

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

Interim Report - February 2015



Department of
**Agriculture and
Rural Development**

www.dardni.gov.uk

AN ROINN

**Talmhaíochta agus
Forbartha Tuaithe**

MÁNNYSTRIE O

**Fairms an
Kintra Fordèrin**



**INVESTORS
IN PEOPLE**

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Executive Summary

For almost 40 years, the main primary legislation regarding animal welfare was the Welfare of Animals Act (NI) 1972 (the 1972 Act). The legislation was replaced in 2011 by the Welfare of Animals Act (NI) 2011 (the 2011 Act) which introduced a duty of care in respect of all protected animals and provided new enforcement powers to allow action to be taken to prevent animals from suffering, as opposed to the previous position whereby action could only be taken after suffering had occurred. It also increased penalties for animal welfare offences.

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

Following substantial public debate and adoption of a Private Members' Motion in the Northern Ireland Assembly on 31 March 2014, Minister O'Neill, the Minister responsible for animal welfare, established a Review of the Implementation of the 2011 Act. To reflect the importance of sentencing issues in the Review it is being chaired jointly by officials in the Department of Agriculture and Rural Development (DARD) and the Department of Justice (DOJ). This is the Interim Report of that Review.

The Review is considering the implementation of the 2011 Act under the following four themes.

Sentencing

During the consultation process stakeholders expressed concern about what they considered to be unduly lenient sentencing and lack of consistency in sentencing, and called for minimum sentences and aggravated offences to be introduced.

The Review compared sentencing options available to the judiciary across Northern Ireland, Great Britain and the Republic of Ireland. It also looked at sentencing guidelines.

The Review recommends that DARD considers increasing the maximum sentence on summary conviction for the more serious offences from six months to twelve months and increasing the maximum fine from £5,000 to £20,000 and in the case of indictable offences increasing the maximum prison term from two years to five years. The Review is not recommending the introduction of minimum sentencing or aggravated offences.

For certain offences the Director of Public Prosecutions has the power to refer cases to the Court of Appeal where he believes that the sentence handed down by the court has been unduly lenient. However, at present, offences under the 2011 Act are not amongst those offences that the Director has the power to refer.

DOJ has recently launched a consultation as part of a review of the current law around unduly lenient sentences. The consultation will run from Friday 6 February until Friday 8 May. Further

details including links to the consultation paper can be found on the DOJ website at www.dojni.gov.uk. Minister O'Neill has already asked the Minister with responsibility for Justice to consider adding animal welfare offences to the offences that can be referred to the Court of Appeal to consider if a sentence has been unduly lenient. Minister Ford has agreed to the request and it is on that basis the Review made no recommendations in this area but would refer interested parties to the DOJ consultation.

Delivery Structures - farmed animals

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

Stakeholders expressed various concerns about how DARD VS enforce the legislation, about how anonymous calls are dealt with and how staff deal with those people in need of additional support.

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

The Review found that the recently introduced update to the IT system APHIS (Animal and Public Health Information System) will help in future to provide information on anonymous and potentially vexatious calls and recommends that the policy on this issue should be reviewed when this information is available.

The Review recommends that DARD VS use lessons learned from case reviews as a learning opportunity for enforcement staff.

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 signpost 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. This is, therefore, still a relatively new area of work for Councils and recommendations have been made to assist them 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 looked at the resources available to Councils and the way they deploy these resources. It found that the level of funding required in 2013/14 and 2014/15 is likely to be needed in 2015/16 if there is no reduction in the number of cases. The Review recommends that the Animal Welfare Project Board and DARD continues to review the level of funding required for enforcement of non-farmed animal welfare.

Councils prioritise animal welfare calls taking account of guidance from the Royal Society for the Prevention of Cruelty to Animals (RSPCA). This prioritisation allows them to deal with cases based on the urgency of the situation.

Stakeholders raised a wide variety of issues in connection with equines. The issues raised cut across all the enforcement bodies as well as a number of DARD policy areas. Due to the complexity of the issues the Review is still considering how these might be addressed. As part of this continuing work we would welcome any qualitative or quantitative information that stakeholders can provide.

Delivery Structures - wild animals

Under the 2011 Act, the Police Service of Northern Ireland (PSNI) has 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. 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 in relation to animal welfare which PSNI receive 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 on their 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 considers the approach to the delivery of animal welfare rational and appears to be working well. The Review looked at training of new and current officers as well as call handlers and has made some recommendations to ensure that they all have up to date and relevant information available to them when they need it.

Consideration was given to how the PSNI monitor Disqualification Orders and the Review recommends that an enhanced system of monitoring is put in place.

Working Together (facilitating enforcement)

The Review examined how the three enforcement bodies (DARD VS, Councils and PSNI) work together to enforce the 2011 Act. It included consideration of their work with Public Prosecution Service (PPS) and Northern Ireland Courts and Tribunal Service (NICTS) (as appropriate) including how they progress prosecution cases effectively.

The Review recommends that the enforcement bodies as well as NICTS meet regularly to share experience and learning. This will also provide an opportunity to discuss and address areas of concern that are cross cutting.

The Review examined how Councils work with animal welfare organisations. It found that current relationships are based on local knowledge or previous working together. The Review recommends that Councils continue to meet with animal welfare organisations annually to discuss enforcement of the 2011 Act and this will also provide an opportunity for concerns to be aired.

Following representation from stakeholders the Review considered access to conviction data for enforcement bodies and re-homing charities. DARD has sought access to the Criminal Records Viewer (CRV) and is currently finalising arrangements to facilitate this link. Once that is in place the Review recommends that DARD investigates options to provide relevant Council staff with similar access to conviction data.

The Review considered the potential for such information to be made available to re-homing charities to assist those organisations to take appropriate steps to safeguard animals being re-homed, either through direct access to the CRV or through a register of offenders. This raises particularly difficult and complex issues regarding freedom of information, data protection and human rights. Whilst the Review is not in a position to make a firm recommendation at this time, DOJ in conjunction with partner organisations, will give consideration as to what, if any, steps can be taken to assist animal re-homing organisations gain access to conviction data.

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 examined the material available to the public to publicise the animal welfare enforcement arrangements, its prominence and content. The Review recommends that a single animal welfare website is established to act as a central point for information.

The Review also considered the feasibility of providing 24 hour contact and response facilities for each of the three enforcement bodies. The Council service is the area which appeared to be of most concern to stakeholders. Available evidence in relation to calls received by councils and prioritisation of these calls was assessed. The Review considered 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.

In relation to provision of publicity regarding convictions, the Review found that all the enforcement bodies had policies in place to facilitate relevant publicity. The Review, however, recommends that an annual report is produced by DARD and made available on the animal welfare website setting out information relevant to the public in terms of enforcement by each

of the three enforcement bodies. The Review also recommends that the inclusion of contact details and a website link to the animal welfare website at the end of the Press Release under the heading “Notes to the Editor” would be an additional way of increasing public awareness.

Related Issues

The Review also considered a range of issues raised by stakeholders during the Discussion Sessions which, while outside the implementation of the 2011 Act, have been addressed in Section 8.

Way Forward

The Interim Report gathers the emerging recommendations and assigns them to relevant bodies (Annex A). It is planned that the timescale for the implementation of any agreed recommendations will be set out in the Final Report.

This Interim Report has been shared with both Minister Michelle O’Neill and Minister David Ford. The Interim Report will also be shared with the stakeholders who contributed to the Discussion Sessions during the early stages of the Review and will be available on the DARD and DOJ websites.

The purpose in issuing this Interim Report is to allow further consultation on the emerging thinking and recommendations of the Review. Members of the public and stakeholders are invited to submit their views and further evidence during the 8-week consultation exercise. Following the consultation process the recommendations can be adjusted, where necessary, before the final report is published in mid 2015. Information on how you can access the Public Consultation is provided at Section 9.

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 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). This is the Interim Report of that Review, which sets out emerging thinking and recommendations based on the evidence considered to date. In addition, it highlights those areas that require further consideration by the Review before recommendations can be made.

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, 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 suffering.

The 2011 Act:

- provides the same level of protection for both non-farmed animals and 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 it has 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 help 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 is being overseen by a **Review Steering Group** comprising senior officials from DARD and DOJ. This Group agreed the Terms of Reference (Annex C), is providing direction for the Review, is commissioning work in a number of areas around the implementation of the 2011 Act, and has prepared this Interim 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.

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, PPS, NICTS and PSNI.

Each Working Group considered stakeholder comments and the workstreams assigned to them. Groups met on a regular basis during autumn 2014 to discuss and evaluate issues and agree emerging recommendations.

The Review Steering Group and Delivery Body Reference Group also met at regular intervals during that period to discuss issues arising from the Working Groups and provide strategic direction.

Who we consulted

The Review held five evidence-gathering stakeholder discussion sessions during the summer of 2014. A wide range of stakeholders were invited including statutory organisations, welfare charities, rescue/re-homing charities and industry representative bodies. A full list of those invited is available at Annex D. The purpose of this targeted consultation was to take the views of those most closely involved with the issues. A note from each of the stakeholder discussion sessions, and from an earlier meeting with NISNTAC is provided at Annexes E-J. In addition, written submissions were received from a number of organisations. A list of stakeholders who made written submissions is attached at Annex K.

1.4 Review Themes

The Review considered the implementation of the 2011 Act under the following four 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 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 local Councils using a cluster approach with five Council groups, including a lead co-ordinating Council group.

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 the legal responsibilities if 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.

1.5 Way forward

The Interim Report gathers the emerging recommendations and assigns them to relevant bodies (Annex A). It is planned that the timescale for the implementation of any agreed recommendations will be set out in the Final Report.

This Interim Report has been shared with both Minister Michelle O'Neill and Minister David Ford. The Interim Report will also be shared with the stakeholders who contributed to the discussion sessions during the early stages of the Review and will be available on the DARD and DOJ websites.

The purpose in issuing this Interim Report is to allow further consultation on the emerging thinking and recommendations of the Review. Members of the public and stakeholders are invited to submit their views and further evidence during the 8-week consultation exercise. Following the consultation process the recommendations can be adjusted, where necessary, before the final report is published in mid 2015. Information on how you can access the public consultation is provided at Section 9.

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 any aspect of sentencing law. 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.

Guideline judgments, which are issued by the Court of Appeal in the context of a particular case, provide judges with a non-binding guide which gives an indication of an appropriate approach to take in a similar case.

Sentencing guidelines provide judges with starting points 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 aggravating or mitigating factors relevant in particular cases. 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 have not yet been produced, however, they will be developed when 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 a £20,000 fine. Sentencing guidelines have been developed and are available on the Sentencing Council website - <http://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 a £1,000 fine except for Section 19 (unnecessary suffering) and Section 23 (animal fights) where the maximum penalty is twelve months imprisonment and 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, there is a maximum penalty of six months imprisonment and a €5,000 fine. On conviction on indictment, there is a maximum penalty of five years imprisonment and a €250,000 fine.

In Northern Ireland, under the 1972 Act the maximum penalty was three months imprisonment and a £5,000 fine on summary conviction. 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, 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 United Kingdom 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 has considered statutory maximum penalties under the 2011 Act and broadly compared these against sentencing options 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 is scope within the existing sentencing framework to increase the statutory maximum penalties under the 2011 Act.

The Review recommends that DARD considers 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 prison 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 summary and indictable offences Northern Ireland had amongst the toughest sentences available for animal welfare crime anywhere on these islands. This would help to address the concerns of some stakeholders by underscoring the seriousness with which such offences are viewed.

The Review recognises that these proposed changes would require full public consultation and a legislative vehicle, hence we welcome this early opportunity to take soundings on these proposals.

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

While there are minimum sentences for certain firearms offences, and life imprisonment is the minimum sentence for murder, Parliament and the Assembly traditionally provide the judiciary with discretion in sentencing matters in most cases. This is to take account of the key role of an independent judiciary in maintaining 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 etc. Minimum sentences make no allowance for the exceptional case, and there is always the potential for such a case.

Specific aggravated offences have been created, e.g. aggravated burglary. However, in this case where a person is prosecuted for a specific offence, if the aggravation part of that offence is not proven, then the defendant will not be convicted of the entire offence. Alternatively, specific offences can be listed and, if aggravation can be proved in the commission of the listed offences, then the sentence can be increased. An example is in hate crime legislation, where judges are allowed to increase the sentence of people convicted of any offence, if their crime was proved to have been aggravated by hostility towards the victims because of their membership, or presumed membership, of a racial group, religious group, sexual orientation group or disability. In this context, the Review noted that the existing sentencing guidelines for the magistrates' courts for the 2011 Act currently list examples of possible aggravating factors.

The Review found that defining aggravation in animal welfare offences would be problematic. The aggravating element must be separate in itself, 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 perpetuated 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 a defendant, 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.

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. The Review is not recommending the introduction of spot fines at this time.

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. The Minister for Justice and the Lord Chief Justice (LCJ) have been taking steps to address issues of consistency and confidence in sentencing more generally. 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 Lord Chief Justice's Programme of Action on Sentencing. Over time, as more cases progress through the criminal justice system, the guidelines that have been developed for the magistrates' courts will assist with enhancing transparency and consistency in sentencing in animal welfare cases.

As part of this work, the LCJ agreed to the request by the Justice Minister that lay members should be included in the Sentencing Group. An academic member has been appointed and participates on the Group. A member representative of the views of victims is still to be appointed.

In 2013, Minister O'Neill wrote to the LCJ to highlight the public concern regarding the sentences in respect of animal welfare and also to the Minister for Justice 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. It has been agreed that animal welfare will be included in that work and, therefore, the Review is not making any further recommendations in this area. The Review would, however, recommend that interested stakeholders consider the DOJ consultation and feed into that process. The consultation was launched on Friday 6 February and will run until Friday 8 May. Further details including links to the consultation paper can be found on the DOJ website at www.dojni.gov.uk.

The Review has considered the existing arrangements for promoting awareness of sentencing guidelines. It found that the current arrangements for bringing sentencing guidelines to the attention of the court (whereby a prosecutor will draw the court's attention to the existence of any relevant guidelines in order to assist with sentencing) are reasonably effective. However, DOJ will consult with the relevant organisations to consider whether any additional steps can be taken to further promote awareness of sentencing guidelines for animal welfare offences.

Recommendations

Recommendation 1: DARD considers increasing the maximum sentence on conviction of the more serious summary offences from six months to twelve months imprisonment and increasing the fine from £5,000 to £20,000; and in the case of indictable offences considers increasing the maximum prison term from two years to five years.

Recommendation 2: DOJ consults with relevant organisations to consider what further steps can be taken to promote awareness of sentencing guidelines for animal welfare offences.

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), in respect of 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 of failure for a person responsible for an animal, whether on a permanent or temporary basis to take reasonable steps to ensure the welfare of an 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), that a person can be deprived of possession or ownership of an animal on conviction for certain specified offences and that a person can be disqualified from participating in animal-related activities following conviction for certain offences.

DARD also enforces the Welfare of Farmed Animals (NI) Regulations 2012 (the 2012 Regulations) which were made under Section 11 of the 2011 Act (and which also transpose various pieces of European legislation which set down the detailed minimum standards required to ensure that the needs of farmed animals are met). DARD Veterinary Service (DARD VS) under the Welfare of Animals Act (NI) 1972 has responsibility for the licensing and inspection of petshops, animal boarding, riding and zoological establishments. This function is due to 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 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 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 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 direct agricultural schemes covered by Cross-Compliance.

- **Welfare programme management** - delivery is supported by a specialist policy and logistics team consisting of DARD VOs and administrators in DARD VS and DARD Customer Service Branch (CSB).

DARD VS carry out between 700 and 1,000 farm 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 farm animal welfare inspections are carried out to the standard specified in the 2012 Regulations, utilising the enforcement powers available under the 2011 Act.

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

DARD 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 seized animals pending the outcome of subsequent legal proceedings. 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 almost 79% compliant. In 2014, 711 welfare inspections were undertaken and compliance improved to 86%. The detail underpinning these figures (Annex L) shows 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 specially-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 since 1 January 2012 until 26 January 2015. The Review notes that the number of convictions has risen year on year as the 2011 Act has bedded in.

Table 1: Number of convictions and cases before the court from 1 January 2012 to 26 January 2015

Year	Convictions under the 2011 Act	Cases before the court
2012	0	1
2013	2	6
2014	6	6
2015*	3	0
Total	11	13

*These figures are for January 2015 only

The Review considered previous audits carried out by EU 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 current welfare of animals legislation (the 2012 Regulations). The audits did not identify any major concerns and any findings are followed up in line with DARD processes. DARD VS is currently having an internal audit carried out on the Farmed Animal Welfare Programme and it is hoped that the findings of that audit will be available for the final report.

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.

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%.

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 with regard to farm animal welfare.

DARD VS do not yet have enough data to assess performance on this target as data has only been recorded since the Animal and Public Health Information System (APHIS) was enhanced in June 2014. 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 use of new performance indicators. Once the system has bedded in the Review recommends that current 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 and 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 this should allow for the analysis of these calls in the future.

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 considered that anonymous calls should not be routinely ignored, particularly given the lack of current evidence surrounding their validity. The Review found that DARD VS local managers currently exercise discretion before arranging inspections on foot of any vexatious or anonymous calls and this is considered to be an appropriate approach at this time, until call information is available from APHIS and can be assessed.

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 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. 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. Currently twenty seven keepers are recorded in the AWDR as being subject to a Disqualification Order (three of these were taken under the 2011 Act).

There are several recommendations in Section 6 recommending that the enforcement bodies develop templates for Orders (i.e. Disqualification, Deprivation, Disposal) and that the Court Service ensure enforcement bodies receive a copy of the Court Order automatically, 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. changes in legislation, review of best practice in a case) to ensure consistency of approach and compliance with the legislation. The Review recommends that DARD VS continues 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 Review recommends that DARD VS should continue to train staff in the implementation and enforcement of the appropriate legislation and use lessons learned from case reviews as a learning opportunity. The Review also recommends that training (including training of call handlers) is regularly reviewed by DARD VS, and, if any issues are detected, that remedial action is taken.

The Review found that DARD VS has a system in place to report vulnerable people to social services. The Review also found that DARD VS staff may inform herd keepers of the services provided by Rural Support. The types of issues that Rural Support addresses include emotional distress, suicide risk, financial problems, inheritance issues, physical and mental health, farming paperwork and bureaucracy. During the Review, it was established that DARD VS allows a herd keeper to have a third party present during an inspection, if they wish, which may help to alleviate the fears of concerned farmers.

Recommendations

Recommendation 3: DARD VS review performance standards as part of the post-implementation review of the animal welfare enhancements to APHIS.

Recommendation 4: 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 (see Section 7).

Recommendation 5: DARD VS incorporate lessons learned from case reviews in staff training in the implementation and enforcement of the appropriate legislation.

Recommendation 6: DARD VS continue with the current arrangement of monitoring the effectiveness of call-handling and, if any problems are detected, provide additional training.

Recommendation 7: 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).

Delivery Structures - Non-Farmed Animals

4.1 Background

The introduction of the Welfare of Animals Act (NI) 2011 (2011 Act) gave Councils statutory powers from April 2012 to enforce the legislation in respect of non-farmed animals e.g. 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. It creates an offence of failure for a person responsible for an animal, whether on a permanent or temporary basis to take reasonable steps to ensure the welfare of an 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), that a person can be deprived of possession or ownership of an animal on conviction for certain specified offences and that a person can be disqualified from participating in animal-related activities following conviction for certain offences.

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 senior Environmental Health Officer and has representation from DARD. This Board meets quarterly to make decisions in respect of any aspect of animal welfare enforcement, including the annual budget provided for animal welfare.

The Councils currently use a cluster approach to deliver the animal welfare service. This is carried out on a regional basis with five Councils Groups, including a lead co-ordinating Council Group. Animal Welfare Officers (AWOs) deliver the service on the ground with management and administrative support. They provide an emergency on-call service during 9am to 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. AWOs work across all Council areas and the powers provided in the legislation allow them to take a range of actions to address any animal welfare case, including providing basic advice and guidance, giving a warning or issuing a legally binding Improvement Notice, or potential 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 further increase the number of AWOs and another 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 the table below:

Table 2 - Allocation of Staff Resources

Staff resource	Number
Chief Officers	0.25 *
Line Managers	3 *
AWOs	9
Administrative staff	6

* Full Time Equivalent

The current operational model comprising nine AWOs allows the service to be maintained across the province, 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 five Council Groups.

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 2014 over 14,000 calls¹ were received in respect of non-farmed animal welfare cases. Calls are prioritised based on RSPCA Guidance and this guidance 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).

Calls are dealt with based on a prioritisation assigned by the Councils, either Priority 1, 2 or 3.

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 within one day of the complaint being received.

Priority 2: is allocated to cases where an animal appears to be malnourished, is dragging back legs, or where an investigation of neglect (following intervention by emergency services) is required or in cases of abandonment. Target response time is within three working days.

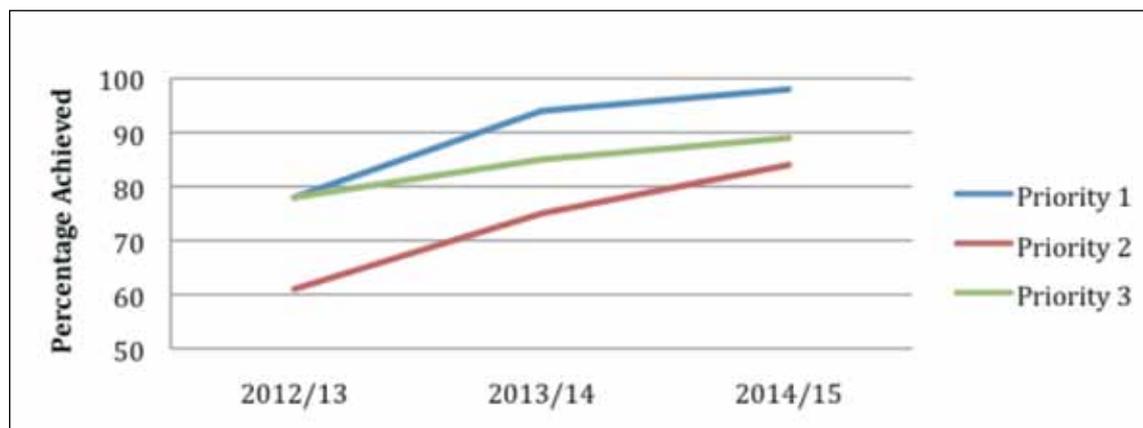
¹ Councils record the number of all calls received to their animal welfare contact numbers. However a proportion of calls (approximately 16%) are not related to non-farmed animal welfare and are referred onto other agencies. The number of follow-up calls made by Councils when investigating cases are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

The Prioritisation Guide for AWOs is available at Annex M.

The graph below suggests that performance against prioritisation standards in respect of response times is steadily improving, although it is noted that performance in Priority 3 calls exceeds that in Priority 2.

Figure 1: Achievement of Case Prioritisation Response Times



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

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 (as below).

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

Year	Budget
2011-12 *	£760k
2012-13	£780k
2013-14	£800k
2014-15	£820k

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

In relation to budget planning, 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, collection, care, transport, disposal and legal costs.

From commencement of the animal welfare service on 2 April 2012 to 30 September 2014 the number of cases investigated by Councils is shown in the table below.

Table 4: Number of animal welfare cases investigated by Councils

Year	Number of Cases
2012/13	4,280
2013/14	4,952
April - Sept 2014	2,539
Total	11,771

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

- the complement of AWOs increased to nine in response to increased calls in 2013/14;
- 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 £300k to meet service delivery. Following a recommendation by the Animal Welfare Project Board the additional funding was 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). Fixed costs have remained reasonably stable but the percentage of budget used to fund variable costs, in particular care and collection, have 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 a similar percentage is indicated for 2014/15.

Councils face many challenges in controlling variable costs because they are determined by the level of demand on the service to deal with serious animal welfare cases which have required seizure and further legal action. For example, Councils reported that in one equine case, twenty six equines had to be seized (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 £77k.

The Review found that, often, animals seized by Councils remained under their responsibility for extended periods 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 4.7.

The Review found that contracts for 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.

The Review found that a similar level of funding to that provided by DARD in 2013/14 and 2014/15 is likely to be needed in 2015/16, if there is to be no reduction in the level of service. The Review, therefore, recommends that DARD and the Animal Welfare Project Board continues to review the required level of funding for enforcement of the non-farmed animal welfare service and continue to seek efficiencies were possible.

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 local Councils will reduce 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 clusters including a lead co-ordinating Council);
- delivery by eleven Councils;
- delivery by three of the existing Council clusters including one as the lead co-ordinating Council; or
- delivery by one Council.

The Review recognises that the operating model for the animal welfare service is a decision for Councils to take in the context of their new organisational structures. It recommends 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 need 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 has taken place. A significant number of Councils had delegated the power to instigate legal proceedings to the relevant Director or Head of Service of Environmental

Health 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 Review acknowledges that the seeking of approval by members of the Council could potentially delay legal proceedings and recommends that Councils adopt a consistent approach post LGR.

4.4 Some stakeholders felt that AWOs were inadequately trained

The Review considered the current training for AWOs. AWOs 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. They undertake a four week training programme which includes desk based learning with a variety of trainers including RSPCA and 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.

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

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 recommends that this is provided to staff. The Review also recommends that Councils provide specific training on dealing with vulnerable adults and that learning from on-going cases should continue to be incorporated into guidance and practice and recommends that this is put in place.

The Review found that in most cases the procedures for AWOs were well documented, but it recognised that some draft procedures require to be formalised. The Review recommends these are formalised and that Councils continue to regularly review all procedures.

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, issuing the owner with a legally binding Improvement Notice or potential 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.'

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. Improvement Notices are followed up by AWOs on expiry of the notice 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 Review notes that the number of both prosecutions and convictions has risen year on year as the 2011 Act has bedded in, as shown in the table below.

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

Year	Improvement Notices	Prosecutions	Convictions
2012/2013	189	1	1
2013/2014	215	3	3
April - Sept 2014	97	13	13
Total	501	17	17

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, been proactive with other delivery bodies in promoting animal welfare at a number of horse fairs. The success of this joined-up approach has been praised by the horse traders, elected members and the local community. Lessons from the Lammas Fair have been replicated into three other horse fairs in the Northern Region. Such targeted proactive work is beneficial and should be encouraged when it can be accommodated within resource. Enforcement must, however, remain the priority.

4.7 Several stakeholders raised issues regarding equines

Stakeholders raised a wide variety of issues in relation to equines including the number of abandoned horses; enforcement of horse passport regime; indiscriminate breeding; access to the food chain and introduction of a cull of unwanted horses. These issues cut across all three enforcement bodies as well as a number of policy areas within DARD.

In the case of equines 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. In the case of equines abandoned on land, the Councils have responsibility under the 2011 Act, however, it does not impose a duty on Councils to take into their possession an abandoned animal on third persons land unless the animal is suffering or likely to suffer if its circumstances do not change.

While DARD does not have responsibility for equines under the 2011 Act (horses are not a farmed animal), they are responsible for enforcement of identification requirements i.e. horse passports and have an interest in relation to animal disease control issues.

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 though an owner cannot be identified and they believe that the horses have been deliberately abandoned.

The seizure by Councils of 131 equines resulted in care and collection costs of £181k, as can be seen from the table below. This amount represents a considerable percentage of Council resources, which cannot then be used for other welfare enforcement activities.

Table 6: An analysis of abandoned equine cases dealt with by Councils between April 2012 and September 2014

Region	Number of abandoned equines taken into possession	Care and collection cost	Number transferred to charities etc	Number euthanized	Returned to owner	Number pending	Number micro-chipped before seizure
Northern	8	£8k	2	5	0	1	0
Eastern	0	£0k	0	0	0	0	0
Southern	94	£146k	62	25	6	1	0
Western	27	£26k	7	14	0	6	0
Belfast	2	£1k	1	1	0	0	0
Total	131	£181k	72	45	6	8	0

In addition to the above, the PSNI seized 172 equines that had been abandoned on roads in the period 1 April 2013 to 31 December 2014. The number of animals euthanised being significantly less than the number sold or re-homed. At the beginning of February 2015 one equine was still in the care of the PSNI, with a Disposal Order yet to be granted.

While welfare organisations have told the Review about the large number of horses that are taken in by sanctuaries, no statistical information has been provided to allow the scale of the issue to be accurately assessed.

The Review is aware that the Welsh Government recently introduced new legislation to take action in relation to horses that are in public places without lawful authority or that are on other property without consent. England proposes to make similar provision: the Control of Horses Bill had its First reading in the House of Commons 2 July 2014 and has now progressed to the House of Lords and is due its Second reading 27 February 2015. In the Republic of Ireland, 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.

Due to the complexity of this issue, the Review is still considering how it might be best addressed. As part of the continuing work we would welcome any qualitative and quantitative evidence that stakeholders can provide.

4.8 Stakeholders commented that full implementation of dog breeding establishment licensing is needed (as comparison with the previous number suggests there are currently a large number of unlicensed breeders)

The Review found that Councils are responsible for enforcing the Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (NI) 2013, which clearly set out the welfare standards with which commercial breeders must comply. The Regulations provide the powers to allow action to be taken where a breeder does not meet these standards. Enforcement of this legislation is carried out by Council Dog Warden Services in conjunction with AWOs.

The Review found that the number of dog breeding establishments is less than was the case under the previous legislation. It found this is likely to be because the Regulations applies to commercial dog breeding businesses and were not intended to cover individuals who breed the odd litter of pups from a pet, or show dog, or working, or gun 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. Schedule 4 to the Regulations lay down the conditions which must be satisfied in order to obtain a dog breeding licence. These conditions set out standards for accommodation, environment, whelping facilities, diet etc. Application forms for a dog breeding licence may be accessed via Council websites. The Review found no evidence that the current legislation was not being implemented, however, it would be helpful to the public and dog breeders if the conditions required for obtaining a dog breeding licence were more easily accessible. The Review therefore recommends that the conditions required for obtaining a dog breeding licence should be made available on Council websites, the NI Direct website and the proposed single animal welfare website.

The Review recognises that legislation alone will not stop so called “puppy farming”. Members of the public, future dog owners, responsible breeders, charities and enforcement agencies, all working together, have a role to play to identify breeders, licensed or unlicensed, who put financial gain before the welfare needs of their dogs and pups. This issue will be highlighted during the public awareness campaign as dealt with in Section 7.2.

Recommendations

Recommendation 8: Councils continue to report to the Animal Welfare Project Board on achievement of the targets set out in their Call Prioritisation policy.

Recommendation 9: 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 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.

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 from 1 April 2015.

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: Councils consider a consistent policy in relation to delegating the power to instigate legal proceedings to the relevant Director or Head of Service post LGR.

Recommendation 14: Councils provide guidance to AWOs in relation to offending by children and young people.

Recommendation 15: Councils provide specific training on dealing with vulnerable adults and continue to incorporate learning from on-going cases into guidance and practice.

Recommendation 16: 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.

Recommendation 17: The conditions required for obtaining a dog breeding licence should be made available on Council websites, the NI Direct website and the proposed single animal welfare website.

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, and 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.

Under the Welfare of Animals Act (NI) 2011 (the 2011 Act), the PSNI has responsibility for dealing 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 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 legislation 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.

Membership includes:

- Northern Ireland Environment Agency (NIEA)
- Royal Society for the Protection of Birds (RSPB)
- Ulster Society for the Prevention of Cruelty Against Animals (USPCA)
- Countryside Alliance Ireland
- British Association for Shooting and Conservation (BASC)
- League Against Cruel Sports (LACS)
- Ulster Wildlife Trust
- British Deer Society
- Northern Ireland Raptor Study Group
- Northern Ireland Bat Group
- Northern Ireland Badger Group
- Northern Ireland Forestry Service
- Public Prosecution Service (PPS)
- Loughs Agency
- Belfast Zoo
- Ulster Farmers' Union
- Ulster Angling Federation
- National Wildlife Crime Unit

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 approximately 6,790 police officers. All police officers are trained investigators and in addition, since April 2007, the PSNI has had a dedicated “Wildlife Liaison Officer” who provides advice, support and assistance to officers on wildlife and animal welfare offences/legislation.

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

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 the table below.

Table 7: 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

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

While the Chief Constable is operationally independent, in light of animal welfare stakeholder comments, the Review considered the current operating model. The PSNI has in excess of 6,700 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, 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.

² These 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.

5.3 Stakeholders questioned the PSNI officer's knowledge of their animal welfare role

Since 2002, PSNI have included animal welfare/wildlife crime in the training package delivered to student officers. This was initially delivered by the USPCA and then taken over by the PSNI's Wildlife Liaison Officer.

Police officers and staff have access to an internal website which contains information and legislation surrounding animal welfare. An information page on animal seizures is currently available to officers and can be accessed through their work Blackberry device; this includes information on seizures under the 2011 Act. In addition, the PSNI has a staff instruction in place for animal welfare/wildlife to assist officers when dealing with animal welfare and wildlife crime.

The Review received input from a variety of stakeholders who referred to some cases where it appeared that the local PSNI 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 recommends that the PSNI continues to include animal welfare in their new recruit training package, with additional input from Council Animal Welfare Officers (AWOs), and update guidance on the PSNI intranet site to include common offences/incidents. In addition, in order to improve any knowledge gaps for established officers, the Review recommends that PSNI provides 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, Department of Agriculture and Rural Development (DARD), Council), focusing on the common animal welfare offences police officers are likely to investigate i.e. animal fighting, horses on roads.

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

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

The PSNI Contact Management Centres 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 Review recommends 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.

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 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 under the 2011 Act, the only option that a police 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 that 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 Review recommends that the investigating officer, upon securing a Disqualification Order, should forward details to the Wildlife Liaison Officer and local policing team; that the information be placed and flagged on the computer system; the Order should be regularly monitored (at least twice a year) and evidence of monitoring entered on the computer system.

Recommendations

Recommendation 18: The PSNI obtain input from Council AWOs to training for new officers and call handlers.

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 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 21: 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 the computer system. The Order should be formally monitored at least twice a year and evidence of monitoring should be entered on the computer for audit purposes.

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 and horses); 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, to potentially to prosecution requires effective working both within and between several agencies.

The Review therefore examined how the three enforcement bodies (DARD, Councils and PSNI) work together to implement the 2011 Act; how they work with their legal teams/ Public Prosecution Service (PPS) and the Northern Ireland Courts 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 Memorandum of Understanding (MOUs) between the five individual Council Groups 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
- 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 drafted and agreed in principle between the Councils, DARD and the PSNI which:

- establishes an agreed framework between DARD, the lead co-ordinating council group 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;
- sets out the general financial arrangements in respect of 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.

The Review recommends that protocols should be established for enforcement bodies working together in situations where the lead role may not be clear i.e. missing pets and that staff should be made aware of these.

The Review recommends 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, NICTS should be invited when required.

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, 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 (Orders).

The Review identified a number of common factors to 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 have hindered the serving of court papers; delays have been experienced in the serving of summonses; lengthy adjournments have occurred; and some applications have not been prioritised appropriately by the legal services provider.

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 and in addition the costs involved in keeping animals in care can significantly impact on enforcement budgets. It is also highly 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.

In relation to serving of summonses, it was recognised that the enforcement bodies were not always clear on what the service options were, i.e. personal service, recorded delivery and then ordinary post, and were becoming frustrated by making multiple unsuccessful attempts at personal service.

NICTS have recently introduced a more rigorous management and performance framework for summons servers and have appointed additional summons servers to create more capacity.

The Review recognises that it is important for Orders to be worded clearly to avoid any ambiguity or omissions for effective implementation and recommends that the three enforcement bodies draft templates for use when requesting Orders from the court for agreement with the PPS and the Councils' legal services provider. The templates should be worded in a manner that will assist enforcement. Submitting a draft detailed Order may assist a court in making an Order that is clear and is in line with the terms of the 2011 Act.

The Review found that currently NICTS does not automatically provide copies of Orders to enforcement bodies. To address this, NICTS has undertaken to amend the Integrated Court Operating System Document Service Register to ensure that all enforcement bodies receive copies of Orders in respect of their prosecutions for monitoring purposes.

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

Action is now in hand to provide DARD VS with more data in relation to those convicted of animal welfare offences to facilitate their enforcement role. The Review identified that more can be done to provide Councils with access to similar conviction data and work is on-going to identify what steps can be taken to do so.

Each of the three enforcement bodies currently 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 designed to facilitate the sharing of information, including criminal records, between the main criminal justice organisations in Northern Ireland, including the PSNI, the PPS, the NICTS, Forensic Science Northern Ireland, the Northern Ireland Prison Service and Probation Board Northern Ireland.

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 and adherence to controlling procedures has been met. 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.

It is possible for organisations other than the main criminal justice bodies to access CRV; however, each organisation wishing to do so must prove a valid and legitimate business need. Other users of the Causeway system beyond the main Northern Ireland criminal justice organisations include 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).

The Review is aware that DARD has made a request to the Causeway JIMG (Joint Information Management Group) for access to the Causeway system and that their application has been successful and in the final stages of approval. This permission will allow DARD access to CRV conviction information and will facilitate generating a monthly report providing details of all live convictions for animal welfare offences.

The Review acknowledges that access to CRV would also be beneficial to Councils in their enforcement role as they currently do not have any access to data collected prior to the implementation of the 2011 Act. The Review, therefore, recommends that once DARD has access to CRV they will investigate options for providing relevant Council staff with similar access to information on convictions. PSNI officers already have full access to conviction data through CRV.

During the stakeholder discussion sessions some re-homing charities, 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.

The Review investigated requests from stakeholders for the establishment of a central register which could be accessed by those with an interest in animal welfare. 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. They cited the sex offenders register as a model.

Creation of, and access to, a central list engages difficult and complex issues regarding freedom of information, data protection 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 providing 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.

As a consequence, a central list of sex offenders as envisaged by some stakeholders does not exist in law and, therefore, the question of public access to a central list does not arise in that field of criminal law.

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.

While the Review recognises some of the potential benefits of providing information on individuals who are disqualified from keeping animals to those non-statutory bodies involved in the re-homing of animals, a significant number of issues remain. 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. The Review has undertaken to examine the issue further to see what, if any, steps can be taken in order to assist animal re-homing organisations.

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, 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 and that Councils did not carry out a home check on animals re-homed from their pounds to ascertain if the potential new owner is suitable.

The Review found that Councils do not routinely offer animals seized under the 2011 Act directly to members of the public. However, they do offer animals on an adhoc basis 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.

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

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 and this clearly has the potential to have a detrimental effect on enforcement of the 2011 Act.

The Review recommends that guidance should be made available by Councils on the proposed animal welfare website on how the public and animal welfare organisations should deal with an animal welfare incident. 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 as regards non-farmed animals.

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 United Kingdom police services. They have also established local contact links within the border stations and with the PSNI Wildlife Liaison Officer.

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 has 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. 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.

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

DARD has sought legal clarification in relation to feral cats and awaits advice.

Recommendations:

Recommendation 22: 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 23: The three enforcement bodies establish protocols for working together in certain situations i.e. abandoned horses and missing pets.

Recommendation 24: 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 25: The three enforcement bodies develop templates for Disposal, Deprivation and Disqualification Orders for use by prosecutors.

Recommendation 26: DARD progress its application for access to the CRV and investigate options regarding sharing data with Councils.

Recommendation 27: DoJ, in conjunction, with partner organisations, to give further consideration as to what, if any, steps can be taken in order to assist animal re-homing organisations with access to conviction data.

Recommendation 28: Councils invite expressions of interest from organisations that are in a position to take ownership of an animal which may be re-homed as a result of a Disposal Order granted by the Courts.

Recommendation 29: DARD consider licensing of animal sanctuaries, re-homing charities and dog pounds.

Recommendation 30: Councils make guidance available on how the public and animal welfare organisations should deal with an animal welfare incident.

Recommendation 31: Councils to meet annually with key animal welfare representative groups to discuss enforcement of the 2011 Act as regards non-farmed animals.

Recommendation 32: 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.

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 (NI) 2011 Act (the 2011 Act) and that sufficient information is publicly available to provide transparency in relation to service.

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, the Department of Agriculture and Rural Development (DARD) or the Police Service of Northern Ireland (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. The CoP are also available on the DARD and NI Direct websites. 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 Councils' animal welfare service are available on most Council websites. However, some of the contact details are not easy to find as they are under

the Environmental Health Service section. The Review noted that the recommendations to promote the animal welfare service and the new animal welfare website 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 the Councils produced leaflets explaining the animal welfare service, these were published on Council websites and distributed through Council premises, DARD Direct Offices and Private Veterinary Practices.

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 e.g. the USPCA and Equine Council for Northern Ireland websites which provides the same contact details for reporting animal welfare concerns. This may be a template that could be considered for the proposed animal welfare website.

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. The information in the tables below suggests that the public are becoming more aware of the role of Councils. However, the Review established that a small percentage (6%) of these calls came to Councils via animal welfare organisations.

Table 8: Number of animal welfare related calls to PSNI

Year	Animal Welfare Related Calls
2011	2,169
2012	1,603
2013	1,245
2014 (April to July)	554

Table 9: Number of calls to the Council Animal Welfare Service³

Year	Animal Welfare Service Calls
2011	0
2012	5,165
2013	5,786
2014 (April to September)	3,089

³ Council staff log all calls received on the animal welfare IT system, however, some calls do not refer to animal welfare and more than one call may be received for the same case. Therefore, the number of calls does not equate to the same number of cases.

The Review considers that enforcement bodies should take further steps to ensure that the public is aware of the roles and contact details for them and that a consistent message is provided to minimise confusion and ensure that welfare cases can be investigated quickly. The Review considers that several measures should be taken, including:

- the creation of a single animal welfare website hosted by DARD, bringing together information from all three enforcement bodies. This would include contact details for each of the enforcement bodies, links to documents such as CoP, Frequently Asked Questions, copies of press releases etc;
- 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;
- the publicising of the CoP for non-farmed animals; and
- the delivery of a joint awareness campaign to ensure that the public is aware of who to contact if they are concerned about the welfare of animals.

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 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 e.g. reports of missing pets etc.

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.

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 2 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 system where the caller would initially be given 3 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 this could be confusing and frustrating for callers.

Having considered the options available, the Review is not convinced these options would facilitate an improved service for the public. The emerging conclusion of the Review is that the current system, with better publicity, may be the best option. The Review would welcome views from the public before finalising their work in this area.

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

- DARD provides a helpline e-mail and voicemail service 24 hours a day, 7 days a week (24/7). Voicemail messages made 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. These will be responded to on the next working day.

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

Councils annually receive approximately 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.

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. The Review considered the evidence did not support a 24/7 service at this time for Councils.

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, 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 Review 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.

The Review recommends that an annual report is produced by DARD and made available on the animal welfare website 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 e.g. information needed to report an animal welfare concern.

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 website link to the animal welfare website at the end of the PR under the heading 'Notes to the Editor' would be 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. 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 teach 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.

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.

The Review recommends that enforcement bodies work with the media to increase their understanding of the issues around animal welfare. This could be part of the awareness campaign (Recommendation 35).

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 customers 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 Review noted that a number of Councils do not have their complaints procedure published on their websites. The Review recommends that Councils review their policy on publication of their complaints procedure.

Recommendations

Recommendation 33: DARD establish a single animal welfare website to bring together information from all enforcement bodies.

Recommendation 34: DARD provide a series of 'quick-guides' to explain the legal responsibilities of animal owners and the enforcement arrangements.

Recommendation 35: An awareness campaign be undertaken to increase public awareness of who to contact if they are concerned about the welfare of animals.

Recommendation 36: 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 37: 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 38: 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.

Recommendation 39: 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 website.

Recommendation 40: 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 website.

Recommendation 41: Officials in DARD and DE to meet to discuss how they might highlight animal welfare educational awareness programmes in schools.

Recommendation 42: 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 43: Councils review their policy on publication of their complaints procedures.

Related Issues

During the 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.

8.1 Some stakeholders commented that online selling of animals should be regulated

The existing legislation in this area provides enforcers with powers to investigate following complaints about poor welfare in breeding establishments and pet shops. We are currently seeking legal advice as to whether or not the current Regulations extend to on-line selling to inform the planned review of the Regulations.

The Department plans to review in 2015 the Regulations regarding the welfare of animals in pet shops, animal boarding, riding and zoological establishments in advance of the transfer of that function to Councils and will ensure that the commercial selling of animals over the internet is considered as part of that Review.

In Great Britain, premises where pets are sold are regulated and online selling is monitored through advertising standards.

DARD, along with Defra, has been working with the Pet Advertising Advisory Group (PAAG) and the main internet advertising sites who have adopted minimum standards for the on-line advertising of pet animals. Since PAAG launched the minimum standards last year over 100,000 inappropriate advertisements have been removed from the internet. We will continue to engage with PAAG on the issue of the online selling of pets.

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

The Department 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 there would be difficulty obtaining additional finance for this.

8.3 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 are less likely to be selected in subsequent years.

8.4 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 TB restrictions

Each herd keeper who has a TB breakdown will be contacted by his/her 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.

8.5 Some stakeholders suggested that licensing of cat breeders is needed

There are no legislative requirements in the UK 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.

8.6 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. The Department's view is that, given the practical difficulties of introducing and enforcing such a requirement, it is not a priority issue for the welfare team at this time.

8.7 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 overall enforcement of the dog licensing system is working well, as evidenced by the figures for the most recent complete year of 2013. This shows that 130,000 dog licences were issued by Councils for that year. Dog Wardens also issued 2,059 fixed penalty notices to persons who had a dog without a Council-issued dog licence. In addition, there were a further 164 successful prosecutions during 2013 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 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 2012 and the licence is void. To address this issue, DARD has made a minor amendment to add clarity to the Regulations. This will not change how dog owners licence their dogs or the role of Council Dog Wardens. The amendment makes the requirement to update the microchip database more explicit and came into force from 1 January 2015.

8.8 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 applies to animals during transport the specific provisions of the EU Regulation give better grounds for appropriate

enforcement. DARD's policy for enforcing this legislation is published on the DARD website - <http://www.dardni.gov.uk/index/about-dard/better-regulation/dard-enforcement-policy.htm>

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.

Public Consultation

9.1 Links to Consultation

Details on the Public Consultation for the Review of the Implementation of the Welfare of Animals Act (NI) 2011 Interim Report can be found at www.dardni.gov.uk and www.dojni.gov.uk

Annexes

Annex A	Emerging recommendations assigned to relevant bodies
Annex B	A list of secondary legislation made under the 2011 and Codes of Practice for farmed/non-farmed animals
Annex C	Terms of Reference for the Review
Annex D	Stakeholder invited to discussion sessions on the Review
Annexes E-J	A note from each of the Stakeholder Discussion Sessions
Annex K	A list of stakeholders who made written submissions following stakeholder discussion sessions
Annex L	Provisional outcomes of on-farm animal welfare inspections completed in N.I. 2012-2014
Annex M	Prioritisation Guide for Animal Welfare Officers

Annex A

Emerging Recommendations Assigned to Relevant Bodies

Theme	Recommendation Number	Recommendation	Responsibility
Sentencing	1	DARD considers increasing the maximum sentence on conviction of the more serious summary offences from six months to twelve months imprisonment and increasing the fine from £5,000 to £20,000; and in the case of indictable offences considers increasing the maximum prison term from two years to five years.	DARD
	2	DOJ consults with relevant organisations to consider what further steps can be taken to promote awareness of sentencing guidelines for animal welfare offences.	DOJ
Delivery Structures - Farmed Animals	3	DARD VS review performance standards as part of the post-implementation review of the animal welfare enhancements to APHIS.	DARD
	4	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
	5	DARD VS incorporate lessons learned from case reviews in staff training in the implementation and enforcement of the appropriate legislation.	DARD
	6	DARD VS continue with the current arrangement of monitoring the effectiveness of call-handling and, if any problems are detected, provide additional training.	DARD
	7	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

Theme	Recommendation Number	Recommendation	Responsibility
Delivery Structures - Non - Farmed Animals	8	Councils continue to report to the Animal Welfare Project Board on achievement of the targets set out in their Call Prioritisation policy.	Councils
	9	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
	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.	Councils
	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 from 1 April 2015.	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	Councils consider a consistent policy in relation to delegating the power to instigate legal proceedings to the relevant Director or Head of Service post LGR.	Councils
	14	Councils provide guidance to AWOs in relation to offending by children and young people.	Councils
	15	Councils provide specific training on dealing with vulnerable adults and continue to incorporate learning from on-going cases into guidance and practice.	Councils
	16	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

Theme	Recommendation Number	Recommendation	Responsibility
Delivery Structures Non - Farmed Animals	17	The conditions required for obtaining a dog breeding licence should be made available on Council websites, the NI Direct website and the proposed single animal welfare website.	Councils
Delivery Structures - Wild Animals	18	The PSNI obtain input from Council AWOs to training for new officers and call handlers.	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 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
	21	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 the computer system. The Order should be formally monitored at least twice a year and evidence of monitoring should be entered on the computer for audit purposes.	PSNI
Working Together	22	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

Theme	Recommendation Number	Recommendation	Responsibility
Working Together	23	The three enforcement bodies establish protocols for working together in certain situations i.e. abandoned horses and missing pets.	DARD, Councils and PSNI
	24	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
	25	The three enforcement bodies develop templates for Disposal, Deprivation and Disqualification Orders for use by prosecutors.	DARD, Councils and PSNI
	26	DARD progress its application for access to the CRV and investigate options regarding sharing data with Councils.	DARD
	27	DoJ, in conjunction, with partner organisations, to give further consideration as to what, if any, steps can be taken in order to assist animal re-homing organisations with access to conviction data.	DOJ
	28	Councils invite expressions of interest from organisations that are in a position to take ownership of an animal which may be re-homed as a result of a Disposal Order granted by the Courts.	Councils
	29	DARD consider licensing of animal sanctuaries, re-homing charities and dog pounds.	DARD
	30	Councils make guidance available on how the public and animal welfare organisations should deal with an animal welfare incident.	Councils
	31	Councils to meet annually with key animal welfare representative groups to discuss enforcement of the 2011 Act as regards non-farmed animals.	Councils
	32	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

Theme	Recommendation Number	Recommendation	Responsibility
Serving The Public	33	DARD establish a single animal welfare website to bring together information from all enforcement bodies.	DARD
	34	DARD provide a series of 'quick-guides' to explain the legal responsibilities of animal owners and the enforcement arrangements.	DARD
	35	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
	36	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
	37	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
	38	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
	39	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 website.	DARD, Councils and PSNI
	40	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 website.	DARD, Councils and PSNI

Theme	Recommendation Number	Recommendation	Responsibility
Serving The Public	41	Officials in DARD and DE to meet to discuss how they might highlight animal welfare educational awareness programmes in schools.	DARD
	42	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
	43	Councils review their policy on publication of their complaints procedures.	Councils

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

Farmed Animals

Beef Cattle - http://www.dardni.gov.uk/beef_cattle_code_of_practice.pdf

Dairy Cattle - http://www.dardni.gov.uk/dairy_cattle_code_of_practice-2.pdf

Meat Chickens - http://www.dardni.gov.uk/meat_chickens_code_of_practice.pdf

Sheep - http://www.dardni.gov.uk/sheep_code_of_practice.pdf

Laying Hens - http://www.dardni.gov.uk/laying_hens_code_of_practice__1_.pdf

Pigs - http://www.dardni.gov.uk/pigs_code_of_practice-2.pdf

Non-Farmed Animals

Cats - <http://www.dardni.gov.uk/cats-code-of-practice.pdf>

Dogs - <http://www.dardni.gov.uk/dogs-code-of-practice.pdf>

Horses, Ponies, Donkeys and their Hybrids - <http://www.dardni.gov.uk/code-of-practice-for-the-welfare-of-horses-revised-111114.pdf>

Primates - <http://www.dardni.gov.uk/non-human-primates-code-of-practice.pdf>

Rabbits - <http://www.dardni.gov.uk/rabbits-code-of-practice.pdf>

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) *
Lucys 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)

Annex E

Meeting with members of NI Says No to Animal Cruelty (NISNTAC)

30th July 2014 - Room 935 at 2.00pm

Attendees:
DARD - Animal Welfare Policy
DARD - Veterinary Service
DOJ - Policy
Council Animal Welfare Project Board
NISNTAC

Below are the main points discussed and actions agreed.

1. **Introductions:**

The meeting started with introductions and DARD explained the background to the Review of the Welfare of Animals Act (NI) 2011 and handed out the Terms of Reference for the Review.

NISNTAC updated the meeting on the formation of the NISNTAC Facebook Campaign set up in March after a recent high profile case with the initial objective to get stronger sentences for animal welfare offences. Since the Facebook page has been set up it has over 12,700 likes and it is currently a forum for the public to communicate their views on animal welfare issues with the NISNTAC members being the voice for the public. The NISNTAC had requested views from the public on issues they wished to see change and improvement on, with regards the enforcement of animal welfare legislation.

The main issues that were put forward on sentencing were as follows:

Sentencing	• People not getting a jail sentence, suspended jail sentences do not act as deterrent.
	• Minimum jail sentences should be introduced for certain levels of animal welfare offences.
	• Ban on keeping animals should be for life and the ban should also apply to the household with which the person resides.
	• Enforcing ban - random and unannounced visits should be made.
	• There should be a central database that holds the names of all those banned from keeping animals, and animal rescue homes/sanctuaries should be able to access it as well.

	<ul style="list-style-type: none"> • Official Court Report should be made available quickly after the case. • It is important that Judges communicate the wording of the ban so that everyone is clear of the details and there is no ambiguity (for example, to show that the ban also prevents the person from controlling or influencing the way an animal is kept).
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DOJ explained the independence of the judiciary system and the respective agencies. Judges had to take account of a range of issues and could not be swayed simply by public opinion-but it was often said that judges read the newspapers too.

In relation to minimum jail sentences he explained that Departmental practice was not to use them because there will always be cases that don't fit and currently there were very few minimum sentences in legislation.

DOJ went on to explain how the Lord Chief Justice (LCJ) in his Programme of Action on Sentencing, published new sentencing guidelines for Magistrates' Courts in December 2013. The guidelines cover the offences of animal cruelty, tail-docking of dogs, and animal fighting.

Action: DARD to forward LCJ guidelines to NISNTAC - completed - link <http://www.jsbni.com/Publications/sentencing-guides-magistrates-court/Documents/Templates/Cruelty%20to%20Animals.pdf>

Finally DOJ outlined the unduly lenient sentencing scheme review and advised that they were aiming to have a consultation paper by December 2014. Animal welfare offences would be included in the consultation. The consultation would look at the range of options for reviewing the list of offences which can be referred from the Crown Court to the Court of Appeal where the Director of Public Prosecutions considers the sentence to be unduly lenient. If the Court of Appeal is in agreement they can quash the original sentence and replace it with a more appropriate one.

NISNTAC explained concerns that many had over the non-regulation of animal sanctuaries/rescue homes. They pointed out that anyone could set up a rescue home/sanctuary and that there were no checks to see if they had adequate facilities for the animals and many had no rehoming policies. They suggested that they should be a CoP for all to follow and pointed out if licences were introduced then a minimal value should be set.

Discussion took place around reporting animal welfare incidents and a number of issues were raised:

Serving the Public	
Many Police Officers and PSNI call handlers don't understand their responsibilities when it comes to reports of animal cruelty, which leads to "passing the buck", meanwhile the animal(s) in question remain at risk. All responsible parties must fully understand what is required of them.	
There is a concern that some PSNI officers don't take reports of cruelty seriously.	

Confusion over who to report animal welfare incidents to, there seems to be a lot of passing around between Councils, DARD and PSNI. There was the suggestion that switchboard staff should be more informed about roles and responsibilities of delivery agencies.
Slow response times especially with Council enforcement and were aware that there was 9 funded posts but only 7 were currently filled (due to sick leave etc). Councils should employ a new grade of staff (e.g. Assistant AWOs) to support existing AWOs by dealing with various animal welfare duties, which would allow for much needed extra staff in a cost effective way.
NISNTAC emphasised the importance of having well trained staff in animal welfare husbandry and legislation to ensure an efficient service was delivered.
Adequate cover needed 24/7 as it seems that incidents can only be reported during 9-5.
Lack of confidence with the service for non-farmed animals.

NISNTAC were informed if there was any issue with the service provided then the complaints procedure should be followed for the relevant delivery organisation.

The Councils explained that they currently operated an out of hour's service for animal welfare incidents.

The Councils pointed out that there was a need to be mindful of how far they had come in 2 years since the Council took on the role of animal welfare for non-farmed animals. As this was the first time a public body has had full statutory legal powers for the enforcement of animal welfare legislation for non-farmed animals.

Action: DARD to forward factsheet to NISNTAC outlining calls, incidents and prosecutions taken by Councils - completed.

NISNTAC members also called for a ban on the use of electric shock collars and prong collars.

The final issue discussed was Dog Breeding, lack of enforcement of breeding licences and how easy it is for people to breed puppies and kittens at their leisure to be sold on websites such as Facebook and Gumtree without regulation. It was noted that there has been some discussion about this on the NISNTAC page as people do realise it is impossible to monitor such sites completely but if breeding licences were enforced by councils as stringently as annual dog licences are, perhaps by working with vets who oversee the mating of these dogs and subsequent whelping to ensure the owner is a registered breeder, although there is the risk that illegitimate breeders will stop using vets for assistance with whelping and mating and could lead to further welfare issues if mum or pups suffer unnecessarily for the sake of their humans pocket. They feel that this would also benefit the respectable professional breeders as they would not mind paying a few hundred pounds to ensure the safety of their profession from backyard

breeders. DARD outlined the background to the The Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (Northern Ireland) 2013. The NISNTAC attendees raised concerns over the breeding of a number of species and how many people use this as a source of finance with no regards for the animal's welfare and most do not declare the income. The group was informed that a review was to be carried out looking at the licensing of petshops, riding establishments, animal boarding and zoos which is currently operated by DARD however may move to the Councils in the future and that animal sanctuaries would most likely be covered by that Review. It was pointed out that any changes to the licences would be on a full cost recovery basis. It was agreed that the public need to be educated and this was the responsibility of all involved. The CoP for non-farmed animals should be used as a resource to promote responsible ownership and outline good husbandry practices.

Action: DARD to forward legislation to NISNTAC and link to CoP - completed.

Action: NISNTAC should remove any Animal Welfare Officers names that are published on their Facebook page.

NISNTAC provided a contact phone number for Councils to use if inappropriate material is published on the Facebook page. Meeting ended with DARD thanking NISNTAC for their input which would be fed back into the Review Steering Group.

Annex F

Stakeholder Discussion Session - Farmed Animals

31 July 2014 - Conference Hall, CAFRE Greenmount

Attendees:
UFU
NIAPA
National Beef Association
Farmers for Action
YFCU
Dairy UK Northern Ireland
Rural Support
Pig ReGen Ltd
DARD - Animal Welfare Policy
DARD - Veterinary Service

1. Introductions

The meeting started with introductions and DARD gave a short presentation on the Welfare of Animals Act (NI) 2011. DARD explained the background to the Review of the Welfare of Animals Act (NI) 2011 and how it would be taken forward. DARD explained that comments from this discussion session would be fed into the Review and that an interim report would be published around November. However, if anyone had further comments to make after the note of the discussion session was circulated they should forward them by 29 August.

2. Discussion

The main comments and suggestions for improvement on the 4 themes of the Review were as follows:

Sentencing

Stakeholder comments	1. It would be useful to see a list of offences that DARD has already taken prosecutions on and those that they would likely send files to the PPS to consider for prosecution.
	2. There needs to be a standard approach in Courts for sentencing.
	3. Concern was expressed about enforcement of bans from keeping animals, as people with bans often transfer animals into other family member's names.

Delivery Structures

Stakeholder comments	<p>4. There are few calls about farm animal welfare to the farming unions.</p> <p>5. Industry is already heavily regulated and farmers are aware of their responsibilities.</p> <p>Inspections</p> <p>6. If someone is the FQAS then they should get special recognition as they get more inspections in the year than those who are not in Scheme.</p> <p>7. Clarity is required around the level of tolerance taken with a welfare case.</p> <p>8. Concern was expressed about farmers who are inspected year on year as a result of risk-based inspections, and who get SFP deductions as a result. This inevitably leads to other problems and the farmer cannot cope because of the inspections and the reductions in finance. Due to poor farm gate prices and reduced targets there is a need to end cross compliance fines.</p> <p>9. Information is needed on the number of SFP inspections over the last 10 years, the number that have resulted in sanctions and the financial penalties in these cases. In addition information is needed on the number of inspections carried out on are repeat offenders.</p> <p>10. Concern was expressed about welfare problems that may arise as a result of TB restrictions. If a farmer is closed for TB he will be carrying a lot more cattle, there is a need to feed the cattle however because of financial constraints he is unable to buy feed, he has to put the animals out which results in the ground being damaged and he could be penalised resulting in reduction in SFP and further financial pressure. There is no income coming in as he can't sell any animals and reductions in SFP and all these factors can impact on their health.</p> <p>11. Consistency is important in how inspections are carried out and when a welfare compliant is received.</p>
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<p>Stakeholder comments</p>	<p>12. DARD needs to be careful how they handle inspections. There is an element of fear among farmers when inspections are being carried out especially with the elderly and those who live in isolated areas. There should be an option available to the farmer of an independent person to be present at the farm when the inspection is being carried out i.e. their solicitor.</p> <p>Legislation</p> <p>13. Consistency in interpretation of legislation is important, for example, when determining when an animal may suffer in future.</p> <p>14. Clarity is needed on who is responsible for an animal.</p> <p>15. The general consensus was that the legislation is more than adequate.</p> <p>Inspectors and Veterinary Officers</p> <p>16. Inspectors should continue to be employed with an agricultural background. There are concerns that inspectors will be reduced if there is no BR testing for them to do.</p> <p>17. Some of the farming unions receive calls about VOs interpretation and inconsistency with checks being carried out at meat plants. They see more of these calls coming in and it is usually something that happens at the lairage.</p> <p>Complaints</p> <p>18. There was concern over anonymous calls being acted upon and requests were made for these calls to be ignored unless the caller gives their contact details.</p> <p>19. Request for figures on how many anonymous calls were substantiated.</p> <p>20. The outcome should be compared between anonymous and named complaints.</p>
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Delivery Body comments	<p>Background to SFP inspections and selection of farmers in high risk category was outlined by DARD.</p> <p>Veterinary Service outlined the process for dealing with a welfare compliant.</p> <p>Veterinary Service explained the roles of the Animal Health and Welfare Inspector and the Veterinary Officer when dealing with an animal welfare compliant.</p> <p>DARD informed the group that the Public Prosecutions Service are the ones who ultimately decide if a case goes for prosecution.</p>
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Serving the Public

Stakeholder comments	21. The more information that is shared the better for all concerned.
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Working with others

Stakeholder comments	22. Consideration must be given to mental health issues with a focus on contacts with other Agencies i.e. Health Trusts.
Delivery Body comments	It was pointed out that a mechanism is in place for Veterinary Service staff to report concerns to Health Trusts and that Rural Support Cards were given out at every animal welfare inspection.

Annex G

Stakeholder Discussion Session - Multi Species and Veterinary

5 August 2014 - Conference Hall, CAFRE Greenmount

Attendees:
British Veterinary Association (BVA)
NIVA
AVSPNI
Ballysaggart Environmental Group
NISNTAC
DARD - Animal Welfare Policy
DARD - Veterinary Service
Council Animal Welfare Project Board
Belfast City Council
PSNI

1. Introductions

The meeting started with introductions and DARD gave a short presentation on the Welfare of Animals Act (NI) 2011. DARD explained the background to the Review of the Welfare of Animals Act (NI) 2011 and how it would be taken forward. DARD explained that comments from this discussion session would be fed into the Review and that an interim report would be published around November. However, if anyone had further comments to make after the note of the discussion session was circulated they should forward them by 29 August.

2. Discussion

The main comments and suggestions for improvement on the 4 themes of the Review were as follows:

Sentencing

Stakeholder Comments	<ol style="list-style-type: none">1. Concern was expressed that custodial sentences were not handed out by the Courts, and that suspended sentences were not seen as a deterrent.2. Concern was expressed about enforcement of bans from keeping animals, as people with bans often transfer animals into other family member's names.3. It was also pointed out that there is no central register for organisations to access to see if a person is banned from keeping an animal.4. Since Belfast Rally 80%-90% comments have been positive about convictions.
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Delivery Body Comments	<p>The unduly lenient sentencing scheme review was outlined.</p> <p>PSNI are gathering details in relation to various offences and penalties given throughout the year.</p>
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Delivery Structures

Stakeholder Comments	<ol style="list-style-type: none"> 5. Concern was raised about the Out of Hours service as it was pointed out that animal suffering does not happen between 9-5. Requests were made for a 24 hr Animal Welfare Helpline or dedicated number to deal with calls and these could be passed to the relevant agency to deal with. 6. The PSNI could deal with animal welfare complaints during out of hours as they would have more cover to deal with incidents in the Province. 7. Better training and information is needed for call handlers. 8. If you are going to have a law then you must have the resources to enforce it. 9. A number of comments were made about contracts awarded by the Councils for Veterinary services and Council's obligations in relation to the tendering process, for example, should a Practice that isn't providing emergency cover receive a contract to provide out of hours services and should supporting letters from Practices that will provide the emergency cover be required. 10. Liaison with AVSPNI and NIVA should take place when the Councils draw up tender contracts. 11. There was a general consensus that the legislation was good however it was not being properly enforced. The processes should have been put in place prior to implementation. 12. Under the Act, failure to act to prevent unnecessary suffering is an offence, therefore are all Delivery Agencies responsible under the Act if processes are not put in place to enforce the Act? 13. It would be useful to compare the number of animal welfare calls that PSNI receive with other crime report calls.
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Delivery Body Comments	<p>DARD discussed several issues in relation to providing a 24hr service e.g. impact on availability of officers during the week, and impact of effective use of resources and getting the balance right.</p> <p>Councils outlined the current process for answering welfare complaints during and outside office hours.</p> <p>PSNI outlined that all calls on any matter received are dealt with by a priority system and any non-urgent animal welfare incidents are reported to the Council on a Monday morning.</p> <p>PSNI explained the training process for new recruits and call handlers currently being rolled out.</p> <p>DARD explained how the wording for bans was strengthened in the current legislation however it was up to the Magistrates to ensure that it was clearly communicated as written in the legislation, something that the review could look at.</p>
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Working together

Stakeholder Comments	<p>14. Consideration to be given to other issues i.e. mental health issues, there is a gap and people need help.</p> <p>15. In GB dedicated police officers deal with animal welfare issues, why can't this happen here?</p> <p>16. Communication could be better between agencies as there tends to be passing the buck.</p> <p>17. Cross border arrangements are loose and need to be tighten up.</p> <p>18. It was suggested that as a lot of animal charities have education officers these could be used to communicate animal welfare contacts and relevant messages.</p> <p>19. NISNTAC pointed out that they have 6 members who are able to work in schools and they could assist with delivering messages.</p>
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Serving the Public

<p>Stakeholder Comments</p>	<p>20. The public need to know the penalties that certain offences from previous animal welfare legislation received and how this compares with 2011 Act.</p> <p>21. There is general public confusion about who to contact when reporting an animal welfare incident and often the PVP is called in the first instance.</p> <p>22. There was a suggestion that the Animal Welfare contact numbers were not available on all the Council sites.</p> <p>23. The public are not able to categorise who they should contact e.g. if it is a dead animal then DARD deals with it under animal-by-product and if there are more than 2 pet pigs then DARD deal with it.</p> <p>24. Guidance should be given to PVPs about enforcement of the Act.</p> <p>25. There was a suggestion that the PSNI should cover animal welfare in their Newsletter.</p> <p>26. It was suggested that in order to get relevant messages out about animal welfare these could be designed by pupils in schools. The posters could be distributed to PVPs, Pet Shops and Shows etc.</p>
<p>Delivery Body Comments</p>	<p>Councils explained that all Animal Welfare Contacts were on all Council websites and widely advertised.</p> <p>Councils explained that under the Act their role is enforcement and that they do not currently have time to be pro-active and undertake an educational role.</p>

Annex H

Stakeholder Discussion Session - Wild Animals

7 August 2014 - Conference Hall, CAFRE Greenmount

Attendees:
League Against Cruel Sports
Irish Working Terrier Federation
Countryside Alliance Ireland
British Association for Shooting and Conservation in N.I.
DARD - Animal Welfare Policy
DARD - Veterinary Service
Council Animal Welfare Project Board
PSNI
DOJ
NIEA

1. Introductions

The meeting started with introductions. DARD then explained the background to the Review of the implementation of the Welfare of Animals Act (NI) 2011 and how it would be taken forward. DARD explained that comments from this discussion session would be fed into the Review and that an interim report would be prepared in November. DARD asked anyone with further comments to make after the note of the discussion session was circulated to forward them by 29 August.

2. Discussion

The main comments and suggestions for improvement put forward on the 4 themes of the Review were as follows:

Sentencing

Stakeholder Comments	<ol style="list-style-type: none">1. Concern was expressed that custodial sentences were not handed out by the Courts, and that suspended sentences were not seen as a deterrent.2. Concern was raised that the recent high profile case could be used by defence lawyers in future cases to indicate a sentencing standard, which would undermine sentencing severity in futures cases brought before the Judicial System.3. Concern was expressed about enforcement of bans from keeping animals, as people with bans may transfer animals into other family members' names.
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	<p>4. It was pointed out that there is no central register for organisations to access to see if a person is banned from keeping an animal.</p> <p>5. It would be useful if Judges communicate the mitigating reasons as to why custodial sentence are not handed out.</p> <p>6. There is a need for a much stronger message to go out to perpetrators.</p> <p>7. There seems to be inconsistency with penalties handed out within the Judicial System.</p> <p>8. It was commented that England and Wales were currently carrying out a review of the standard scales of fines and did we have plans to follow?</p> <p>9. There were calls for sentencing to be consistent with the RoI (5 year maximum) and that 2 years was not enough for serious offences.</p> <p>10. It was pointed out that there is an increase in the number of cats disappearing, however, due to intimidation and other factors there is not enough evidence being gathered.</p> <p>11. Currently there are a low number of prosecutions and a push should be made to get these through the Courts quickly.</p>
<p>Delivery Body Comments</p>	<p>The use of suspended sentences is common in Northern Ireland for a range of crimes.</p> <p>The latest case would not be used as a reference case as every case would be judged on its own merits.</p> <p>If it is a written judgment it will be available to view on Courts Service website after the judgment is released.</p> <p>The Unduly Lenient Sentencing scheme review was outlined.</p> <p>Sentencing guidelines for Magistrates' Courts was issued in December 2013. The guidelines cover the offences of animal cruelty, tail-docking of dogs, and animal fighting.</p> <p>There are currently no plans here to carry out a review of the standard scales of fines.</p> <p>The PSNI pointed out in relation to disappearing cats, that if individuals are concerned about contacting the PSNI directly, information should be fed through the Crimestoppers line as even small pieces of information can be useful and could lead to the perpetrators being caught.</p>

Delivery Structures

Stakeholder Comments	<p>12. Better training and information is needed for call handlers as there is confusion over who is responsible for enforcing the Act.</p> <p>13. There is a need for information to be filtered through to each PSNI station about responsibilities of Delivery Agencies under the Act.</p> <p>14. There should be a mechanism in place to review the implementation of the Act, this could take place every 6-9 months this would evidently led to increased knowledge and lessons learnt.</p> <p>15. Concern was raised over the Out of Hours provision and that there seemed to be a lot of passing the buck between Delivery Agencies.</p> <p>16. Clarity required over who is responsible for abandoned horses and how they are dealt with.</p> <p>17. There needs to be proper enforcement of horse passports, this would help to alleviate welfare problems.</p>
Delivery Body Comments	<p>PSNI explained the training process for new recruits and call handlers which is currently being rolled out.</p>

Serving the Public

Stakeholder Comments	<p>18. Posters and leaflets should be distributed to Community Groups and animal welfare charities.</p> <p>19. Social Media should be used to get important messages out.</p> <p>20. Countryside Alliance offered to post out 3,500 leaflets and e-mail PDFs to all its members.</p> <p>21. A comment from the Minister on convictions of high profile cases would be useful in raising publicity and increasing the deterrent effect.</p>
Delivery Body Comments	<p>All suggestions for improved communication would be considered as part of the Review.</p>

Working with others

Stakeholder Comments	22. It was suggested that an Animal Welfare forum be set up like The Partnership for Action against Wildlife Crime in Northern Ireland (PAW) which is a multi agency body comprising representatives of all organisations involved in wildlife law enforcement. It provides opportunities for statutory and non-Government organisations to work together to combat wildlife crime. 23. NGOs to help delivery agencies investigate cases.
Delivery Body Comments	Concern was expressed about welfare charities investigating cases on the ground as it may comprise cases through undermining the continuity of evidence (there should be as few people as possible involved in the chain evidence) and they are not independent.

Annex I

Stakeholder Discussion Session - Cats and Dogs

12 August 2014 - Craigavon Civic and Conference Centre

Attendees:
Cat Support Group
Almost Home Rescue NI
Dogs Trust
Assisi
Bright Eyes Animal Sanctuary
Grovehill Animal Trust
7th Heaven Animal Rescue Trust
Mid-Antrim Animal Sanctuary
Cats Protection
USPCA
Lucys Trust
Nutts Corner
Causeway Coast Dog Rescue
Rainbow Rehoming Centre
British Veterinary Association (BVA)
DARD - Animal Welfare Policy
DARD - Veterinary Service
Council Animal Welfare Project Board
Council Animal Welfare
PSNI

1. Introductions

The meeting started with introductions. DARD explained the background to the Review of the Welfare of Animals Act (NI) 2011 and how it would be taken forward. DARD explained that comments from this discussion session would be fed into the Review and that an interim report would be prepared in November. However, if anyone had further comments to make after the note of the discussion session was circulated they should forward them by 29 August. DARD advised that, in order not to jeopardise any future possible prosecutions, individual animal welfare cases could not be discussed.

2. Discussion

The main comments and suggestions for improvement on the 4 themes of the Review were as follows:

Sentencing

Stakeholder Comments	<ol style="list-style-type: none"> 1. Concern was expressed that custodial sentences were not handed out by the Courts, and that suspended sentences were not seen as a deterrent. 2. Concern was expressed about enforcement of bans from keeping animals, as people with bans often transfer animals into other family member's names. 3. A lifetime ban on owning animals should be imposed following conviction. If the person is found breaching this they should automatically be given a jail sentence. Further breaches should result in increasing jail sentences. 4. Serious offenders to be added to an animal abuse register that should be made available to welfare charities and the public. It is important that the public also have access to this, as a large number of animals are rehomed by individual owners who may be unaware of the possibility of their pet going to an animal abuser. If they are put on register for life by a Court, it overcomes the grey area surrounding the legality of their names continuing to be published after they have finished their sentence. 5. It is important that Judges communicate the wording of the ban so that everyone is clear of the details and there is no ambiguity (for example, to show that the ban also prevents the person from controlling or influencing the way an animal is kept). 6. There should be mandatory minimum sentences for the worst cases of active abuse (i.e. excluding neglect). A sentence of, perhaps, two years would seem appropriate. 7. Sentencing guidelines should be published for Crown Court cases. 8. It was also pointed out that there is no central register for organisations to access to see if a person is banned from keeping an animal. 9. Penalties in line with ROI seem sensible, although many would like to see at least a 10 year maximum sentence.
Delivery Body Comments	<p>The unduly lenient sentencing scheme review was outlined.</p>

Delivery Structures

Stakeholder Comments	<p>10. Requests were made for a 24hr Animal Welfare Helpline or dedicated number to deal with calls and these could be passed to the relevant agency to deal with.</p> <p>11. Concern was raised about the Out of Hours service as it was pointed out that animal suffering does not just happen between 9-5.</p> <p>12. A central contact telephone number for the public to call when there is a case of abuse is essential - whether it is in working hours or out of hours. The police have a call centre and they work 24/7 unlike the councils, therefore no more funding for staff overtime would be required.</p> <p>13. Could there not be the initial contact and pass on the information to the relevant bodies?</p> <p>14. After hours the police should deal with all animal abuse cases. Councils, however, should consider options for 24/7 out of hours services for stray and injured animals.</p> <p>15. Concern was raised over the Council's commitment to implement the Act. It was suggested a dedicated unit should be set up to implement the legislation in Northern Ireland.</p> <p>16. A dedicated unit, within the PSNI, to deal with animal welfare was also suggested.</p> <p>17. Concern was raised over how the Councils would implement the Act when they are reduced from 26 to 11. It was also suggested that the reorganisation of the Councils provided a tremendous opportunity to review the operation of their animal welfare service and to make improvements to it.</p> <p>18. Better training and information is needed for call handlers.</p>
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	<p>19. Concern was raised over the reduction in the number of dog breeding establishments that are currently licensed in comparison to the numbers licensed prior to the introduction of the higher licence fee. Concerns were raised that Dog Breeders were not microchipping or licencing dogs prior to selling them. Calls for more enforcement of dog breeding licensed, and non-licensed, establishments.</p> <p>20. There was a call for the performance of the Animal Welfare service to be published for each Council area so that rate payers could actively see how there Council area was performing and they would be held publicly accountable.</p> <p>21. Views of the AWOs should be sought to determine if they are stretched or need further resources.</p> <p>22. Concerns were raised about the length of time that dogs were kept in Dog Pounds as there were suggestions that the dogs behaviour and temperament can change in these facilities if left in them for too long. Also there was a call for inspections to be carried out on these premises.</p> <p>23. Councils should carry out a home check on animals rehomed from their pounds to ascertain if the potential new owner is suitable.</p> <p>24. The ambiguity about which body deals with the issue of feral cats needs to be clarified as it is unknown whether they should be considered as domestic or wild animals.</p> <p>25. The introduction of Cat licensing could assist in reducing/investigating cat welfare cases.</p> <p>26. Once improvement notices are issued the must be followed up?</p>
<p>Delivery Body Comments</p>	<p>DARD discussed several issues in relation to providing a 24hr service e.g. impact on availability of officers during the week, and impact of effective use of resources and getting the balance right.</p> <p>Councils outlined the current process for answering welfare complaints during and outside office hours.</p> <p>DARD explained how the wording for bans was strengthened in the current legislation however it was up to the Magistrates to ensure that it was clearly communicated as written in the legislation, something that the review could look at.</p>

	<p>PSNI outlined that all calls on any matter received are dealt with by a priority system and any non-urgent animal welfare incidents are reported to the Council on a Monday morning.</p> <p>PSNI explained the animal welfare training process for new recruits and call handlers currently being rolled out.</p> <p>Councils outlined the training provided to AWOs from the RSPCA with additional training provided by CAFRE vets and the Donkey Sanctuary and the process for dealing with a welfare complaint where veterinary assistance is required.</p>
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Working together

<p>Stakeholder Comments</p>	<p>22. Clarity and education required for animal sanctuaries/rescue homes in dealing with those who surrender neglected animals to them, however, concern was raised in relation to particular cases where no prosecution was taken as the Delivery Body was not involved in the seizure.</p> <p>23. In the Netherlands dedicated police officers deal with animal welfare issues, why can't this happen here?</p> <p>24. Follow up communication is required with animal charities if the case has been sent to the AWO by them.</p> <p>25. Communication could be better between agencies as there tends to be passing the buck.</p> <p>26. It was suggested that as a lot of animal charities have education officers these could be used to communicate animal welfare contacts and relevant messages.</p> <p>27. Cats Protection offered to provide one to one shadowing for AWOs or give advice on dealing with issues on cats.</p> <p>28. Dogs Trust advised that dog wardens and AWOs were welcome at any of the events they hold.</p> <p>29. The review should identify any gaps in the current legislation,</p>
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Serving the Public

<p>Stakeholder Comments</p>	<p>30. There is general public confusion about who to contact when reporting an animal welfare incident and that the current system was too complicated for the general public.</p> <p>31. There was a suggestion that the Animal Welfare contact numbers were not available on all the Council sites.</p> <p>32. There were a number of suggestions put forward in how to communicate the animal welfare service to the public, i.e. leaflet drop door to door, dog wardens, newspapers, shopping centres, community halls, veterinary practices, educating school children and teenagers.</p> <p>33. A single dedicated number is needed for reporting animal welfare incidents.</p> <p>34. It was suggested that the media should be given a high level brief setting out the basic provisions of the Act and implementation structures.</p> <p>35. There should be better communication with the public to inform them of the Councils role and also to educate the public in animal welfare matters.</p> <p>36. The public need to be educated on the “five freedoms” and the current codes of practice should be reviewed.</p> <p>37. Informational material from Government would be useful for welfare charities to use when undertaking education activities.</p>
<p>Delivery Body Comments</p>	<p>Councils explained that all Animal Welfare Contacts were on all Council websites and widely advertised.</p> <p>Councils explained that under the Act their role is enforcement and that they do not currently have time to be pro-active and undertake an educational role.</p> <p>Moving to a single dedicated phone number may be at the expense of losing local knowledge of geography, previous offences etc held by existing operators.</p>

Annex J

Stakeholder Discussion Session - Equines

14 August 2014 - Conference Hall, AFBI, Hillsborough

Attendees:
Equine Council for Northern Ireland
NI Horse Board
NIVA
AVSPNI
British Horse Society
Donkey Sanctuary
DARD - Veterinary Service
DARD - Farm Policy
DARD - Animal Welfare Policy
Council Animal Welfare Project Board
Council Animal Welfare
Belfast City Council
PSNI

1. Introductions

Following introductions DARD explained the background to the Review of the Welfare of Animals Act (NI) 2011 and how it would be taken forward. DARD explained that comments from this discussion session would be fed into the Review and that an interim report would be prepared around November. However, if anyone had further comments to make after the note of the discussion session was circulated they should forward them by 29 August. DARD advised that, in order not to jeopardise any future possible prosecutions, individual animal welfare cases could not be discussed.

2. Discussion

The main comments and suggestions for improvement on the 4 themes of the Review were as follows:

Sentencing

Stakeholder Comments	<ol style="list-style-type: none">1. It would be useful if figures relating to the number of equine welfare cases and prosecutions were made available.2. If an all island approach to animal welfare is taken then the sentences available in Northern Ireland should be the same as those, more
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	<p>tougher sentences, available in the South. Also, it is the Minister's intention to work as closely with the south in the Equine therefore sentences should be the same.</p> <p>3. Sentences should be seen as a deterrent, however, this is not happening.</p> <p>4. Law should come down heavily on those who are cruel.</p> <p>5. Prosecution should be the last resort, with more emphasis on education and issuing improvement notices.</p> <p>6. There needs to be proactive enforcement of the Horse Passports Regulations (Northern Ireland) 2010 to facilitate investigation and possible prosecution, particularly in cases of abandoned animals.</p>
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Delivery Structures

<p>Stakeholder comments</p>	<p>7. The opinion was expressed that a major contributor to poor equine welfare was the high proportion of equines that were not eligible to enter the food chain and the lack of a slaughter facility in NI. This resulted in many equines of no economic value. Cost of euthanasia and carcass disposal further exacerbates the problem.</p> <p>8. DARD should look to England where equines are tested at point of slaughter thus allowing more equines to be released for slaughter regardless of whether or not they have passports as this would greatly reduce the number of equines which in turn would reduce the equine welfare problem.</p> <p>9. Responsibility for horses should rest with DARD for a number of reasons: DARD has experience of dealing with large animals, DARD delivers a number of equine related courses through its equine campus in Enniskillen, the equine population is largely rural based, and major disease outbreaks in other sectors of agriculture can have major ramifications for those involved in keeping equines.</p> <p>10. The view was held that the horse should be reclassified as an agricultural animal; again this would bring parity with ROI.</p> <p>11. There was a need to establish information on the number and location of equines in NI. This could be achieved by vigorous enforcement of passport regulations, horse exporters registration, introduction of licensing of equine premises and through rates relief data if equines were reclassified. Inspection of premises could be risk-based including the number of equines on the premises.</p>
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	<p>12. All premises which have equines should be registered.</p> <p>13. It was felt that Council Animal Welfare Officers were not experienced in dealing with equines and that specialist equine vets should be consulted when dealing with equine cases.</p> <p>14. Equine Veterinary Officers were not consulted when Welfare of Animals Act came in. There is no equine vet on-call to deal with equine cases and if a PVP specialising in equine is called out, problems have been experienced in relation to payment.</p>
<p>Delivery Body comments</p>	<p>DARD outlined the entry requirements for horse meat to the food chain, including drug residue testing, which is governed by EU law but as stakeholders they could lobby for changes at European level.</p> <p>The provision of a slaughter facility would be for the private sector to consider.</p> <p>It was pointed out that in ROI; the horse welfare enforcement is the responsibility of the local authority as is the case in NI.</p> <p>Councils outlined the training provided to AWOs from the RSPCA with additional training provided by CAFRE vets and the Donkey Sanctuary and the process for dealing with a welfare complaint where veterinary assistance was required.</p> <p>DARD advised that within its Veterinary Service, welfare inspections for farmed animals were carried out by trained officers, not veterinarians; however, vets may then be called in to assist if necessary.</p>

Serving the Public

<p>Stakeholder comments</p>	<p>15. Contact numbers should be available on a Welfare/Charity section of the Yellow Pages.</p> <p>16. A single dedicated number is needed.</p> <p>17. Examples of poor experience in attempting to contact Council AWO's were provided.</p> <p>18. Information on how the budget allocated to Councils from DARD is spent should be made public.</p> <p>19. There should be better communication with the public to inform them of the Council's role and also to educate the public in animal welfare matters.</p>
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	20. Indiscriminate breeding is a major problem and more needs to be done to educate those with equines.
Delivery Body comments	Moving to a single dedicated phone number may be at the expense of losing local knowledge of geography, previous offences etc held by existing operators. Contact numbers are subject to rigorous testing.

Working with Others

Stakeholder comments	<p>21. The initial contact between an AWO investigating a case and animal owner is critical. Councils should give verbal advice, issue codes or practice, or issue improvement notices in preference to prosecution.</p> <p>22. There needs to more AWOs on the ground.</p> <p>23. AWOs should be able to advise on issues surrounding ownership (microchipping/passporting).</p> <p>24. Too many equines are currently in care. Seized animals should be euthanized (as quickly as possible after seizure) - animal sanctuaries are cramped and overstocked.</p> <p>25. It had now been decided in the ROI that the proposed equine cull was not the best way to deal with unwanted and indiscriminately bred equines as it would leave the taxpayer footing the bill for the failings of others.</p> <p>26. Consideration should be given to introducing legislation similar to that recently brought in Wales which allows Local Authorities to deal effectively with abandoned equines, England is considering whether to follow Wales.</p> <p>27. Concern at animal sanctuaries in the UK bringing in rescue horses from Europe.</p> <p>28. Concern at animal sanctuaries accepting healthy horses too readily, as they can more easily be rehomed, thereby impacting on their ability to deal with those equines with particular needs.</p> <p>29. Concern at animal sanctuaries rehoming equines to unsuitable persons, resulting in future welfare cases and also lack of knowledge about the equines temperament which could result in risks to children.</p>
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	<p>30. Council/PSNI/Industry collaboration in successfully turning around the welfare issues at the Lamas Fair was held up as model for replicating in other areas.</p> <p>31. The industry organisation, BHS, could assist in providing training to AWOs. This had been offered before but had not yet been availed off.</p> <p>32. Request was made for further discussion with stakeholders before the interim report went to the Minister to ensure that the correct solutions were put forward.</p>
<p>Delivery Body comments</p>	<p>With regard to the length of time equines are kept in care, the legislation rightly allows for the owner of a seized animal to appeal any decision to remove that animal from his or her possession.</p> <p>Councils currently have some 5 equines in care, the PSNI has approximately 43 equines in care.</p> <p>Councils have a care and collection contract in place, the details of which are treated as commercial in confidence.</p>

Annex K

Review of the implementation of the Welfare of Animals Act (NI) 2011

Written Submissions from Stakeholders

The Review held five evidence-gathering stakeholder discussion sessions during the summer of 2014. A wide range of stakeholders were invited including statutory organisations, welfare charities, rescue/re-homing charities and industry representative bodies. In addition to these sessions, written submissions were received from the following organisations:

The Kennel Club
Ballysaggart Environmental Group
Irish Working Terrier Federation
Cats Protection
League Against Cruel Sports
7th Heaven Animal Rescue Trust
Northern Ireland Says No To Animal Cruelty (NISNTAC)
Assisi Animal Sanctuary
Cat Support Group
Donkey Sanctuary and the British Horse Society
Crosskennan Lane Animal Sanctuary
Companion Animal Welfare Council (CAWC)
Dogs Trust
Vet NI (AVSPNI (Association of Veterinary Surgeons Practising in Northern Ireland)) & NIVA (North of Ireland Veterinary Association))

Annex L

Provisional Outcomes of on-farm animal welfare inspections completed on Northern Ireland farms from 2012 to 2014

2012

Type of inspections	Compliance with animal welfare legislation	Number of Inspections	Category of Non-compliance	Number per category	Percentage of total %
Cross-compliance programme of random inspections	No	0	A	0	0.0
			B	0	0.0
			C	0	0.0
	Yes	72		72	100.0
	Total	72		72	100.0
Cross compliance Risk Assessment based, other Targeted and Complaint related inspections	No	139	A	75	11.89
			B	10	1.58
			C	54	8.56
	Yes	492		492	77.97
	Total	631		631	100.0
All inspections	No	139	A	75	10.67
			B	10	1.42
			C	54	7.68
	Yes	546		564	80.23
	Total	703		703	100.0

Type of inspections	Compliance with animal welfare legislation	Number of Inspections	Category of Non-compliance	Number per category	Percentage of total %
Cross-compliance programme of random inspections	No	1	A	1	1.19
			B	0	0.0
			C	0	0.0
	Yes	83		83	98.81
	Total	84		84	100.0
Cross compliance Risk Assessment based, other Targeted and Complaint related inspections	No	152	A	78	12.23
			B	31	4.86
			C	43	6.74
	Yes	486		486	76.17
	Total	638		638	100.0
All inspections	No	153	A	79	10.94
			B	31	4.29
			C	43	5.96
	Yes	569		569	78.81
	Total	722		722	100.0

Type of inspections	Compliance with animal welfare legislation	Number of Inspections	Category of Non-compliance	Number per category	Percentage of total %
Cross-compliance programme of random inspections	No	2	A	0	0
			B	2	3
			C	0	0
	Yes	74		74	97
	Total	76		76	100
Cross compliance Risk Assessment based, other Targeted and Complaint related inspections	No	96	A	43	7
			B	15	2
			C	38	6
	Yes	539		539	85
	Total	635		635	100
All inspections	No	98	A	43	6.1
			B	17	2.4
			C	38	5.3
	Yes	613		613	86.2
	Total	711		711	100

¹Tables for 2012 and 2013 obtained from the Statistical Review of Northern Ireland

EC decision 2006/778 concerning minimum requirements for the collection of information during the inspections of production sites on which certain animals are kept for farming purposes - Categories of non-compliance are defined as follows:

- Category A e.g.: non-compliance related to housing or animal treatment with no immediate action for administrative or criminal penalties, though corrective action is required within 3 months.
- Category B e.g.: non-compliance associated with staff training, record keeping or frequency of inspection of animals with no immediate action for administrative or criminal penalties, though notice should give an appropriate amount of time to make the necessary improvements i. e. more than 3 months.
- Category C e.g.: a serious welfare problem requiring immediate action with respect to application of administrative or criminal penalties.

Annex M

Prioritisation Guide For Animal Welfare Officers

Operational hours 9am-5pm

Provision for Priority 1 calls is available at weekends and public holidays 9am - 5pm

Note: Farmed animals are DARD responsibility - a “farmed animal” is defined in the Welfare of Animals Act (NI) 2011 as “any animal bred or kept for the production of food, wool or skin or for other farming purposes”. Animal fighting (including related criminal activity) and welfare incidents involving wildlife are Police Service of Northern Ireland responsibility. The regulation and licensing of dangerous wild animals is the responsibility of the Northern Ireland Environment Agency.

The priorities below only refer to domestic animals and equines for which the Council has enforcement responsibility

The examples shown are only to be used as a guide, remember to ask questions to determine the actual condition / welfare of the animal.

It should be noted that the purpose of the Animal Welfare Officer attending is primarily to investigate and enforce the legislation in respect of non-farmed animals.

Priority 1 (Same day or by end of next day)

This applies when it is likely that in a short time the animal's distress or pain may increase significantly or even that the animal may die. Make contact with other enforcement agencies as necessary.

Please ensure that if call comes in on a Friday and is not attended to until the next day that the AWO on-call is made aware as soon as possible on the Friday.

- Abandoned(>4days) & Welfare issues
- Beating, kicking, brutality (in progress) Contact PSNI for support for lone working purposes as breach of peace / criminal offence. A lone worker should not be sent into this situation
- Collapsed / cannot get up or stand / unconscious
Dog in hot car (high risk - situation could deteriorate rapidly). Contact PSNI or Local Council initially to see if they can attend the scene if an AWO cannot attend in reasonable time. Investigation can follow if required.
- Tethered and in obvious distress (high risk of hanging). If animal in high risk situation (i.e. able to get onto road) - contact PSNI

Priority 2 (Within 3 working days)

This applies where animals have been abandoned.

- Abandonment eg animal abandoned on land with welfare issues, no one living at property(< 4 days) (excluding owner on holiday)
- Investigation of serious animal welfare neglect, unnecessary suffering etc following intervention by Emergency Services e.g NIFRS, PSNI
- Malnourished / underweight (spine visible and in weakened state)
- Tail docking
- Securing evidence of crime e.g dead in suspicious circumstances
- Beating, kicking, brutality has already occurred
- Dragging back leg(s)

Priority 3 (Within 14 working days, subject to availability of staff and other priorities)

This applies where there is no significant risk that the situation will get worse (some pain or distress may be evident). Immediate action is unnecessary but requires investigation.

These calls below may be prioritized at the discretion and professional judgement of AWO's and Line Managers.

- Abandonment eg animal abandoned on land without welfare issues and not in distress.
- Abandoned animal at a property without welfare issues and Not in distress (excl. abandonments)
- Current / repetitive action by person complaining (no name address given) but have description and occurs at same time and location on regular basis
- Dirty condition
- Dog permanently living in a car (not in distress)
- Environment issues (risk assess)
- Overgrown hooves / claws
- Shelter - inadequate conditions (consider risk, age, weather)
- Small cage / enclosure - inadequate conditions
- Suspected irregular / poor diet
- Tethered but not in obvious distress - e.g. too short / too heavy tether (remember, it is not illegal to tether a horse)

NON ANIMAL WELFARE OFFICER SITUATIONS AND LIKELY ASSISTANCE

Remember, the person who owns or is in charge of an animal, whether permanently or temporarily, is always considered to be responsible for that animal (Section 3 of the Welfare of Animals Act (NI) 2011).

The emergency services (PSNI, Fire & Rescue Service) may be able to assist depending on the situation, availability of resources and other priorities.

- Abscess - *owner / veterinary surgeon*
- Animal fighting - *contact PSNI*
- Badger baiting in progress - *contact PSNI*
- Bird (wild) trapped down chimney - *contact Fire & Rescue Service*
- Bird (wild) trapping in progress - *contact PSNI*
- Breathing difficulties - *owner / veterinary surgeon*
- Broken leg / wing (pets) - *owner / veterinary surgeon*
- Broken leg / wing (wild birds) - *contact PSNI*
- Burnt/Scalded - *owner / veterinary surgeon*
- Cat stuck up a telegraph pole / a tree / on roof etc - *contact Fire & Rescue Service*
- Critically injured - *owner / veterinary surgeon (PSNI if road traffic incident)*
- Dead animal - *owners responsibility*
- Dead in suspicious circumstances (wild animals) - *contact PSNI*
- Difficulty giving birth - *owner / veterinary surgeon*
- Dog fighting (organised) in progress - *contact PSNI*
- Drowning - *contact Fire & Rescue Service*
- Flea/parasite - *owner / veterinary surgeon*
- Hanging (from gutter, tree etc.) - *contact Fire & Rescue Service*
- Hare coursing in progress - *contact PSNI*
- Head Collar too tight - *owner*
- Heavily matted coat - *owner / veterinary surgeon*
- Lamé / Limping - *owner / veterinary surgeon*
- Long term (chronic) illness (e.g. cat flu) - *owner / veterinary surgeon*
- Major Bleed (pumping blood, not a scratch/ minor bleed) - *owner / veterinary surgeon*
- Minor injury or minor bleed - *owner / veterinary surgeon*
- Oiled (pets) - *owner / veterinary surgeon*
- Oiled (wild animals) - *contact PSNI*
- Overweight - *owner / veterinary surgeon*
- Parvo (consider symptoms, parvo virus can kill in less than 24hrs) - *owner / veterinary surgeon*
- Poisoning (animal suffering at time of call, no treatment) - *owner / veterinary surgeon*
- Prolapse - extended uterus - *owner / veterinary surgeon*
- Road traffic accidents (All mammals. Birds, only if critically injured / unconscious) - *contact PSNI*
- Sale of Animal (domestic or horse) in community market / car boot sale.- *contact DARD*
- Shooting incident - *contact PSNI*
- Snared wild/domestic animal (alive) - *contact PSNI*

- Skin Conditions (eczema, mange etc) - *owner / veterinary surgeon*
- Staggering, unsteady - *owner / veterinary surgeon*
- Strangles - *owner / veterinary surgeon*
- Stray animals - dogs refer caller to the Local Council, horses - if on the roadway refer caller to PSNI. *Owner ultimately responsible.*
- Tethered animal in high risk situation (i.e. able to get onto road) - *contact PSNI*
- Trapped in illegal trap e.g. Gin or Pole (hinged/"jawed") trap - *contact PSNI*
- Trapped - by the head or neck, including down a drain, stuck up a tree etc. - *contact Fire & Rescue Service*
- Tumours - *owner / veterinary surgeon*
- Walking in circles (possible head injury) - *owner / veterinary surgeon*

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
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
DARD	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
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
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
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)
TOR	Terms of Reference
UK	United Kingdom (England, Scotland, Wales and Northern Ireland)
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)

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