Draft Animal Welfare Bill

Response to the Environment, Food and Rural Affairs Committee Consultation

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THE CHARTERED INSTITUTE OF ENVIRONMENTAL HEALTH

Founded in 1883, the Chartered Institute of Environmental Health (CIEH) is a professional and education body, dedicated to the promotion of environmental health and to encouraging the highest possible standards in the training and the work of environmental health professionals.

The Chartered Institute has approximately 9,000 members, most of whom work for local authorities in England, Wales and Northern Ireland. As well as providing services and information to its members, the Chartered Institute provides information to government departments and evidence to them on proposed legislation relevant to environmental health.

Members of the Chartered Institute working for local authorities are responsible for a range of animal welfare related issues and services including licensing of pet shops, animal boarding establishments, riding establishments, dangerous wild animals, dog breeding etc.

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1. Introduction

1.1. In responding to the Committee’s consultation document, CIEH is pleased to record its wholehearted support of the need for legislative review.

1.2. Animal legislation is old and couched in language of yesteryear, and often deals with the problems of the day. Changes with time usually reflect a change in legal requirements. Besides the considerable change in volumes and types of species now kept by people in this country, there has also been a change in the need for animal welfare. This is an increasing demand which until now has not been met by legislation, and the CIEH welcomes the Bill as a major step forward.

1.3. In our response we have outlined a number of general statements, albeit with some reservations over the detail of the Bill. These arise from comments made to us by our members with a particular interest and expertise in animal welfare issues, and are based on their experiences of dealing with the existing legislation on a day-to-day basis.

1.4. The CIEH is willing to offer its assistance to Government in furthering the aims of improving animal welfare as part of the debate that lies ahead.

2. The need for new laws

2.1. As we have previously stated in our response to the DEFRA consultation paper on animal welfare reform in May 2002, we feel that the current laws are fragmented and unclear in their aims. They have been introduced over a long period of time and in a piecemeal manner, often as a result of Private Members Bills. As a result, particular problems are dealt with, while the overall picture is lost. Prior to this draft Bill, there has been no cohesive view about animal welfare, and inadequate guidance to Local Authorities. We consider that the Bill will afford local authority officers significantly greater powers to prevent and alleviate animal suffering and bring sanctions against those found guilty of abuse and cruelty.

2.2. Current deficiencies have resulted in a wide variety of enforcement levels which are affected by the vagaries of local conditions. By and large, the CIEH supports less, but more effective and streamlined regulation and feel that the Bill is consistent with this objective, although certain proposals do give us cause for concern in this regard (see paragraph 3.6 below).

2.3. Local authorities suffering competing demands for scarce resources often view animal welfare as a low priority. Demands on staff costs mean that part time officials are asked to deal with a subject that may be new to them. Training is inconsistent and is often not to an agreed standard. As a result, these variations are seen as inconsistent by the trade, with different standards applied in different areas.

2.4. The task of the Bill must surely therefore be to address these inconsistencies and establish a more coherent basis for the reform and enforcement of animal welfare law. We believe that the draft Bill largely achieves this objective, although we do have one
or two practical reservations that we would wish to draw to the Committee’s attention.

3. Comments on specific clauses

3.1. **Clause 1.** It is noted that the earlier DEFRA consultation paper suggested that hunting with dogs would be excluded from future legislation on animal welfare. There is no specific exclusion of these activities in the draft Bill (nor indeed of shooting and coursing) and we feel that clarification of the Government’s intentions in this regard is necessary. We feel that this would be a particularly difficult and sensitive area for local authority enforcement and it should be the subject of separate and specific legislation.

3.2. The Bill will have the effect of adding to existing local authority inspection and enforcement responsibilities in animal welfare. We have previously noted that with all the other competing demands on resources, local authorities do not, by and large, prioritise animal welfare matters and in order that the aims of the legislation are fully realised, local authorities must be able to at least recoup their costs of inspection, licensing and enforcement. We have interpreted the draft Bill in such a way that the Government intends to allow local authorities to set license fees locally, so as to allow for full cost recovery. We believe that this is vitally important: local authorities must be able to set fees that reflect local conditions.

3.3. We are not convinced by the argument put forward in Annex L regarding possible additional costs for local authorities. Costs “saved” from the lengthening of a license to 18 months (if indeed any are realised) are unlikely in themselves to compensate for the additional burdens that will flow from the legislation. We would also support the view of many of our members, and that of the LGA and LACORS, that local authorities should have the discretion to inspect premises more frequently if it is deemed appropriate.

3.4. Another issue regarding costs of implementation concerns training. The Regulatory Impact Assessment refers to the possibility of additional training costs for local authorities in attaining minimum standards – will the introduction of such a minimum standard be supported by additional funding?

3.5. We feel that further detailed consideration is required of the clauses relating to **Section 14** (Entry to search for and deal with animals in distress). We have anecdotal evidence of difficulties experienced by our members when seeking to gain entry to premises which may be part-used as a private dwelling where they suspect cruelty to animals may be taking place. We do not feel that as currently drafted this crucial part of the legislation will achieve its objective and may conversely cause inspectors to become mired still further in legal wrangling. We would welcome the opportunity to contribute to further discussions on these matters.

3.6. We have some concerns over the potential effect of **Clause 15**, dealing with the definition of a prosecutor for the purpose of the legislation. Specifically we do not feel that non-statutory enforcement bodies, such as the RSPCA, should be afforded prosecution powers under the Act. We feel that this would lead to confusion in
enforcement regimes and would be contrary to effective regulation. Similarly, we feel that it should be a requirement under the legislation for organisations to share any information it may have received about possible offences.