal. The animals remained under DARD care as the case progressed through the courts.

This case resulted in a lengthy court action to secure a Disposal Order. DARD VS prepared the files for the prosecution, while continuing to provide veterinary care to the animals staying at the premises. The length of the court proceedings gave rise to the accrual of significant additional care costs for DARD VS. When the court order allowing for the disposal of the seized animals was granted, DARD was then able to either sell or euthanize the animals.

3.2 The Review looked at DARD VS performance standards

The Review found that currently the main performance target is that all valid reporting of animal welfare incidents result in an inspection within 24 hours. The success rate for this target in the 2013/2014 financial year was 99%. The reporting of key performance indicators (KPIs) for DARD VS has since been revamped, following the enhancement of the Animal and Public Health Information System (APHIS) in June 2014. Monthly reporting of KPIs has commenced, but data is not yet available for a full financial year so detailed analysis cannot be undertaken at this point.

A second target is set to ensure that all records of inspection are fully processed within 30 days from the date of the inspection. Line managers also periodically carry out quality compliance checks on the performance of inspectors to ensure that they are correctly enforcing the 2011 Act with regard to farmed animals.

As data has only been recorded since August 2014, DARD VS do not yet have figures for a full financial year so are unable to accurately assess performance on this target at this point. The Review recognised that the recent enhancement to APHIS for farm animal welfare work will enable DARD VS to produce more in-depth and useful management information than was previously available and will facilitate the development of new performance indicators. Once the system has bedded in, the Review recommends that performance is reviewed against current targets and, if necessary, performance targets are reviewed.

3.3 Stakeholders expressed concerns about DARD's response to anonymous calls and requested data in relation to the incidence and outcome of such calls.

Some stakeholders requested that anonymous reports of welfare concerns should be ignored. The Review found that, at this time, it was not possible to quantify the number of anonymous calls received or the percentage of those which may be vexatious because, prior to June 2014, details of the calls were recorded, processed and stored manually in each DARD Direct Office. DARD VS has recently enhanced its IT recording system, APHIS, to allow for the recording of calls and to take account of different ways in which complaints can be made. Although this will allow for analysis of these calls in the future, a further enhancement to APHIS would be required to allow DARD VS to identify those calls that officials regard as vexatious.

While the Review recognises that a proportion of allegations made are vexatious, it is also aware that some callers may wish to remain anonymous for a variety of legitimate reasons. The Review found that DARD VS local managers, do not ignore anonymous or potentially vexatious calls but currently exercise discretion before arranging inspections. This is considered to be an appropriate approach.

The Interim Report recommended that DARD VS monitor the level and outcome of anonymous and vexatious calls and, if necessary, review their procedures. It also recommended that DARD VS should consider reporting the number of anonymous and vexatious calls in the annual report referred to at Recommendation 40. Stakeholders who responded to the consultation noted that, while they are mindful of the civil rights of complainants and would not wish to deter whistleblowers from reporting well-founded welfare concerns, they would wish to see DARD taking a close interest in the number and outcome of such calls. This recommendation is therefore retained.

3.4 Stakeholders expressed concerns about the enforcement of Disqualification Orders

The Review examined the DARD VS policy on follow-up checks of disqualified keepers.

DARD VS maintains an Animal Welfare Disqualified Record (AWDR), available to appropriate DARD staff, recording any disqualified herd or flock keepers and details of their disqualifications. Staff in the DARD Direct Offices have responsibility for monitoring individuals with Disqualification Orders. Targeted inspections associated with disqualified herd or flock keepers are carried out at least annually, which is consistent with the approach taken by Councils. This is in addition to any other occasions when officials would respond to complaints from members of the public, other agencies and DARD staff regarding potential breaches of Disqualification Orders. DARD actively encourages members of the public to report any suspicions of non-compliance with a Disqualification Order, or any other instance where animal welfare may be affected. On 30 September 2015, 32 keepers were recorded in the AWDR as being subject to a Disqualification Order (nine of these Orders were made under the 2011 Act).

Section 6 (Working Together) has relevance to the enforcement of orders and recommends that the enforcement bodies develop templates for Orders (i.e. Disqualification, Deprivation, Disposal) to avoid ambiguity or omissions, which will also potentially assist monitoring.

3.5 Stakeholders raised concerns about the training and guidance to DARD VS inspectors and call handlers, and expressed concerns about how inspections may adversely affect the more vulnerable in society

The Review examined the training and guidance provided to DARD VS inspectors and call handlers.

The Review found that animal welfare inspections are carried out by specialist technical staff within DARD VS. Training/refresher training is regularly provided by the Welfare and Zoonoses Branch within DARD VS.

Staff instructions for animal welfare inspections are updated as and when required (e.g. following changes in legislation or review of best practice in a case) to ensure consistency of approach and compliance with the legislation. The Review recommends that DARD VS continue to review policies, procedures and standard forms and guidance as and when the need arises. Guidance and staff instructions on animal welfare are made available to all staff via DARD's Intranet. Legal advice is sought as necessary regarding interpretation of the 2011 Act, and any changes affecting implementation are cascaded to staff. Inspection procedures are regularly monitored by DARD VS line managers and staff within DARD VS Welfare and Zoonoses Branch to ensure compliance with the process. Where appropriate, training content is benchmarked against that provided by other devolved administrations.

The Interim Report recommended that DARD VS continue to train staff in the implementation and enforcement of the appropriate legislation, and continue to use

lessons learned from case reviews as a learning opportunity. It also recommended that training (including training of call handlers) is regularly reviewed by DARD VS, and, if any issues are detected, that remedial action is taken. Stakeholders who responded to the consultation on the Review's Interim Report were generally content with these recommendations and so they have been carried forward to this Report.

The Review found that DARD VS has a system in place to raise concerns about vulnerable people with social services and that DARD VS staff may inform herd keepers of the services provided by Rural Support. Rural Support has been established as a listening and signposting service to assist farmers in times of emotional distress, suicide risk, financial problems, inheritance issues, physical and mental health, farming paperwork and bureaucracy. The Review also established that DARD VS allows a herd keeper to have a third party present during an inspection, if they wish, which may assist concerned farmers. The Review has therefore not made recommendations on these issues.

Recommendations

Recommendation 4: DARD VS to review performance standards as part of the post-implementation review of the animal welfare enhancements to APHIS.

Recommendation 5: DARD VS to monitor the level and outcome of anonymous and vexatious calls and if necessary review their procedures. In addition, they should consider reporting the number of anonymous and vexatious calls in the annual report (see Section 7.5).

Recommendation 6: DARD VS to continue to review policies, procedures, standard forms and guidance as and when the need arises (e.g. changes in legislation, review of best practice in a case).

Recommendation 7: DARD VS to incorporate lessons learned from case reviews in staff training in the implementation and enforcement of the appropriate legislation.

Recommendation 8: DARD VS to continue with the current arrangement of monitoring the effectiveness of call-handling and, if any problems are detected, provide additional training.



Section 4 Delivery Structures - Non-Farmed Animals

Delivery Structures - Non-Farmed Animals

4.1 Background

The introduction of the Welfare of Animals Act (NI) 2011 (the 2011 Act) gave Councils statutory powers from April 2012 to enforce the legislation in respect of non-farmed animals, for example, domestic pets of any vertebrate species and equines. Prior to that, no single organisation in Northern Ireland was wholly responsible for the enforcement of non-farmed animal welfare legislation. The same provisions as noted in Section 3.1 with regard to farmed animals also apply to non-farmed animals.

The animal welfare service provided by Councils is funded on an annual basis by DARD, although Councils have discretion over how they enforce the legislation.

The animal welfare service is managed under the governance of the Animal Welfare Project Board. The Board is chaired by a Chief Environmental Health Officer and has representation from DARD. This Board meets quarterly to make decisions in respect of any aspect of animal welfare enforcement, and to monitor spend against the annual budget provided for animal welfare.

The Councils currently use a cluster approach to deliver the animal welfare service. This is carried out by five Councils regions, including a lead co-ordinating Council who liaise directly with DARD and the other Councils. Fermanagh and Omagh District Council are the lead Council in the co-ordinating role. Animal Welfare Officers (AWOs) deliver the service on the ground with management and administrative support. On week days Priority 1 calls received between the hours of 5pm and 9am will be responded to on the next working day. An emergency on-call service is provided during 9am to 5pm on weekends and bank holidays to take welfare reports. Priority 1-calls made during this time are referred to the on-call AWO and, in line with the Prioritisation Guidance, will be responded to by the end of the next day. AWOs work across all Council areas and the powers provided in the legislation allow officers to take a range of enforcement actions in response to an animal welfare case. Depending upon the circumstances an AWO may choose to issue basic advice and guidance, give a warning, issue a legally binding Improvement Notice, or pursue a prosecution.

The animal welfare service originally commenced with five AWOs in post. As a result of the demand on the service, it was agreed by the Animal Welfare Project Board in October 2012 to recruit a further two AWOs from January 2013. Following a post-implementation review of the service in March 2013, it was decided to increase the number of AWOs further and an additional two new AWOs started employment in August 2013, bringing the total to nine.

Current staffing levels for the Council animal welfare service are set out in Table 2:

Table 2 - Allocation of Staff Resources

Staff resource	Number
Chief Officers	0.1 *
Line Managers	3 .1*
AWOs	9
Administrative staff	6
* Full Time Equivalent	

The current operational model, comprising nine AWOs, allows the service to be maintained across the Province, enabling managers to plan for periods of leave, training of staff and peak demands on the service.

The AWOs are trained by a variety of bodies, including the Royal Society for the Prevention of Cruelty to Animals (RSPCA), the Donkey Sanctuary and the College of Agriculture, Food and Rural Enterprise (CAFRE).

Councils have in place a series of procedures, processes and forms for the purpose of allowing them to deal with all aspects of the animal welfare service. This aims to ensure that a structured and consistent approach is maintained across all the Council regions.

As part of their administrative support, Councils employ trained call handlers and these are based in the five Council locations. Between 1 April 2012 and 30 September 2015 over 18,000 calls¹ were received in respect of non-farmed animal welfare cases. Calls are prioritised based on RSPCA Guidance, which was revised to take account of the differences between the 2011 Act and the Animal Welfare Act 2006 (the equivalent legislation in England and Wales).

Priority 1: is allocated to cases where it is likely that in a short time the animal's distress or pain may increase significantly or the animal might die. Target response time is by the end of the next day of the complaint being received. Performance response time target set is 100%.

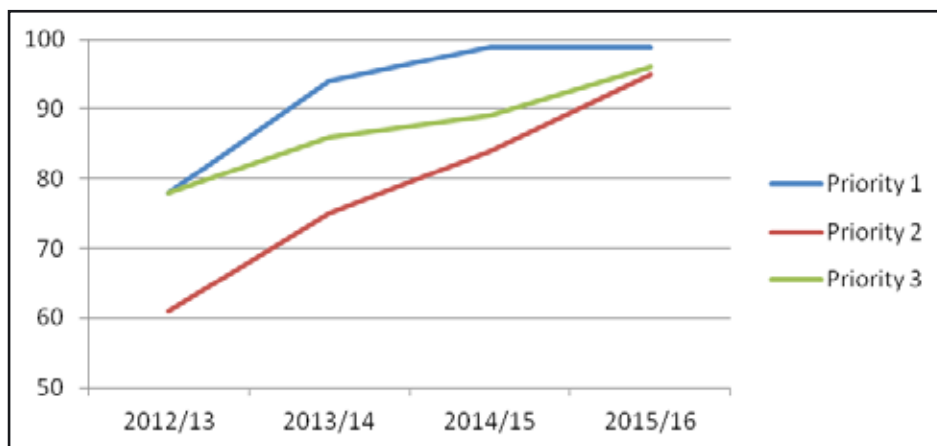
Priority 2: is allocated to cases where an animal appears to be malnourished, neglected, or abandoned. Target response time is within three working days. Performance response time target set is 75%.

¹Councils record the number of all calls received to their animal welfare contact numbers. However a proportion of calls (approximately 16%) are not related to non-farmed animal welfare and are referred onto other agencies. The number of follow-up calls made by Councils when investigating cases are not recorded.

Priority 3: is allocated to cases where there is no significant risk that the situation will get worse but an investigation is necessary. Target response time is within fourteen working days. Performance response time target set is 75%.

Figure 2 shows that performance against response times for each level of call priority has improved significantly since the Council service came into operation.

Figure 2: Achievement of Call Prioritisation Response Times



The Review recommends that Councils should continue to report to the Animal Welfare Project Board on achievement of the performance targets set out in their Call Prioritisation policy and the Animal Welfare Project Board should continue to monitor and review performance and response time targets.

Animal Welfare Officer Responsibilities

Animal Welfare Officers (AWOs) are employed by Councils to enforce the 2011 Act with regard to non-farmed animals. Following Local Government Reform coming into effect in April 2015, Northern Ireland now has 11 Councils. Animal Welfare is delivered on a sub-regional basis in 5 regions. The service may be contacted from 9am-5pm on normal business days, and on call cover is available at weekends and on bank holidays from 9am-5pm.

AWOs cover large areas, ranging from Belleek to Magherafelt in the western region; from Keady to Strangford in the southern region; from Ballykelly to Carrickfergus in the northern region, and from Lough Neagh to the Ards Peninsula in the eastern region. Belfast City Council is a separate region, due to the increased concentration of the population. The large areas mean that plotting an efficient route each day is important to ensure the AWOs attend as many reported cases as possible. Calls are taken by administrative staff and, based on the information received from the caller, are prioritised according to an agreed Prioritisation Guide operated across all regions. This prioritisation lets the AWO know the timeframe for responding to each case. Each case presents its own challenges, ranging from short routine checks to longer visits where multiple animals may need to be examined and in extreme cases taken into possession. Some situations require that two people are present while others may demand the assistance of the PSNI, DARD, other agencies and/or AWOs from other regions.

During a visit, an AWO considers the animal's welfare and examines the animal for signs of distress or illness. This may involve checking the animal's skin, eyes, hooves, etc. The AWO needs to be comfortable working with animals and in a variety of settings. The AWO also inspects the animals' environment, to ensure it is appropriately clean and safe, and that sufficient food and water has been provided. If an AWO has concerns about an animal or how it is being kept they can issue an Improvement Notice with a list of actions the keeper is required to undertake to improve the animal's condition within a stipulated time period. The AWO also has the power to take animals into the possession of the Council and transport them to a secure place if a vet deems this is necessary to prevent suffering.

To ensure an accurate record is kept, following each case AWOs write a full report of what they witnessed and did, including any photos they may have taken, as well as noting any conversations they had with the keeper or other people present. They also make a note of every telephone conversation and email exchange. This valuable evidence is necessary in the event of future prosecutions.

4.2 Some stakeholders felt that the animal welfare service was under resourced to deal with issues adequately

Prior to Councils taking on the new animal welfare service, the then DARD Minister, Michelle Gildernew announced that a four-year funding stream would be provided to Councils. At the time, the initial four year funding stream was being devised and the economic appraisal completed, there was no historical expenditure or workload information available on which to estimate and forecast the costs that would ultimately be incurred as a result of responding to animal welfare cases. It was also extremely difficult to predict costs in terms of taking animals into possession, i.e. collection, care, transport, disposal and legal costs. Addendum to the economic appraisal were completed in 2014 and 2015 to take into account actual expenditure and to extend the funding to encompass the 2015/16 financial year. Table 3 outlines the original four year funding stream and the one year extension.

Table 3: Budget allocation to Councils from DARD for animal welfare service

Year	Budget
2011-12 *	£760,000
2012-13	£780,000
2013-14	£800,000
2014-15	£820,000
2015-16	£820,000

*budget for 2011/12 was allocated to allow the animal welfare service to be set up.

From commencement of the animal welfare service on 2 April 2012 to 30 September 2015 the number of cases investigated by Councils is shown in Table 4.

Table 4: Number of animal welfare cases investigated by Councils

Year	Number of Cases
2012-13	4,280
2013-14	4,952
2014-15	4,754
2015-16*	2,291
Total	16,277

* Figures at the midpoint of the year i.e. from 1 April 2015 – 30 September 2015.

In the 2013/14 and 2014/15 financial years, the following factors affected Council spending:

- the complement of AWOs increased from five to nine in response to the volume of calls;
- several high profile cases resulted in multiple animal seizures which increased care and collection costs; and
- legal costs due to case preparation and prosecutions increased as case work relating to previous and in-year cases gathered momentum.

In both these financial years Councils identified that they would require additional resource of around £300,000 to meet service delivery. Following a recommendation by the Animal Welfare Project Board the additional funding was approved and provided by DARD.

Councils spend in relation to animal welfare can be categorised into fixed costs (e.g. salary and overheads) and variable costs (those costs which vary depending on demand e.g. care and collection and legal expenses). Fixed costs have remained reasonably stable but the percentage of the budget used to fund variable costs, in particular care and collection, has risen sharply. In 2012/13 the percentage of the budget used on care and collection costs was 3.9% but this rose to 24.9% in 2013/14 and remained high at 24% in 2014/15.

Variable costs are determined by demand on the service, as well as the complexity and scale of cases. For example, Councils reported that in one equine case where over one hundred horses had to be examined, twenty six equines had to be taken into their possession (one died and another had to be euthanized). The cost in respect of care and collection, veterinary and legal bills in that case was in excess of £77,000. In another case Councils had to take twenty equines and three dogs into their possession from one owner. The cost in respect of care and collection, veterinary and legal bills in this incident was in excess of £100,000. The nature of these variable costs, such as care and collection of animals and legal costs, mean that forecasting expenditure is difficult.

The Review found that, often, animals taken into the possession by Councils remained under their responsibility for extended periods, pending the completion of the legal process, and consequently Councils incurred significant costs in caring for these animals. Streamlining the processing of applications for Disposal Orders to ensure that animals remain in care for the minimum period is dealt with in Section 6. Dealing with abandoned equines presents additional challenges and these issues are considered at Section 9.3.

The Review found that contracts for the provision of services, such as care and collection of animals and veterinary provision are secured through local government procurement procedures to ensure value for money and transparency.

DARD officials met with the Councils early in 2015/16 to consider the budget for that year. Following the meeting and internal consideration of budgets, DARD confirmed that they had been able to secure additional funding which, when combined with the

initial budget, gives Councils an overall budget of £1.25million for 2015/16. The Review notes that, with regard to funding post 2015/16, DARD has initiated a business case for the next Comprehensive Spending Review (CSR). The Review, therefore, retains the recommendation in the Interim Report, which was welcomed by stakeholders, that DARD and the Animal Welfare Project Board continue to review the required level of funding for enforcement of the non-farmed animal welfare service and that Councils continue to seek efficiencies where possible and identify savings, while still maintaining the current levels of service.

4.3 Some stakeholders felt that Local Government Reform (LGR) would provide an opportunity to review the delivery of the animal welfare service by Councils

With the introduction of LGR the number of Councils reduced from twenty-six to eleven from 1 April 2015. With this in mind, the Review considered the future structure of the delivery of the animal welfare service by Councils. It considered a number of possible delivery models including:

- maintaining the current arrangements (five new Council regions including a lead co-ordinating Council);
- delivery by eleven Councils;
- delivery by three of the existing Council regions including one as the lead co-ordinating Council; or
- delivery by one Council.

In its Interim Report the Review recognised that the operating model for the animal welfare service was a decision for Councils to take in the context of their new organisational structures. However, it recommended that the Chief Executives of the eleven new Councils should consider the information gathered during the Review when deciding on the new operating model, taking cognisance of current resource pressures and the need to maximise effectiveness and efficiency. Given the timescales within which the new Councils needed to make decisions on future structures, the Review decided to forward a copy of the work done in this area to the new Chief Executives. The Review recommends that the Chief Executives of the eleven new Councils should notify DARD as soon as possible of the future structure to inform budget discussions.

The Review found that, in some Councils, decisions to instigate legal proceedings were approved by the Council (i.e. elected members) within the Council area where the alleged offence was committed. The Interim Report noted that a significant number of Councils had delegated the power to instigate legal proceedings to the relevant Director or Head of Department but where this was not the case, the decision to instigate a prosecution could be delayed pending agreement by the elected members at a Council meeting. The Interim Report acknowledged that the seeking of approval by members of the Council could potentially delay legal proceedings, which increases care costs, and recommended that Councils adopt a consistent approach. Councils who responded to the Interim Report generally supported this recommendation but noted that it was a matter for each individual Council. While acknowledging that Councils are autonomous, the Review retains this recommendation.

4.4 Some stakeholders felt that AWOs were inadequately trained

The Review considered the current training for AWOs. AWOs undertake a four week training programme on appointment, which includes desk based learning with a variety of trainers including RSPCA as well as work shadowing with established AWOs. They also receive training in relation to the serving of notices, interviewing under caution (Police and Criminal Evidence – PACE), dealing with difficult people, lone working as well as specific training in relation to equines. AWOs also have an annual training needs analysis completed with their line manager. In addition, guidance notes, standardised forms and procedures are available to them on the Councils' intranet site.

Councils have benchmarked training with that of similar officers in Great Britain. The Review found training to be of a high standard and Councils see training as a priority, but recommends that experience gained from ongoing investigations and legal cases is built into future training, guidance and practice.

The Review also considered the guidance and procedures which have been developed by Councils for their staff dealing with non-farmed animal welfare. The majority of these are shared via the Councils' dedicated IT system, with any changes or updates being disseminated and discussed at AWO team meetings.

The Review identified that guidance from the Public Prosecution Service (PPS) in relation to offending by children and young people is not currently included in Council procedures and so the Interim Report recommended that this be provided to staff. The Interim Report also recommended that Councils provide specific training on dealing with vulnerable adults. These recommendations were welcomed by stakeholders and have been carried forward into this Report.

The Review found that in most cases the procedures for AWOs were well documented, but it recognised that some draft procedures need to be formalised. The Interim Report recommended these are formalised and that Councils continue to regularly review all procedures. The Interim Report also recommended that Councils continue to undertake a periodic review of policies, procedures, standard forms and guidance documents, as good practice and to address procedural gaps.

The Interim Report also recommended that the Councils periodically conduct a consistency audit, as the public are keen to ensure that enforcement of the legislation is consistent across the five Council regions. These recommendations were welcomed by stakeholders and so are carried into the Final Report.

Animal Welfare Case Study

When the Council animal welfare service received a call from a member of the public reporting “that a dog had died and the body was still in its kennel,” this information was logged on the IT system by the call handler and passed to an Animal Welfare Officer (AWO) to investigate. Prior to undertaking a site visit the AWO established if there was any other background information available within the Council concerning the address where the dead dog was alleged to be.

Upon arrival at the house the AWO spoke to the occupants, a woman and a young male, before examining the body of the dog. This examination found it to be very underweight, with its ribs clearly visible. There were other signs that the dog could have possibly suffered from starvation, such as a bin having been knocked over and its contents disturbed, as well as no sign of food or bowls. The AWO took photographs of the dog’s body and the premises to add to the case file as evidence.

Following the initial inspection the AWO carried out a PACE (Police and Criminal Evidence) interview, with the female occupant of the house who was suspected of committing an offence. The dog’s body was seized as evidence and a post mortem was carried out.

The post mortem confirmed that the dog was seriously underweight for its age and breed, and that it had died due to starvation, with evidence of bits of cardboard boxes in the dog’s stomach. This indicated that the dog, in its desperate hunger, had been eating the contents of the overturned bins found at the premises. The AWO documented all the actions and communications in this case and wrote a final report for the case file which was then reviewed by their Line Manager. The case was then reported to the relevant Council Committee with a recommendation that formal prosecution proceedings be instigated. This was approved and the case file was then forwarded to Legal Services who initiated the prosecution proceedings. The defendant was summoned to court and found guilty of an offence under Section 4 (Causing unnecessary suffering) and Section 9 (failure to ensure welfare of animals) of the Welfare of Animals Act (NI) 2011. The judge sentenced the individual to four months in prison, suspended for three years, disqualified her from keeping animals for 10 years, and ordered her to pay £250 costs.

4.5 Some stakeholders suggested that once an Improvement Notice is issued it must be followed up

When dealing with an animal welfare case, an AWO has a number of options available in order to resolve the situation. These are providing advice, giving a warning, issuing the owner with a legally binding Improvement Notice or pursuing a prosecution. In deciding which course of action is appropriate, the AWO will assess the situation by considering all available evidence and using the advice contained in ‘Guidance Notes for Council Animal Welfare Officers.’

Review of the Implementation of the Welfare of Animals Act (Northern Ireland) 2011

Where an Improvement Notice is issued, it will specify the nature of the non-compliance, the remedial action required to achieve compliance and the time allowed to complete the required work. The Review found that Improvement Notices are followed up by AWOs to ensure that compliance has been achieved. In the case of non-compliance and, depending on the offence, the AWO may issue an extension to the Improvement Notice or consider prosecution.

The Review found that Councils record details of follow up visits in relation to Improvement Notices and they are monitored by line managers and reported to the Animal Welfare Project Board. The number of Improvement Notices issued and complied with each year has been relatively consistent as shown in Table 5 and Figure 3.

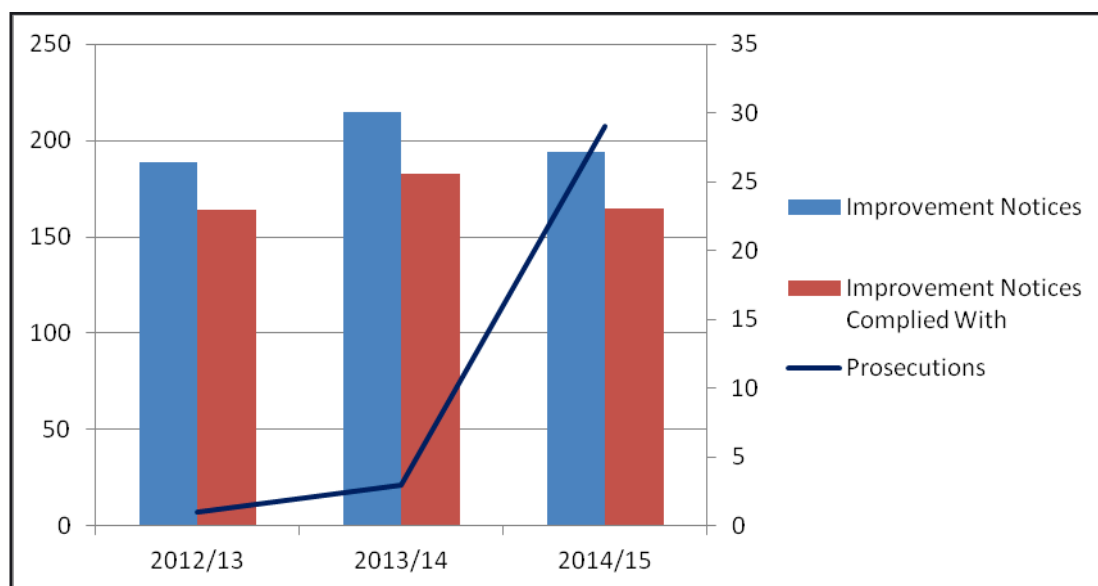
In order to get a full picture of Council enforcement action, the Review looked at the number of prosecutions taken and convictions secured by Councils. The Review found that the number of both prosecutions and convictions has risen year on year as the 2011 Act has bedded in as shown in Table 5 and Figure 3 below. The Review has not made any recommendations in this area.

Table 5: Number of Improvement Notices issued by Councils as well as the number of prosecutions

Year	Improvement Notices	Improvement Notices Complied With	Prosecutions	Convictions
2012/13	189	164	1	1
2013/14	215	183	3	3
2014/15	194	165	28	28
2015/16*	98	65	9	9
Total	696	577	41	41

*Figures for the period 1 April 2015 to 30 September 2015.

Figure 3: Number of Improvement Notices issued by Councils, number of Improvement Notices complied with, and number of prosecutions.



4.6 Stakeholders felt that Councils should act proactively (looking for and preventing welfare concerns) rather than reactively (responding to complaints)

The Review found that the original intention had been for this service to be an enforcement one (i.e. reactive). Councils have, however, also taken a proactive approach when resource allows. This has included attendance at horse fairs and car boot sales at which animals are sometimes sold. They have also supported other organisations, for example Dogs Trust at ‘Bark in the Park’ events, microchipping clinics and PDSA (The People’s Dispensary for Sick Animals) events. AWOs regularly issue the Codes of Practice during routine visits and provide relevant messages e.g. during summer months they distribute leaflets reminding dog owners about the effects of heat on dogs left in cars during hot weather. They also work closely with a number of animal welfare groups and have distributed leaflets about animal welfare to outlets such as veterinary practices and pet shops. Such targeted proactive work is beneficial and should be encouraged when it can be accommodated within resource. The Review is content, however, that enforcement must remain the priority.

Recommendations

Recommendation 9: Councils continue to report to the Animal Welfare Project Board on achievement of the performance targets set out in their Call Prioritisation policy and the Animal Welfare Project Board should continue to monitor and review performance and response time targets.

Recommendation 10: Councils continue to review the volume of work, budget and spend on a quarterly basis and continue to seek to create efficiencies and savings where possible and, in conjunction with DARD and the Animal Welfare Project Board, continue to review the required level of funding for enforcement of the non-farmed animal welfare service.

Recommendation 11: Chief Executives of the eleven new Councils should consider the information provided to them by the Review when making decisions about the operating model for the delivery of the animal welfare service.

Recommendation 12: Councils advise DARD as soon as possible of the structures in relation to the animal welfare service post LGR to inform decisions in relation to budget planning.

Recommendation 13: Each Council adopts a consistent approach in relation to delegating the power to instigate legal proceedings.

Recommendation 14: Councils build into future training, guidance and practice the experience gained from ongoing investigations and legal cases.

Recommendation 15: Councils provide guidance to AWOs in relation to offending by children and young people.

Recommendation 16: Councils provide specific training on dealing with vulnerable adults.

Recommendation 17: Councils to formalise the procedures which are currently in draft form for AWOs and continue to undertake routine periodic review of policies, procedures, standard forms and guidance documents as good practice, address procedural gaps and periodically conduct consistency audits.



Review of the Implementation
of the Welfare of Animals Act
(Northern Ireland) 2011

Section 5
Delivery Structures – Wild Animals

Delivery Structures – Wild Animals

5.1 Background

The primary statutory responsibilities of the Police Service of Northern Ireland (PSNI) are outlined in the Police (NI) Act 2000. Section 32 of this Act states the general duty of police officers:

- (a) to protect life and property;
- (b) to preserve order;
- (c) to prevent the commission of offences; and
- (d) where an offence has been committed, to take measures to bring the offender to justice.

The Welfare of Animals Act (NI) 2011 (the 2011 Act), gives the PSNI power to deal with welfare offences involving wild animals and for more serious animal welfare offences, such as animal fighting, or where other criminal activities are involved. The PSNI also has legal responsibility where an animal is found wandering on the public road under the Animals (NI) Order 1976 and the Roads (NI) Order 1993.

In addition, the PSNI enforces the Wildlife (NI) Order 1985 as amended by the Wildlife and Natural Environment Act (NI) 2011. This Act contains provisions which protects the welfare of wild animals and, in some cases, overlaps with the 2011 Act.

The PSNI is a member of the Partnership for Action Against Wildlife Crime in Northern Ireland (PAWNI). PAWNI consists of a number of organisations that work in partnership to reduce wildlife crime by raising awareness and promoting effective enforcement.

The group also liaises with other relevant organisations throughout the Republic of Ireland including the National Parks and Wildlife Service, An Garda Síochána and the Irish Raptor Society.

The PSNI currently has over 6,800 police officers. All police officers are trained investigators and, in addition, since April 2007 the PSNI has had a dedicated “Wildlife Liaison Officer” (WLO) who provides advice, support and assistance to officers on wildlife and animal welfare offences and legislation.

The PSNI operates a 24/7 service dealing with both emergency and non-emergency reports.

While the Review recognises that the Chief Constable is operationally independent it has made recommendations for consideration.

Since the introduction of the Council’s animal welfare service, the number of animal welfare reports to the PSNI has been decreasing on an annual basis as shown in Table 6.

There has been a rise in animal welfare reports from 2014 to 2015, but the projected full year total number of reports is still estimated to be significantly lower than the final figures for 2011, 2012 and 2013.

Table 6: Total number of incidents/reports reported to PSNI and breakdown of animal welfare/cruelty related reports²

Year	Total incidents reported to PSNI	Animal welfare/cruelty related reports
2011	491,059	2,169
2012	488,537	1,603
2013	493,709	1,245
2014	502,385	821
2015*	323,784	853

*January 2015 – August 2015

5.2 Stakeholders asked for a dedicated animal welfare unit within the police

Some stakeholders called for increased police resource to deal with animal welfare crimes, such as a dynamic specialist unit that would function across Northern Ireland or specialist wildlife officers in each of the 11 Council areas. While the Chief Constable is operationally independent, in light of these stakeholder comments, the Review considered the current operating model. The PSNI has in excess of 6,800 officers available to respond to incidents. These are fully trained officers who are skilled to investigate and deal with a variety of offences. They have specialist assistance from the WLO, if necessary. This operating model means that local officers can be available quickly in any location to deal with an incident.

The Review considers this approach to be rational, based on skills of officers, the declining number of animal welfare related calls since Councils took responsibility for non-farmed animals, and resource constraints within the organisation.

5.3 Stakeholders questioned PSNI officers' knowledge of their animal welfare role

Since 2002, the PSNI have included animal welfare/wildlife crime in the training package delivered to student officers. This was initially delivered by the USPCA. Following the employment of the WLO in 2007, responsibility for delivering training on wildlife and animal welfare to PSNI probationers and operational officers has come under his or her remit.

²These figures relate to the total number of incidents/reports and not to confirmed crimes. Crimes are classified according to the Home Office Counting Rules for Recorded Crime. Animal Welfare is not included in Home Office recording figures. PSNI cannot amend this as these are official Home Office guidelines.

The Review received input from a variety of stakeholders who referred to some cases where it appeared that the local PSNI officers were not fully aware of their role. For example, incidents were reported of local officers moving horses from the road into a field and taking no further action. While the Review did not have sufficient detail to confirm stakeholder input, it concluded that not all officers may be aware of their roles when it comes to animal welfare.

The Review went on to examine the animal welfare training received by PSNI officers and the resources available to help them with animal welfare cases.

PSNI officers and staff have access to an extensive internal website which contains information and legislation on animal welfare, and is continuously updated. An information page on animal seizures is currently available to officers and can be accessed through their Blackberry device. This includes information on seizures under the 2011 Act, the current service provider, welfare law, wildlife law and the role of the WLO, as well as various wildlife crime leaflets created by PAWNI members in collaboration with the PSNI.

As and when required the WLO sends out service-wide emails to all PSNI staff and officers with information and various leaflets attached. These emails provide up-to-date information on legislation changes and guidance to all PSNI staff. Information provided to officers includes flowcharts, posters and leaflets with guidance on procedures for dealing with animals on the road, deer poaching, persecution of birds of prey, fish poaching, etc.

The WLO also provides training to all new recruit officers. New recruit will begin in May 2016 and, following a recommendation in this Report the wildlife and animal welfare input will include agreed input from the Councils' Animal Welfare Officers (AWOs). Councils and the PSNI have already agreed how this will be implemented. The same training was provided to the call handler managers in November 2015. The WLO also offers and delivers further training to groups of officers in specific areas or to a wider audience as and when required or requested. For example, training was delivered to all officers in Omagh, Dungannon, Cookstown and Fermanagh at the request of trainers.

During the Review the team identified a potential gap in information available to established officers, and suggested that the PSNI provide operational officers with guidance that can be accessed when out on patrol, advising on the animal welfare responsibilities of each of the three enforcement bodies (PSNI, DARD VS, Councils). Focusing on the common animal welfare offences police officers are likely to investigate e.g. animal fighting, the Review is pleased to note that, following the Interim Report, the PSNI have already implemented this suggestion and that guidance has been put in place to assist operational officers, including the most recent Council AWO contact details.

The Review recommends that the PSNI continues to include animal welfare in their new recruit training package, with additional input from Council AWOs; and update and regularly review guidance on the PSNI intranet site for operational officers to include common offences/incidents.

A further recommendation has been put forward under Section 6 in relation to establishing protocols for enforcement bodies working together in certain situations.

Cody Case Study

One of the first successful prosecution cases that the PSNI took under the Welfare of Animals Act (NI) 2011 was that of a collie dog, Cody, a three year old family pet. One morning Cody returned to her home with horrific injuries, seemingly caused by having flammable liquid poured over her and set alight. Cody's owner initially contacted their vet and then rang the police. Due to the seriousness of the case, and the possibility of other criminality, the PSNI took forward the investigation instead of passing the case on to the Council's Animal Welfare Officer. A PSNI community officer from Cody's neighbourhood was assigned to the case, having valuable local knowledge and contacts that would prove useful.

The officer was in touch with the PSNI's Wildlife Liaison Officer at the beginning of the investigation to clarify the offences any suspects may be charged with. As the family and vet were seeing to Cody's needs, further police involvement in ensuring her welfare was not required. The PSNI however do step in on other occasions when it is suspected that an animal is suffering.

The officer treated the case as he would any other criminal investigation. He started by arranging for photographs to be taken of Cody and making initial inquiries in the local community. He handed out a leaflet in the local area appealing for information, and was constantly in touch with the family to gather and share any information that was received. The local community were very helpful, and assisted the officer in obtaining CCTV footage showing the movements of potential suspects.

As a result of information provided by the local community the officer was able to identify two suspects and bring them in for questioning. Interviews and further investigations indicated to the officer that the suspects' denials were not truthful, and they were charged with causing unnecessary suffering to an animal. The officer worked with the Public Prosecution Service to prepare the case against the suspects, which included evidence from the vet who had initially treated Cody. Unfortunately, despite the best efforts of the vet, the extent of Cody's injuries meant that she was going to continue to suffer, and so she was humanely euthanized.

The good work of the officer in building a case against the suspects led to them changing their stories during the trial, with one pleading guilty to causing unnecessary suffering to an animal and the other to perverting the course of justice by lying to the police. The offender convicted of perverting the course of justice was sentenced to six months imprisonment. Taking into account the seriousness of the injuries caused to Cody, the judge imposed a sentence of 20 months imprisonment on the other offender for the offence of causing unnecessary suffering to an animal. This was close to the maximum prison sentence of two years that was available for this offence at that time. The offender was also ordered to pay compensation of £2,600.

5.4 Stakeholders felt that call handlers should be more informed about the role of PSNI and other enforcement bodies

The PSNI Contact Management Centre operates 24/7 and employs staff based at three centres. They receive approximately 500,000 calls each year. Currently the Contact Management Centre staff undergo five weeks of call management training.

The Review found that although call handlers received training, no specific animal welfare element is included. In order to ensure that the PSNI call handlers are aware of the organisation's responsibilities in relation to animal welfare, the Interim Report recommended that Council AWOs input into PSNI call handler training and information is made available on the PSNI intranet site for reference. In addition, information in relation to the roles of the other enforcement bodies, as well as up-to-date contact details, should be readily available on the intranet site. The Review is pleased to note that, since the Interim Report, this recommendation has been taken on board and in November 2015 training was provided to call handler managers as a first step.

5.5 The Review looked at PSNI enforcement options

The Review found that four enforcement options are available to a PSNI officer during an investigation but only one of these options is currently available during the course of an animal welfare investigation. The four options are as follows:

- **Advice** – This method is only suitable for very low level breaches e.g. minor traffic offence. It would not, therefore, be considered as a means of dealing with animal welfare offence;
- **Discretion** – Guidance provided to officers divides offences into three categories: Green – suitable for discretion, amber – suitable only after authority of supervisor, red – not suitable. At present, there is no reference to animal welfare offences in any of these categories, therefore discretion it is not likely to be used;
- **Penalty Notice for Disorder (PND)** – Issued for specific offences such as retail theft (under £200), criminal damage (under £200), disorderly behaviour, breach of the peace (behaviour likely to lead to), impeding/obstructing/resisting a Police Officer, indecent behaviour (street urination) and drunkenness in a public place. All PNDs have a fine of £85 except indecent behaviour and drunkenness in a public place where the PND fine is £45. PNDs deal with less serious offences and are not deemed a suitable disposal method for the serious animal welfare offences investigated by the PSNI; and
- **Report to the Public Prosecution Service (PPS)** – Any crime that has an identifiable offender that is not suitable for words of advice, discretion or PND should have a file sent to the PPS. Due to the serious nature of the offences investigated by the PSNI under the 2011 Act, the only option that a PSNI officer can currently use is to report the case to the PPS should there be sufficient evidence to do so.

The Review recommends that the PSNI's current enforcement policy continues; namely that, due to the serious nature of the offences under the 2011 Act investigated by the PSNI, all such investigations are reported to the PPS for direction.

5.6 The Review looked at how the PSNI monitored Disqualification Orders

Currently the PSNI has no official policy on monitoring Disqualification Orders. It is the responsibility of the investigating officer to follow up any Disqualification Order, resulting from a case that they investigate, to ensure no breaches are occurring. Should the PSNI become aware of a possible breach of an Order an investigation will commence.

Given the current approach to monitoring Disqualification Orders, the Review considered ways to formalise and improve the process. The Review recommends that a more consistent approach to monitoring Disqualification Orders is adopted to ensure that the PSNI local policing team (where the offender resides) has up-to-date information. This means that the responsibility does not sit solely with the investigating officer who may transfer to a new area, or indeed the disqualified person may move address.

The Interim Report recommended that the investigating officer, upon securing a Disqualification Order, should forward details to the WLO and local policing team; that the information be placed and flagged on their computer system; the Order should be regularly monitored (at least twice a year) and evidence of monitoring entered on their computer system. Twice yearly checks reflect the serious nature of the offences under the 2011 Act investigated by the PSNI. Stakeholders commented that they would like to see more frequent, unannounced visits, as well as a risk-based assessment policy. The Review considers that unannounced visits at least twice yearly are sufficient to ensure compliance with the Disqualification Order. The recommendation set out in the Interim report is therefore retained.

Recommendations

Recommendation 18: The PSNI obtain input from Council AWOs to training for new officers and call handlers; and update and regularly review guidance on the PSNI intranet site for operational officers to include common offences/incidents.

Recommendation 19: The PSNI make information available for call handlers on the investigative responsibilities of PSNI, DARD and Councils for animal welfare issues, and to include contact details of relevant agencies should the matter need referred to another body.

Recommendation 20: The PSNI continue their current enforcement policy that all offences under the 2011 Act investigated by the PSNI are reported to the PPS for direction.

Recommendation 21: The PSNI provide operational officers with guidance that can be accessed when out on patrol, advising on animal welfare responsibilities of each of the three enforcement bodies (PSNI, DARD, Council) and focusing on the common animal welfare offences police officers are likely to investigate i.e. animal fighting, horses on roads.

Recommendation 22: The PSNI investigating officer, upon securing a Disqualification Order, should forward details to the Wildlife Liaison Officer and local policing team. The information should also be placed and flagged on their computer system. The Order should be formally monitored at least twice a year and evidence of monitoring should be entered on their computer for audit purposes.



Section 6
Working Together
(Facilitating Enforcement)

Working Together (Facilitating Enforcement)

6.1 Background

The enforcement structure set out in the Welfare of Animals Act (NI) 2011 (the 2011 Act) is that:

- Department of Agriculture and Rural Development (DARD) has responsibility for the enforcement of the welfare of farmed animals;
- Councils have responsibility for the enforcement of the welfare of other animals, (domestic pets of any vertebrate species and equines); and
- The Police Service of Northern Ireland (PSNI) has responsibility for enforcement in respect of animal fighting and animal welfare incidents where other criminal activities are involved.

Although each organisation has individual responsibilities, at local level there is interaction and assistance provided between PSNI officers, Council Animal Welfare Officers (AWOs) and DARD Veterinary Service (DARD VS) inspectors. Animal welfare cases can require the involvement of more than one enforcement body, for example in an investigation involving both farmed and non-farmed animals, or in cases that involve criminal activities. Successful progress of a case from initial referral, through investigation, potentially to prosecution requires effective working both within and between these agencies.

The Review therefore examined how the three enforcement bodies work together to implement the 2011 Act; how they work with their legal teams or the Public Prosecution Service (PPS), and the Northern Ireland Courts and Tribunal Service (NICTS); and how Councils work with animal charities.

6.2 **Some stakeholders felt that the enforcement bodies do not work well together; others expressed concerns that the enforcement bodies do not fully understand what is required of them and that communication between them needs to be improved.**

It is important that the roles and responsibilities of each enforcement body are clearly understood by staff to avoid confusion and ensure animal welfare cases are fully investigated. The Review examined how the three enforcement bodies worked and communicated with each other.

The Review found that the roles and responsibilities of Councils and DARD in respect of non-farmed animals are set out in Memoranda of Understanding (MOUs) between the Council Regions responsible for enforcement of the 2011 Act and DARD. The MOUs establish a framework;

- clarifying the approach to enforcement of the 2011 Act;
- setting out the funding arrangements; and

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- clarifying the roles and responsibilities of Councils in enforcing the 2011 Act.

These relate, however, primarily to relationships and interfaces between Councils and DARD on matters of policy through the Animal Welfare Project Board and do not touch on the operational relationship between DARD and Councils.

A separate MOU has now been agreed in principle between the Councils, DARD and the PSNI which:

- establishes an agreed framework between DARD, the lead co-ordinating Council Region and the PSNI, regarding enforcement of the 2011 Act;
- clarifies the general roles and responsibilities of each enforcement body;
- sets out in general terms the specific types of animal that each enforcement body has responsibility for under the 2011 Act; and
- sets out the review, dispute and termination arrangements.

The Review recommends that all MOUs be reviewed in light of this work and Local Government Reform (LGR).

The Review found that the three enforcement bodies work together on cases where more than one body has a role, and establish which body should take the lead in investigating the case. Enforcement bodies generally are aware of their roles and responsibilities but the Review established that this may not be the case at all levels within an organisation. This issue was highlighted by some consultees who support the recommendation to review MOUs to ensure there is a clearer understanding of responsibilities.

The Review recommends that protocols should be established for enforcement bodies working together in situations where the lead role may not be clear, for example a case involving both farmed and non-farmed animals, and that staff should be made aware of these.

In the Interim Report, the Review recommended that the three enforcement bodies should establish a means of sharing best practice and lessons learned from specific investigations or prosecutions, particularly those that involve two or more enforcement bodies, and that NICTS should be invited when required. Consultees were in support of this recommendation, with the view that enforcement bodies working more closely, may help to reduce instances of animal welfare breaches “falling through the cracks”. This recommendation is, therefore, carried forward to the Final Report.

Specific recommendations have also been made in other sections of this report to enhance communication and relationships across the three enforcement bodies in respect of training staff and updating guidance (Section 3 refers to DARD Veterinary Service, Section 4 refers to Councils and Section 5 refers to PSNI).

6.3 Stakeholders raised concerns about the length of time some animals are kept in care pending a Disposal Order. This was also an issue for the enforcement bodies who pay for the care and collection costs in such cases

The Review considered how the three enforcement bodies work with their respective legal teams or the PPS, and the NICTS, to ensure timely progression of prosecution cases. It also considered issues around the obtaining of Disposal Orders and the wording and issuing of Disposal, Disqualification and Deprivation Orders.

The Review found that effective progression of Disposal Order applications is particularly important as it may not be in the interests of animals to remain in care for a prolonged period. In addition, the costs involved in keeping animals in care can significantly impact on enforcement budgets. It is also important that prosecutions are progressed efficiently in order to deter future offences. The Review also noted that, as the prosecutor may seek to recover costs from the owner of the animals, the 2011 Act requires a court to have regard to the desirability of avoiding increasing any expenses which a person may be ordered to reimburse.

The Review identified a number of common factors which cause delays in securing Disposal Orders. For example, in some cases District Judges (magistrates' courts) want to hear Disposal Order applications concurrently with the associated prosecution case; owners with no fixed abode or those avoiding service have hindered the serving of court papers; delays have been experienced in the serving of summonses; prosecuting authorities have, on occasion, not been aware of alternative summonses service methods; and lengthy adjournments in cases have occurred.

In order to avoid delay in securing Disposal Orders, Council staff prepare case files within seven working days and forward them to their Legal Services provider for consideration. Since the Interim Report, Councils have entered into a Service Level Agreement with their Legal Service provider so that cases can progress in a more timely manner. This will allow Councils to monitor service provision more effectively.

The Review recognises progression of applications for Disposal Orders is constrained by the Court system and the availability of dates for hearings.

The recommendation of this report for the Department of Justice (DOJ) to write to the Lord Chief Justice (LCJ) to provide detail on the changes to the maximum penalties, and provide an outline of the concerns raised by stakeholders, may assist by improving awareness of the impact that delays in securing disposal orders have on animals and budgets.

The Review recommends that awareness of the impact on animal welfare and on budgets of delays in securing disposal orders be included as part of action in Recommendation 3.

In relation to service of summonses and notifications of disposal order applications, the Review recognised that the service options are complex and that enforcement bodies are frustrated by the practice of making multiple unsuccessful attempts at personal service as this was delaying prosecutions and applications for Disposal Orders.

The Review found that there are different processes for the service of summonses set out in the Magistrates' Courts Rules (NI) 1984, this depends upon whether the offence is being prosecuted by the PPS or by another body. PSNI and DARD cases are prosecuted by the PPS and a summons may be served by ordinary post or, if not, it must be served on the defendant in person by a PSNI officer. As a practical measure, a PPS summons may be served by a summons server on the defendant in person. Council cases are not prosecuted by the PPS and service must be by a summons server or other person permitted to do so by the District Judge (magistrates' court), lay magistrate or clerk of petty sessions. A District Judge or clerk of petty sessions can allow service by registered post or recorded delivery, and if returned undelivered, a District Judge may, on application by the complainant, allow service by ordinary post. AWOs cannot serve summonses themselves.

Since the publication of the Interim Report, NICTS has introduced a performance framework for summons servers and have appointed additional summons servers to create more capacity. This may assist in ensuring summonses are served in a timely way.

The Review explored various avenues to potentially resolve the issues around summonses being served successfully. The information in relation to alternative methods of serving a summons will be provided to the enforcement bodies so that they can consider the most appropriate method in individual cases. However, the Review recognises that serving of summonses is part of the legal process and there are rules around how they must be served which must be adhered to.

The Review recognises that enforcement bodies could better assist courts by providing clearly worded draft templates when requesting Disposal Orders to avoid any ambiguity or omissions and assist in effective enforcement of the Order. The Review therefore recommends that the three enforcement bodies draft templates for use when requesting Orders from the court for agreement with the PPS and the Council's legal services provider. The Review believe that submitting a draft detailed Order may assist a court in making an Order that is clear, is in line with the terms of the 2011 Act and takes account of lessons learnt in cases taken under the 2011 Act.

During the Review it was noted that enforcement bodies must request, and pay for, a certificate of Order for each case they bring, as the legislation did not require courts to automatically provide them. The Review is pleased to note that in order to address this issue, in July 2015, NICTS amended the Integrated Court Operating System Document Service Register to ensure that, on the grant of an Order under the provisions of the 2011 Act, all complainants will receive a copy of the Order which will facilitate monitoring.

6.4 Stakeholders asked that consideration be given to providing enforcement bodies and re-homing organisations access to conviction and disqualification data

Conviction data – Enforcement Bodies

The Interim Report had noted that each of the three enforcement bodies has a record of the details of the sentences handed down to persons successfully convicted as a result of cases taken by that body. This is not a central database, however, it does provide the relevant enforcement body with the information required to monitor compliance. Each of the Sections 3, 4 and 5 (farmed, non-farmed and wild animals) contains a recommendation to formalise monitoring arrangements, and in the case of PSNI, to enhance recording to ensure local officers are aware of any Disqualification Orders.

In Northern Ireland, data on convictions (criminal records) is provided by the Criminal Record Viewer (CRV), which forms part of a larger information sharing system known as Causeway. Causeway was specifically designed to facilitate the sharing of information, including criminal records, between the main criminal justice organisations, including PSNI, PPS, NICTS, Forensic Science Northern Ireland, Northern Ireland Prison Service and Probation Board Northern Ireland.

It is possible for organisations other than the main criminal justice bodies to access CRV; however, each organisation wishing to do so must be able to demonstrate a valid and legitimate business need. Other users of the Causeway system beyond the main Northern Ireland criminal justice organisations include other government bodies such as AccessNI (for employment checks), the Compensation Agency (for criminal injury and damage claims) and the Northern Ireland Social Services Agency (for benefit fraud investigation purposes).

Before an organisation can be provided with access to the Causeway system, there is a requirement to sign up to a data sharing agreement in order to ensure that the data contained within the system is suitably protected. Access to criminal record data will only be provided once a strict set of criteria has been met adhering to control procedures. The criteria and procedures will include ensuring that the IT systems used for handling the data are capable of handling information to a restricted level; and that staff working with the data have the appropriate level of security clearance and training to cover their data protection responsibilities.

Of the three enforcement bodies PSNI already have full access to conviction data through CRV.

In the Interim Report the Review recognised that action was ongoing to provide DARD VS with more data in relation to those convicted of animal welfare offences to facilitate their enforcement role.

Since the Interim Report was published DARD's request to the Causeway Joint Information Management Group was approved and DARD has recently joined the list of organisations which have access to CRV. In addition to access to criminal records,

DARD's access to CRV facilitates the production of a monthly report providing details of all live convictions for animal welfare offences.

The Interim Report acknowledged that Councils, in their enforcement role, would also benefit from access to the conviction data held on CRV as they currently do not have any access to data collected prior to the implementation of the 2011 Act or data in relation to prosecutions brought by either DARD or PSNI. The Interim Report, therefore, recommended that once DARD had been provided with access to CRV they should investigate options for providing relevant Council staff with access to similar information on convictions. DARD in conjunction with DOJ are currently exploring the options available. This recommendation is therefore retained in this report.

Conviction data – Non statutory bodies

During the stakeholder discussion sessions some re-homing organisations, and others with an interest in animal welfare, sought access to information on animal welfare convictions. They advised that this information would assist in their assessment in relation to the suitability of people when re-homing animals. Some stakeholders felt those who had been convicted of an animal welfare offence or been disqualified from keeping animals under the 2011 Act, should appear on a central list, as these convictions were handed down in an open court.

Creation of, and access to, a central list which would be available to non-statutory bodies engages difficult and complex issues regarding Freedom of Information, Data Protection, the rehabilitation of offenders, and protecting certain human rights particularly the Right to Life and the Right to a Family Life. Under the European Convention on Human Rights (ECHR) everyone has a general right to privacy. However, the ECHR also states that, provided that it is in accordance with national law and is "necessary in a democratic society", public authorities may interfere with the rights of an individual. To create such a list would therefore require the case to be made that such a list is required; in the interests of national security, public safety or the economic well-being of the country; for the prevention of disorder or crime; for the protection of health or morals; or for the protection of the rights and freedoms of others. While some may argue that such a list is needed for the prevention of crime this has to be considered within the context that the 2011 Act places a statutory obligation on three separate bodies – DARD, Councils and PSNI – to enforce the law.

The Review spoke to all the enforcement bodies and found no evidence to suggest that people banned from keeping animals had approached re-homing organisations for animals. While the Review recognises that there may be potential benefits in providing those non-statutory bodies involved in the re-homing of animals with information on individuals who are disqualified from keeping animals there was no proven case for the need for such information to be provided.

The Review did, however, go on to look at what options may be available if a need was proven. The Review has taken into consideration the findings of the Information Commissioner where he has considered that convictions are pronounced in court before

a very limited audience and, as time passes from the date of the court, the memory of those present diminishes. Consequently the Commissioner considers that convictions handed down in court are not “public records” or information “within the public domain” but rather are sensitive personal data for the purposes of broader disclosure.

The Review found a significant number of issues in relation to provision of such sensitive personal data. These issues relate mainly to Data Protection and how access to such information, which is currently only available to certain statutory bodies operating within the criminal justice system, would be managed. There were also concerns over how effective a central register would be in practice in helping to detect disqualified individuals, for example, as a register would contain information current at the time of conviction but not updated as personal information changed over time. It was felt that those intending to breach a disqualification order were unlikely to apply to a re-homing organisation for an animal but would more likely seek alternative opportunities with less scrutiny.

On balance, and taking into account all the factors considered, the Review is not recommending that a register of those disqualified from keeping animals be established.

The Review investigated alternative options for providing conviction data to re-homing organisations and, while it was found that in certain circumstances it would be possible to share such information, it was also found that putting the necessary arrangements in place to facilitate this would put considerable strain on the existing resources of enforcement bodies or require a considerable financial charge to re-homing organisations to support the service. This would be in addition to the associated costs for organisations in upgrading their IT system, entering data sharing arrangements and putting in place procedures to ensure information is kept secure and used only for the intended purposes. The Review therefore concluded that a better option is to continue to focus resources on front line enforcement duties. In reaching this conclusion the Review considered responses to an online survey it commissioned aimed at gaining a better understanding of how re-homing organisations conduct their roles. The survey results indicated that the majority of re-homing organisations who responded use a range of different measures to provide assurance regarding the suitability of those to whom an animal is re-homed. Some of the measures include home visits, seeking references on a person’s fitness to care for animals and providing training / information on how the animal to be re-homed should be looked after.

While the Review identified a number of common good practices amongst re-homing organisations there were some areas where practices differed. The Review therefore felt that re-homing arrangements might be strengthened if DARD, in conjunction with DOJ, where appropriate, work with re-homing organisations to share best practice across the sector. The Review recommends that DARD, with DOJ support, arrange an event bringing animal re-homing organisations together to share best practice and discuss steps that can be taken to ensure the suitability of individuals applying to re-home an animal.

The Review also considered more broadly the issue of enforcement of Disqualification Orders and considered a range of options which sought to address concerns regarding

disqualified individuals who might attempt to re-home an animal. The Interim Report noted that individuals who are disqualified are monitored by the relevant enforcement body and the Review makes recommendations to formalise and strengthen the monitoring arrangements currently in place (see sections 3, 4, and 5). It should be noted that the 2011 Act made it a criminal offence for an individual to breach the terms of a Disqualification Order. Under the proposal to increase the maximum sentences available (Recommendation 1) this offence, which is currently a summary only offence will become a hybrid offence and will therefore carry a maximum penalty of five years imprisonment and / or up to an unlimited fine for the most serious cases. The Review believes this measure will act as a significant deterrent to those considering breaching a Disqualification Order.

6.5 The Review considered how Councils presently work with animal welfare organisations such as charities and rescue groups and looked to identify ways they could work better together in the future

Enforcement bodies may from time to time work with animal welfare organisations. This is principally an issue for non-farmed animals, including equines, and the Review consideration of this issue, therefore, focussed on Councils.

During the stakeholder discussion sessions, concerns were raised that Councils did not check with animal welfare organisations for re-homing policies before transferring animals to them for re-homing and that Councils did not carry out a home check on animals rehomed directly from their care to ascertain if the potential new owner is suitable.

The Review found that Councils do not offer animals taken into possession under the 2011 Act directly to members of the public. However, they do offer animals when available to do so to third party organisations for re-homing. Councils contact animal welfare organisations to re-home animals that have been taken into possession through seizure or voluntary surrender and these organisations often re-home animals with members of the public. Animal welfare organisations each operate their own re-homing policies which may include assessment of potential owners, for example through home visits.

The Review found that Councils maintain a list of re-homing organisations but do not have a formal procedure for assessing the quality of the service provided by these organisations. As the 2011 Act provides powers to make subordinate legislation to regulate any activity involving animals in order to promote their welfare, the Review recommends that DARD should consider licensing of animal sanctuaries, re-homing organisations and dog pounds to ensure that animal welfare standards are set for these organisations.

Whilst consultees were generally in support of this recommendation there was concern around any fees that may be involved, particularly for smaller organisations. The effect of any licensing fee will need to be carefully considered by DARD as it develops policy in this area. This legislation may offer an opportunity for Councils to strengthen policies around the re-homing of seized animals to provide reassurance that practices are of a sufficiently high standard.

On that basis, following the Interim Report the Review recommends that Councils continue to work with organisations that are in a position to take animals for re-homing, pending consideration of a licensing system.

The Review found that welfare charities frequently receive reports of animal welfare concerns from members of the public. It is customary for such organisations to seek further information, often with a view to referring the matter for official investigation, and even to visit premises to establish the basis for such concerns. From April 2012 to September 2014, around 6% of welfare reports to Councils were from welfare charities. It is not uncommon for information in relation to welfare concerns, and in relation to ongoing official investigations, to be discussed by third parties with the media and on social media.

In relation to third party involvement in investigations, the Review acknowledges that animal welfare organisations, and indeed concerned members of the public, have a very important role to play in ensuring that concerns in relation to the welfare of particular animals are reported and official investigations are initiated when necessary. However, there is potential for certain risks to arise should third parties become directly involved in investigatory work, such as inadvertently alerting offenders of the potential for official investigation which may lead to consequent loss of evidence. There is also a risk that a prosecution could be undermined through information in relation to a case being released into the public domain for example via social media and this clearly has the potential to have a detrimental effect on enforcement of the 2011 Act.

The Review recommends that the enforcement bodies should make guidance available on how the public and animal welfare organisations should deal with an animal welfare incident. This could complement existing guidance on how to contact the appropriate enforcement bodies. This recommendation was welcomed by all respondents who commented during consultation.

In the Interim Report the Review recommended that Councils should build on previous engagement with animal welfare representative groups from the voluntary and charitable sector, through annual meetings to discuss enforcement of the 2011 Act regarding non-farmed animals. The Review envisages this taking the form of stakeholder engagement seminars involving a wide range of welfare organisations. Consultees responded positively to this suggestion, whilst acknowledging the good working practice where it already exists between Councils and welfare organisations. This recommendation is, therefore, carried forward to this Report.

6.6 Some stakeholders felt that cross border arrangements need to improve

The Review found that on occasions animal welfare cases arise which have a cross border element; however, such cases are rare.

The Review established that in the case of farmed animals, DARD's Veterinary Service Enforcement Branch (VSEB) has developed links with the Special Investigation Unit (SIU) within the Department of Agriculture, Food and the Marine (DAFM), the PSNI, An Garda

Síochána, HM Revenue and Customs and Revenue Commissioners in the Republic of Ireland. These linkages, built up during trade, animal identification and animal disease investigations, can be readily called upon to deal with occurrences of animal welfare with a cross border dimension. Work has also commenced on a data sharing agreement between VSEB and the DAFM SIU.

The Review also found that the PSNI have information sharing protocols in place with An Garda Síochána and other UK police services. They have also established local contact links within the border stations and with the PSNI WLO.

The Review found that Councils have dealt with a very small number of cases where the involvement of their counterparts in the Republic of Ireland has been required. Where non-farmed animal cases have arisen colleagues from both jurisdictions had met to discuss specific cases and have established contact details. The Review notes that it is important that Councils are able to contact key personnel in the Republic of Ireland when an investigation reveals a cross border dimension. Respondents to this issue in the consultation agreed with this approach.

Therefore, the Review recommends that Councils continue to maintain a list of key contacts in the Republic of Ireland and meet counterparts on an annual basis, or more frequently if required, to discuss animal welfare issues.

6.7 Stakeholders asked for clarity in relation to responsibility for enforcing Section 14 of the 2011 Act (abandonment).

Section 14 of the 2011 Act makes it an offence to abandon an animal irrespective of whether or not the animal suffers.

DARD enforces Section 14 of the 2011 Act in relation to farmed animals and Councils enforce this section in relation to non-farmed animals. Both DARD and Councils can take enforcement action against persons known to have abandoned an animal. In the case of animals abandoned or wandering on roads it is the responsibility of the Police Service of Northern Ireland (PSNI) under the Animals (NI) Order 1976 and the Roads (NI) Order 1993. This is considered further in Section 9.3 with regard to abandoned equines.

Where appropriate, PSNI, Council and DARD staff work together on animal welfare cases and this joined up approach has proven to work well to date.

These issues will also be addressed through the measures being taken to make the public aware of each of the enforcement bodies' responsibilities (Section 7).

6.8 Stakeholders asked for clarity in relation to protection for feral cats under the 2011 Act.

Cats are non-farmed animals under the 2011 Act and it is for Councils to determine in what circumstances the powers in the Act can or should be used. This includes considering whether feral cats fall within the definition of “protected animal” and so benefit from protection under the 2011 Act. This is important as Council AWOs can only exercise their powers, for example to take an animal into possession, if the animal is a protected animal under the Act.

An animal living in a wild state and not under the control of man is only protected under the Act if it is of a “kind” which is commonly domesticated in Northern Ireland. Although cats are certainly of a “species” that is commonly domesticated here, Councils have considered whether feral cats are of a kind that falls within this category.

The Association of Dogs and Cats Homes (ADCH)³ has published a Code of Practice which sets an agreed minimum level of care to be afforded to dogs and cats kept by animal rescue organisations. It sets out the approach that rescues should take in relation to feral cats. It says that –

“Some organisations will accept feral cats but neither re-homing nor long term care is appropriate for these cats. Feral cats are wild animals and therefore there should be no attempt to socialise or tame them. Adult feral cats must not be kept in confinement any longer than necessary.”

It also comments that –

“True feral cats (as opposed to strays) are highly unlikely to ever become socialised to humans and being kept in an enclosed shelter environment is likely to cause significant distress and it will be difficult or impossible to meet the animals’ welfare needs.

Feral cats must not be kept captive except for veterinary treatment. Only one off treatments are appropriate and long term treatment and confinement are not. Therefore, for chronic conditions, euthanasia might need to be considered.”

Given the distinction between feral cats and domestic cats (even when those domestic cats have strayed) in terms of the behavioural differences between them and the differences in treatment that it is appropriate for them, Councils have concluded that feral

³ADCH was formed in 1985 to unite Dog and Cat Welfare Organisations in matters of concern and importance to stray, injured and unwanted dogs and cats. Membership includes charities or not for profit organisations of all sizes situated throughout England, Scotland, Wales, Ireland, the Isle of Man and the Channel Islands. The Association acts as a platform for identifying and disseminating information on best practice and for raising the standards of animal welfare. Further details are available at www.adch.org.uk. The code of practice is available at www.adch.org.uk/downloads/ADCHCOP15.pdf.

cats are of a kind that is not commonly domesticated. This means that feral cats are not considered to be protected animals under the 2011 Act and AWOs will not take them into possession if their welfare appears to be compromised. The Review is content that this is appropriate because it would not be in a feral cat's best interests for a Council to take it into possession given that in many cases the future of the cat could not be secured without a Disposal Order and that the process of securing a Disposal Order can take many weeks.

If a cat is living in a wild state and is of a kind that is commonly domesticated, for example, a pet cat that has strayed, it does fall within the definition of a protected animal under the 2011 Act and Council AWOs will exercise their powers in relation to animals in distress when appropriate.

The Review recommends that Councils work with cat welfare organisations to produce guidance for use by AWOs in determining when cats are of a feral kind. Where Councils are unable to take action under the 2011 Act in individual cases involving feral cats they should consider passing information about the animals to relevant welfare organisations.

The PSNI should be contacted and provided with all relevant evidence if a cat is suspected to have been subject to a crime relating to animal fighting. This applies whether the cat is of a feral kind or a domestic kind. If cats have gone missing in an area they should be reported to PSNI as missing (lost property), but if you have reason to believe that a cat has been stolen this should be reported as such. Further information on the role of the PSNI is set out in Section 5 of this report.

Recommendations:

Recommendation 23: The draft MOU between the three enforcement bodies and the current MOUs between DARD and Councils be updated to reflect the outcome of this Review and the new structures adopted by Councils following LGR.

Recommendation 24: The three enforcement bodies establish protocols for working together in certain situations i.e. abandoned horses and missing pets.

Recommendation 25: The three enforcement bodies meet regularly to discuss enforcement of the 2011 Act and to share best practice and lessons learned from specific investigations, NICTS should be invited when required.

Recommendation 26: The three enforcement bodies develop templates for Disposal, Deprivation and Disqualification Orders for use by prosecutors.

Recommendation 27: DARD, in conjunction with DOJ, progress its application for access to the CRV and investigate options regarding sharing relevant conviction data with Councils.

Recommendation 28: DARD, with DOJ support, arrange an event bringing animal re-homing organisations together to share best practice and discuss steps that can be taken to ensure the suitability of individuals applying to re-home an animal.

Recommendation 29: Councils continue to work with organisations that are in a position to take ownership of animals which may be re-homed as a result of Disposal Orders granted by the Courts pending consideration of a licensing system for such organisations.

Recommendation 30: DARD considers licensing of animal sanctuaries, re-homing organisations and dog pounds.

Recommendation 31: Enforcement Bodies make guidance available on how the public and animal welfare organisations should deal with an animal welfare incident.

Recommendation 32: Councils to meet annually with key animal welfare representative groups to discuss enforcement of the 2011 Act regarding non-farmed animals.

Recommendation 33: Councils meet with their counterparts in the Republic of Ireland on an annual basis or more frequently if required, to discuss issues of joint interest.

Recommendation 34: Councils work with cat welfare organisations to produce guidance for use by AWOs in determining when cats are of a feral kind.



Section 7 Serving the Public

Serving the Public

7.1 Background

The Review recognises the need for the public and stakeholders to have confidence in the animal welfare service provided by each of the enforcement bodies.

The Review considered whether communication is currently sufficient to ensure that members of the public and other stakeholders are aware of the arrangements in place to implement the Welfare of Animals Act (NI) 2011 (the 2011 Act) and that sufficient information is publicly available to provide transparency in relation to service delivery.

The Review recognises that the public, stakeholders and those who have a responsibility for animals should have a clear understanding of the needs of an animal, the obligations on those with responsibility for an animal, and understand which enforcement body to contact about an animal welfare concern.

7.2 Stakeholders expressed concerns about the extent to which the public has been made aware of the enforcement arrangements and who to contact, if they have an animal welfare concern.

In March 2014, two years after the 2011 Act became operational, the Ulster Society Prevention of Cruelty to Animals (USPCA) commissioned Market Research Northern Ireland (MRNI) to carry out a public awareness survey to quantify the public understanding of the investigation and enforcement responsibilities in place for current animal welfare legislation. They have made this information available to the Review. The survey was conducted using a representative sample of 600 adults across Northern Ireland and was undertaken between 14 March and 24 March 2014. This survey found that only 6% of those questioned were aware of changes to the animal welfare legislation and less than half were aware that Councils, DARD or the PSNI should be contacted to report animal welfare concerns.

The Review examined the material available to the public to communicate the animal welfare enforcement arrangements, its prominence and content. It found that animal welfare contacts for DARD, Councils and the PSNI are published on the DARD website. DARD also published a series of species specific Codes of Practice (CoP) on animal welfare for farmed animals and non-farmed animals to promote public awareness of legal responsibilities under the 2011 Act. Links to the CoP are also available on the NI Direct website. The Review found that while DARD took numerous steps to publicise these CoP in relation to farmed animals, DARD and Councils took limited steps to promote the CoP in relation to non-farmed animals. The Review notes that CoP are not available on most Council websites.

Contact details for the Council's animal welfare service were available on most of the previous Council websites. However, some were not easy to find as they were under the Environmental Health Service section. The Review noted that the recommendations

to promote the animal welfare service and the new animal welfare web presence (see recommendation 35) should help to address this issue. The Councils also held a small number of stakeholder events before and after the implementation of the 2011 Act. In June 2013 Councils' produced leaflets explaining the animal welfare service, which were published on Council websites and distributed through their premises, DARD Direct Offices and Private Veterinary Practices. The Review is pleased to note that Councils have updated leaflets and circulated the revision with a map showing the regions, to all Animal Welfare Groups in October 2015, as well as updating the information on the Council websites.

The PSNI provides information about their role in investigating animal welfare and wildlife crime on its website and through public awareness leaflets, which focus on particular areas of concern, e.g. badger baiting, deer poaching. These are distributed at a local level, for example, at community meetings in response to specific concerns.

The Review also looked at information available from other sources and found examples that are clear and informative, for example, the USPCA and Equine Council for Northern Ireland websites, which provide the same contact details for reporting animal welfare concerns. This may be a template that could be considered for the proposed animal welfare web presence.

The Review looked at the number of calls made to the PSNI regarding animal welfare and the number of calls made to the Council animal welfare service. Tables 7 and 8 show the increasing number of calls to Councils, and the decreasing number of animal welfare related calls to the PSNI. This suggests that the public are becoming more aware of the role of Councils. The Review established that a small percentage (6%) of these calls came to Councils via animal welfare organisations, with the majority of calls coming from the public.

Table 7: Number of animal welfare related calls to PSNI

Year	Animal Welfare Related Calls
2011	2,169
2012	1,603
2013	1,245
2014	821
2015 (Jan-Aug)	853

Table 8: Number of calls to the Council Animal Welfare Service⁴

Year	Animal Welfare Service Calls
2011	0
2012-13	5,165
2013-14	5,786
2014-15	5,827
2015-16*	3,067

* Figures for the period 1 April 2015 to 30 September 2015.

The Review considers that enforcement bodies should take further steps to ensure that the public are aware of each of their roles and contact details, and that a consistent message is provided to minimise confusion and ensure that welfare cases can be investigated quickly. Respondents who commented on this issue during the consultation supported this approach.

Following the Interim Report the Review further considered what measures could be taken to address these issues, including:

- The creation of a single animal welfare web presence, managed by DARD, bringing together information from all three enforcement bodies. This would include contact details for each of the enforcement bodies and an explanation of their role combined with links to documents on the enforcement bodies' websites, such as the proposed Annual Report, CoP, Frequently Asked Questions, and copies of press releases. Hosting this web presence on the NI Direct website would capitalise on the current high usage of the NI Direct website and avoid diverting from welfare investigation the resource needed to create a new website;
- The development of a series of short species-specific leaflets to complement the existing CoP, explaining the responsibilities of owners and how to report an animal welfare concern;
- Enhancing sources of information on animal welfare, such as guidance and leaflets, and the publicising of the CoP for non-farmed animals; and
- An awareness campaign to ensure that the public is aware of who to contact if they are concerned about the welfare of animals.

⁴Council staff log all calls received on the animal welfare IT system, however, a high number of additional calls are received that do not relate to specific animal welfare cases and are not included in the table. The number of calls does not equate to the number of cases as more than one call may be received for the same case. Councils took enforcement responsibility for non-farmed animals under the 2011 Act in April 2012.

The Review is pleased to note that since the publication of the Interim Report DARD have liaised with NI Direct and taken steps towards the creation of the single animal welfare web presence.

Organisations who commented during consultation largely agreed that implementation of these measures could help resolve confusion around who to contact regarding animal welfare cases.

7.3 Stakeholders expressed concern that on some occasions evidence that might indicate a serious animal welfare offence, such as dog fighting, was not being followed up appropriately by the enforcement bodies

The Review found that enforcement bodies have processes in place to ensure that any information they receive is dealt with appropriately. It also accepts the validity of anecdotal evidence received from the public in relation to problems experienced in individual cases. While the Review recognised that the particular circumstances in a specific case may impact on decisions on follow up action by an enforcement body, it could not rule out that in some cases the processes in place were not being operated effectively.

The Review also noted that occasionally issues appear to arise in cases that may indicate a crime but for which no evidence is available, making investigation of such cases difficult, for example, reports of missing animals.

The Review concluded that the public should be encouraged to report suspicions of illegal activity even if such evidence is not sufficient on its own to establish that an offence has taken place. Taken together with evidence already known to DARD, Councils or PSNI (particularly at a local level) this could assist in establishing patterns and allow further investigation if necessary. The enforcement bodies rely on such reports from members of the public, without which, enforcement of the 2011 Act would be more difficult.

The Review recommends that enforcement bodies should consider how information from the public is gathered, analysed and acted upon to see if any improvements are possible. In addition, the establishment of protocols for working together in certain situations (as recommended in Section 6) should help ensure established processes are followed and cases dealt with in an appropriate way.

All respondents who commented on this recommendation during consultation were in support.

7.4 Stakeholders suggested one animal welfare contact telephone number to receive calls, which would then be passed to the relevant enforcement body to deal with and a 24 hour call facility to receive out-of-hours calls.

The Review established that currently;

- DARD provides one telephone number for “Animal Health and Welfare and Veterinary

Public Health” and calls are then referred to the relevant DARD Direct offices.

In addition there is also a dedicated DARD Helpline number;

- the PSNI provide a single contact telephone number (101) for non-emergency calls which has been well publicised as well as 999 for emergency calls; and
- Councils have five contact telephone numbers for the animal welfare service, one for each of the areas that manage the service. They also have a single number for an emergency out-of-hours service, which is provided on the answering service message outside normal office hours.

The Review considered whether a single telephone number for all three enforcement bodies could be provided to make it easier for the public when making an initial contact to report an animal welfare concern. This telephony system could potentially be operated by NI Direct and they have indicated they could offer two types of service:

Option 1 – Calls are answered by a NI Direct operator, who works from a series of questions in the form of a script, and subsequently directs the calls to the appropriate enforcement body; or

Option 2 – Calls are directed to an Interactive Voice Response (IVR) system where the caller would initially be given three options, i.e. press 1, farmed animals, press 2, non-farmed animals and press 3, wild animals, the system then automatically directs the call to the appropriate enforcement body. Further selection options may have to be built into the telephony system at each stage to ensure calls are directed to the correct location, i.e. press 1 for Eastern area, press 2 for Northern area etc.

In the case of option 1, the caller would be required to repeat information once they were connected with the appropriate enforcement body. This was considered to be a disadvantage. In the case of option 2, the Review felt that the IVR system with several options could be confusing and frustrating for callers. Therefore having considered the options available, the Review is not convinced that either of these options would facilitate an improved service for the public. The Review concluded that the current system whereby each enforcement body operates its own direct contact arrangements, with better publicity, is the best option.

The Review then considered whether the Council’s animal welfare service should itself continue to operate a telephone number for each Region or reduce this to one number. It found that at present, if a call handler receives a call from a member of the public which relates to a case in another region, the call handler will take all relevant information about the case from the caller in the normal way and transfer that information to the Animal Welfare Officer (AWO) in the appropriate area. The member of the public is not required to phone or speak to a call handler in the correct region.

The Review recognised the potential benefit to members of the public of having only one contact number for the Council’s animal welfare service. For example, a member of the public would not have to know which region the animal is in, and a single number would be easier for Councils to publicise and for members of the public to remember. However, the Review found that there is a significant advantage in operating five numbers.

That is because members of the public are able to discuss each potential welfare case with local staff who are familiar with the local area, and this local knowledge helps the service to investigate and resolve cases in a more timely way. The Review also recognised that if a member of the public phones the wrong region's number he or she should not be inconvenienced given the existing system of transferring case information discussed above. The Review therefore concluded that Councils should continue with the current contact arrangements, but that these should be publicised more effectively as recommended in other sections of this report.

The Review also considered the feasibility of providing 24 hour contact and response facilities for each of the three enforcement bodies. The current arrangements are as follows:

- DARD provides a helpline e-mail and voicemail service 24 hours a day, seven days a week (24/7). Voicemail messages left and e-mails received outside of the hours of 9am to 5pm are responded to the following working day. The DARD website also advises customers that if they are concerned about the welfare of farmed animals at weekends, they should contact a Private Veterinary Practice or local PSNI station who will, as necessary, refer the welfare concern to the relevant DARD 'on call' officer;
- The PSNI's 101 and 999 telephone services operate 24/7; and
- Councils provide an emergency out-of-hours service between 9am and 5pm on weekends and bank holidays and Priority 1 calls made during this time are referred to the on-call AWO for response. On week days calls received between the hours of 5pm and 9am will be responded to on the next working day. Cases can also be reported by e-mail 24/7 to dedicated animal welfare staff. These will be responded to by call handlers on the next working day.

The Council service is the area which appeared to be of most concern to stakeholders.

Councils annually receive more than 5,500 calls to their animal welfare service. The Review established that around 900 of these calls are made during weekends and Bank Holidays. However, less than half of these calls related to animal welfare. The evidence available to the Review suggests that each year around 30-40 calls are received which require action outside normal hours (i.e. Priority 1 calls). Information on how calls are prioritised is available at Section 4.1.

In order to provide 24/7 cover, the Council's animal welfare service would need to employ additional staff to ensure there is adequate cover to run the service and to comply with related legislation, e.g. Health and Safety and Working Time legislation. With such a low volume of Priority 1 calls received by the emergency out-of-hours service, the increase in staffing levels and associated costs could be considered to be disproportionate given current financial constraints. Whilst two respondents expressed their support for a 24/7 service provided by Councils during the consultation, the Review considered the evidence did not support this type of service at this time.

7.5 The public and stakeholders have a strong interest in ensuring that the legislation is implemented effectively

The Review considers that information should be made available to allow stakeholders to assess if the 2011 Act is being implemented effectively.

In assessing the information that is currently available, the Review found that a range of information is being collected and published at present by the enforcement bodies in a variety of formats, as detailed below. In addition to this, information is released in response to direct requests through Assembly Questions, correspondence cases and media requests.

- DARD publishes a Counter Fraud and Enforcement Activities Annual Report, which provides data on the number of animal welfare investigations that have been opened and closed during the year, along with data on prosecutions, convictions and penalties imposed. It also includes a short summary of individual prosecution cases;
- The PSNI publishes Police Recorded Crime statistics showing trends in the main recorded crime types, but this does not include data on animal welfare cases; and
- Councils published an Annual Report in the 2012/13 financial year setting out the number of animal welfare cases investigated, and the number of Improvement Notices issued, animals seized and prosecutions taken.

The Interim Report concluded that while a range of information is available it is not easily accessible. The focusing of public attention on enforcement arrangements may help to deter potential offenders and encourage reporting where incidents do occur. It would also ensure greater transparency and potentially assist in raising the profile of animal welfare and awareness of the relevant enforcement body.

Respondents to this issue during the consultation were in support of this finding, commenting that an annual report available to the public would enhance public confidence in reporting cruelty and provide them with more information on enforcement of the 2011 Act.

The Review recommends that an annual report is produced by DARD setting out information relevant to the public in terms of enforcement by each of the three enforcement bodies. This may include releasing information about the number and type of convictions, along with the sentences imposed; and releasing other relevant information that might encourage the public to report cases.

7.6 Stakeholders highlighted concerns that details of successful prosecutions are not being sufficiently picked up by the media and communicated to the public, and that animal welfare organisations are not fully aware of the outcomes to prosecution cases

The Review considered how information in relation to successful prosecutions is published. It found that when drafting Press Releases (PRs) enforcement bodies generally have access to staff who either have received media training, or access to dedicated

personnel who have experience in drafting PRs and dealing with the media. This level of expertise ensures that PRs are professionally reviewed prior to being released to media outlets. Based on the information received for PRs issued, the Review has found that pick-up rates by the media are good.

As PRs are an essential tool in the communication process, the Review recommends that enforcement bodies should take steps to ensure that they are released in such a way as to encourage uptake in the media, that they are shared as far as possible with interested organisations and that they accurately convey the facts surrounding the case, for example any sentence or fine imposed. They should also ensure that the information provided is of interest to the public and that PRs are used effectively to explain what constitutes an offence under the 2011 Act. The Review also recommends that the inclusion of contact details and a link to the animal welfare web presence at the end of PRs under the heading 'Notes to the Editor' as an additional way of increasing public awareness.

7.7 Stakeholders commented that the public needs to be educated on the “five needs” of an animal and on animal welfare matters generally and that there should be better communication to inform the public of the role of Councils

The Review agreed that welfare problems may occur if members of the public are not aware of their responsibilities to ensure that animals do not suffer unnecessarily. It is, therefore, crucial that the public understand both the needs of animals and the legal responsibilities that apply to a person who has responsibility for an animal. The Review concluded that it is important to reduce the number of welfare incidents in the long-term by raising awareness among the general public of the needs of animals, the responsibilities of owners, and the potential for criminal proceedings to be taken against those who cause or allow animals to suffer unnecessarily through either neglect or abuse. The Review recommends that this information is included in the animal welfare web presence. This is an important issue for organisations that champion animal welfare as well as enforcement bodies such as Councils. The valuable role that animal welfare organisations do play in this was recognised and acknowledged by the Review.

The Review considered the potential to improve education and awareness activities, for example in schools, to reduce animal welfare concerns in the long-term. The curriculum already includes aspects which provide opportunities for teachers to educate young people about animal welfare issues. These include The World Around Us at primary level and Local and Global Citizenship at post-primary level. While the Department of Education (DE) does not prescribe the specifics of what should be taught under each area of learning or the resources that should be used in delivering the curriculum, some animal welfare related resources are provided free for all grant-aided schools through the C2k Managed ICT service. The C2k project provides the infrastructure and services to support the enhanced use of ICT (Information and Communications Technology) in schools in Northern Ireland. Some animal welfare organisations responded during the consultation to again advise they may be willing to deliver their educational programmes in schools.

In December 2012, the DARD and DE Ministers met to discuss issues relating to animal welfare and to consider how Government could work to promote a greater awareness of

pet welfare among children and young people. The Review recommends officials in DARD and DE should meet to discuss how they might highlight animal welfare educational awareness programmes in schools.

The media also has an important role to play in educating the public about animal welfare, and in raising awareness of animal owners' responsibilities. It is important therefore that journalists and editors have a clear understanding of the purpose of the 2011 Act and the enforcement powers and sanctions within it, of the needs of animals, and what is legally required of owners.

One respondent highlighted this issue during the consultation stating they felt the media should be further briefed on the implications of committing an offence under the 2011 Act so they can relay that information to the public during coverage of any prosecution cases.

The Review recommends that enforcement bodies work with the media to increase their understanding of the issues around animal welfare. This recommendation has been retained and included as part of the awareness campaign (Recommendation 37).

7.8 The Review considered Complaints Procedures

The Review looked at the complaint procedures in place within the three enforcement bodies and considered whether more use could be made of evidence gathered through complaints to improve the service. It recognised that complaints are a major source of information about what customer's think of the service they are receiving, and where things are going wrong. Handling complaints properly shows how important customer care is and demonstrates that organisations are listening to their customers, learning from their mistakes and continually trying to improve the service.

The Review found that all three enforcement bodies have complaints procedures in place, which affords the public body the opportunity to initially review the complaint. If this is not resolved to the satisfaction of the complainant, the complaints procedure has an escalation process, ultimately through the Northern Ireland Ombudsman, in the case of DARD and the Councils and the Office of the Police Ombudsman for Northern Ireland, in the case of the PSNI.

In relation to Councils, the Interim Report had noted that a number of the former Councils did not have their complaints procedure published on their websites. Since the Interim Report was published, the Review has surveyed the websites of the 11 new Councils and while the majority have published their complaints procedures in a clear and accessible manner, a number of others have not yet done so. The Review therefore recommends that the Councils complaints procedures are appropriately published and readily accessible to animal welfare stakeholders and members of the public.

Recommendations

Recommendation 35: DARD establish a single animal welfare web presence to bring together contact information from all enforcement bodies, informing the general public of the needs of animals, the responsibilities of owners, and the potential for criminal proceedings.

Recommendation 36: DARD provide a series of 'quick-guides' to explain the legal responsibilities of animal owners and the enforcement arrangements.

Recommendation 37: An awareness campaign be undertaken to increase public awareness of who to contact if they are concerned about the welfare of animals.

Recommendation 38: Enforcement bodies revise, update and enhance sources of information on animal welfare, including provision of guidance, leaflets and CoP and links on Council websites and ensure that the CoP for non-farmed animals should be publicised.

Recommendation 39: Enforcement bodies continue to encourage the public to report information that might indicate a welfare concern and consider how such information is gathered, analysed and acted upon to see if any improvements are possible.

Recommendation 40: DARD provides an annual report setting out information relevant to the public in relation to the animal welfare service provided by each of the three enforcement bodies.

Recommendation 41: Enforcement bodies should work with their respective media services to review Press Releases (including content, recipients and timing) to maximise uptake. Press Releases should also be published on the single animal welfare web presence.

Recommendation 42: Enforcement bodies include a standard line in Press Releases to inform the public how to report an animal welfare concern and provide a link to the animal welfare web presence.

Recommendation 43: Officials in DARD and DE to meet to discuss how they might highlight animal welfare educational awareness programmes in schools.

Recommendation 44: Enforcement bodies provide briefing material on the 2011 Act, including on the welfare needs of animals to media outlets, which should be updated regularly.

Recommendation 45: Councils appropriately publish complaints procedures so that they are readily accessible to animal welfare stakeholders and members of the public.



Section 8 Dog Breeding and Online Pet Sales

Dog Breeding and Online Pet Sales

8.1 Background

The legislation which regulates dog breeding is the Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (NI) 2013 (the 2013 Regulations) which are made under the 2011 Act.

Throughout the UK there are estimated to be 8.5 million dogs. If the average life span of a dog is taken as 10 years, it would require 850,000 pups annually to maintain this population. With an estimated 750,000 dogs in the Republic of Ireland, across the UK and Republic of Ireland there is clearly a high demand for pups. The Review recognises that re-homing organisations and hobby breeders etc cannot meet this demand and that there is a place for regulated dog breeding establishments meeting acceptable welfare standards to help fill that need.

Historically, those wishing to find a pet, including pups, have often sourced animals through classified advertising in regional newspapers. With the growth of the internet, online websites have become a popular vehicle by which to advertise pets for sale, exchange or re-homing.

The issues raised by stakeholders in respect of dog breeding establishments, and which are discussed in this section, can largely be summarised under the following themes:

- Legislation and enforcement
- Licensing and inspections
- Breeding establishment requirements
- Breeder identification
- Breeding
- Training for breeders
- Port checking
- Education of the public

In addition, the online sale of pets was an area of concern by respondents and, given its relevance to dog and pup sales, is also dealt with in this section.

8.2 Legislation and enforcement

Councils are responsible for enforcing the 2013 Regulations which define a dog breeding establishment as: “one or more premises, within the same District Council area, operated by the same person from which that person keeps three or more breeding bitches; and

- (a) Breeds three or more litters of puppies in any 12 month period;
- (b) Advertises three or more litters of puppies for sale in any 12 month period; or

(c) Advertises a business of breeding or selling pups.”

The Regulations clearly set out the welfare standards which commercial breeders must comply with in order to obtain a dog breeding licence. As a minimum, 12 conditions⁵, which are listed at Schedule 4 to the 2013 Regulations, must be met by the breeding establishment. These conditions set out standards for accommodation, environment, whelping facilities, and diet etc. The 2013 Regulations provide the powers to allow action to be taken where a breeder does not meet these conditions. Enforcement of this legislation is carried out by Council Enforcement Officers (as part of Council Dog Warden Services). They work in conjunction with Council Animal Welfare Officers (AWOs) where there are particular animal welfare concerns.

Application forms for a dog breeding licence may be accessed via Council websites. Operation of a dog breeding establishment without a licence or in contravention of a licence condition is an offence and a person found guilty of such an offence shall be liable, on summary conviction, to a fine not exceeding £5,000 or imprisonment for a term of up to six months or both. Those operating dog breeding establishments are also required to comply with the 2011 Act. Breaches of animal welfare in such an establishment will attract the harsher penalties available under the 2011 Act (see Section 2.2).

The Review found that on 30 September 2015, there were 25 licensed dog breeding establishments across Northern Ireland accounting for some 1,023 breeding bitches. These are located across six of the eleven Councils. One application for a licence for a new breeding establishment was pending and one licence had been revoked within the previous 12 month period. In 2011 (the last year for which figures are available before the introduction of the new 2013 Regulations) there were 217 dog breeding establishments across Northern Ireland. The Review found this drop in numbers is likely to be because the 2013 Regulations apply to commercial dog breeding businesses and do not cover individuals who breed the odd litter of pups from a pet dog, show dog, working dog, gun dog or sheep dog. They were also not intended to cover organisations such as registered hunt clubs which, while breeding dogs for hunting, do not sell dogs or pups.

The Review found limited evidence to suggest that the current legislation was not being implemented. One prosecution has been successfully taken in 2015 against an offender operating a breeding establishment without a licence.

⁵The licence conditions that are to be met by commercial dog breeders can be accessed at: <http://www.legislation.gov.uk/nisr/2013/43/schedule/4/made>

8.3 Stakeholders expressed concerns that the 2013 Regulations do not require verification that written programmes on socialisation, enhancement and enrichment (conditions 5 and 6 of Schedule 4) are implemented.

The requirement of the current legislation is only that socialisation, enhancement and enrichment programmes are written down. Verification, by Council Enforcement Officers, that these programmes have been implemented would provide reassurance that both adult dogs and pups in breeding establishments receive appropriate mental and physical stimulation and exercise. The Review recommends that this requirement should be incorporated into the 2013 Regulations at the earliest possible opportunity. Ideally the 2013 Regulations should specifically articulate the verification requirements. In the meantime, the Review recommends that the guidelines produced by DARD for Council Enforcement Officers should include steps to require the verification of the implementation of socialisation, enhancement and enrichment programmes during inspection.

8.4 Some respondents called for increased inspections of dog breeding establishments.

The 2011 Act provides for inspection, by Council Enforcement Officers, of licensed premises and search and entry, under warrant, of premises where an offence in respect of unlicensed dog breeding is believed to have been committed. Therefore, Council Enforcement Officers have powers to carry out inspections as and when necessary.

Councils carry out an inspection of premises on receipt of a licence application. Licences are renewed annually, and the cost of this inspection to the Council is built into the licence fee. In addition, Councils undertake additional inspections should, for example, conditions be imposed on a licence, or if breaches of licensing conditions are reported. Where appropriate, Council AWOs may also accompany the Council Enforcement Officer. The cost of additional inspections is not covered within the cost of the licence fee.

The Review recommends that Councils draw up a protocol for risk based, unannounced inspections to ensure consistency across all Council areas. In addition DARD should undertake a review of licence fees to take into account the cost to Councils of additional inspections. To ensure consistency, DARD may wish to review the licence fee alongside a forthcoming review of the legislation for Petshops, Animal Boarding and Riding Establishments and Zoos, which will also cover inspection activities and fees.

Under Section 5(4) of the 2013 Regulations, Councils must have regard to guidance issued by DARD. The current guidance for Council Enforcement Officers by DARD should be updated to reflect the recommendations arising as a result of this Review. This updated guidance should be made available to dog breeders and members of the public, so that all are aware of the requirements necessary to obtain a dog breeding licence.

The Review notes that the DARD also produces guidance for other work areas such as a New Owners Guide for animal boarding establishments which may have a read across to breeding establishments. The Review recommends that all such guidance is reviewed to ensure a consistent approach is adopted.

Not all Councils have licensed dog breeding establishments and the size of the establishments in those that do can vary quite significantly. This can mean that not all Council Enforcement Officers have the same level of experience in relation to inspecting and licensing breeding establishments. However, the Councils' Northern Ireland Dogs Advisory Group (NIDAG) has a training programme in place which uses the skills and expertise of experienced Council Enforcement Officers to train other officers thereby facilitating sharing of knowledge ensuring a consistent approach to inspections and enforcement across all areas of dog control, including dog breeding. In addition, Council Officers have been liaising with South Eastern Regional College, to provide bespoke Dog Warden Training which is accredited by a recognised body at Open College Network Level 2, to ensure that the course content is appropriate to the needs of the profession.

The Review welcomes this proactive approach by NIDAG and recommends that training requirements are finalised following the outcome of this Review so that any relevant areas can be addressed as part of this accredited training.

8.5 A number of respondents called for a cap on the numbers of dogs in a breeding establishment and also that minimum staffing levels are introduced.

The EU Dog and Cat Alliance have reviewed the legislation across Europe for dogs and cats involved in commercial practices. No other EU country places a cap on the number of dogs in a breeding establishment. The Review concluded that welfare is not scale dependent and that the assessment of welfare should be based on the condition of the individual dogs themselves and the environment in which they are kept. Placing a cap would also be easy to circumvent with businesses being split to comply with any such requirements.

Generally, business staffing levels are considered to be a commercial matter. The 2011 Act applies to all animals under the care of man and contains stiff penalties for those who do not meet the needs of their animals, or cause them to suffer unnecessarily. The 2011 Act therefore protects the welfare of dogs, and should welfare be compromised through lack of staffing provision, Council Enforcement Officers (in conjunction with AWOs) have powers to take appropriate action. The Review noted that the Welsh Assembly has introduced minimum staffing requirements in its equivalent legislation, which came into operation in April 2015. While the Review considered that there may be benefits in this approach it considers that it is too early to gauge whether it will be successful and if it would strengthen the powers to protect animal welfare already contained in the 2011 Act. The Review, therefore, recommends that DARD monitor developments in Wales with a view to considering this option in the future.

One respondent called for an end to automated feeding practices in dog breeding establishments as they consider it limits the ability of a breeder to monitor food intake and also limits the opportunities for interaction with people. The Review found that some breeders consider automatic feeders help to ensure that all pups, and not just the most dominant in a litter, have access to sufficient food for their needs. The Review considers that the feeding regime should be for breeders to determine based on their experience. In relation to opportunities for interaction, the Review concluded that feeding is primarily to

provide a dog with adequate food to meet its nutritional requirement and that the act of feeding a dog should not be used as a proxy socialisation, enhancement or enrichment regime. The Review considers that socialisation, enhancement, and enrichment should be provided over and above any interaction during feeding, not solely through feeding. The Review is, therefore, not making any recommendation in respect of the feeding regime used in dog breeding establishments.

8.6 Stakeholders noted that they wanted to be able to easily identify licensed dog breeders.

There is an expectation that responsible persons wishing to source a pet should be able to identify licensed dog breeders and have reassurance that any puppy they may purchase has been raised in compliance with the standards set out in legislation. Unlicensed dog breeders will not be in a position to provide such reassurance. Consultation with a number of breeders indicates that most are content to have their business name, licence number and email address/telephone number made available to the public. There is reluctance by some breeders to make address details available, as regrettably, dog breeding establishments both here and in the Republic of Ireland have been targeted in the past.

Licensed dog breeding is a legitimate business and the public should be able to access information to make an informed decision on the legitimacy, or otherwise, of a dog breeder when sourcing a pup. The Review recommends that the public should have access to sufficient details of licensed dog breeding establishments to inform their decisions. The information should be available from Councils and should also be available on the new animal welfare web presence. This will require legislative amendments which should be made at the earliest opportunity.

8.7 Some issues were raised about regulating breeding of dogs with genetic problems or exaggerated conformations.

A small number of EU countries have provisions in their legislation to prevent the breeding of dogs which have genetic problems or exaggerated conformations. During the consultation carried out in advance of introducing the 2013 Regulations there was some support for such a provision. However, these proposals were not incorporated into legislation as it was concluded that the issue was still very much developing, as was the issue of genetic testing, and that the science was not there to support the issues at that time. Although a small number of respondents touched on this issue, the consultation did not appear to raise widespread concerns. The Review considers that breeding decisions should be taken under veterinary advice and that Council Enforcement Officers would not be sufficiently qualified to make determinations on such matters. Also, under the 2011 Act, there is a duty of care to all animals under the control of man to ensure that they do not suffer unnecessarily. Ultimately it is not in the interest of breeders to breed defective dogs. The Review concluded that breeding selection is a commercial decision for breeders at this time and has made no recommendation in this area.

Discussions with breeders indicate varying approaches to those dogs or bitches no longer used for breeding. Some felt that bitches in particular should be spayed to ensure that they were not subjected to further pregnancies. Others felt that neutering or spaying could result in problems down the line for the animal, such as obesity due to changes in hormonal levels. It was also suggested that commercially it was cheaper to euthanize a dog or bitch than to neuter it. If breeders were forced down the neutering route, this could lead to large numbers of bitches which have reached the end of their commercial breeding life being euthanized, rather than being re-homed. It is concluded that breeders should be encouraged to re-home all dogs or bitches no longer suitable for breeding and that nothing should be introduced that could lead to increased euthanasia. The Review is therefore not making any recommendations in these areas.

8.8 Some stakeholders wished to see a requirement for those working in dog breeding establishments to have a minimum level of competence.

There is currently no requirement for any level of competence for those working within dog breeding establishments. There are instances of some EU countries having this requirement for owners, staff or both and to varying degrees of competency. In general, respondents to the Interim Report did not identify training, or the need to attain a level of competency, as a requirement for operating or working in a dog breeding establishment. However, one respondent did state that there are currently no opportunities to gain qualifications in what is a specialised skill, and that this needed to be addressed in order to build for the future. Whilst not a legislative requirement, breeding establishments are expected to make available Staff Training Plans to Council Enforcement Officers when a licence application is being assessed.

The College of Agriculture, Food and Rural Enterprise (CAFRE), provides study and industry support opportunities across a range of disciplines. CAFRE's Greenmount campus offers two Veterinary Nursing courses designed to prepare students for a career in the veterinary nursing or animal care profession. These courses are not specific to dog breeding, although aspects of the courses may be useful for those involved in dog breeding. The EU Animal Health Regulation (AHR), which is expected to apply within the next few years, may introduce some responsibilities for commercial dog breeders to have relevant animal health knowledge. DARD will continue to monitor the progress of the AHR and consider its implications for animal health and welfare here.

A review of the Petshops, Animal Boarding and Riding Establishments, and Zoo legislation is due to commence in 2016 prior to the transferring of these functions to Councils. This review may include consideration of potential training requirements across a number of related disciplines. In order to ensure consistency, it would be appropriate to defer any decision on the introduction of training or levels of competency until the outcome of the review of that legislation is known. The Review is, therefore, not making any recommendation in this regard.

8.9 One respondent to the Interim Report felt that port checking of dogs movements was important.

One respondent to the Consultation on the Interim Report said that checking of dog movements at the ports was an important aspect of the dog breeding process and allowed transporters' standards to be independently checked and recorded every single time they travel. This was also an area of concern raised in a BBC Scotland documentary on dog breeding first broadcast on 15 April 2015. DARD portal staff monitor and inspect the consignments of dogs travelling through the ports to ensure compliance with the requirements of EU Welfare During Transport legislation and undertake non-discriminatory risk-based checks for illegal trade to ensure that dogs being moved through the ports to Great Britain:

- are microchipped (as required by domestic legislation for dogs in Northern Ireland and by EU 'Balai' rules for dogs being moved commercially from the Republic of Ireland through Northern Ireland); and
- have the relevant paperwork (to include an animal transport certificate as required under animal welfare legislation, a veterinary health certificate and pet passport for dogs being moved commercially into Northern Ireland from the Republic of Ireland).

The Review is content that portal staff carry out risk based checks to ensure animal welfare is not compromised and trade requirements are complied with. No recommendations have therefore been made.

The Review recognises that Northern Ireland is uniquely positioned within the UK, having a land border with the Republic of Ireland. Any differences in the legislation requirements of both jurisdictions may cause confusion for, or lead to exploitation by, breeders and those trading in puppies. The Review therefore recommends that sharing of information, intelligence, best practice and lessons learned be a standing item at meetings of the North South Animal Welfare and Transport Working Group, which is attended by officials from both DARD and their southern counterparts in the Department of Agriculture, Food and the Marine (DAFM).

8.10 Stakeholders felt that the public needed to be better informed when sourcing and buying a pup or dog.

A common theme throughout the consultation exercise was the suggestion that the public needed to be better informed when sourcing and buying a pup or dog.

Discussions with the Pet Advertising Advisory Group (PAAG), the Irish Pet Advertising Advisory Group (IPAAG), welfare organisations and online sales organisations, suggest that an individual's decision on purchasing a particular pet is often quickly swayed by emotive factors. Many of the animal welfare organisations provide clear and simple guidance for those considering sourcing a new dog or pup. The Review therefore concluded that there already is a vast amount of good information available to the public to aid in the decision making process.

The conditions which must be satisfied in order to obtain a dog breeding licence are set out in Schedule 4 of the 2013 Regulations. These conditions set out standards for accommodation, environment, whelping facilities, diet, etc. Application forms for a dog breeding licence may be accessed from Council websites. The Interim Report recommended that it would be helpful to both the public and dog breeders if the conditions for obtaining a dog breeding licence were more easily accessible. The Review carries this recommendation to this Report. In addition, having access to information on licensed breeders will allow the public to make informed choices.

As many animals are purchased as family pets for children, the Review recommends that children are educated about purchasing and caring for pets with the aim of promoting long term benefits for animal welfare. This recommendation should be taken forward in tandem with Recommendation 43 (Officials in DARD and DE to meet to discuss how they might highlight animal welfare educational awareness programmes in schools).

8.11 Stakeholders raised concerns about the online selling of pets

Traditionally classified advertising is a quick, cheap and simple method of advertising goods and services including animals. Classified online sales sites have become increasingly popular as a means of sourcing or selling pets. Discussions with PAAG and IPAAG indicate that there is a delicate balance to be met when advertising pet animals. Introducing complexity or certain advertising requirements will increase the cost and time taken to place advertisements and will potentially drive unscrupulous owners to closed sites and deter responsible online sales companies from voluntary regulation.

PAAG, and more recently IPAAG, have introduced minimum standards for online sales companies to adhere to when accepting classified adverts for pet sales. Both organisations are involved in monitoring for adherence to these minimum requirements and also for breeches in the law, for example pets that appear to be welfare compromised. DARD has engaged with PAAG in the past and more recently with IPAAG. The Interim Report recommended that DARD formalise its linkages with both organisations and work with them to promote better self regulation by online sites advertising pets. The Review is pleased to note that DARD has since become a member of both organisations.

A raft of legislation already exists to protect the welfare of animals, ensure responsible ownership and protect the public. These include the 2011 Act, the 2013 Regulations, The Welfare of Animals (Docking of Working Dogs' Tails and Miscellaneous Amendments) Regulations (NI) 2012 and The Dogs (NI) Order 1983, which are enforced by Councils in respect of dogs, The Welfare Of Animals Act (NI) 1972 (as Amended), Petshops Regulations (NI) 2000 which are enforced by DARD, the Consumer Protection from Unfair Trading Regulations 2008 and the Fraud Act which are enforced by Trading Standards. When buying a pet, it is important that the public are aware of the legislation and the relevant enforcement bodies that they have recourse too. The Review recommends that relevant links/guidance be included on the new animal welfare web presence to assist the public further in this area.

Historically DARD has applied the legislation relating to petshops only to premises to which the public has access. However, as part of the forthcoming review of the petshop legislation, DARD are considering including the online selling of pets from other premises, including online advertising from a person's home, as part of this review. The Review recommends DARD include the issue of selling pets from all premises as part of its consultation when reviewing and revising the legislation relating to petshops, riding and animal boarding establishments.

Recommendations:

Recommendation 46: Guidelines should be revised to require Council Enforcement Officers to verify implementation of socialisation, enhancement and enrichment programmes during inspections; and this requirement should be written into the Regulations at the earliest possible opportunity.

Recommendation 47: Councils should draw up a protocol for risk based unannounced inspections to ensure consistency across all local Council areas.

Recommendation 48: DARD and Councils should carry out a review of licence fees for dog breeding establishments. This should be on the basis of full cost recovery of costs to the Councils and should take into account the need, on occasions, for multiple inspections of dog breeding establishments. To ensure consistency of approach, this review of the licence fee should be carried out in tandem to a forthcoming review of the legislation for Petshops, Animal Boarding and Riding Establishments and Zoos which will also cover inspection activities and fees.

Recommendation 49: The Guidance for Council Enforcement Officers issued by the DARD to Councils should be reviewed, in conjunction with Councils, by DARD and strengthened. This strengthened guidance should be made available to Dog Breeders and members of the public via the single animal welfare web presence.

Recommendation 50: DARD reviews guidance for work areas such as a New Owners Guide for animal boarding establishments to ensure a consistent approach is adopted.

Recommendation 51: Councils finalise training requirements, following the outcome of this Review, so that any relevant areas can be addressed as part of an accredited training course.

Recommendation 52: DARD should monitor the implementation of staff to dog ratio conditions by local authorities in Wales with a view to considering this option in the future.

Recommendation 53: DARD to amend legislation to allow the details contained within Council held registers of Licensed Dog Breeding Establishments to be made available to the public and on the single animal welfare web presence.

Recommendation 54: DARD and DAFM to include dog breeding and the movement of dogs as a standing item at meetings of the North South Animal Welfare and Transport

Working Group, to facilitate the sharing of information, intelligence, best practice and lessons learned.

Recommendation 55: The conditions required for obtaining a dog breeding licence should be made available on Council websites, and the single animal welfare web presence.

Recommendation 56: DARD in conjunction with DE to consider including buying and caring for a pup in any animal welfare educational awareness programmes in schools arising from implementation of Recommendation 43; and include relevant links/guidance on the new animal welfare web presence.

Recommendation 57: DARD should formalise its links with PAAG and IPAAG and work with these organisations to promote better self regulation by online sites advertising pets.

Recommendation 58: DARD and Councils should raise awareness of the legislation available, and the relevant enforcement bodies, that the public have recourse to by the inclusion of relevant links/guidance on the new animal welfare web presence.

Recommendation 59: DARD includes the issue of selling pets from all premises as part of its consultation when reviewing and revising the legislation relating to petshops, riding and animal boarding establishments.



Section 9 Equines

Equines

9.1 Background

Under the Welfare of Animals Act (NI) 2011 (the 2011 Act) responsibility for enforcement in relation to non-farmed animals, including equines, sits with Councils. The powers and offences in relation to equines are the same as for other non-farmed animals (see section 4.1). In addition to the offences in relation to unnecessary suffering, the 2011 Act makes it an offence if, without reasonable excuse, a person abandons an animal for which they are responsible without making adequate provision for its welfare.

In the case of equines abandoned on land, the Councils have responsibility, under the 2011 Act, only if the animal is suffering or is likely to suffer if its circumstances do not change. When attending to a report of an abandoned equine, the Council Animal Welfare Officer (AWO) considers the condition of the animal and its environment. If the animal's welfare is compromised, the AWO has the power to seize the animal and take it into care. The AWO will attempt to identify an owner and arrange for the care of the animal whilst a Disposal Order for it is sought through the Courts. If the animal's welfare is not adversely affected, the AWO has no power to seize the animal but will instead try to trace the owner, while continuing to make regular visits to check that there has been no deterioration in the animal's condition or environment.

The Roads (NI) Order 1993 makes it an offence for a person to turn loose any animal onto a road and for a keeper's animal to be found wandering or lying on the side of a road, unless the keeper has taken reasonable precautions to prevent the situation. In such cases the PSNI can seize the animal and prosecute the keeper.

The Animals (NI) Order 1976 (the 1976 Order) is about civil liability and covers matters such as animals causing damage or straying onto neighbouring land. The legislation deals with issues between private individuals and also provides powers for the PSNI to impound animals wandering on public roads. DARD and Councils have no enforcement responsibilities under this legislation and there are no provisions relating to animal welfare contained within it. The 1976 Order has been referred to in relation to cases of abandoned animals, although the term 'abandoned' is not included in the 1976 Order.

In the case of an animal abandoned on a landowner's property, under Article 9 of the 1976 Order a landowner may detain animals abandoned on his land. This right ceases after 48 hours, unless the PSNI and the owner (if known) are notified. It is considered as good practice by the landowner to place a notice regarding the animals on the land and give a copy of the detention notice to the PSNI. If after 14 days, no one has claimed the animals, the landowner may sell them at market or public auction. Any expenditure incurred by the landowner may be recovered in the event of the sale of the animals.

In the case of equines abandoned or wandering on the road, the 1976 Order gives the PSNI powers to impound the animal and arrange for its care. The PSNI are obliged to post notices advising that they have impounded the animal, before retaining the animal

for a period of 14 days to give the owner the chance to come forward. In the event that the owner does not come forward within two weeks, the PSNI may arrange for the sale of the animal at a market or public auction.

The 1976 Order was drafted before the requirements of microchipping and passporting of equines came into force. Since it came into operation legislative requirements for the traceability, sale and disposal of livestock have been introduced. These requirements need to be fulfilled before a landowner or the PSNI seeks to sell livestock that has been taken into possession under the provisions of the 1976 Order. There are few outlets (sales and fairs) to sell equines now compared to when the legislation came into operation. This therefore limits the outlets that a landowner has to recover the costs associated with invoking the provisions of the 1976 Order, including the costs associated with getting a passport and microchipping the animal.

The Horse Passports Regulations (NI) 2010 on the identification of equidae are primarily to protect the human food chain and have been in operation since March 2010. These Regulations implement Commission Regulation (EC) No. 504/2008 and are intended to ensure that horses do not enter the human food chain if they have been treated with certain veterinary medicines harmful to human health. The regulations require that:

- horses are microchipped and have a passport (with details corresponding to the microchip);
- horses are accompanied by their passports when being transported (unless in an emergency); and
- the owner who sells a horse gives its passport to the buyer at time of sale.

It should be noted that horses born before 1 July 2009 are not required to be microchipped. From 2016, new Commission Regulation (EU) 2015/262 will require the establishment of a central equine database for each Member State.

9.2 Stakeholders identified an issue with the lack of up-to-date information on the size of the equine population here.

In the Interim Report, the Review acknowledged that there was limited information about the number of equines and so commissioned work to try to establish an evidence base.

DARD currently holds information in relation to just over 11,000 equines. This information is gathered as part of the Farm Survey Returns and is held on APHIS. It is acknowledged that this is only part of the picture, and in order to gather more comprehensive information, 82 passport issuing organisations both in Northern Ireland and in Great Britain were contacted. Despite several reminders being issued, the response rate was approximately 60%. Based on those who did provide factual information, the number of registered equines here is approximately 34,250. This is close to the findings of an NI Assembly Briefing Paper in December 2010 that estimated there to be over 35,000 equines in total in Northern Ireland.

9.3 Stakeholders raised the issue of abandoned horses.

Public stakeholders raised issues around abandonment of equines during the Review process. Councils and PSNI also raised concerns about the number of abandoned horses they are required to seize and the subsequent care and collection costs. They can face unavoidable delays in re-homing abandoned animals that have been seized, as they must first seek a Disposal Order through the courts, even when they believe that the horses have been deliberately abandoned and an owner cannot be identified.

Under the 2011 Act, a person commits an offence if, without reasonable excuse, that person abandons an animal for which that person is responsible, leaving it unattended and failing to make adequate provision for its welfare.

While welfare organisations have told the Review about the large number of abandoned horses that are taken in by sanctuaries, no statistical information was provided to allow the scale of the issue to be accurately assessed. The Review commissioned work to be undertaken in an attempt to gather information. The three main equine welfare charities in Northern Ireland, as well as the Equine Council for Northern Ireland (ECNI), were contacted in an attempt to source data on the extent of equine abandonments. Contact was also made with other organisations that referred to abandoned equines in their feedback to the Interim Report. However, despite reminders and visits to two of the equine charities, no supporting data in relation to the number of abandoned equines was provided. In light of this the Review looked at information currently available.

Figures published in the Interim Report show that during the two and a half year period from April 2012 until September 2014, Councils took into their possession 131 abandoned horses, of which six were returned to their owners. This equates to Councils having to deal with just over four abandoned equines per month (approximately one per week) over the stated period. The Review recognises that on occasions multiple horses may be involved in a case. Such a large scale seizure can be resource intensive. The seizure by Councils of 131 abandoned equines over a two and a half year period resulted in care and collection costs of £181,000. This amount represents a considerable strain on Council resources, which cannot then be used for other welfare enforcement activities.

Figures provided by the PSNI show that during a 21-month period from 1 April 2013 until 31 December 2014, 172 equines were seized by the PSNI. This equates to just over eight horses per month (approximately two per week). Some Districts had a significantly higher number of equines seized compared to others. In 2014 alone, the PSNI spent over £265,000 on the care and collection of 111 abandoned equines that were taken into possession.

More recently, for the period January to September 2015 the PSNI seized 31 equines that were wandering on the roads where no owners were identified. This equates to dealing with just over three equines per month during this nine month period. At the beginning of November 2015 twelve equines were in the care of the PSNI, with Disposal Orders still to be granted.

Before Councils or PSNI can dispose of an abandoned equine (even one that is not microchipped and therefore the owner cannot be traced) they must seek a Disposal Order from the Courts. The time taken to obtain a Disposal Order and allow the related timescales for appeal to expire (which must happen before any action can be taken), can result in considerable ongoing care costs.

The term “fly grazing” has been adopted to describe actions by irresponsible owners who allow animals to graze on land where they do not have the consent of the occupier of the land or where the consent has been withdrawn. These actions often impact on public safety (through straying onto highways), on communities (public and privately owned land), the agricultural industry, the welfare of the animals concerned, as well as placing financial burdens on individuals and on the tax payer.

The Review is aware that in Wales, the Control of Horses (Wales) Act 2014 came into force on 27 January 2014. It was brought in to address a significant issue around “fly grazing”.

The Act gives local authorities power to seize and impound a horse which is on the highway, or any other public place the local authority has responsibility for, or on other land in its area without the consent of the occupier of that land. The local authority must have reasonable grounds to believe the horse is on the land without lawful authority before it can use these powers, which include selling or disposal if unclaimed after a retention period of 7 days.

England has made similar provision by bringing into force the Control of Horses Act, which received Royal Assent on 26 March 2015. However, the retention period for impounded equines is 96 hours (4 days). In the Republic of Ireland (ROI), the Control of Horses legislation was introduced to address the serious health and safety issues arising from the urban horse problems of the mid-1990s.

In the Northern Ireland context, there is a perception that fly grazed equines may be abandoned. Cases are often reported but following attendance by an AWO there is seldom a welfare concern. However, there is still an ongoing resource requirement in terms of undertaking subsequent ‘drive-bys’ to monitor and ensure the welfare of the animal or the conditions in which it is being kept, have not deteriorated. Owners of the equines are not always immediately known but the Review found that once a notice is left by the AWO, the issue normally gets resolved. In most cases, the complaint has been made as a way to try to get rid of what is seen by the complainant as a nuisance problem, using the AWO service to resolve it. AWO’s have established good local relationships, which assist in resolving cases of equines being fly grazed, locating owners and encouraging them to act responsibly.

The Review did not find sufficient evidence to suggest the issue of fly grazing is as significant as the problem in Wales, England or the ROI.

On the basis of the information received and the evidence gathered the scale of the issue does not suggest the need to introduce primary legislation to deal with abandoned or fly grazed equines, at this time.

However, the Review does acknowledge the considerable public nuisance caused by abandoned animals, as well as the significant resource and staff time that the PSNI and Councils have to allocate to deal with them.

To address this, the Review believes it would be possible to amend the 2011 Act to add a clause to enable an accelerated process for the re-homing and disposal of abandoned, unidentified equines. This should include a shorter retention period for unidentified abandoned equines whose owner cannot be established, similar to the retention periods in the Control of Horses legislation in England and Wales and already in place here for the control of dogs. The Review recommends that DARD considers bringing forward this amendment.

In the meantime the Review recommends that when equines are taken into possession the authority applying for the Disposal Order should clearly inform the court that the equines are not microchipped. This should ensure that the courts are aware that it is not possible to establish ownership of equines, highlight the breach of the Horse Passport Regulations and allow them to process the request more quickly. In all cases, equines will still remain in care for a minimum number of days which will be sufficient for any responsible owner to come forward.

As previously stated, the 1976 Order requires the PSNI to retain an animal wandering onto the public road for a period of fourteen days before disposal. The outlets for disposal of such animals are now very limited compared to when the 1976 Order came into operation and in addition there is the legislative requirement for equines to be microchipped and passported before being sold. In order to address this issue the Review recommends that the Department of Finance and Personnel (DFP) review the 1976 Order to reflect the current legislative requirements regarding traceability and passporting and the limited availability of outlets to sell or auction animals that have been taken into possession, including retention periods.

9.4 Some stakeholders requested that a cull of unwanted equines be funded (or financial support provided to owners dispose of equines).

Councils are responsible for enforcement of the 2011 Act in respect of non-farmed animals, including horses. In addition to taking forward prosecutions and issuing Improvement Notices, AWOs may also issue advice and guidance to those responsible for the animals well being.

Anyone with concerns regarding the welfare of horses, or those seeking advice in the caring for horses, should contact their local AWO. DARD has issued a Code of Practice for the Welfare of Horses, which is available on their website.

Calls for a cull were made at the height of the equine crisis a few years ago in the Republic of Ireland. However, a scheme for a cull was not brought forward at that time as it was felt that this was driven by commercial interest and would be essentially rewarding poor breeding and poor buying, which the tax payer would pay for.

The Review recommends that DARD continues to monitor the level of equine welfare and abandonment cases and keep the need for action under review. This should include continuing to engage with Department of Agriculture, Food and the Marine (DAFM) officials through the North South Animal Welfare and Transport Working Group.

9.5 Stakeholders felt that the passport regime should be rigorously enforced, with a full database of equines in Northern Ireland.

Stakeholders viewed the enforcement of the Horse Passport Regulations as a requirement to effectively address issues relating to abandoned horses, such as tracing owners, equine movements, and indiscriminate breeding. Whilst the Review recognises that the Horse Passport Regulations may provide for the identification of horses, it must be recognised that the primary purpose of these Regulations is to protect the food chain. Since the introduction of the horse passport legislation, DARD Veterinary Service (DARD VS) has undertaken horse identity checks at horse markets, ports and the horse abattoir at Oakdale, Lurgan (when it was operating as a horse abattoir). DARD VS also co-operates closely with other enforcement bodies in the ROI and Great Britain in investigations concerning both equine welfare and equine identification and movement. Horses leaving Belfast and Larne Ports are checked for accompanying passports. A small number of horses are checked with a scanner for the presence of corresponding microchips. Horses presented without passports have been refused permission to board. A detailed inventory of all equines passing through Larne and Belfast Ports is maintained by DARD Portal Inspectors. This information is shared with DAFM.

In line with the new Commission Regulation (EU) 2015/262 coming into effect, DARD intends to carry out awareness raising within the equine sector in 2016, to fully communicate the requirements of the horse passport system in terms of applying for a passport, microchipping, transfer of ownership, and the implications of non-compliance. The Review recommends that this opportunity be used to highlight the consequences of an unidentified horse being taken into possession on welfare grounds.

9.6 Some stakeholders said that equine premises should be registered and inspected.

The registration of premises where equines are kept has already been considered by DARD for disease control purposes. It is acknowledged that Equine Premises Numbers are allocated for riding schools licensed by DARD, following on-farm visits when it is established that equines are present on the farm. The Equine Premises Numbers are currently recorded on APHIS. In addition, the 'Guide to Land Eligibility' published by DARD indicated that land grazed by equines would be considered an agricultural activity for the purposes of the Basic Payment Scheme. This has led to an increase in requests for Equine Premises Numbers. Therefore, the registration of premises where equines are kept is seen as assisting in the traceability of equines.

In addition, the emergence of equine related epizootic diseases places a greater emphasis on the need to be able to locate equines in the event of a disease outbreak, for example, similar to the traceability of "backyard flocks" in the event of an avian influenza outbreak.

The Review is conscious that the EU is currently working on a new animal health framework regulation. The EU Animal Health Regulation (AHR) is a framework regulation which will replace and consolidate most of the existing legislation on animal health, some of which has been in force since the 1960's. It covers all aspects of animal health including disease control measures; identification, registration and movements of animals and establishments/premises; intra EU trade; entry into the EU of animals and products; and aquaculture. The Regulation has been agreed and will be published in the Official Journal in spring 2016, though much of the detail is still to be developed over the next three years during the tertiary legislation negotiation phase. The detail on equine premises registration will be part of these negotiations. The Regulation measures are expected to be fully in force by 2021.

The Review recommends that the issue of registration of equine premises is reviewed once clarity around EU requirements in this area is obtained.

9.7 Some stakeholders believe that equines movements should be recorded.

The horse is not considered to be an agricultural animal and there is no requirement to record the movement of horses in the same way that movement of agricultural animals such as cattle, sheep and pigs are recorded. All horses being moved must be accompanied by their passport except when:

- stabled or on pasture and the passport can be produced without delay;
- moved temporarily on foot in the vicinity of the holding and the passport can be produced without delay;
- moved on foot between summer and winter grazing;
- unweaned and accompanied by their dam or foster mare;
- participating in training or a test at an equestrian competition which requires them to leave the event venue;
- moved or transported under emergency conditions.

In addition to the passport, there is a requirement for a health certificate to accompany a horse travelling within the EU. The only horses that do not require a health certificate in addition to a passport are those covered by the Tripartite Agreement between the UK, Ireland and France. Movements of horses between these countries owned by members of approved industry bodies are reported through the Commission's Trade Control and Expert System (TRACES). DARD Portal staff also record details of Consignors and Consignees vehicle details and any non compliances relating to equine imports and exports.

9.8 A view expressed by stakeholders was that access to the human food chain should be addressed to reduce the number of unwanted, valueless equines.

All meat produced for human consumption must comply with European food hygiene requirements. There is nothing to prevent horses from being presented for slaughter for the human food chain provided they comply with specific provisions of Council

Regulation 853/2004 and their passports are presented for inspection. A horse passport should contain a record of all medicines administered to the horse in its lifetime.

DARD has a responsibility for licensing such premises and residue testing is undertaken at the point of slaughter. There are currently no outlets in Northern Ireland for horses to be slaughtered, however the ROI has an abattoir accepting horses.

The availability of an abattoir to slaughter horses is a commercial decision for the private sector. Should a request be made to approve an application for slaughtering equines, this would be part of normal licensing work by DARD.

9.9 Stakeholders stated that indiscriminate breeding must be addressed.

There is no doubt that those persons breeding horses need to take responsibility for their breeding decisions. This includes castrating animals where necessary to avoid unwanted breeding and recognising that breeding badly will result in animals without a market.

The majority of breeders in Northern Ireland register foals with Horse Sport Ireland (HSI). In its 2014 Annual Report, HSI notes a reduction in the number of foals registered in the Irish Horse Register. The number fell from 5,160 in 2013 to 4,548 in 2014, a 12% drop. This shows that breeders are responding to the marketplace, recognising that there is no point breeding foals unless their purpose is clearly known.

Tackling indiscriminate breeding, however, will require full support across the industry. The Review found good examples of this already happening, for example, CAFRE delivers a variety of training courses specifically directed to those involved in the equine industry. Courses cover practical skills development, general equine management and technical subjects such as breeding, nutrition and legislation. The number of course participants since April 2013 is almost 1,300. A further CAFRE Level 3 Horse Care and Management Course commenced in September 2015 and an online Equine Behaviour and Welfare course started on 13 January 2016. A certificate in the Principles of Horse Care also commenced from 3 February 2016. If the industry identifies that there is a specific training need, CAFRE is content to discuss requirements with a view to developing and delivering an appropriate course.

In addition, as part of the ongoing provision of training and education for equine owners and the equine industry, CAFRE hosted an Equine Breeding Conference in November 2015 to inform those involved in breeding equines. This included identifying and selecting breeding stock and assisted in promoting responsible breeding practices.

The British Horse Society (BHS) has announced plans for national castration clinics planned for Spring 2016.

ECNI, as the industry representative body, also has a role in providing advice and information to its members and the overall equine sector in relation to breeding selection and responsible ownership. The Review recommends that indiscriminate breeding be included as a theme in the Equine Co-ordination Group Communication Strategy (see recommendation in section 9.14).

9.10 Some stakeholders suggested a stallion tax should be introduced.

The Review found that HSI and the Irish Horse Board have a stallion selection scheme in operation, which requires specific criteria, including recorded breeding and performance requirements, to be complied with during stallion assessment. Stallion owners are required to have their stallions vetted and x-rayed and incur the costs for this, including paying the HSI assessment fees. This process is to ensure that only those stallions deemed eligible to be considered as 'approved stallions' progress through the assessment stages. Some stallions may not progress through to achieve the ultimate 'approved' status.

In addition, competition stallions that are registered with affiliate bodies such as Showjumping Ireland are required to pay a higher competition registration fee known as a stallion surcharge.

With these schemes already in operation, the Review has concluded that the costs of introducing and enforcing a stallion taxation scheme would far outweigh the benefits of such a proposal. ECNI, as the industry representative body, has a role in providing advice and information to its members and the overall sector in relation to colt retention, managing stallions, breeding selection and responsible ownership and the Review recommendation in relation to indiscriminate breeding may be a more practical way of raising awareness.

9.11 Some of the feedback received suggested that the horse should be redefined as an agricultural animal.

Horses are not considered to be agricultural animals here and they are not defined as such in the Agriculture Act (NI) 1949. The definition of 'livestock' as set out in section 43 of the Act is, 'any animal kept for the production of food, wool, skins or fur, and any animal kept for the purpose of its use in the farming of land'.

Consideration of the re-designation of the horse as an agricultural animal was a key action in the 'Strategy for the Equine Industry in Northern Ireland' and was taken forward by the ECNI which concluded in 2012 that a change in the status of the horse was not necessary or desirable. If stakeholders now believe that the industry has changed and re-designation/reclassification of the horse is needed, they should engage with ECNI, as the representative body for the equine sector.

9.12 Some stakeholders suggested that responsibility for enforcement in relation to equines should lie with DARD.

The 2011 Act provides powers for DARD to undertake welfare enforcement in relation to farmed animals and for Councils to enforce the legislation in respect of companion animals, that is, domestic pets of any vertebrate species and horses. The PSNI enforces the Act in cases of wild animals, animal fighting and in welfare cases where other criminal activity is involved.

The Review found no evidence that the current system was not working.

9.13 Euthanasia was referred to by some stakeholders.

It is recognised that whilst it is a discussion most owners may wish to avoid, euthanasia is a realistic option to be considered when addressing the future of ill, ageing or unwanted equines.

In situations where an owner can no longer adequately provide for their animal or where the equine can no longer fulfil the purpose for which it was bred, owners should be proactive in seeking to dispose of the animal before its welfare is compromised. This may include consideration of the option of humane disposal where the horse cannot be sold/ transferred to another responsible owner. Such action will help prevent the emergence of long-term and severe animal welfare problems.

The BHS has informative articles in relation to euthanasia that should be included in the DARD Animal Welfare web presence. The Review recommends that euthanasia is a theme in the Equine Co-ordination Group Communication Strategy (see recommendation in section 9.14).

9.14 Communications.

On numerous occasions during the discussions on equine issues the Review felt that a multi agency approach in relation to communications would be beneficial. The Review is aware that DARD has an Equine Co-ordination Group which includes representatives from policy and delivery branches within DARD as well as CAFRE and ECNI. The Review recommends that this group develops a communication strategy to ensure that relevant messages are disseminated across the equine industry at all levels in a joined up and consistent way. It is envisaged the communications strategy would incorporate many of the issues that have arisen in this review across the range of statutory and industry led issues, for example:

- indiscriminate breeding;
- end of life decisions; and
- passport and microchip requirements.

Recommendations

Recommendation 60: The legislative requirement for the registration of premises where equines are kept to be reviewed by DARD based on the Review feedback, and when further information is available on what, if any, requirements may be included in the new EU AHRs.

Recommendation 61: The Equine Coordination Working Group to develop a multi agency communication strategy to disseminate relevant statutory and industry messages.

Recommendation 62: DARD to support the British Horse Society in planning their Spring 2016 castration clinic here.

Recommendation 63: The Review recommends that DARD continues to monitor the level of equine welfare and abandonment cases and keep the need for action under review. This should include continuing to engage with DAFM officials through the North South Animal Welfare and Transport Working Group.

Recommendation 64: DARD seek to amend the 2011 Act to add a clause to enable an accelerated process for the re-homing or disposal of abandoned, unidentified equines.

Recommendation 65: Councils to continue to monitor the ongoing training and development requirements of Animal Welfare Officers in relation to equine management and welfare.

Recommendation 66: DARD to highlight the consequences of an unidentified horse being taken into possession on welfare grounds in its planned Communications strategy in relation to the Horse Passport Regulations.

Recommendation 67: In relation to abandoned equines that are not microchipped and therefore their previous ownership cannot be established, ensure that any Disposal Order states that the equines are not microchipped and ownership is untraceable. This is to ensure that the court is aware that it will not be possible to establish any ownership for these unidentified equines, in addition to being in breach of the Horse Passport Regulations (note: only equines born after June 2009 require microchip).

Recommendation 68: DFP to review the Animals Order 1976 to reflect the current legislative requirements regarding the electronic traceability of animals and passporting and the limited availability of outlets to sell or auction animals that have been taken into possession, including consideration of additional disposal options that are now available and retention periods.



Section 10 Other Issues

Other Issues

10.1 Ban on Fox and deer/stag hunting

DARD has responsibility for the Welfare of Animals Act 2011 (the 2011 Act), but its responsibilities towards animals in the wild are very limited and do not include any controls over the hunting, or taking, of wild animals and birds, or powers of entry for their protection.

DARD has no powers to regulate, or ban hunting or coursing with dogs. Section 53 of the 2011 Act specifically exempts from its provisions the coursing or hunting of any animal, other than a protected animal, except under certain circumstances such as the animal being released in an injured state or into a confined space from which it has no reasonable chance of escape.

The Department of Environment has responsibility for the Wildlife (NI) Order 1985 although again that does not include powers to ban hunting.

Any ban on hunting would require additional powers to be taken in primary legislation.

10.2 Ban on greyhound racing and introduction of welfare legislation relating specifically to greyhounds.

Greyhound racing is governed by the Northern Ireland Racing Regulations and the Greyhound Trainer Regulations as promulgated by the Irish Coursing Club.

Although the Department for Social Development is responsible for the licensing of dog tracks for the purpose of betting, no Government Department has policy responsibility on greyhound racing.

The 2011 Act provides legal protection for all animals from injury and unnecessary suffering and that includes greyhounds.

The provisions of the 2011 Act, the Dogs Order 1983 and the Dogs (Licensing and Identification) Regulations (NI) 2012 apply to greyhounds in the same way as they apply to all other dogs.

The Review is aware that last year the Department of the Environment, Food and Rural Affairs (Defra) commenced one of its standard five-year legislation reviews of the Greyhound Regulations, which focuses on the conditions at greyhound racing tracks. The evidence gathering of this review has included talking with the organisers at the racing tracks, vets, re-homing centres etc to find out how the Regulations have been working. The review consultation closed on 31 December 2015. The Environment, Food and Rural Affairs Committee has also established a sub-committee to conduct a short inquiry into the welfare of racing greyhounds. This inquiry will feed into the Defra review. However, regarding the issue of welfare, Defra has stated that their Welfare of Animals Act provides protection for greyhounds as it does for other animals, (like the 2011 Act does here). It is

recommended that DARD monitors the findings and any proposals of the Defra review in relation to animal welfare. Publication of the Defra findings is expected later this year.

10.3 Banning of tail docking in lambs.

The issues surrounding the tail docking of lambs were discussed when the Welfare of Animals (Permitted Procedures by Lay Person) Regulations were updated following the introduction of the 2011 Act.

The Welfare of Animals (Permitted Procedures by Lay Person) Regulations (NI) 2012 allows the tail docking of lambs by a lay person provided enough of the tail is retained to cover the vulva of a female animal or the anus of a male animal. The application of a rubber ring or other device to constrict the flow of blood to the tail may only be used on an animal aged not more than seven days. Other means, such as a hot docking iron may only be used before the age of three months.

The Farmed Animal Welfare Code of Practice for sheep states that stock-keepers should consider carefully whether tail docking within a particular flock is necessary. Tail docking may be carried out only if failure to do so would lead to subsequent welfare problems because of dirty tails and potential fly strike.

A lay person is defined as a person who has received instruction or who is otherwise experienced in the performance of that procedure.

The Review is content that the current guidance available to flock owners takes account of welfare considerations and makes no recommendation in this area.

10.4 Ban on the use of shock collars and prong collars

Use of shock collars is currently permitted as long as their use does not cause unnecessary suffering. Section 4 of the 2011 Act places a duty of care on owners and those responsible for an animal to protect those animals from unnecessary suffering. Contravention of this provision of the 2011 Act can lead to a penalty which is currently up to two years imprisonment and/or an unlimited fine although this is due to increase to five years imprisonment following introduction of the changes contained in the Justice (No 2) Bill.

Recent research into the use of shock collars has indicated that where punishment is used, it must be aversive enough to create a negative emotional response. However, some would argue against this approach on the basis that there is no way of knowing in advance how intense the initial punishment should be for each individual animal. Many professional behavioural clinicians do not advocate the use of any form of aversive stimuli by dog owners.

Shock collars are freely available to the general public and are sold with minimal instruction. As their humane use requires a highly skilled user, some authors argue for a licensing system, to restrict the use of electronic collars to experienced trainers and thereby minimise the potential for incorrect use.

The use of shock collars is kept under constant review by DARD and any plans to introduce a ban would be the subject of public consultation and subordinate legislation. It would appear that scientific evidence for the safety and efficacy of shock collars is mixed and so, on that basis and given the strong penalties available if welfare is compromised, the Review is content with DARD's approach.

10.5 Ban on the use of snares and cage traps for foxes.

The use of snares in Northern Ireland is regulated by the Wildlife (Northern Ireland) Order 1985 (the 1985 Order). The 1985 Order was amended by the Wildlife and Natural Environment Act (NI) 2011 (WANE) which introduced new controls over the use of snares in Northern Ireland.

During the passage of the WANE Bill through the Northern Ireland Assembly there was debate on whether or not the use of snares should continue to be permitted, due to concerns about the welfare of animals caught by snares. Those who supported their continued use considered that a complete ban would have negative implications for countryside management practices such as farming, game management or reducing pressure on ground nesting bird species.

Subsequently, the Assembly decided that snares should remain a legal means of capturing pest animal species.

10.6 Dedicated hotline for charities to report cases of cruelty to the Council or access to Animal Welfare Officer's mobile numbers.

Councils have currently five direct lines dedicated to animal welfare enforcement and calls for any area can be taken by call handlers. For safety reasons it is not possible to give out mobile numbers of staff but call handlers can easily contact Animal Welfare Officers with any issues raised in relation to animal welfare enforcement. Councils also have a single number for an emergency out-of-hours service, which is provided on the answering service message outside normal office hours.

The Review is content with this approach.

10.7 Establishment of a quality assurance committee to oversee animal welfare enforcement.

Given the recommendation (recommendation 25) for the three enforcement bodies to meet regularly to discuss enforcement of the 2011 Act and share best practice and lessons learnt, the Review feels that a further committee is unnecessary at this time.

10.8 Some stakeholders felt that financial support should be provided to animal charities as it is in the Republic of Ireland.

DARD provides funding to Councils to facilitate their enforcement of the 2011 Act. Such funding cannot be used by Councils to fund charities or any other organisation unless that

charity or organisation is contracted to the Councils to deliver a service under the 2011 Act. While we are aware that animal charities receive Government support in the Republic of Ireland, this is not the case in Great Britain.

Any funding arrangements in Northern Ireland would have to be in line with Department of Finance and Personnel (DFP) guidelines on Managing Public Money and feasibility would have to be considered in light of specific proposals.

Given current budgetary pressure on Government Departments the Review is content that DARD continues to prioritise funding to existing enforcement bodies.

10.9 Dog licences to be granted subject to the fulfilment of the ‘five needs’ and not automatically.

Dogs are licensed under The Dogs (NI) Order 1983 which lays down the conditions which must be met before a licence can be issued.

The purpose of dog licensing and microchipping is to ensure that stray dogs can be re-united with their owners. The Dogs (Licensing and Identification) Regulations (NI) 2012, set out the format of the Licence Application at Schedule 1.

Requiring prospective dog owners to demonstrate that they can fulfil the five needs of a dog before a licence is issued would place additional burdens on Council Enforcement Officers and add significantly to the cost of a dog licence. If the cost of licences is raised to such an extent that dogs are no longer being licensed, this may lead to more unidentified stray dogs and more dogs having to be humanely destroyed.

Where the needs of a dog are not being met a Council AWO can take appropriate enforcement action under the 2011 Act.

On balance the Review consider the current system to be effective but recognises the importance of educating the public in relation to their responsibility towards animals in their care. The Councils’ Dog Advisory Group has indicated that they intend to incorporate information about the ‘five freedoms’ into their licensing procedure in whatever format an individual Council see appropriate. One Council has already implemented this approach. The Review considers this to be a useful development.

10.10 Farmed and non-farmed animals be categorised together.

The 2011 Act aligns welfare standards for farmed animals, which have generally been kept in line with developments in scientific understanding, and non-farmed animals which had been previously protected by laws which were almost forty years old.

While the enforcement of the legislation is separated between farmed (DARD) and non-farmed (Councils) animals, the protection afforded is the same.

As the environment in which farmed and non-farmed animals differs the Review found that the current split in enforcement function is appropriate.

10.11 Some stakeholders suggested banning the keeping of animals on land owned by individuals who had been convicted of an animal welfare offence.

The Review considered the legislation required to bring such a ban into operation, as well as the enforcement and implications of such a ban. The Review acknowledges that many farmers rent land for agricultural use and that taking land in conacre is a popular practice across Northern Ireland. A potential ban on animals being kept on land owned by individuals convicted of an animal welfare offence would have a disproportionate commercial effect on the offender as it would mean they could not earn money on the land they own by renting it out. A ban would also cause difficulties for innocent farmers who had never been convicted of an offence as it would reduce the amount of land available to rent and could cause farm management difficulties. Such a ban could also lead to additional hassle for innocent farmers who may have to move their animals after the individual they are renting land from is convicted of an animal welfare offence.

The Review acknowledges that this suggestion comes from stakeholder concerns around the potential for individuals who are disqualified to continue to keep animals. However, the Review considers that the processes currently in place to check disqualification orders (see section 3.4 for farmed animals) and the recommendations made by this Report are sufficient to ensure that disqualified keepers are identified and the Disqualification Order is enforced.



Section 11 Related Issues

Related Issues

During stakeholder engagement some issues were raised that fall outside the Welfare of Animals Act (NI) 2011 (the 2011 Act). These have been considered by the relevant Branch within DARD and a preliminary response given.

11.1 Some stakeholders said that earned recognition should be used to reduce the likelihood of being selected for DARD inspections (e.g. membership of Farm Quality Assurance Scheme (FQAS)).

The concept of “earned recognition” was considered by Veterinary Service in 2013 when the Veterinary Service Epidemiology unit produced a report that looked at the issue of overall compliance by FQAS members. The report did not provide evidence to support the introduction of earned recognition as a selection criterion for cross compliance risk selection. There is no explicitly stated “special recognition” scheme used in the selection criteria for Cross-Compliance inspections in Northern Ireland, however, in practice the system used in regard to animal welfare acknowledges the fact that a good track record should mean less chance of an inspection.

The preferred option is to maintain the current arrangement for cross-compliance selection weightings because this supports DARDs stated enforcement policy to direct its focus on those individuals or businesses that persistently breach statutory standards. The current selection system in place already ensures that any farm business, including FQAS members, with fewer welfare infringements is less likely to be selected in subsequent years.

11.2 Some stakeholders asked that attention be given to the impact on farm animal welfare caused by the financial effect on keepers of both Cross-Compliance penalties and Tuberculosis (TB) restrictions.

Each herd keeper who has a TB breakdown will be contacted by their local Veterinary Officer (VO). The VO will try to answer any queries and discuss any possible solutions.

There may be concerns that a TB breakdown has put extra pressure on a farm business, for example due to overstocking or cash flow issues. If there are serious farm management problems, a herd keeper may feel that selling stock to another farm is vital. However, movement of animals out of a TB herd to another herd represents a disease risk. Therefore, such live animal movement out to another farm is not routine. The VO can explain the exceptional circumstances under which animals may be allowed to be moved out of TB restricted herds. Animal movements are only permitted out of herds where farm management difficulties are likely to become pronounced, or animal welfare issues are likely to develop, and it is not possible to overcome these problems in any other way. Such movement will usually result in herds becoming “associated”, meaning that disease controls, such as restrictions and enhanced testing, both to the recipient herd and any local herds placed at additional risk, will apply.

Under severe winter weather conditions, there is a special protocol for animal movement that may be activated by Veterinary Service. Movement is only permitted in exceptional circumstances and does not require herd association but will require restriction of the receiving herd, and usually an increased level of herd testing in the receiving herd.

All herd keepers with a TB breakdown will receive contact details for DARD staff and for other organisations that may be able to help if a farmer is under pressure.

11.3 Some stakeholders suggested that licensing of cat breeders is needed.

There are no legislative requirements in GB or Ireland regarding the licensing of cat breeders. Catteries are licensed by DARD under the Animal Boarding Establishments Regulations (NI) 1974. The issue of licensing of cat breeders was included in the 2006 consultation on the Welfare of Animals Bill. However, there was no public appetite for this. The 2011 Act provides general powers which can be used to address any welfare issues which may arise in relation to cat breeding.

11.4 Some stakeholders suggested that cat licensing is needed, similar to dog licensing (possibly limited to cat breeding stock and their kittens).

Catteries are licensed by DARD under the Animal Boarding Establishments Regulations (NI) 1974. Until recently there had been no requests to consider the licensing of cats, and feedback received on the issue from previous public consultations has not reflected a need for this until this current Review. Given the practical difficulties of introducing and enforcing such a requirement, DARD needs to prioritise other welfare issues at this time.

11.5 Some stakeholders said that the dog licensing system needs to be enforced, including updating of the microchip databases with owner details.

Dog licensing here is enforced by the Councils' Dog Warden service. Statistical data shows that over 135,000 dog licences were issued by Councils during 2014. Dog Wardens also issued 2,733 fixed penalty notices to persons who had a dog without a Council-issued dog licence. In addition, there were a further 445 successful prosecutions during 2014 for not having a valid dog licence.

One of the points raised during stakeholder discussion sessions and by Councils during the consultation on amending The Dogs (Licensing and Identification) Regulations (NI) 2012 to remove the need for coloured collar tags, was that some dog owners were not updating their contact details on microchip databases, for example, when they changed address. If the details are inaccurate, the dog is not considered microchipped under the Dogs (Licensing and Identification) Regulations (NI) 2012 and the licence is void. To address this issue, DARD has made a minor amendment to add clarity to the Regulations. This does not change how dog owners licence their dogs or the role of Council Enforcement Officers. The amendment made the requirement to update the microchip database more explicit and came into force from 1 January 2015.

11.6 Some stakeholders commented on apparent inconsistency of approach by DARD VS during inspections in meat plant lairages.

Throughout the EU the welfare of animals during transport is governed by Council Regulation (EC) 1/2005 which is administered and enforced here through The Welfare of Animals (Transport) Regulations (NI) 2006. Whilst the 2011 Act also applies to animals during transport, the specific provisions of the EU Regulation give better grounds for appropriate enforcement.

The welfare of animals transported to meat plant lairages is protected through enforcement of the transport regulations. Food business operators are required to notify DARD if/when an animal arrives with them in an unsatisfactory state with regard to welfare. In addition, DARD vets in meat plants inspect all animals prior to slaughter and occasionally identify animals which should not have been transported. These vets have been trained in the enforcement of the Regulations and refresher training was last provided in September 2014.

Annexes

Annex A	Recommendations assigned to relevant bodies
Annex B	A list of secondary legislation made under the 2011 Act and Codes of Practice for farmed/non-farmed animals
Annex C	Terms of Reference for the Review
Annex D	List of Stakeholders invited to discussion sessions and respondents to the consultation on the Interim report.

Annex A

Emerging Recommendations Assigned to Relevant Bodies

Theme	Recommendation Number	Recommendation	Responsibility
Sentencing	1	<p>DARD considers increasing penalties for animal welfare offences as follows:</p> <ul style="list-style-type: none"> • Summary Offences – Increase the maximum penalty on summary conviction for the offences of causing unnecessary suffering (section 4) and animal fighting (sections 8(1) & 8(2)) to twelve months imprisonment, a fine not exceeding £20,000, or both. • Indictable Offences – Increase the maximum sentence for conviction on indictment, from two years imprisonment to five years. <p>The following summary only offences are amended to make them hybrid, which will allow the most serious cases to be heard in the Crown Court: -</p> <ul style="list-style-type: none"> • Knowingly supplying, publishing, showing or possessing with intent to supply photographs, images or video of an animal fight; • Breaching a disqualification order; and, • Selling or parting with an animal pending the outcome of an appeal to a deprivation order. <p>The range of ancillary post-conviction powers available to the courts following conviction for animal fighting offences are extended to be available following a conviction for supplying, publishing, showing or possessing with intent to supply photographs, images or video of an animal fight. This would, for example, give courts the power to confiscate an animal from an owner convicted of supplying images or video of an animal fight, and to disqualify such persons from owning or keeping animals.</p>	DARD/DOJ

Theme	Recommendation Number	Recommendation	Responsibility
Sentencing	2	DOJ to consider adding the following hybrid offences to the Unduly Lenient Sentencing Scheme (which would apply in circumstances where these cases are heard before the Crown Court): - 1) Unnecessary suffering (section 4), and 2) Causing/Attending an animal fight (sections 8(1) and 8(2)).	DOJ
	3	DOJ to write to the Lord Chief Justice to share the detail of the proposed increase to the maximum penalties as this may impact on existing sentencing guidelines. Consideration should also be given to giving DARD and local Councils an opportunity to provide the Judicial Studies Board with background about their enforcement roles.	DOJ
Delivery Structures – Farmed Animals	4	DARD VS review performance standards as part of the post-implementation review of the animal welfare enhancements to APHIS.	DARD
	5	DARD VS monitor the level and outcome of anonymous and vexatious calls and if necessary review their procedures. In addition, they should consider reporting the number of anonymous and vexatious calls in the annual report.	DARD
	6	DARD VS continue to review policies, procedures, standard forms and guidance as and when the need arises (e.g. changes in legislation, review of best practice in a case).	DARD
	7	DARD VS incorporate lessons learned from case reviews in staff training in the implementation and enforcement of the appropriate legislation.	DARD
	8	DARD VS to continue with the current arrangement of monitoring the effectiveness of call-handling and, if any problems are detected, provide additional training.	DARD

Theme	Recommendation Number	Recommendation	Responsibility
Delivery Structures - Non Farmed Animals	9	Councils continue to report to the Animal Welfare Project Board on achievement of the targets set out in their Call Prioritisation policy and the Animal Welfare Project Board should continue to monitor and review performance and response time targets.	Councils
	10	Councils continue to review the volume of work, budget and spend on a quarterly basis and continue to seek to create efficiencies, where possible and, in conjunction with DARD and the Animal Welfare Project Board, continue to review the required level of funding for enforcement of the non-farmed animal welfare service.	Councils/DARD
	11	Chief Executives of the eleven new Councils should consider the information provided to them by the Review when making decisions about the operating model for the delivery of the animal welfare service.	Councils
	12	Councils advise DARD as soon as possible of the structures in relation to the animal welfare service post LGR to inform decisions in relation to budget planning.	Councils
	13	Each Council adopts a consistent approach in relation to delegating the power to instigate legal proceedings.	Councils
	14	Councils build into future training, guidance and practice the experience gained from on-going investigations and legal cases.	Councils
	15	Councils provide guidance to AWOs in relation to offending by children and young people.	Councils
	16	Councils provide specific training on dealing with vulnerable adults.	Councils

Review of the Implementation of the Welfare of Animals Act (Northern Ireland) 2011

Theme	Recommendation Number	Recommendation	Responsibility
Delivery Structures - Non Farmed Animals	17	Councils to formalise the procedures which are currently in draft form for AWOs and continue to undertake routine periodic review of policies, procedures, standard forms and guidance documents as good practice, address procedural gaps and periodically conduct consistency audits.	Councils
Delivery Structures - Wild Animals	18	The PSNI obtain input from Council AWOs to training for new officers and call handlers; and update and regularly review guidance on the PSNI intranet site for operational officers to include common offences/incidents.	PSNI
	19	The PSNI make information available for call handlers on the investigative responsibilities of PSNI, DARD and Councils for animal welfare issues, and to include contact details of relevant agencies should the matter need referred to another body.	PSNI
	20	The PSNI continue their current enforcement policy that all offences under the 2011 Act investigated by the PSNI are reported to PPS for direction.	PSNI
	21	The PSNI provide operational officers with guidance that can be accessed when out on patrol, advising on animal welfare responsibilities of each of the three enforcement bodies (PSNI, DARD, Council) and focusing on the common animal welfare offences police officers are likely to investigate i.e. animal fighting, horses on roads.	PSNI
	22	The PSNI investigating officer, upon securing a Disqualification Order, should forward details to the Wildlife Liaison Officer and local policing team. The information should also be placed and flagged on their computer system. The Order should be formally monitored at least twice a year and evidence of monitoring should be entered on their computer for audit purposes.	DARD, Councils and PSNI

Theme	Recommendation Number	Recommendation	Responsibility
Working Together	23	The draft MOU between the three enforcement bodies and the current MOUs between DARD and Councils be updated to reflect the outcome of this Review and the new structures adopted by Councils following LGR.	DARD, Councils and PSNI
	24	The three enforcement bodies establish protocols for working together in certain situations i.e. abandoned horses and missing pets.	DARD, Councils and PSNI
	25	The three enforcement bodies meet regularly to discuss enforcement of the 2011 Act and to share best practice and lessons learned from specific investigations, NICTS should be invited when required.	DARD, Councils and PSNI
	26	The three enforcement bodies develop templates for Disposal, Deprivation and Disqualification Orders for use by prosecutors.	DARD, Councils and PSNI
	27	DARD, in conjunction with DOJ, progress its application for access to the CRV and investigate options regarding sharing relevant conviction data with Councils.	DARD/DOJ
	28	DARD, with DOJ support, arrange an event bringing animal re-homing organisations together to share best practice and discuss steps that can be taken to ensure the suitability of individuals applying to re-home an animal.	DARD/DOJ
	29	Councils continue to work with organisations that are in a position to take ownership of animals which may be re-homed as a result of Disposal Orders granted by the Courts pending consideration of a licensing system for such organisations.	Councils
	30	DARD considers licensing of animal sanctuaries, re-homing organisations and dog pounds.	DARD

Theme	Recommendation Number	Recommendation	Responsibility
Working Together	31	Enforcement Bodies make guidance available on how the public and animal welfare organisations should deal with an animal welfare incident.	DARD, Councils and PSNI
	32	Councils to meet annually with key animal welfare representative groups to discuss enforcement of the 2011 Act as regards non-farmed animals.	Councils
	33	Councils meet with their counterparts in the Republic of Ireland on an annual basis or more frequently if required, to discuss issues of joint interest.	Councils
	34	Councils work with cat welfare organisations to produce guidance for use by AWOs in determining when cats are of a feral kind.	Councils
Serving The Public	35	DARD establish a single animal welfare web presence to bring together information from all enforcement bodies, informing the general public of the needs of animals, the responsibilities of owners, and the potential for criminal proceedings.	DARD
	36	DARD provide a series of 'quick-guides' to explain the legal responsibilities of animal owners and the enforcement arrangements.	DARD
	37	An awareness campaign be undertaken to increase public awareness of who to contact if they are concerned about the welfare of animals.	DARD, Councils and PSNI
	38	Enforcement bodies revise, update and enhance sources of information on animal welfare, including provision of guidance, leaflets and CoP and links on Council websites and ensure that the CoP for non-farmed animals should be publicised.	DARD, Councils and PSNI
	39	Enforcement bodies continue to encourage the public to report information that might indicate a welfare concern and consider how such information is gathered, analysed and acted upon to see if any improvements are possible.	DARD, Councils and PSNI

Theme	Recommendation Number	Recommendation	Responsibility
Serving the Public	40	DARD provide an annual report setting out information relevant to the public in relation to the animal welfare service provided by each of the three enforcement bodies.	DARD
	41	Enforcement bodies should work with their respective media services to review Press Releases (including content, recipients and timing) to maximise uptake. Press Releases should also be published on the single animal welfare web presence.	DARD, Councils and PSNI
	42	Enforcement bodies include a standard line in Press Releases to inform the public how to report an animal welfare concern and provide a link to the animal welfare web presence	DARD, Councils and PSNI
	43	Officials in DARD and DE to meet to discuss how they might highlight animal welfare educational awareness programmes in schools.	DARD, DE
	44	Enforcement bodies provide briefing material on the 2011 Act, including on the welfare needs of animals to media outlets, which should be updated regularly.	DARD, Councils and PSNI
	45	Councils appropriately publish complaints procedures when established within the new Councils so that they are readily accessible to animal welfare stakeholders and members of the public.	Councils
Dog Breeding and Online Pet Sales	46	Guidelines should be revised to require Council Enforcement Officers to verify implementation of socialisation, enhancement and enrichment programmes during inspections and this requirement to be written into the Regulations at the earliest possible opportunity.	DARD
	47	Councils should draw up a protocol for risk based unannounced inspections to ensure consistency across all Council areas.	Councils

Theme	Recommendation Number	Recommendation	Responsibility
Dog Breeding and Online Pet Sales	48	DARD and Councils to carry out a review of licence fees for dog breeding establishments. This should be on the basis of full cost recovery of costs to the Councils and should take into account the need, on occasions, for multiple inspections of dog breeding establishments. To ensure consistency of approach, this review of the licence fee should be carried out in tandem to a forthcoming review of the legislation for Petshops, Animal Boarding and Riding Establishments and Zoos which will also cover inspection activities and fees.	DARD, Councils
	49	The Guidance for Council Enforcement Officers issued by the DARD to Councils should be reviewed, in conjunction with Councils, by DARD and strengthened. This strengthened guidance should be made available to Dog Breeders and members of the public via the single animal web presence.	DARD, Councils
	50	DARD reviews guidance for work areas such as New Owners Guide for animal boarding establishments to ensure a consistent approach is adopted.	DARD, NIDAG
	51	Councils finalise training requirements, following the outcome of this Review, so that any relevant areas can be addressed as part of an accredited course.	Councils
	52	DARD should monitor the implementation of staff to dog ratio conditions by local authorities in Wales with a view to considering this option in the future.	DARD
	53	DARD to amend legislation to allow the details contained within Council held registers of Licensed Dog Breeding Establishments to be made available to the public and on the single animal welfare web presence.	DARD

Theme	Recommendation Number	Recommendation	Responsibility
Dog Breeding and Online Pet Sales	54	DARD and DAFM to include dog breeding and the movement of dogs as a standing item at meetings of the North South Animal Welfare and Transport Working Group, to facilitate the sharing of information, intelligence, best practice and lessons learned.	DARD
	55	The conditions required for obtaining a dog breeding licence should be made available on Council websites, and the single animal welfare web presence.	DARD, Councils
	56	DARD in conjunction with DE to consider including buying and caring for a pup in any animal welfare educational awareness programmes in schools arising from the implementation of Recommendation 44; and include relevant links/guidance on the new animal welfare web presence.	DARD, DE
	57	DARD to formalise its links with PAAG and IPAAG and work with these organisations to promote better self regulation of online sites advertising pets.	DARD
	58	DARD and Councils should raise awareness of the legislation available, and the relevant enforcement bodies, that the public have recourse to by the inclusion of relevant links/guidance on the new animal welfare web presence.	DARD, Councils
	59	DARD includes the issue of the selling pets from all premises as part of its consultation when reviewing and revising the legislation relating to petshops, riding and animal boarding establishments.	DARD
Equines	60	The legislative requirement for the registration of premises where equines are kept to be reviewed based on the Review feedback, and when further information is available on what, if any, requirements may be included in the new EU AHRs.	DARD

Theme	Recommendation Number	Recommendation	Responsibility
Equines	61	The Equine Coordination Working Group to develop a multi agency communication strategy to disseminate relevant statutory and industry messages.	DARD
	62	DARD to support the British Horse Society in their planned Spring 2016 castration clinic here.	DARD
	63	The Review recommends that DARD continues to monitor the level of equine welfare and abandonment cases and keep the need for action under review. This should include continuing to engage with DAFM officials through the North South Animal Welfare and Transport Working Group.	DARD
	64	DARD seek to amend the 2011 Act to add a clause to enable an accelerated process for the re-homing or disposal of abandoned, unidentified equines.	DARD
	65	Councils to continue to monitor the ongoing training and development requirements of Animal Welfare Officers in relation to equine management and welfare.	Councils
	66	DARD to highlight the consequences of an unidentified horse being taken into possession on welfare grounds in its planned Communications strategy in relation to the Horse Passport Regulations.	DARD

Theme	Recommendation Number	Recommendation	Responsibility
Equines	67	In relation to abandoned equines that are not microchipped and therefore their previous ownership cannot be established, ensure that any Disposal Order states that the equines are not microchipped and ownership is untraceable. This is to ensure that the court is aware that it will not be possible to establish any ownership for these unidentified equines, in addition to being in breach of the Horse Passport Regulations (note: only equines born after June 2009 require microchip).	DARD
	68	DFP to review the Animals Order 1976 to reflect the current legislative requirements regarding the electronic traceability of animals and passporting and the limited availability of outlets to sell or auction animals that have been taken into possession, including consideration of additional disposal options that are now available and retention periods.	DFP

Annex B

Legislation made under Welfare of Animals Act (NI) 2011

THE WELFARE OF ANIMALS (PERMITTED PROCEDURES BY LAY PERSONS) REGULATIONS (NI) 2012 No. 153 (as amended by SR 2012 No. 387)

<http://www.legislation.gov.uk/nisr/2012/153/contents/made>

THE WELFARE OF FARMED ANIMALS REGULATIONS (NI) 2012 No. 156 (as amended: by SR 2012 No. 387)

<http://www.legislation.gov.uk/nisr/2012/156/contents/made>

THE WELFARE OF ANIMALS (DOCKING OF WORKING DOGS' TAILS AND MISCELLANEOUS AMENDMENTS) REGULATIONS (NI) 2012 No. 387

<http://www.legislation.gov.uk/nisr/2012/387/contents/made>

THE WELFARE OF ANIMALS (DOG BREEDING ESTABLISHMENTS AND MISCELLANEOUS AMENDMENTS) REGULATIONS (NI) 2013 No.43

<http://www.legislation.gov.uk/nisr/2013/43/contents/made>

Codes of Practice made under Welfare of Animals Act (NI) 2011 for farmed animals can be found at-

<https://www.dardni.gov.uk/publications/codes-practice-farmed-animals>

Codes of practice made under Welfare of Animal Act (NI) 2011 for non-farmed animal can be found at-

<https://www.dardni.gov.uk/publications/codes-practice-non-farmed-animals>

Annex C

Terms of Reference

Review of the Implementation of the Welfare of Animals Act 2011

9 July 2014

For almost 40 years, the main primary legislation on animal welfare was set out in the Welfare of Animals Act 1972. It allowed intervention, and subsequent prosecution action, only after cruelty or unnecessary suffering had occurred. The Welfare of Animals Act 2011 (the 2011 Act) introduced a duty of care in respect of all “protected animals” (i.e. animals under the control of any person whether permanently or temporarily) and provided new enforcement powers to allow action to be taken to prevent animals from suffering, as opposed to waiting until suffering has occurred.

Under the 2011 Act, many of the existing powers of enforcement that existed in the 1972 Act remain in place. The Department appoints inspectors to implement and enforce powers in respect of farmed animals on agricultural land. The PSNI leads in welfare issues involving organised animal fighting or where other criminal activities are involved.

The 2011 Act extended the existing powers of enforcement by making new powers available to Councils to appoint inspectors to implement and enforce provisions in respect of non-farmed animals, including horses.

The 2011 Act increased the penalties for serious animal welfare offences (to a maximum 2 years imprisonment and/or unlimited fine) and provides the same level of protection for non-farmed animals as exists for farmed animals.

Purpose of the Review

There has been considerable political, media and public interest in the enforcement of the Welfare of Animals Act 2011, particularly with regard to non-farmed animals. There is also a widely held concern about the sentences imposed in a recent high-profile case.

On 31 March 2014, the Assembly debated and agreed a Private Member’s Motion as follows - That this Assembly notes with concern the number of cases of extreme animal cruelty that have occurred recently, the low number of convictions and the failure to impose the maximum sentence available; and calls on the Minister of Agriculture and Rural Development, in conjunction with the Minister of Justice, to initiate a review of the implementation of animal cruelty legislation, particularly sentencing guidelines and practices, to ensure that the maximum effectiveness is being brought to bear to combat these crimes.

In response to the motion, the Department of Agriculture and Rural Development (DARD) will establish a Review of the implementation of the Welfare of Animals Act 2011 to which the

Department of Justice (DOJ) will contribute. An interim report will be prepared by 31 November 2014 and a final written report (supported by evidence and recommendations as necessary) by early 2015. The final report will be made to the DARD Minister who will communicate, to the Minister of Justice, any recommendations which may fall under the responsibility of his department.

Review structure

The Review will be overseen by a Steering Group comprising of officials from DARD and DOJ. This Group will provide direction for the Review, commission work in a number of work-streams, prepare an interim and final report, and provide advice to their respective Ministers.

The Steering Group will:

- commission a number of Discussion Sessions in order to take views on the implementation of the 2011 Act from a cross-section of stakeholders, including welfare charities;
- set up Working Groups which will consider the implementation of the 2011 Act across a number of themes, identify the scale and range of issues, and explore options for improvement/propose recommendations, as appropriate; and
- establish a Delivery Body Reference Group (made up of delivery stakeholders responsible for the implementation of the 2011 Act) to provide input on operational issues, through supporting the Discussion Sessions and advising on the practical implications of Working Group findings/recommendations.

Indicative Review themes

The Review will consider the implementation of the Welfare of Animals Act 2011 under the following themes.

1. **Sentencing** - The sentencing of those convicted of animal welfare offences has often attracted attention from the public, elected representatives and the media.

The Review will compare across these islands:

- the sentencing options in legislation available to the Courts;
 - the sentencing guidelines; and
 - the sentences handed down for those convicted under similar animal welfare legislation.
2. **Delivery Structures** - Animal Welfare enforcement for farmed animals is carried out by the Department, while the PSNI has responsibility for wild animals, animal fighting and welfare issues where other criminal activities are involved.

Animal Welfare enforcement in respect of non-farmed animals, although funded by the Department, is carried out by local Councils through 5 Groups. It is recognised that the

implementation of Local Government Reform and the move to 11 Councils will require changes to the current structure. As the future Local Government structures are a matter for Councils and remain to be confirmed, any recommendations in this Review will be based primarily on the current arrangements. Councils may wish to draw upon the emerging findings of this Review when developing those future delivery arrangements.

The Review will examine:

- the current management, administrative (including case preparation) and enforcement arrangements;
- existing implementation policies;
- the use of resources; and
- arrangements for training and development.

3. Working Together (facilitating enforcement) - Successful progress of a case from initial referral, through investigation, to (possible) prosecution requires effective working both within and between several agencies.

Having regard to recent examples as case studies, the Review will examine how the following work together:

- Councils, the Department and the PSNI;
 - enforcement bodies, their legal teams/the PPS and the Northern Ireland Courts and Tribunals Service; and
 - Councils with animal charities, rescue groups etc.
- The Review will also:
- consider access to conviction data for enforcement organisations, other than the PSNI; and
 - examine cross-border relationships between enforcement bodies.

4. Serving the Public - It is essential that members of the public are aware of who to contact should they need to report an animal welfare incident. It is also important to let the public know whether the 2011 Act is being effectively implemented.

The Review will examine:

- the public facing material, its prominence, and methods used in publicising animal welfare enforcement;
- complaints procedures; and
- the arrangements in place to inform the public of the effectiveness of animal welfare enforcement in terms of cases investigated, prosecuted etc.

Annex D

Stakeholders invited to discussions on the Review of the Implementation of the Welfare of Animals Act (NI) 2011 - summer 2014

* Invited but unable to send representative or did not respond

7th Heaven Animal Rescue Trust Almost Home Rescue NI

Animal Ethics Advisory Group *

Assisi Animal Sanctuary

Ballysaggart Environmental Group Bright Eyes Animal Sanctuary

British Association for Shooting and Conservation in Northern Ireland (BASC NI)

British Horse Society

British Veterinary Association (BVA)

Cat Support Group

Cats Protection

Causeway Coast Dog Rescue Compassion in World Farming (CIWF) *

Countryside Alliance Ireland Crosskennan

Dairy UK Northern Ireland Dogs Trust

Donkey Sanctuary

Equine Council for Northern Ireland (ECNI)

Farmers for Action

Grovehill Animal Trust

Irish Horse Board *

Irish Working Terrier Federation

League Against Cruel Sports

Livestock and Meat Commission (LMC) *

Lucy's Trust

Mid-Antrim Animal Sanctuary

National Beef Association

National Sheep Association *

NI Horse Board (PIO)

Northern Ireland Agricultural Producers Association (NIAPA)

Northern Ireland Provincial Amalgamation of Racing Pigeons (NIPA) *

Northern Ireland Says No to Animal Cruelty (NISNTAC)

Nutts Corner Boarding Kennels Pet Industry Federation *

Pig ReGen Ltd

Royal College of Veterinary Surgeons (RCVS) *

RSPB NI *

Rural Support

The Association of Veterinary Surgeons Practising in Northern Ireland (AVSPNI)

The Blue Cross *

The Kennel Club

The North of Ireland Veterinary Association (NIVA)

The Rainbow Rehoming Centre

The Society of Greyhound Veterinarians *

The Ulster Society for Prevention of Cruelty to Animals (USPCA)

Ulster Farmers Union (UFU)

Ulster Pork and Bacon Forum*

Ulster Wildlife Trust*

Young Farmers' Clubs of Ulster (YFCU)

Respondents to the Consultation on the Interim Report, which opened on 25 February 2015 and closed 21 May 2015.

7th Heaven Animal Rescue Trust

Animal Welfare Project Board

Ards & North Down Council

Armagh City, Banbridge & Craigavon Council

Ballysaggart Environmental Group

Battersea Dogs and Cats Home

Belfast City Council

Blue Cross

British Association for Shooting and Conservation

BVA

Canine Breeders Ireland Ltd

Carol McCullough

Catherine Hardy

Cats Protection

Causeway Coast Dog Rescue

Channelview Boarding Kennels

Corinne Jordan

Countryside Alliance Ireland

Crosskennan Lane Animal Sanctuary

David Wilson

Derry City and Strabane District Council

Dog Welfare Matters

Dogs Trust

Dr Pamela Scullion

Elizabeth Bell

Equine Welfare Network

Fermanagh & Omagh DC

Irish Coursing Club

Irish Working Terrier Federation

Jane Watt

Joseph Boyle BSc

Kristina Hayes

League Against Cruel Sports

Linda Collins

Lisburn and Castlereagh City Council

Lucy's Trust

Margaret Turtle

Michael Milliken

Mid and East Antrim Borough Council

Mid Ulster Council

NISNTAC

Northern Ireland Badger Group

Ornamental Aquatic Trade Association

PSNI

Public Prosecution Service

Society of Greyhound Veterinarians

Sonia Treacy

Susan Hunter

The Kennel Club

The Law Society

UFU

USPCA

Valerie McKay

YFCU

A copy of the Interim report and summary of the consultation responses can be found at

<https://www.dardni.gov.uk/consultations/interim-report-review-implementation-welfare-animals-act-ni-11>

Glossary of terms

AHWIs	Animal Health and Welfare Inspectors DARD
APHIS	Animal and Public Health Information System. DARD's database containing details of holdings (flocks and herds) and animals in Northern Ireland.
AWO	Animal Welfare Officer of the Council
C2k ICT	Educational Resource provided in Schools
CAFRE	College of Agriculture, Food and Rural Enterprise
COP	Codes of Practice
Council Regulation (EC) 1/2005	European legislation on the protection of animals during transport
Councils	Councils responsible for the enforcement of the non-farmed animal welfare legislation
Cross-Compliance	Refers to the requirement for farmers to comply with a set of Statutory Management Requirements (SMRs) and keep their land in Good Agricultural and Environmental Condition in order to qualify for full payments agricultural support schemes.
CRV	Criminal Record Viewer
CSB	Customer Service Branch within DARD
DAFM	Department of Agriculture, Food and the Marine
DARD	Department of Agriculture and Rural Development
DARDVS	Veterinary Service (part of DARD)
DE	Department of Education
Delivery Body Reference Group	Councils, DARD, DOJ, Public Prosecution Service, Northern Ireland Courts and Tribunal Service and Police Service of Northern Ireland
DFP	Department of Finance and Personnel
DOJ	Department of Justice
ECHR	European Convention on Human Rights
Enforcement Bodies	DARD, Councils & PSNI
FQAS	Farm Quality Assurance Scheme
FOI	Freedom of Information
Great Britain	England, Scotland and Wales
IPAAG	Irish Pet Advertising Advisory Group
LCJ	Lord Chief Justice of Northern Ireland (Sir Declan Morgan)
LGR	Local Government Reform

Minister for Agriculture and Rural Development	Minister Michelle O'Neill MLA, Minister for Agriculture and Rural Development
Minister for Justice	Minister David Ford MLA, Minister for the Department of Justice
MOU	Memoranda of Understanding
MRNI	Market Research Northern Ireland
NI	Northern Ireland
NICTS	Northern Ireland Courts and Tribunals Service
NIDAG	Northern Ireland Dog Advisory Group
PACE	Police and Criminal Evidence
PAAG	Pet Advertising Advisory Group
PPS	Public Prosecution Service
PR	Press Release
PSNI	Police Service of Northern Ireland
Review Steering Group	Senior officials from DARD and DOJ
ROI	Republic of Ireland
RSPCA	Royal Society for the Prevention of Cruelty to Animals
SIU	Special Investigation Unit (DAFM)
SMRs	Statutory Management Requirements are compliance with specific articles contained within 17 European regulatory requirements covering the environment, food safety, animal and plant health and animal welfare.
SPVO	Senior Principal Veterinary Officer
TB	Tuberculosis
the 1972 Act	The Welfare of Animals Act (Northern Ireland) 1972
the 2011 Act	The Welfare of Animals Act (Northern Ireland) 2011
the 2012 regulations	The Welfare of Farmed Animals (Northern Ireland) Regulations 2012 (as amended)
the 2013 regulations	The Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (NI) 2013
UK	United Kingdom (England, Scotland, Wales and Northern Ireland)
ULS	Unduly Lenient Sentencing
USPCA	Ulster Society for the Prevention of Cruelty to Animals
VO	Veterinary Officer (DARD)
VSB	Veterinary Service Board (DARD)
VSEB	Veterinary Service Enforcement Branch (DARD)
WLO	Wildlife Liaison Officer (PSNI)

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AN ROINN

**Talmhaíochta agus
Forbartha Tuaithe**

MÁNNYSTRIE O

**Fairms an
Kintra Fordèrin**



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