



Subject:	Review of the Implementation of the Welfare of Animals Act (Northern Ireland) 2011 - Final Report – February 2016
Date:	7 June 2016
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Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	Since the implementation of the Welfare of Animals Act (Northern Ireland) 2011, there has been considerable public, political and media interest in the enforcement of that Act particularly in relation to non-farmed animals. Public concern was also raised in relation to the perceived lenient sentencing for animal welfare cases after some high profile cases emerged after the introduction of the Act.
1.2	Members of this Committee were informed of the findings of the Interim Report issued in February 2015 which outlined the “Review of the implementation of the Welfare of Animals Act (Northern Ireland) 2011”. The Review had been initiated by Michelle O’Neill, Minister for the Department of Agriculture and Rural Development (DARD). This followed a Northern Ireland Assembly debate calling for a review of the implementation of the Welfare of Animals Act 2011, particularly in relation to sentencing guidelines, to ensure that maximum effectiveness was being brought to bear to combat animal welfare offences.
1.3	Following the publication of the Interim Report, which contained forty three recommendations, there was a twelve week consultation period. The views gathered during this period were used to further develop the recommendations in the Final Report. Following this consultation period, two additional working groups were established to consider comments raised about Dog Breeding Establishments and Equine related issues.

<p>1.4</p> <p>1.5</p>	<p>The Review considered the implementation of the Act under six themes. The six key themes were:</p> <ol style="list-style-type: none"> 1. Sentencing 2. Delivery Structures 3. Working together 4. Serving the Public 5. Dog Breeding and Online Pet Sales 6. Equines <p>The review report explores the issues raised by stakeholders and makes sixty eight recommendations under each of the six key themes. Some recommendations are crosscutting and apply to the three enforcement agencies involved in the implementation of the Act namely, DARD, local Councils, and the PSNI. All of the agencies involved have been asked for their consideration of the recommendations that are relevant to them. The responses including a timescale for implementation of accepted recommendations will be included in an action plan which will be publicised on the DARD Website in due course. The full review report can be accessed on:</p> <p>https://www.dardni.gov.uk/publications/review-implementation-welfare-animals-act-ni-2011</p>
<p>2.0</p>	<p>Recommendations and decisions</p>
<p>2.1</p>	<p>The Committee is asked to;</p> <ul style="list-style-type: none"> • Note the contents of the report and it is recommended that the Committee endorses the draft response, as it relates to local councils, from the Animal Welfare Project Board. The Board is the regional representative body for Local Government and includes officers from local councils, including Belfast. The Board’s comments can be found in the “Actions Required” section of the Action Plan, as outlined in Appendix 1.
<p>3.0</p>	<p>Key Issues</p>
<p>3.1</p> <p>3.2</p>	<p>The Review has considering the implementation of the Act under the following six themes and, for the purposes of this report, the recommendations that affect councils have been highlighted. A full list of the recommendations is attached in Appendix1.</p> <p>(1)<u>Sentencing</u></p> <p>During the consultation process, stakeholders expressed concern about what they considered to be unduly lenient sentencing and the lack of consistency in sentencing. The Review is recommending that the penalties upon convection are increased:</p>

- Summary Offence will be increased from six months to twelve months and increasing the maximum fine from £5000 to £20,000.
- Indictable offences, The Review recommends increasing the maximum prison term from two years to five years.

This recommendation has already been accepted and is being progressed by the Department of Justice through the Justice Bill.

(2) Delivery Structures – farmed animals, non-farmed animals and wild animals

3.3

In relation to the councils' role in the delivery of the animal welfare service concerning non farmed animals, the Review has made recommendations to assist in the provision of a consistent service. The Review considered the current level of resources made available to councils by DARD. The Review recommended that the funding is kept under review by the Project Board and DARD. The Review also recommended that councils continue to seek efficiencies where possible and identify savings, while continuing to maintain the current levels of service. The Review has also made recommendations regarding the development of policies, guidance and training opportunities for Animal Welfare Officers.

(3) Working together (facilitating enforcement)

3.4

The Review recommends that all enforcement bodies meet regularly to share experience and learning and establish protocols for working together in certain situations. The Review recommends that the draft MOU is updated between councils, DARD and the PSNI to reflect the outcome of the Review and new structures adopted by councils post LGR. The Review also recommends that councils meet with animal welfare organisations annually to discuss enforcement of the animal welfare legislation. To facilitate the need to monitor Disqualification Orders (i.e. those individuals who have been convicted of an animal welfare offence and who are banned from keeping animals) and other animal welfare offences, DARD will investigate options for council staff to have access to conviction data which is held on a central data base for criminal convictions known as the Criminal Records Viewer (CRV).

(4) Serving the Public

3.5

Stakeholders identified concerns around availability of contact information for the relevant enforcement body and asked for a 24 hour provision of the animal welfare service provided by councils. Concerns were also raised that there was not sufficient publicity surrounding convictions. The Review is recommending that DARD provide and maintain

one single animal welfare website to act as a central point of contact for information. The Review considered the need to provide a 24 hour service by councils and, based upon the evidence provided by councils in relation to this provision and the associated costs, the Review decided that it would not be feasible to provide this level of service. In order to address the issues of publicity surrounding animal welfare convictions, the Review is recommending that DARD produce an annual report setting out information relevant to the public in terms of enforcement by each of the three enforcement bodies. It has also made recommendations to councils in relation to press releases to inform the public how to report an animal welfare concern.

(5) Dog Breeding and On-Line Pet Sales

- 3.6 Following the Review recommendations, DARD will be seeking to change the legislation on Dog Breeding establishments and to provide guidance to assist Council Dog Wardens in verifying that socialisation and enrichment programmes are implemented at dog breeding establishments. The Review has also recommended that councils draw up a protocol for risk based unannounced inspections to ensure consistency across all council areas. The Review has also recommended that the conditions required to obtain a dog breeding licence are made available on all council websites.

(6) Equines

- 3.7 Under the Act, the enforcement in relation to non-farmed animals includes equines and this falls to councils. In addition to investigating offences of unnecessary suffering under the Act concerning equines, the issues facing the Councils' Animal Welfare service involves a proportion of abandoned horses which can add a significant cost burden to the animal welfare budget. The Review has acknowledged the considerable public nuisance caused by abandoned animals as well as the significant resource involved by the councils. The Review is recommending that DARD amends the Act to enable an accelerated process for the re-homing and disposal of abandoned animals which will significantly reduce the burdens on resources.

- 3.8 The Review has collated and considered all of the emerging issues that were raised during the meetings with stakeholders and has compiled a list of recommendations to be assigned to the relevant Agencies. A number of the recommendations will apply to councils for implementation and these have been considered by members of the Animal Welfare Project Board. The considered responses have been attached to Annex A against each recommendation which will form an action plan going forward including short term,

	<p>medium term and long term timescales which will be reviewed every six months by DARD.</p> <p><u>Financial & Resource Implications</u></p> <p>3.9 The cost of delivering the Animal Welfare Service is fully funded by DARD. Costs associated with the delivery and implementation of the recommendations that affect councils will continue to be funded from this budget and are not expected to have an impact on the existing budget. The budgets continue to be reviewed by the Project Board and DARD to ensure that the service is delivered within existing budgets.</p> <p><u>Equality or Good Relations Implications</u></p> <p>3.10 There are no relevant equality considerations associated with the work.</p>
4.0	Appendices – Documents Attached
4.1	Appendix 1 – Review of the Implementation of the Welfare of Animals Act (NI) 2011 – Draft Action Plan