



House of Commons
Environment, Food and Rural
Affairs Committee

Animal welfare in England: domestic pets

Third Report of Session 2016–17





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*Report, together with formal minutes
relating to the report*

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The Environment, Food and Rural Affairs Committee

The Environment, Food and Rural Affairs Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department of Environment, Food and Rural Affairs and associated public bodies.

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[Neil Parish MP](#) (*Conservative, Tiverton and Honiton*) (Chair)§

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[Valerie Vaz MP](#) (*Labour, Walsall South*) was also a member of the Committee during this inquiry.

The Committee appointed a Sub-Committee on 27 January 2016 to carry out its work on this inquiry.

* Member of the Environment, Food and Rural Affairs Sub-Committee

§ Chair of the Environment, Food and Rural Affairs Sub-Committee

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

Committee reports are published on the Committee's website at www.parliament.uk/efracom and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

Committee staff

The current staff of the Committee are Eliot Barrass (Clerk), Sian Woodward (Clerk), Danielle Nash (Second Clerk), Sarah Coe (Senior Committee Specialist), Anwen Rees (Committee Specialist), Henry Ayi-Hyde, (Committee Assistant) and Nick Davies (Media Officer).

Contacts

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Summary

The UK is a nation of pet lovers. Approximately one in two households owns a pet amounting to around 21 million pets in all (excluding fish), including 8.5 million dogs and 7.5 million cats. The Animal Welfare Act 2006 provides for the welfare of all kept animals. In addition, a number of older pieces of legislation regulate particular animal activities, including breeding and sale. Our report focused on dogs, cats and horses.

We found that there are many flaws in the legislation, from licensing through enforcement and to sale, which lead to inadequate protection of animals. We have focused on the need for transparency, traceability and enforcement through the supply chain.

The Committee's key recommendations and conclusions are:

- We recommend that the Government set out a timetable for the secondary legislation that was foreseen ten years ago in the Animal Welfare Act 2006.
- We recommend that the Government pass regulations to protect the genetic viability and welfare of offspring as well as adult dogs.
- We recommend that anyone breeding two litters or more per year should be licensed as a breeder.
- Breeders have an important responsibility to provide for the social development and broader welfare requirements for puppies in their care. We recommend that the legislation governing the breeding of dogs should be updated with a licensing regime based on modern welfare standards.
- We recommend that a national inspectorate should be established to liaise and support local authorities in enforcing the licensing regime, undertaking inspections and dealing with complaints.
- The Pet Travel Scheme is providing a vehicle for the illegal importation of puppies. The Government must ensure that negotiations regarding our future relationship with Europe include this issue. The age at which dogs are allowed to enter the United Kingdom under the PETS system should be increased to six months, thereby reducing their commercial value to smugglers.
- We recommend that the Government ban third party sale of dogs. Dogs should only be available from licensed, regulated breeders or approved rehoming organisations.
- We recommend that the Pet Advertising Advisory Group's minimum standards should be made mandatory for all websites where pets are advertised and sold.
- We recommend that the Government make it compulsory that all internet advertisements should include the registration or licence number of the seller.

- We recommend that the Government place a statutory duty on local authorities to enforce the Animal Welfare Act. The Government must ensure that appropriate resources are made available to local authorities to support them in this extension of their statutory duties.
- The Committee recommends that the RSPCA should continue its important work investigating animal welfare cases and working closely with the police and statutory authorities. It should, however, withdraw from acting as a prosecutor of first resort where there are statutory bodies with a duty to carry out this role. We are not convinced by its arguments that it is in a better position than the CPS to prosecute animal welfare cases.
- The current penalties for animal welfare cases in England are amongst the lowest in Europe. We recommend that the maximum penalty is increased to five years.
- We recommend that the Government examines the potential for the establishment of an animal abuse register of those convicted of animal cruelty offences and who have been disqualified from keeping animals.

1 Introduction

1. The UK is a nation of pet lovers. Approximately one in two households owns a pet amounting to around 21 million pets in all (excluding fish), including 8.5 million dogs and 7.5 million cats.¹ The Animal Welfare Act 2006, considered the single most important piece of animal welfare legislation in England and Wales for nearly 100 years,² placed a legal obligation on owners and keepers of animals to care for them properly.

2. Yet in the 10th anniversary year of the passing of the Act, there are concerns about its effectiveness. The RSPCA investigated 143,004 animal cruelty complaints in 2015, including: 81,146 cruelty incidents against dogs; 33,844 against cats; and 15,965 incidents against horses. High-profile media cases, such as the teenagers who tortured Chunky the Chihuahua, or the two brothers who threw their pet bulldog repeatedly down wooden stairs, have shocked the public.

3. In addition, a number of older pieces of legislation regulate particular animal activities, including breeding and sale. Recent reports have highlighted the poor conditions in which some animals are bred and sold.

4. The Animal Welfare Act 2006 has not been reviewed since our predecessor's examination of the draft Bill ten years ago, and it is useful to review their recommendations.³ The Act applies to England and Wales though secondary legislation is devolved. Scotland has the Animal Health and Welfare (Scotland) Act 2006 and Northern Ireland has the Welfare of Animals Act (Northern Ireland) 2011.

5. We launched our inquiry into the welfare of domestic pets in England in February 2016, focusing on dogs, cats and horses. The Terms of Reference for this inquiry were: to examine the effectiveness of the Animal Welfare Act 2006 with regard to domestic pets; the Regulation surrounding the sale of domestic pets, including online sale and advertising; enforcement of current animal welfare legislation, including prosecution of offences by the police, local authorities, the RSPCA and others; and comparative approaches to enforcement in England, Ireland, Scotland and Wales.

6. We took oral evidence from: animal welfare charities; local government; National Police Chiefs' Council; classified websites; Christopher Laurence, a former trustee of the RSPCA; the Self-Help Group for farmers, pet owners and others experiencing difficulties with the RSPCA (SHG); industry representatives; veterinary representative; academics; and the Department for Environment, Food and Rural Affairs. We visited Battersea Dogs & Cats Home to learn about the work they are doing. We also visited a commercial breeder, and an animal rescue centre in Wales. We are extremely grateful to them and to those who provided oral and written evidence.

1 Pet Food Manufacturers' Association: [Pet Population 2016](#)

2 The corresponding Act for Scotland is the Animal Health and Welfare (Scotland) Act 2006

3 Environment, Food and Rural Affairs Committee, [Third Report of Session 2005–2006](#), The Animal Welfare Bill, HC 683

2 Animal Welfare Act 2006

7. The Animal Welfare Act 2006 (‘the 2006 Act’) is the principal animal welfare legislation. It largely replaced the Protection of Animals Act 1911 and consolidated more than 20 other pieces of legislation.

8. The Act introduced a new welfare offence. This meant that animal owners had a positive duty of care, and outlawed neglecting to provide for their animals’ basic needs, such as access to adequate nutrition and veterinary care. Section 9 of the Act set out five welfare needs:

- The need for a suitable environment;
- The need for a suitable diet;
- The need to be able to exhibit normal behavioural patterns;
- The need to be housed with, or apart from other animals; and
- The need to be protected from pain, suffering, injury and disease.

9. In our consideration of the 2006 Act, we have focused on four issues: the use of secondary legislation under the Act; the role of the Act in protecting progeny; awareness of the Act; and enforcement of the Act. While we consider the first three issues in this Chapter, enforcement of the Act is considered in Chapter 6.

Secondary legislation

10. Many witnesses recognised the 2006 Act as an important step forward for animal welfare. However, the Act is an enabling statute. It does not itself provide a detailed or comprehensive scheme to ensure adequate protection for animals. Rather, it provided the *means* to develop such a strategy.⁴

11. Parliament was assured at the time the Bill was under consideration that primary legislation was only a starting point and a range of measures would be introduced subsequently by way of secondary legislation.⁵ Indeed, the Act’s Regulatory Impact Assessment set out a timetable for the introduction of secondary legislation. The first tranche would include: riding schools; livery yards; animal (dog & cat) boarding; pet shops; pet fairs; mutilations; and tethering of horses. The second tranche would include animal sanctuaries; greyhounds; and performing animals.⁶

12. Witnesses expressed disappointment that the original timetable had not been followed. Mike Radford, Reader in Law at the University of Aberdeen, told us that Defra had been “tardy and unambitious” in developing and introducing secondary legislation to address specific welfare issues.⁷ Since the Act was passed, only two measures relating to cats, dogs or equines had been introduced in England: the Welfare of Racing Greyhounds Regulations 2010, and the Microchipping of Dogs (England) Regulations 2015. Mike Radford and his colleagues noted:

4 Mike Radford, Dr Fiona Cooke and Professor Sheila Crispin ([AWF0274](#))

5 Mike Radford, Dr Fiona Cooke and Professor Sheila Crispin ([AWF0274](#))

6 Animal Welfare Bill Regulatory Impact Assessment

7 Mike Radford, Dr Fiona Cooke and Professor Sheila Crispin ([AWF0274](#))

The Animal Welfare Act’s potential to provide a comprehensive and effective legislative regime to protect animals and to promote good welfare remains not so much work in progress as an aspiration still to get off the ground.⁸

13. The Government is currently proposing to introduce new secondary legislation under the 2006 Act. This would introduce a single ‘Animal Establishment Licence’ for animal boarding establishments, pet shops, riding establishments, and dog breeding. This is encouraging but, as Mike Radford reminded us, it had “taken them [Defra] 10 years to get around to that”.⁹ We comment on some of the proposals in this Report.

14. Witnesses listed other areas where they felt there was an urgent need for the introduction of secondary legislation. These included animal sanctuaries, home boarding and livery yards, all of which were already identified as a priority in 2006.¹⁰ The Kennel Club and Dogs Trust also called for regulation on electronic shock collars.¹¹

15. The Animal Welfare Act 2006 has the potential to significantly improve levels of animal welfare. However, the effectiveness of the Act has been undermined by the lack of secondary legislation.

16. We recommend that the Government set out a timetable for the secondary legislation that was foreseen ten years ago in the Animal Welfare Act 2006.

Progeny of dogs

17. There has been an increase in the popularity of cross-breeds. Along with familiar dog breeds, dozens of new cross-breeds have appeared, from Labradoodles, to Cockapoos and Maltipoos. Many will cost over £1,000 to purchase.

18. Reputable breeders sometimes use cross-breeding in an attempt to reduce the incidence of certain hereditary problems found in the purebred breeds, while retaining their more appealing traits. The Kennel Club does approve cross-breeds, but only if the parents have been subject to medical checks. These tests—often including hip X-rays, eye tests and DNA scans—help the Kennel Club ensure many of those genetic faults that are so common in some breeds are not present.

19. Witnesses expressed concern that some unscrupulous breeders were breeding these types of dog simply for financial profit, rather than with the health and welfare of dogs in mind, and without the necessary medical checks. Dogs Trust told us that puppies bred with little regard to inherited defects could go on to experience health problems for a significant part of their lives. Many suffered from kidney problems, heart disease and respiratory disorders.

20. Witnesses expressed concern that the 2006 Act did not apply to animals while in foetal or embryonic form. The Dog Breeding Reform Group said that: “the mating of dogs which are suffering from, or carry the genes for, a breed related disease or harmful

8 Mike Radford, Dr Fiona Cooke and Professor Sheila Crispin ([AWF0274](#))

9 Q4

10 Christopher Laurence ([AWF0111](#))

11 Electric shock collars (ESCs) are worn around a dog’s neck and deliver an electric shock either via a remote control or an automatic trigger, for example, a dog’s bark.

physical trait should be as much a contravention of the Animal Welfare Act as physical or psychological mistreatment”.¹² The Act enables regulations to be made to extend the application of the Act to an animal from an earlier stage of its development.¹³

21. *We recommend that the Government pass regulations to protect the genetic viability and welfare of offspring as well as adult dogs.*

Awareness of the Act

22. There is a low awareness of the 2006 Act among pet owners and the general public. In 2015, owners’ awareness of the Act was at an all-time low, with only 31% familiar with the Act, down from 45% in 2011.¹⁴ Mike Radford and his colleagues agreed that awareness of the Act, particularly of the nature and extent of the legal duty it imposed on those responsible for animals, was inadequate.¹⁵

23. Animal charities agreed that there was a need for greater awareness of the Animal Welfare Act. The Dog Breeding Reform Group recommended a national advertising campaign to educate the public about the responsible purchasing of pets.¹⁶ Christopher Laurence, former trustee of the RSPCA, agreed and said it should also include the adverse consequences for animals of a failure to comply as well as the penalties for the animal’s owner or keeper.¹⁷

24. Some witnesses called for animal welfare to be added to the National Curriculum in schools. Blue Cross said that this would help promote responsible ownership and raise awareness of the Act and the provisions for duty of care.¹⁸

25. *We recommend that the Government develop an ongoing partnership with animal welfare charities to educate the public in England about the Animal Welfare Act 2006.*

26. *We recommend that the Government examine how animal welfare can be incorporated into citizenship classes as part of the school curriculum.*

12 Dog Breeding Reform Group ([AWF0222](#))

13 Section 1(3)(c) and Section 12, Animal Welfare Act 2006

14 PDSA, [PAW Report 2015](#)

15 Mike Radford, Dr Fiona Cooke and Professor Sheila Crispin ([AWF0274](#))

16 Dog Breeding Reform Group ([AWF0222](#))

17 Christopher Laurence ([AWF0111](#))

18 Blue Cross ([AWF0244](#))

3 Dogs

Breeding

27. Dogs are bred, sold and traded every day. The annual market for puppies in the UK is unknown, but it is estimated that sales could range from 700,000 to 1.9 million,¹⁹ worth between £100 million and £300 million.²⁰ Puppies can be purchased from a variety of sources—unlicensed breeders, Kennel Club registered puppies, imported puppies, commercial licensed breeders (including pet shops) and rescue organisations.²¹ The quality of the puppy, the life it has led and the welfare problems it has experienced vary considerably across these sources.

28. We have focused on three sources of puppies: unlicensed breeders; commercial licensed breeders; and imported puppies.

Unlicensed breeders

29. The Breeding of Dogs Act 1973 and the Breeding and Sale of Dogs (Welfare) Act 1999 set out the licensing regime under which local authorities licence dog-breeding establishments. The legislation states that anyone carrying on the business of breeding and selling puppies must have a licence, irrespective of the number of litters. However, owing to the lack of clarity of the legislation, local authorities in England have interpreted this to mean that they need only licence those breeding five litters or more in a 12-month period.

30. As a consequence, a large number of breeders fall under the radar of the current licensing regime, with no record of the dogs being born and no welfare standards being enforced. Battersea Dogs & Cats Home estimated that 88% of puppies born in the UK were born to unlicensed breeders.²²

31. Defra’s recent consultation on its review of animal licensing establishments noted confusion about the threshold and how it should be used in practice. It proposed clarifying the threshold at which a breeding establishment needed to be licensed. In the future, the requirement for a licence would be applied to: (a) anyone in the business of breeding and selling dogs; or (b) anyone producing three or more litters from their dogs in a 12-month period. In Wales the threshold has already been reduced to three or more litters.²³

32. Witnesses told us that they wanted a lower threshold. They emphasised the need to bring visibility and accountability to breeders. The puppy trade is a profitable business, with “designer dogs” costing in excess of £1,000 each.²⁴ Charity representatives told us that the focus was often on profit with little concern for animal welfare. Blue Cross stated:

There is just no accountability for what they do and how they do it, and [...] you have to assume that significantly there is an issue around the welfare of both the progeny and the dogs that are being bred from in terms

19 Q85

20 Q129

21 RSPCA, [Sold a pup? Exposing the breeding, trade and sale of puppies](#)

22 Battersea Dogs & Cats Home, [Licensed Dog Breeding in Great Britain: Battersea Breeding Report 2015](#)

23 Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014

24 Q525

of quality. There is an issue that we are generally unsighted on the number of puppies that are being bred weekly, monthly and annually through these unlicensed breeder outlets.²⁵

33. Many charity representatives argued that the threshold should be two litters or more. While one litter could be an accident, Battersea Dogs & Cats Home told us, “any breeders who are producing more than a litter a year are clearly running a business breeding and selling dogs”.²⁶

34. Some witnesses also said that even those falling below the threshold should be registered by the Local Authority. The National Companion Animal Focus Group said that a registration scheme would “ensure licensing authorities are aware of breeding dogs in their area, and can monitor when they fall into the definitions of commercial breeding”.²⁷

35. The Local Government Association told us that local government would be able to administer a system of registration and licensing, although it had concerns about the resources necessary. However, it questioned whether reducing the threshold “would suddenly make people who are currently evading registration start registering”.²⁸

36. The then Minister of State for Farming, Food and the Marine Environment, George Eustice MP, was not in favour of a registration scheme. His priority was to take a “major step forward” and get those that were breeding three litters or more within the system.²⁹

37. The puppy market is extremely profitable. However, much of it works in the dark, with unlicensed breeders able to dominate the market. Transparency is vital, ensuring that appropriate welfare standards are in place. The current threshold at which breeders need to be licensed, which is set at five litters per year, could equate to some 40 to 50 dogs being produced by each breeder each year. We consider that threshold is too high.

38. We recommend that anyone breeding two litters or more per year should be licensed as a breeder.

39. We recommend that those falling below the threshold of a licensed breeder should be registered with their Local Authority.

Commercial licensed breeders

40. Anyone who carries on a business of breeding dogs for sale must obtain a licence from their local authority and meet certain conditions, such as providing suitable accommodation, food, water and bedding. The law also limits the timing and frequency of breeding from a bitch: bitches cannot be mated before they are a year old; should have no more than six litters in a lifetime; and can have only one litter every 12 months. Dog breeders should keep records to show compliance with these requirements. Puppies bred at licensed breeding establishments can only be sold at those premises or at a licensed pet shop.

25 Q95

26 Battersea Dogs & Cats Home ([AWF0252](#))

27 National Companion Animal Focus Group ([AWF0264](#))

28 Q525

29 Q859

41. While many commercial breeders are “very good producers, producing a quality animal to have a long and happy life, going through the right processes”,³⁰ Battersea Dogs & Cats Home highlighted the opposite end of the spectrum, where puppies are bred in substandard conditions:

... where you have licensed [...] properties producing pretty poor animals: pretty poor quality, very bad breeding issues, where the producer is not thinking about the breeding stock they are using. There are often breeding bitches involved in this that will be shut away for many years and never see the light of day.³¹

42. Breeding establishments across Great Britain vary in size. Most are at the smaller end of the scale. 52% have 10 or fewer breeding bitches, with 10 being the most common size of establishment in Great Britain. 3% of establishments have 50 or more on their premises, and there are five which each have over 100. The largest establishment has 200 breeding bitches.³²

43. Charity representatives did not believe that the size of the breeding establishment necessarily had a detrimental impact on welfare. Battersea Dogs & Cats Home said, “You could have 100 or 1,000 breeding bitches and puppies produced in one property if you had enough people, enough land and enough resource to be able to cater for their needs appropriately”.³³

44. Rather than focusing on the size of establishments, witnesses called for improvements in two areas in particular: the current legislation and licensing conditions; and enforcement of the licensing regime. We also looked at the issue of exemptions for breeders accredited by the United Kingdom Accreditation Service (UKAS).³⁴

Current legislation

45. Witnesses told us that the current legislation and licensing conditions were outdated and not in-line with the requirements of the Animal Welfare Act. Dogs Trust told us that the breeding legislation was enacted before advances were made in understanding the behavioural needs of animals and therefore paid little attention to animal welfare requirements.³⁵

46. In Wales, the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 replaced the Breeding of Dogs Act 1973 and introduced stricter welfare criteria for dog breeding. Breeders in Wales are now required to produce draft socialisation and enrichment programmes when applying to the local authority for a licence. The National Police Chiefs’ Council (NPCC) welcomed the move and said that the Welsh regime was a “step forward” in dog legislation.³⁶

30 Q129

31 Q129

32 Breeding Dogs & Cats Home, [Licensed Dog Breeding in Great Britain: Battersea Breeding Report 2015](#)

33 Q132

34 The United Kingdom Accreditation Service (UKAS) is the sole national accreditation body for the United Kingdom. UKAS is recognised by government, to assess against internationally agreed standards, organisations that provide certification, testing, inspection and calibration services.

35 Q101

36 Q545

47. Witnesses called for the legislation in England to be reviewed and updated by means of Regulations under the Animal Welfare Act.

48. *Breeders have an important responsibility to provide for the social development and broader welfare requirements for puppies in their care. We recommend that the legislation governing the breeding of dogs should be updated with a licensing regime based on modern welfare standards.*

Enforcement of the licensing regime:

49. Enforcement of the licensing regime is a statutory duty for Local Authorities. The table below shows which Local Authorities have the most licensed establishments and are therefore required to be particularly active—with hotspots in mid and west Wales, Lincolnshire, East Anglia, and some rural areas of Scotland.

Table 1: The top ten areas with the highest number of currently licensed breeders³⁷

Local Authority	No. licensed breeders
Carmarthenshire	81
Ceredigion	41
King's Lynn & West Norfolk	21
Shropshire	19
East Ayrshire	15
Bassetlaw	15
Angus	14
West Lindsey	13
South Lanarkshire	13
Pembrokeshire	13

50. Effective legislation requires consistent and effective enforcement, with “properly qualified and competent inspectors”.³⁸ Witnesses highlighted concerns over the training and capacity in local authorities to undertake inspections of breeding establishments and to investigate complaints. Where there were a high number of breeders, enforcement needed to be appropriately resourced. The scarcity of breeding applications in some council areas meant that dog-breeding premises were regulated by staff whose expertise lay primarily in inspecting taxis, restaurants or other non-animal premises.

51. The Local Government Association acknowledged that there were variations in the skills of local government officials. It told us that there was no ‘standard’ to which local authority inspectors must be qualified, in contrast to other inspectors such as environmental health officers. It called for Defra to follow the Food Standards Agency model, and to develop a competency framework for individuals doing animal licensing inspections.³⁹

52. One way in which improvements could be made would be through sharing best practice. The City of London was given as an example of where collaboration and sharing best practice had improved standards; although the City of London had no animal

³⁷ Battersea Dogs & Cats Home, [Licensed Dog Breeding in Great Britain: Battersea Breeding Report 2015](#)

³⁸ Q145

³⁹ Q592

establishments, it had a team that was contracted by other London boroughs who “are so small that they cannot employ someone full time or even part time, so we do that work for them”.⁴⁰ However, Christopher Laurence was not confident that local authorities would share expertise.⁴¹

53. Witnesses also expressed concern about the huge variances in the cost of licences, and the timing of inspections. Licences varied in price from £23 in Glasgow to £741 in Lambeth. We heard that inspections often occurred at the end of the year before licences were renewed, easy for breeders to anticipate, and that there were very few unannounced visits.

54. Some witnesses called for the establishment of a national inspectorate. Christopher Laurence told us that he had “argued for some time” for inspections of breeding establishments to be taken away from local authorities.⁴² This is the model for the licensing of zoos; Government-appointed zoo inspectors assist Local Authorities in considering zoo licence applications, renewals and periodic inspections. Dogs Trust said that such a body could be funded by the cost of the licence and of inspections: “it is very important that the body is not-for-profit, so that it is welfare that is top of the list, not profit”.⁴³ They said that such a body would help establish common standards of inspection.

55. The Minister acknowledged that enforcement of the licensing regime was a “mixed picture” around the country, with local authorities placing different levels of emphasis on it.⁴⁴

56. Current enforcement of the licensing regime is unsatisfactory. While some local authorities have developed expertise in animal welfare, the overwhelming majority of English local authorities lack suitably qualified inspectors. We believe that a national inspectorate, which local authorities could call upon, would enable expertise to develop and bring a consistency to the licensing process.

57. We recommend that a national inspectorate should be established to liaise and support local authorities in enforcing the licensing regime, undertaking inspections and dealing with complaints.

UKAS Accreditation

58. As part of its consultation, Defra proposed a local authority licensing exemption for businesses accredited by UKAS. The Kennel Club’s Assured Breeder Scheme (ABS) is currently the only breeding scheme accredited by UKAS and has almost 6,000 members. The annual cost of ABS membership is £60 per year.

59. The Kennel Club told us that using the ABS scheme would improve breeding standards, as ABS members were inspected to higher standards than local government inspections. It would also support under-resourced local authorities, while helping puppy

40 Q531

41 Q453

42 Q454

43 Q99

44 Q853

buyers recognise which breeders were breeding to higher standards. The Kennel Club told us that if a member of the ABS resigned or was disqualified, the Kennel Club would be obliged to inform local authorities.⁴⁵

60. The Minister said that the proposed exemption scheme would lead to consistent enforcement, giving “earned recognition” to those within the scheme, while leaving local authorities to target resources at individuals who were not within the licensing regime.⁴⁶

61. The Local Government Association told us that it was not in favour of the exemption scheme, as it “took away their powers”.⁴⁷ Dogs Trust also highlighted the concerns they had:

Such an exemption would mean that there would be no Powers of Entry into establishments that are not licensed by local authorities. We have serious concerns surrounding enforcement and sanctions that could be taken against non-compliant establishments. We have significant worries that the only ultimate sanction for anyone failing a UKAS inspection would be removal from the accreditation scheme. Furthermore, UKAS does not carry out unannounced inspections, which Dogs Trust believes are essential to protect animal welfare.⁴⁸

62. UKAS accreditation is a good thing, and we encourage its pursuit on its own merits. However, we do not believe that it is a substitution for local authorities’ inspection. Therefore we do not support the Government’s proposal to establish a complete local authority licensing exemption for businesses accredited by the United Kingdom Accreditation Service.

Importation of Puppies

63. Puppies can be imported for commercial purposes or under the non-commercial trade rules that were set up to allow free movement of people’s pets—the EU Pet Travel Scheme (PETS).⁴⁹

64. Witnesses told us that loopholes in the Pet Travel Scheme were being exploited by unscrupulous dealers and traders. Because individuals are allowed to transport up to five dogs if they followed the rules, puppies could be moved as pets but then traded commercially once at the final destination. Between the introduction of PETS in 2011 and 2015, there had been an 850% increase in the number of dogs entering Great Britain from Lithuania. For Hungary the increase had been 761% for the same period, whilst from Romania the increase had been 2055% between 2011 and 2015.⁵⁰

65. Puppies being imported in this way were often bred in terrible conditions, had been taken from their mother when they were too young, and had endured long journeys (often

45 Kennel Club ([AWF0286](#))

46 Q892

47 Q607

48 Dogs Trust ([AWF0256](#))

49 The Non-Commercial Movement of Pet Animals Order 2011 (as amended by the Non-Commercial Movement of Pet Animals (Amendment) Order 2014).

50 Dogs Trust ([AWF0256](#))

travelling over 1,000 miles). The welfare of such puppies was severely compromised: many did not survive the journey; and they often brought diseases into the UK. Breeders could make upwards of £100,000 a year from the sale of these puppies.⁵¹

66. During the inquiry, witnesses identified three areas of concern: the age at which puppies were allowed entry into United Kingdom; enforcement checks at ports; and intelligence sharing between agencies.

67. Under PETS, the minimum age of entry to the UK is 15 weeks: vaccination at 12 weeks, followed by a three week incubation period. However Dogs Trust told us that data on passports was being falsified to evade contravening PETS; dogs were more profitable when they were younger and in the ‘cute and cuddly’ stage. Ageing a puppy accurately was extremely difficult and therefore puppies younger than 15 weeks old were being allowed into the country.⁵²

68. Dogs Trust called for puppies under the age of six months to be banned from entering the United Kingdom under PETS. It said that this would “wipe the market out overnight”.⁵³

69. Witnesses told us that controls at British border ports were poor. This was especially true during the weekends when there were fewer border control personnel on physical duty at the main ports of entry such as Dover and the Eurotunnel. Many dealers used these opportunities to travel with puppies over the weekend. Battersea Dogs & Cats Home said: “We do need to be aligning our resources accordingly to be at the ports and looking for these people at the times that they do come through—Friday nights, weekends etc”.⁵⁴

70. Finally, charity representatives were concerned over the lack of intelligence-sharing between themselves and government agencies. Battersea Dogs & Cats Home said there was a “real opportunity to have industry working together with Government to fix a problem”.⁵⁵ A recent pilot run by Defra with Dogs Trust and the Animal and Plant Health Agency, also involving the Border Force, police and local councils, had successfully seized over 300 illegal puppies over a six-month period. However, we were told that information sharing by immigration agencies had been frustrating.⁵⁶

71. The Minister acknowledged that the illegal importation of puppies was a serious problem. The Government was evaluating the results of the pilot to determine what action could be taken.⁵⁷

72. The Pet Travel Scheme (PETS) is providing a vehicle for the illegal importation of puppies. The Government must ensure that negotiations regarding our future relationship with Europe include this issue. The age at which dogs are allowed to enter the United Kingdom under PETS should be increased to six months, thereby reducing their commercial value to smugglers.

73. We recommend that the Government increase spot checks at entry points into the United Kingdom to enforce the rules on non-commercial trade on domestic animals.

51 Dogs Trust, [The Puppy Smuggling Scandal](#)

52 Q113

53 Q113

54 Q118

55 Q119

56 Q120

57 Q915

74. *We recommend increased working between government agencies and charities to understand how the puppy smuggling trade works and how to reduce it effectively.*

Sale

75. Members of the public, when buying a puppy, want to buy a happy healthy animal from a reputable source. However, disreputable dealers are selling animals for huge profits without regard for their health and wellbeing, leaving families with sick animals. In this section, we examine the current legislation concerning the sale of animals.

Pet Animals Act 1951

76. The main piece of legislation concerning the sale of animals is the Pet Animals Act 1951 (PAA). The Act controls the sale of animals in pet shops and provides a licensing regime implemented by local authorities.

77. The PAA defines the commercial sale of pets as “carrying on a business of selling pets” at any premises including private dwellings. 62% of pet shops licensed to sell puppies are non-retail premises, including dog breeding establishments and domestic premises. Pup Aid noted that this was a growing problem.⁵⁸

78. As commercial puppy breeders can sell only through their premises or to those with a pet shop licence, a licence allows commercial dealers to sell puppies from a non-commercial space. If that space is a dwelling, the powers of entry for enforcement officers are significantly curtailed for the purposes of either the Pet Animals Act or the Animal Welfare Act.⁵⁹

79. Many witnesses told us that pet shop licence holders sold genetically unviable puppies. They were often transported long distances with poor ventilation, noise and overcrowding. While it was recommended that dogs should not be removed from their mothers too early, the Act allowed for breeders to sell to dealers before puppies were 8 weeks old, which had an impact on the socialisation of puppies, impacting not only their lives but also the lives of their owners. Pup Aid noted that selling animals through licensed pet shops exposed them to increased disease risks and unnecessary stress.⁶⁰

80. We heard that unscrupulous dealers would go to some lengths to pose as responsible breeders in order to sell animals to an unsuspecting buyer. For example, dealers offered “homes” as a reassurance to potential buyers. In its recent report, the RSPCA said that:

This is all to get a quick sale, making it look as though the puppy comes from that home when in fact it has been transported from elsewhere and in some cases from another country. Once the purchase has been made the home can be vacated so the seller cannot be traced. Some dealers also supply fake or meaningless documents to the buyer.⁶¹

58 Pup Aid, C.A.R.I.A.D., Canine Action UK, The Karlton Index, Laws For Paws ([AWF0250](#))

59 Ornamental Aquatic Trade Association ([AWF0139](#))

60 Pup Aid, C.A.R.I.A.D., Canine Action UK, The Karlton Index, Laws For Paws ([AWF0250](#))

61 RSPCA, [Sold a pup? Exposing the breeding, trade and sale of puppies](#), p12

81. Dealers make large profits on the sale of dogs. During a visit to a commercial breeder in Wales, we were told that puppies were sold to dealers for £200 each. However, the breeder was aware of the dogs being sold on for three or four times that much.

82. Witnesses told us that the Pet Animals Act was “thoroughly outdated” and that there was a lack of clarity as to what was and was not a licensable activity. Cats Protection told us that there was a need for improved definition of “premises” and “commercial activity”. They said that uncertainty was exacerbated by exemptions in the Act in favour of those selling pedigrees, the offspring of pet animals and those animals not suitable for showing or breeding “with the net result that the commercial sale of animals from private dwellings [...] is, effectively, unregulated”.⁶² We also heard that the Act was ill-equipped to deal with the problems of the internet age, which we discuss in more detail below.

83. Witnesses had differing opinions on how to deal with current problems around the sale of animals—some called for increased regulation while others called for a ban on third party sales.

84. The RSPCA called for more transparency, with anyone who was commercially trading in animals to be licensed. NPCC and the Local Government Association agreed that this would enable “transparency through the whole supply chain of pets”.⁶³

85. Witnesses told us that any extension of the licensing regime should include improved animal welfare standards. We were told that it was very easy to get a licence “without having to demonstrate any core competencies around pet care, keeping and knowledge”.⁶⁴ Welfare conditions under the PAA had not been updated to take into account improved understanding of animal welfare, and of requirements under the Animal Welfare Act. There is considerable variation in the criteria imposed by local authorities for commercial premises. Only a third of local authorities use the current licensing standard, according to Pup Aid—the Chartered Institute of Environmental Health Model Conditions for Pet Vending Licensing 2013: “The rest of them are using the previous version or the one before that or their own standards, so there is a huge variation in what they are being monitored against”.⁶⁵

86. Other witnesses wanted a ban on all third party sales. Pup Aid told us that “Anybody that is selling a puppy non-directly, say through a licensed pet shop has no regard for the welfare of their puppies. By definition, a responsible breeder will want to ensure that their puppies go to a good home”.⁶⁶ They pointed out the contradiction between Defra’s advice about seeing a puppy with its mother against the reality of buying from a third party seller.

87. Witnesses told us that removing third party sellers would mean that purchasers would buy from breeders directly and therefore be able to assess the premises for themselves. This would improve breeding conditions as “breeders would not be able to hide from liability for the conditions dogs they sell are raised in ...”.⁶⁷ Other witnesses said that a ban could drive the trade underground⁶⁸ and that model licence conditions would be a way forward.⁶⁹

62 Cats Protection ([AWF0175](#))

63 Q573

64 Q122

65 Q430

66 Q438

67 Boycott Dogs4Us ([AWF0115](#))

68 Q121

69 Q103

88. The breeder we visited in Wales said there would be difficulties in selling directly to the public due to the rural location. On the other hand reducing the links in the supply chain and selling puppies directly to consumers might increase the amounts earned by breeders.

89. The Minister told us that he “was not attracted” to the idea of an outright ban on third-party sales.⁷⁰ He said that there was a danger of “driving the [industry] underground”, and wanted to focus on getting “the types of establishments that we think should be within a regime within such a regime”.⁷¹

90. Responsible breeders would never sell through a pet shop licence holder. The process of selling through a third party seller has an unavoidable negative impact upon the welfare of puppies. It also distances the purchaser from the environment in which their puppy was bred. Banning third party sales so that the public bought directly from breeders would bring public scrutiny to bear on breeders, thereby improving the welfare conditions of puppies. It would also bring a positive financial impact to breeders, allowing them to retain money that is currently lost in the supply chain. We acknowledge that difficulties of public access, due to a rural location, security issues and diseases, may be challenging for some breeders. On balance, however, we consider it is more important that animal welfare standards are ensured across all breeders.

91. *We recommend that the Government ban third party sales of dogs. Dogs should only be available from licensed, regulated breeders or approved rehoming organisations.*

Internet advertising

92. Many of our witnesses expressed concern that the internet was making it easy for disreputable breeders to find a market for dogs to operate without appropriate traceability, transparency or accountability due to the anonymous nature of an online transaction.⁷² It is worth noting that these sales are not “click and buy” sales; instead the internet introduces a buyer and seller, with the transaction taking place at another time.⁷³

93. Witnesses told us it would be difficult to ban online advertisements. Dogs Trust noted that: “the challenge we have is that jurisdiction only covers the UK, and therefore you will find websites will pop up outside the UK selling dogs for sale within the UK. As much as it would be lovely to be able to do that, I do not think it will work”.⁷⁴

94. Due to increasing concern about the number of internet sales, the Pet Advertising Advisory Group (PAAG) was set up and in 2013 developed standards for advertisements on websites.⁷⁵ The reach of PAAG is limited as only six on-line classified advertisement websites have signed up to these minimum standards.⁷⁶ Dogs Trust said that they had

70 Q865

71 Q943

72 Qq569, 393

73 Q372

74 Q138

75 <http://paag.org.uk/about-paag/minimum-standards/>

76 Six classified websites have signed up to PAAG minimum standards: Gumtree, Pets4Homes, VivaStreet, FridayAds, Preloved and Epupz

reached a plateau with membership: “There are some sites that will not engage, and equally one can push only so far the sites that are engaged, because clearly everything that is asked of them has an impact on their activities”.⁷⁷

95. Gumtree told us that as a result of its collaborations with RSPCA and PAAG, it had seen a dramatic reduction in the amount of live advertisements in its Pets Category. Gumtree used to have over 50,000 listings for pets for sale; it now has around 15,000.⁷⁸ However, it had identified a corresponding increase in the number of pets for sale across other classified sites. This highlighted the need for other websites to comply with PAAG’s minimum standards. PAAG told us that minimum standards should be applied, through legislation, to all websites where pets were sold.⁷⁹

96. Some witnesses expressed concern about the sale of animals through social media sites, such as Facebook. Gumtree noted that Facebook had a large number for sale listings, but Gumtree was unable to quantify the number, due to the nature of Facebook’s structure, with both open and closed listings groups and individual posts.⁸⁰ PAAG told us that Facebook considered itself to be a publisher and not responsible for the content that was shared. However, it noted that there had been some “shocking” videos of animal cruelty posted on the site, and believed that Facebook should apply minimum standards, as it did for nudity, to welfare offences.⁸¹

97. Witnesses said that there was currently confusion about whether those selling on the internet had to have a licence. The Minister told us that under the Pet Animals Act 1951 they did, and that this would be made clear during the consultation.⁸² Charities queried his assurances that an Act which was over 60 years old could legislate effectively for the internet, and wanted any new Act to specifically state the need for those advertising over the internet to be licensed.⁸³

98. Witnesses also called for a mandatory requirement for internet sellers to list their registration or licence number within the advertisement so that buyers could verify it.⁸⁴ Battersea Dogs & Cats Home told us that new legislation in France had recently made it compulsory for any advertisement on the internet to contain the seller’s tax code.⁸⁵

99. Puppies should not be bought online. Potential owners should see the young animals with their mothers and make sure they are at least eight weeks old. However we recognise that in the digital age, people will continue to use the internet to advertise, and legislation must be developed to provide effective regulation of that trade.

100. We recommend that PAAG’s minimum standards should be made mandatory for all websites where pets are advertised and sold.

77 Q135

78 Q378

79 Q377

80 Q418

81 Q375

82 Q861

83 Blue Cross ([AWF0244](#))

84 Dogs Trust ([AWF0256](#)), Battersea Dogs & Cats Home ([AWF0252](#))

85 Q139

101. *We recommend that legislation should state specifically that those advertising the sale of animals on the internet should have a licence. It is essential that legislation remains relevant and effective in the digital age.*

102. *We recommend that the Government make it compulsory that all internet advertisements should include the registration or licence number of the seller. We also recommend that the Government look at the new regime in France where the seller's tax code is included on the advertisement, to see whether such a regime could be put in place in the United Kingdom.*

Traceability of sellers

103. A common theme during the evidence sessions was the need to bring “proper traceability” around animal production.⁸⁶ Witnesses called for a centralised, publicly accessible list of registered and licensed breeders and sellers, facilitated by Defra, to enable buyers and websites to check the legitimacy of breeders and sellers.

104. *We recommend that Defra establish a publicly accessible list of registered and licensed breeders and sellers.*

Central reporting system

105. At the moment when anyone has a complaint about a breeder, a pet seller, or an issue regarding a pet they have bought, whether it is sick, they suspect the breeder does not have a license, or they have a welfare concern, there is no central place to report that concern and record progress and any actions. There are many options: the advertising platform, trading standards, PAAG, C.A.R.I.A.D, police, local council, RSPCA etc. That very variety increases the likelihood that the issues may not be fully recorded or even properly resolved.

106. Pets4Homes called for the creation of a central reporting system for complaints relating to the breeding and sale of pets:

There should be an official central reporting system/website where vets, advertising platforms, puppy buyers, and members of the public, can register and create a report, providing any evidence they can. If this was linked to an animal licence holder by their licence id, it would be a good way to keep track of any complaints received and be used to help prosecute bad breeders.⁸⁷

107. *We recommend that Defra work with local authorities to investigate the possibility of creating a central reporting system for complaints relating to the breeding and sale of pets.*

86 Q139

87 Pets4Homes ([AWF0200](#))

4 Cats

Breeding

108. Cat breeding is not regulated in the UK—there is no legislation regulating the breeding of cats that is equivalent to the legislation in respect of dogs. Regulation of commercial cat breeding exists in the Czech Republic, various US states and the Australian states of New South Wales and Victoria.⁸⁸

109. Witnesses expressed concern regarding the effects of indiscriminate breeding on the number of cats in the UK, and their welfare. Cats Protection said that irresponsible breeding added to the numbers of unwanted cats in need of good homes. In 2015, Cats Protection received nearly 3,000 stray cats.⁸⁹ Cats are prolific breeders and one female can have up to 18 kittens a year. It is estimated that one un-neutered female cat could be responsible for 20,000 descendants in five years. Cats Protection told us that neutering was an important aspect of controlling the cat population. In particular, their Trap Neuter Release Scheme was aimed at feral cats, who had not been properly socialised.

110. Some witnesses argued that there should be regulation of those who breed and sell cats on a commercial basis, comparable to that for dogs, including welfare conditions. A licence would be required based on litter numbers. Cats Protection told us: “If you have one litter, that can be an accident. If you have two and you are selling them, frankly, you should be controlled. Simple”.⁹⁰

111. The Minister told us that there were no plans to regulate the breeding of cats. He considered the nature of the market for cats and dogs to be different, and cats did not cost as much as dogs.⁹¹

112. Although the dog market is more lucrative, we do not consider this a reason to do less to protect the welfare of cats. Although it is recognised that responsible breeders prioritise welfare conditions, many cats are bred in poor welfare conditions. We recommend that breeders of cats of two litters or more should be licensed, with welfare conditions attached.

Sale

113. Many of the issues we have discussed in the previous Chapter regarding the sale of dogs under the Pet Animals Act 1951 apply to cats. While we understand that the trade of cats is different, there can be no reason to allow welfare standards to be lower for cats than dogs. In particular, witnesses expressed concern regarding the age at which kittens were sold, repeat breeding of the family cat, and the lack of a clear definition of commercial business selling to require commercial activity to be licensed.

114. We recommend that the Government undertakes further research on the sale of cats and proposes recommendations to improve the trade.

88 Lord Black of Brentwood introduced the Welfare of Cats (Breeding and Sale) Bill in the House of Lords on 8 June 2015 [HL Bill 33]

89 Cats Protection ([AWF0175](#))

90 Q239

91 Q874

5 Horses

115. The number of horses in the care of equine charities, and the number of welfare cases relating to horses being investigated have increased significantly over the last few years. World Horse Welfare estimates that over 4,000 horses are at risk of needing help in the UK today.⁹² The poor economic climate has meant that people have cut back on veterinary costs, routine care, shelter and feed, while overbreeding has resulted in the value of horses dropping significantly.⁹³

116. Many witnesses told us that a key factor behind the growing horse crisis was the failure with the identification system for the UK equine population.

Equine identification and traceability

117. Since February 2005, all horses have been required by EU law to have a passport for identification. Horses born after July 2009 must also be microchipped. A horse passport is a small booklet that uniquely identifies a horse and has been issued by a recognised passport-issuing organisation. The passport pages carry the veterinary treatment history of the horse, its movement history and a declaration of whether it is intended for human consumption.

118. Horse passports are primarily a human health measure, designed to ensure that horses do not enter the food chain if they have been treated with veterinary medicines harmful to human health. They can also help to identify stolen, abandoned or fly-grazing horses and their owners.

119. Witnesses told us that the complexity of the UK's equine identification system and a lack of enforcement had rendered it "ineffective".⁹⁴ The inability to link a horse to its owner was one of the most significant barriers to holding irresponsible owners and breeders to account for welfare abuses, and had allowed fly-grazing of horses: "unless we can get equine identification right, we will not be able to enforce anything".⁹⁵

120. We looked at two issues in particular: the number of passport-issuing organisations; and the lack of a central database.

Passport-Issuing Organisations

121. It is a legal requirement for all horses to be issued with a passport from a Defra approved Passport Issuing Organisation (PIO). Currently there are over 60 PIOs in the UK.⁹⁶

122. Witnesses told us that there were too many passport-issuing organisations (PIOs) and that these organisations issued identification of differing quality and format, with little consistency between the passports.

92 World Horse Welfare ([AWF0230](#))

93 [Left on the verge: In the grip of a horse crisis in England and Wales](#)

94 Q316

95 Q301

96 Q322

123. We were told that some PIOs had been implicated in the production of fraudulent passports. World Horse Welfare mentioned one PIO that had issued more than 4,000 passports after being closed:

We know there are a lot of fraudulent passports out there, and we know that, because there is no enforcement, it is common for 20 animals to be travelling in a box from Ireland to the UK to France with the same 20 passports that travelled with a load of different horses the previous week.⁹⁷

124. *The equine identification system needs to be made much simpler with higher standards. We recommend that the Government systematically and significantly reduces the number of Passport Issuing Organisations, examining the possibility of establishing a single Passport Issuing Organisation.*

Central Equine Database

125. The National Equine Database was closed at the end of September 2012 after Defra's withdrawal of funding. This decision was heavily criticised by equine welfare charities and vets. Following the horsemeat scandal in 2013, the EU announced stronger regulations, including requiring all EU nations to have a centralised equine database. The new regulation came into force on 1 January 2016 but gave those EU countries that did not already have a centralised database until 1 July 2016 to put one in place. The UK Government has not met this requirement.⁹⁸

126. Witnesses told us that the absence of a central register of horses made enforcement of equine identification laws "completely useless".⁹⁹ Identification is often required immediately by Local Authorities, statutory organisations or charities, but checks that should take minutes could take a week or longer.

127. We asked the Minister when the database would be established. He confirmed that a contractor for the database had been appointed and that he anticipated that it "will be up and running by the end of the year".¹⁰⁰

128. Since the closure of the National Equine Database in 2012, it has been impossible to enforce the equine identification system. We are disappointed that the UK Government did not meet the EU's deadline of 1 July 2016 for creating a new database. We expect the Minister to write to us to confirm that the database is working by 1 January 2017.

97 Q317

98 Q949

99 Q316

100 Q954

6 Enforcement

129. In this Chapter we look at the enforcement of the Animal Welfare Act 2006. We examine the role of local government and the police, as well as examining the role of the RSPCA.

Formal investigatory and enforcement powers—local government and police

130. No specific body is under a statutory duty to enforce the welfare requirements in the Animal Welfare Act 2006. The Act sets out a discretionary power for national and local authorities to appoint ‘Inspectors’.¹⁰¹ The assumption at the time was that local authorities would appoint Inspectors from amongst their staff.

131. However, this has not happened. In 2011, Dr Fiona Cooke, an independent researcher, found that just under 40% of local authorities in England had failed to appoint any Inspectors under the authority of section 51. In respect of those authorities in England which had made appointments, only 17% had Inspectors dealing with companion animal welfare on a daily basis.¹⁰²

132. Some witnesses said that the discretionary nature of the power had meant that many local authorities had chosen not to exercise it, with animal welfare issues taking low priority. Winchester City Council stated that:

It is a shame that Local Authorities received powers only as very few are using their enforcement powers under this legislation due to lack of resources. Had Local Authorities been given duties, rather than powers, plus sufficient funding to allow extra staffing/training etc, animal welfare for domestic pets could have been a standard Local Authority function.¹⁰³

Other local government authorities told us that, having previously appointed Inspectors, they were now withdrawing from that activity due to financial constraints.¹⁰⁴ World Horse Welfare told us that prosecutions were often not taken forward by local authorities due to the prohibitive cost of housing horses during court cases.¹⁰⁵

133. An overwhelming majority of witnesses felt that enforcement was a major weakness of the Act. The NPCC told us that for as long as no agency had ownership of the Act, “service provision and enforcement activity across the country will remain inconsistent leading to missed opportunities”.¹⁰⁶

134. A major weakness of the Animal Welfare Act is that no state organisation is statutorily responsible for animal welfare. It is unacceptable that in a modern society no state organisation is responsible for animal welfare.

101 Section 51, Animal Welfare Act 2006

102 Mike Radford, Dr Fiona Cooke and Professor Sheila Crispin ([AWF0229](#))

103 Winchester City Council ([AWF0151](#))

104 Local Government Association ([AWF0271](#))

105 Q367

106 National Police Chiefs’ Council ([AWF0236](#))

135. *We recommend that the Government place a statutory duty on local authorities to enforce the Animal Welfare Act 2006. The Government must ensure that appropriate resources are made available to local authorities to support them in this extension of their statutory duties.*

Role of the RSPCA

Investigations

136. The RSPCA is the oldest animal welfare charity in the country, established in 1824. It undertakes investigative work, campaigning and prosecutions. It has recently come under sustained criticism not only for the way in which it carries out enforcement, but also for the fact that it has a role in enforcement at all. These strong feelings were reflected in the written and oral evidence we received.

137. In October 2014, the RSPCA Council appointed Mr Stephen Wooler CB, former Chief Inspector of HM Crown Prosecution Service Inspectorate, to conduct an independent review of the Society's performance. The Wooler Report made 33 recommendations, all of which were accepted by the RSPCA.¹⁰⁷ We touched on some of these recommendations during our inquiry.

138. Some witnesses were strongly in favour of the role taken by the RSPCA, arguing that the organisation filled a role in animal welfare not currently performed by local government. Mike Radford and his colleagues stated that without the RSPCA's advisory and investigatory functions, "The Act would effectively be moribund in many parts of the country".¹⁰⁸ They noted that while police and local authorities had a role in enforcing animal protection legislation, "neither they nor central government had ever shown any interest in assuming (or paying for) the full role presently undertaken by the RSPCA".¹⁰⁹

139. The NPCC confirmed that the response of local police authorities to animal welfare issues was varied, with many forces sign-posting to the RSPCA and providing a police response in emergency cases only.¹¹⁰

140. Some witnesses were strongly critical of the role of RSPCA. The Self-Help Group for farmers, pet owners and others experiencing difficulties with the RSPCA (SHG) noted that the RSPCA's attitude towards the public, "their targeting of vulnerable, ill or elderly people and removal of their animals" had led to the alienation of the animal keeping public.¹¹¹

141. In particular, we heard evidence that there had been occasions where RSPCA inspectors had been happy for vets to sign for the removal of animals without seeing

107 [The independent review of the prosecution activity of the Royal Society for the Prevention of Cruelty to Animals](#)

108 Mike Radford, Dr Fiona Cooke and Professor Sheila Crispin ([AWF0229](#))

109 Mike Radford, Dr Fiona Cooke and Professor Sheila Crispin ([AWF0274](#))

110 National Police Chiefs' Council ([AWF0236](#))

111 The Self-Help Group for farmers, pet owners and others experiencing difficulties with the RSPCA (SHG) ([AWF0272](#))

the animal.¹¹² The RSPCA, perhaps acknowledging that its staff had been over-zealous in the past, told us that this should no longer happen. It had recently issued guidance to its inspectors on this issue.¹¹³

142. One witness was also critical of the “belligerent” attitude of the inspectorate.¹¹⁴ Christopher Laurence agreed that it was appropriate for the RSPCA to investigate and prosecute cases of animal cruelty. However, he did acknowledge the importance of adequate training. They currently went through an extensive six-month training programme, but he said that a probation period after that would be helpful. He noted the negative attitude that some inspectors had:

In some ways I have great sympathy for inspectors because they do not have legal powers. They can see animal suffering, and it is then difficult to do something about it because they do not have the authority. That generates, in some inspectors, the almost belligerent attitude that [SHG] describes. It is much more difficult to control that if they do not have the oversight and the legal power to do it.¹¹⁵

143. The RSPCA told us that it was “very keen to make sure we engage much better with the public”.¹¹⁶ It said that a new performance management system had been introduced to try and change cultural behaviour, and would provide development training for all inspectors. For each inspector, this amounted to two a days a year to bring them up-to-date on procedural and legislative changes.¹¹⁷

144. The Wooler Report concluded that the RSPCA should receive statutory status under section 51 of the Animal Welfare Act 2006 once it had met the requirements of accountability and transparency. At the moment RSPCA officers have no more power than members of the public. RSPCA told us that its current position was effectively a “halfway house”.¹¹⁸

145. The Wooler Report stated that a key requirement of accountability would be the establishment of a complaints system. We were pleased to note that the new complaints system had started on 1 June, but were unimpressed by the initial lack of clarity given by the RSPCA about how the process would work.

146. While the Report stated that the RSPCA operated in an “unstructured and haphazard environment”, it asserted that the Society was not only making a huge contribution to animal welfare, it was also “fulfilling a very significant constitutional role” whose contribution in terms of expertise and resources was huge and “simply too valuable to lose”.¹¹⁹

112 Q205

113 Q673

114 Q464

115 Q464

116 Q666

117 Q665

118 Q721

119 [The independent review of the prosecution activity of the Royal Society for the Prevention of Cruelty to Animals](#)

147. **The RSPCA has an invaluable role in investigating allegations of animal mistreatment. We recognise that the organisation fulfils a role in animal welfare not currently performed by local government. However, recent criticism has led to its reputation being diminished in the eyes of the public. We welcome the organisation's acknowledgment that it needs to be more transparent and accountable.**

148. **The RSPCA must ensure that its new complaints procedure is better publicised, including the external reviewer aspect, and made clear for members of the public.**

Prosecutions

149. The RSPCA exercises its right to act as private prosecutor under s.6 (1) of the Prosecution of Offences Act 1985. It is responsible for over 90% of prosecution activity on animal welfare issues. All prosecutions are brought via independent solicitors acting for the RSPCA, as the Association has no legal enforcement powers or authority in its own right. The RSPCA has no obligation to inform the Crown Prosecution Service (CPS) when it is undertaking a private prosecution. Although relatively complex and costly, it should be noted that all individuals have the right to refer their case to the CPS at any stage. The Director of Public Prosecutions (as Head of the CPS) does have the right to intervene in any criminal proceedings if he feels that proceedings are unjustified.

150. The terms of reference of the Wooler review stated that private prosecutions were “an integral component of its [RSPCA] strategy”. His report therefore did not question whether the RSPCA should be a prosecutor of first resort. The report highlighted the unique remit of the RSPCA as a successful prosecuting animal welfare organisation, whose prosecuting team “enjoys good standing before the courts for the effective manner in which its cases are presented”.¹²⁰

151. However, the Wooler Report highlighted the need for separation between the investigative and prosecution role of the RSPCA: “In order to provide the degree of separation necessary to achieve confidence in the objectivity of decision-making and handling at all stages of cases, the Prosecutions Department should be established as a self-contained unit with its own discrete governance mechanism”.¹²¹

152. In March 2016, the RSPCA appointed Hayley Firman as Head of Prosecutions; she had previously held a senior position in the CPS. She told us that there was a clear barrier within the charity between the prosecutions department and the inspectorate to avoid conflicts of interest: “we work very independently and make our decisions objectively”.¹²² Christopher Lawrence suggested that investigations and prosecutions should be based in different buildings, in order for the separation of the two roles “to be much clearer”.¹²³

153. The charity's day-to-day management is run by the Chief Executive. There is also a council of trustees who are responsible for providing “leadership and direction; and also ensure the effective use of [its] resources to maximise the benefit to animal welfare”.¹²⁴ The question was raised as to whether charitable trustees could fulfil their fiduciary duties on the one hand, whilst remaining entirely separate from the decision making process on

120 [The independent review of the prosecution activity of the Royal Society for the Prevention of Cruelty to Animals](#)

121 [The independent review of the prosecution activity of the Royal Society for the Prevention of Cruelty to Animals](#)

122 Q796

123 Q481

124 <https://www.rspca.org.uk/utilities/aboutus/council>

prosecutions on the other, as the latter could have such a significant impact on the former. We wanted to know what influence, if any, the trustees had on the RSPCA's decision to prosecute a particular case. The RSPCA told us that trustees did not have a role in the prosecution process, but it was possible for them to halt a prosecution for financial reasons.¹²⁵

154. A number of witnesses were against the RSPCA prosecuting animal welfare cases. They asserted that the role of the Prosecutions Department was inappropriate because the RSPCA was an organisation that both investigated and prosecuted and had other responsibilities that were incompatible with its position as a *de facto* prosecuting authority.

155. A number of other non-governmental organisations which had regularly used private prosecution as a primary means of enforcing legislation prior to the creation of the CPS in 1985 have subsequently ceased to do so. The NSPCC had been regularly involved in highly complex and extremely sensitive private prosecutions for child abuse but now worked with the CPS and other statutory authorities to investigate allegations of child abuse and support CPS prosecutions. The RSPB had also been a regular private prosecutor with specialist expertise in wildlife law, but had not undertaken a private prosecution since 1992.

156. In Scotland, where private prosecutions are not an option, the Scottish Society for the Prevention of Cruelty to Animals (SSPCA) is a Specialist Reporting Agency. All decisions relating to whether to prosecute in any particular case that is reported are taken solely by the Crown Office and Procurator Fiscal Service; the SSPCA has no influence on the decision to prosecute. Under the Scottish system, the SSPCA report all facts to the Crown Office and Procurator Fiscal Service which makes a decision as to whether the evidential burden has been met and if prosecution is in the public interest. The SSPCA set out benefits of such as system:

... the evidence is checked for sufficiency by an independent body. This can protect the Scottish SPCA in a number of ways, as it removes any possibility of alleged victimisation of an individual, group or activity. It can also protect the Scottish SPCA where an individual is not prosecuted as that decision has been made by the Procurator Fiscal service and not the Scottish SPCA.¹²⁶

157. The NPCC expressed concern regarding the RSPCA's role as prosecutor. It considered that the primary prosecutor should be a single agency, preferably a statutory body funded by Government. It noted that, "with this would come greater governance and accountability along with a right to review prosecution decisions in line with all other criminal offences".¹²⁷

158. The RSPCA accepted that, in principle, the CPS could do the prosecution work.¹²⁸ However it told us that the CPS had not built up expertise in animal welfare. While the RSPCA acknowledged that the organisation had not always used the 'public interest' test

125 Q774

126 Scottish SPCA ([AWF0273](#))

127 National Police Chiefs' Council ([AWF0236](#))

128 Q745

appropriately in previous years, it told us that it was the best organisation to prosecute animal welfare cases: “We have 190 years of experience. We have a breadth of knowledge that nobody has”.¹²⁹

159. Christopher Laurence defended the right of the RSPCA to bring forward prosecutions. However, he also suggested a potential hybrid model, where the RSPCA investigated the crime and gave a report to the CPS, the CPS made the decision about whether to prosecute, and then the RSPCA would take the decision forward. He acknowledged that the ability to prosecute brought with it the responsibility to be open, transparent and accountable.¹³⁰

160. The Head of Prosecutions at the RSPCA stated that she had “no problem” with cases being referred to the CPS. However, under the Prosecution of Offences Act 1985, the CPS can only take cases from the police. It is only able to take over and stop RSPCA cases if evidential and public interest tests are not met. Hayley Firman explained what would currently happen if the RSPCA had to instruct the CPS:

In reality, as it stands at the moment, what would happen is that the RSPCA would investigate the case, incur the welfare costs, have to make a decision, institute proceedings and probably incur legal costs. We would then have to forward it to the police, who would then forward it to the CPS, and there would be no guarantee that it would take the case on if the test had not been met. The likelihood is that it would have to be sent back to us in order for us to continue to prosecute it. Having regard to all those considerations and factors, the current system is not necessarily set up for [the RSPCA instructing the CPS].¹³¹

161. The Wooler Report recommended the establishment of a prosecutions oversight group. Christopher Laurence described this as “a critical element to ensuring that the society does the job properly”.¹³² We were surprised to find during our evidence session that, almost two years after the Report recommended it, the oversight group has not yet been established. The RSPCA told us that it had sent out letters to certain organisations asking for members to sit on the group, but still seemed unsure about the full membership. This seems to be an unstructured way of finding members for such a vital group. As we are preparing the report the group has not been established. However, we have received assurances that it will be established in November.

162. The Minister congratulated the RSPCA for the work that it does. However, he told us that he did not see a case for it having statutory powers. He thought the “status quo” of prosecution activity could continue if the organisation ensured greater separation between investigation and enforcement.¹³³ He was not convinced that the model in Scotland, whereby another body made the decision to prosecute “would be in the interest of animal welfare”.¹³⁴

129 Q783

130 Q509

131 Q746

132 Q487

133 Q962

134 Q963

163. The Wooler Report recognised that the RSPCA needed to make changes in terms of accountability and transparency before receiving statutory authority. We are surprised that some of these changes are only being put in place two years after the publication of the Report. At this time, we do not recommend that the RSPCA is given statutory status. The Committee recommends that the RSPCA swiftly, and fully, implements all recommendations of the Wooler review.

164. The Committee does not believe that the current model in England and Wales where the RSPCA brings private prosecutions alongside its investigative, campaigning and fundraising functions provides the necessary separation to ensure that there is no conflict of interest.

165. The Committee recommends that the RSPCA should continue its important work investigating animal welfare cases and working closely with the police and statutory authorities. It should, however, withdraw from acting as a prosecutor of first resort where there are statutory bodies with a duty to carry out this role. We are not convinced by its arguments that it is in a better position than the CPS to prosecute animal welfare cases.

166. However, the Committee notes that the CPS would need to be suitably resourced and trained in the area of animal welfare to take on what will be an increased work load.

167. *We recommend that the Government look at amending current legislation to make the RSPCA a Specialist Reporting Authority.*

168. The Committee believes that the RSPCA should retain the ability to bring private prosecutions where it reasonably believes that there is no statutory alternative and where such a prosecution would further its charitable objectives.

Sentencing

169. The maximum sentence for a welfare offence is six months in prison and an unlimited fine.¹³⁵

170. Witnesses expressed concern that the sentencing powers under the Animal Welfare Act 2006 were too low, neither recognising the seriousness of the offence nor acting as a significant deterrent. The British Veterinary Association and British Small Animal Veterinary Association told us that the maximum sentence was very rarely given and that even the most serious offences did not receive a custodial sentence. The sentencing guidelines gave a starting point of 18 weeks for serious offences.¹³⁶

171. The Association of Lawyers for Animal Welfare noted that the sentencing powers under the Animal Welfare Act within England were some of the weakest within the international community, and that in Northern Ireland the maximum sentence was five years.¹³⁷ Below is a table of the penalties for offences of animal cruelty in other parts of the world.

135 Animal Welfare Act section 32, as amended by SI 2015/664, Sch 4, para 38

136 British Veterinary Association and British Small Animal Veterinary Association ([AWF0268](#))

137 Association of Lawyers for Animal Welfare ([AWF0195](#))

Figure 2: Maximum prison sentences for animal cruelty available in Europe¹³⁸

Country	Maximum prison sentence available	Notes
Austria	1 year	Under review to increase
Belgium	3 months	
Bulgaria	3 years	
Croatia	1 year	
Cyprus	1 year	Under review to increase
Czech Republic	3 years	
Denmark	2 years	
Estonia	1 year	
Finland	4 years	
France	2 years	
Germany	3 years	
Greece	2 years	
Hungary	3 years	
Ireland	5 years	
Italy	3 years	
Latvia	5 years	
Lithuania	1 year	
Macedonia	6 months	
Malta	1 year	Planned to raise to 3 years
Montenegro	5 years	
Netherlands	3 years	
Norway	3 years	
Poland	2 years	
Portugal	2 years	
Romania	1 year	
Serbia	3 years	
Slovakia	3 years	
Slovenia	1 year	
Spain	18 months	Recently increased from 1 year
Sweden	2 years	
Switzerland	3 years	
Ukraine	2 years	
UK		
England & Wales	6 months	
Northern Ireland	2 years	Recently increased to 5 yrs
Scotland	1 year	

172. The RSPCA noted increasing disparity in sentences available in differing animal legislation in England. For example, the Law Commission recently recommended imprisonment for up to two years for cruelty towards wildlife. Under the Crime and Policing Act 2014 a person could go to prison for three years if their dog injured a guide

dog but only six months for beating their dog to death: “if you look at those sorts of comparisons, I would say that the overall sentencing is probably out of kilter with current thinking”.¹³⁹

173. Witnesses called for the maximum custodial sentence to be increased to two-years.

174. The Minister told us that Defra was contributing to the Sentencing Council’s consultation (which closed on 11 August 2016) about whether the guidelines were adequate within the existing regime. This was a separate issue from whether the maximum penalties were sufficient. He told us that Defra had held discussions with the Ministry of Justice at the end of the last Parliament, although he gave us no evidence that discussions on the issue had taken place since then.¹⁴⁰

175. *The current penalties for animal welfare offences in England are amongst the lowest in Europe. We recommend that the maximum penalty is increased to five years. We recommend that Defra should start discussions with the Ministry of Justice by the end of the year to achieve this.*

Animal Abusers Register

176. Under the Animal Welfare Act, the court can subject those found guilty of an offence to a disqualification order for such a period as it thinks fit from owning, keeping, and/or participating in the keeping of animals.¹⁴¹ These are a way to “prevent animal abuse, cruelty and poor welfare in the future”.¹⁴²

177. Witnesses were in favour of disqualification orders. However, they recognised that lack of effective enforcement was an issue. For disqualification orders to be effective there needed to be some mechanism by which authorities could easily check whether a person was disqualified.

178. Witnesses called for the establishment of an animal abusers register in England. This had been originally considered during the passage of the Animal Welfare Act.

179. Several US cities, including New York City, have animal abuse registries. In January 2006, Tennessee became the first US state to publicly post an animal abuse registry. This includes the names, photos, birth dates and home addresses of people who have been convicted of animal abuse. In their case, “animal” is defined as a companion animal, such as cat or dog. It does not include livestock or wildlife. First time offenders will spend two years on the registry, while second-time offenders will spend five years on it. The NPCC told us that there was a growing body of research suggesting a link between the abuse of animals and violence against people.¹⁴³ In the USA, the FBI has begun tracking incidents of animal abuse as part of its National Incident-Based Report System.

180. On 21 June 2016, the Northern Ireland Assembly supported a call from the DUP to establish an accessible register of those convicted of animal cruelty offences.

139 Q838

140 Q981

141 Section 34, Animal Welfare Act 2006

142 Q69

143 Q627

181. The Minister said that he was “interested” in the establishment of a register. He pointed out that the police already had a list of such people, but there was an argument for making it available to other relevant organisations. There was a need however to guard against vigilante activity.¹⁴⁴

182. It is very difficult to track those who have been banned from keeping animals. An accessible register could play an important role in protecting animals, and prevent abusers from accessing animals.

183. We recommend that the Government examines the potential for the establishment of an animal abuse register of those convicted of animal cruelty offences and who have been disqualified from keeping animals.

7 Conclusion

184. The volume of responses to our call for evidence for this inquiry was testament to the level of public concern about animal welfare. We welcome the Government's recent consultation on Animal Establishments Licensing but it must do more to demonstrate that animal welfare is a priority for the Government. There are many flaws in the current legislation, from licensing through enforcement and to sale, which lead to inadequate protection for animals such as dogs, cats and horses.

185. Our recommendations focus on the need for transparency, traceability and enforcement. There are many good, responsible breeders of dogs and cats in the UK. However, there are also a large number who think more of the financial rewards than the health and welfare of the animals they breed. In particular, the dog breeding industry can be extremely lucrative: it is easy for an unknowing member of the public to buy a puppy from unlicensed or illegal sellers. The process must be licensed and regulated, making the industry more transparent and ensuring that animals can be traced back to their breeders.

186. There is a need to improve enforcement of the licensing regime. Our inquiry has highlighted the differing priority that is given to animal welfare across local government in England, and variation in the training and experience of licensing inspectors. We believe that establishing a separate licensing body will provide the professional level of expertise that is needed for such a difficult role.

187. The Animal Welfare Act was an important step in animal welfare. However, not enough has been done since to make the Act as effective as it could. It is unacceptable that no state organisation has statutory responsibility for enforcement of the Animal Welfare Act. We believe that local government needs to be responsible for the enforcement of the Animal Welfare Act.

188. Members of the public want to buy healthy animals. We hope that the measures proposed give some indication of the way forward.

Conclusions and recommendations

Secondary legislation

1. The Animal Welfare Act 2006 has the potential to significantly improve levels of animal welfare. However, the effectiveness of the Act has been undermined by the lack of secondary legislation. (Paragraph 15)
2. *We recommend that the Government set out a timetable for the secondary legislation that was foreseen ten years ago in the Animal Welfare Act 2006.* (Paragraph 16)

Progeny of dogs

3. *We recommend that the Government pass regulations to protect the genetic viability and welfare of offspring as well as adult dogs.* (Paragraph 21)

Awareness of the Act

4. *We recommend that the Government develop an ongoing partnership with animal welfare charities to educate the public in England about the Animal Welfare Act 2006.* (Paragraph 25)
5. *We recommend that the Government examine how animal welfare can be incorporated into citizenship classes as part of the school curriculum.* (Paragraph 26)

Breeding of dogs

6. The puppy market is extremely profitable. However, much of it works in the dark, with unlicensed breeders able to dominate the market. Transparency is vital, ensuring that appropriate welfare standards are in place. The current threshold at which breeders need to be licensed, which is set at five litters per year, could equate to some 40 to 50 dogs being produced by each breeder each year. We consider that threshold is too high. (Paragraph 37)
7. *We recommend that anyone breeding two litters or more per year should be licensed as a breeder.* (Paragraph 38)
8. *We recommend that those falling below the threshold of a licensed breeder should be registered with their Local Authority.* (Paragraph 39)
9. *Breeders have an important responsibility to provide for the social development and broader welfare requirements for puppies in their care. We recommend that the legislation governing the breeding of dogs should be updated with a licensing regime based on modern welfare standards.* (Paragraph 48)
10. Current enforcement of the licensing regime is unsatisfactory. While some local authorities have developed expertise in animal welfare, the overwhelming majority

of English local authorities lack suitably qualified inspectors. We believe that a national inspectorate, which local authorities could call upon, would enable expertise to develop and bring a consistency to the licensing process. (Paragraph 56)

11. *We recommend that a national inspectorate should be established to liaise and support local authorities in enforcing the licensing regime, undertaking inspections and dealing with complaints.* (Paragraph 57)
12. *UKAS accreditation is a good thing, and we encourage its pursuit on its own merits. However, we do not believe that it is a substitution for local authorities' inspection. Therefore we do not support the Government's proposal to establish a complete local authority licensing exemption for businesses accredited by the United Kingdom Accreditation Service.* (Paragraph 62)
13. The Pet Travel Scheme (PETS) is providing a vehicle for the illegal importation of puppies. The Government must ensure that negotiations regarding our future relationship with Europe include this issue. The age at which dogs are allowed to enter the United Kingdom under PETS should be increased to six months, thereby reducing their commercial value to smugglers. (Paragraph 72)
14. *We recommend that the Government increase spot checks at entry points into the United Kingdom to enforce the rules on non-commercial trade on domestic animals.* (Paragraph 73)
15. *We recommend increased working between government agencies and charities to understand how the puppy smuggling trade works and how to reduce it effectively.* (Paragraph 74)

Sale of dogs

16. Responsible breeders would never sell through a pet shop licence holder. The process of selling through a third party seller has an unavoidable negative impact upon the welfare of puppies. It also distances the purchaser from the environment in which their puppy was bred. Banning third party sales so that the public bought directly from breeders would bring public scrutiny to bear on breeders, thereby improving the welfare conditions of puppies. It would also bring a positive financial impact to breeders, allowing them to retain money that is currently lost in the supply chain. We acknowledge that difficulties of public access, due to a rural location, security issues and diseases, may be challenging for some breeders. On balance, however, we consider it is more important that animal welfare standards are ensured across all breeders. (Paragraph 90)
17. *We recommend that the Government ban third party sales of dogs. Dogs should only be available from licensed, regulated breeders or approved rehoming organisations.* (Paragraph 91)
18. Puppies should not be bought online. Potential owners should see the young animals with their mothers and make sure they are at least eight weeks old. However we recognise that in the digital age, people will continue to use the internet to advertise, and legislation must be developed to provide effective regulation of that trade. (Paragraph 99)

19. *We recommend that PAAG's minimum standards should be made mandatory for all websites where pets are advertised and sold. (Paragraph 100)*
20. *We recommend that legislation should state specifically that those advertising the sale of animals on the internet should have a licence. It is essential that legislation remains relevant and effective in the digital age. (Paragraph 101)*
21. *We recommend that the Government make it compulsory that all internet advertisements should include the registration or licence number of the seller. We also recommend that the Government look at the new regime in France where the seller's tax code is included on the advertisement, to see whether such a regime could be put in place in the United Kingdom. (Paragraph 102)*
22. *We recommend that Defra establish a publicly accessible list of registered and licensed breeders and sellers. (Paragraph 104)*

Central reporting system

23. *We recommend that Defra work with local authorities to investigate the possibility of creating a central reporting system for complaints relating to the breeding and sale of pets. (Paragraph 107)*

Breeding of cats

24. *Although the dog market is more lucrative, we do not consider this a reason to do less to protect the welfare of cats. Although it is recognised that responsible breeders prioritise welfare conditions, many cats are bred in poor welfare conditions. We recommend that breeders of cats of two litters or more should be licensed, with welfare conditions attached. (Paragraph 112)*

Sale of cats

25. *We recommend that the Government undertakes further research on the sale of cats and proposes recommendations to improve the trade. (Paragraph 114)*

Equine identification and traceability

26. *The equine identification system needs to be made much simpler with higher standards. We recommend that the Government systematically and significantly reduces the number of Passport Issuing Organisations, examining the possibility of establishing a single Passport Issuing Organisation. (Paragraph 124)*
27. *Since the closure of the National Equine Database in 2012, it has been impossible to enforce the equine identification system. We are disappointed that the UK Government did not meet the EU's deadline of 1 July 2016 for creating a new database. We expect the Minister to write to us to confirm that the database is working by 1 January 2017. (Paragraph 128)*

Formal investigatory and enforcement powers—local government and police

28. A major weakness of the Animal Welfare Act is that no state organisation is statutorily responsible for animal welfare. It is unacceptable that in a modern society no state organisation is responsible for animal welfare. (Paragraph 134)
29. *We recommend that the Government place a statutory duty on local authorities to enforce the Animal Welfare Act 2006. The Government must ensure that appropriate resources are made available to local authorities to support them in this extension of their statutory duties.* (Paragraph 135)

Role of the RSPCA

30. The RSPCA has an invaluable role in investigating allegations of animal mistreatment. We recognise that the organisation fulfils a role in animal welfare not currently performed by local government. However, recent criticism has led to its reputation being diminished in the eyes of the public. We welcome the organisation's acknowledgment that it needs to be more transparent and accountable. (Paragraph 147)
31. The RSPCA must ensure that its new complaints procedure is better publicised, including the external reviewer aspect, and made clear for members of the public. (Paragraph 148)
32. The Wooler Report recognised that the RSPCA needed to make changes in terms of accountability and transparency before receiving statutory authority. We are surprised that some of these changes are only being put in place two years after the publication of the Report. At this time, we do not recommend that the RSPCA is given statutory status. The Committee recommends that the RSPCA swiftly, and fully, implements all recommendations of the Wooler review. (Paragraph 163)
33. The Committee does not believe that the current model in England and Wales where the RSPCA brings private prosecutions alongside its investigative, campaigning and fundraising functions provides the necessary separation to ensure that there is no conflict of interest. (Paragraph 164)
34. The Committee recommends that the RSPCA should continue its important work investigating animal welfare cases and working closely with the police and statutory authorities. It should, however, withdraw from acting as a prosecutor of first resort where there are statutory bodies with a duty to carry out this role. We are not convinced by its arguments that it is in a better position than the CPS to prosecute animal welfare cases. (Paragraph 165)
35. However, the Committee notes that the CPS would need to be suitably resourced and trained in the area of animal welfare to take on what will be an increased work load. (Paragraph 166)
36. *We recommend that the Government look at amending current legislation to make the RSPCA a Specialist Reporting Authority.* (Paragraph 167)

37. The Committee believes that the RSPCA should retain the ability to bring private prosecutions where it reasonably believes that there is no statutory alternative and where such a prosecution would further its charitable objectives. (Paragraph 168)

Sentencing

38. *The current penalties for animal welfare offences in England are amongst the lowest in Europe. We recommend that the maximum penalty is increased to five years. We recommend that Defra should start discussions with the Ministry of Justice by the end of the year to achieve this.* (Paragraph 175)

Animal Abusers Register

39. It is very difficult to track those who have been banned from keeping animals. An accessible register could play an important role in protecting animals, and prevent abusers from accessing animals. (Paragraph 182)
40. *We recommend that the Government examines the potential for the establishment of an animal abuse register of those convicted of animal cruelty offences and who have been disqualified from keeping animals.* (Paragraph 183)

Sub-Committee Formal Minutes

Tuesday 25 October 2016

Members present:

Neil Parish, in the Chair

Chris Davies

Ms Margaret Ritchie

Simon Hart

David Simpson

Dr Paul Monaghan

Angela Smith

Draft Report (*Animal welfare in England: domestic pets*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 3 read and agreed to.

Paragraph—(*Angela Smith*)—brought up, read the first and second time, and inserted (now paragraph 4).

Paragraph 4 (now paragraph 5) read, amended and agreed to.

Paragraphs 5 to 72 (now paragraphs 6 to 73) read and agreed to.

Paragraph 73 (now paragraph 74) read, amended and agreed to.

Paragraphs 74 to 85 (now paragraphs 75 to 86) read and agreed to.

Paragraph 86 (now paragraph 87) read, amended and agreed to.

Paragraphs 87 to 88 (now paragraphs 88 to 89) read and agreed to.

Motion made to leave out paragraph 89, (now paragraph 90) and insert the following new paragraph:

In an ideal world people would buy from a responsible and accredited breeder and not from a commercial pet shop or puppy dealer. The process of selling through a third party seller has an unavoidable negative impact upon the welfare of the puppies. It also distances the purchaser from the environment in which their puppy was bred. Banning third party sales would bring scrutiny to bear on breeders. However the demand for puppies is so large and puppy buying behaviour so emotional that responsible breeders cannot satisfy that demand at present and a third party ban may well drive the trade underground and result in poorer welfare. In addition a ban would be difficult to enforce as there would be no licence fee and so no incentive for local authorities to enforce it. There are also difficulties of public access as most of the large breeders are in remote rural areas. On

balance we think improving animal welfare is best served through bringing in an improved licence for anyone selling puppies by linking it to mandatory improved model licence conditions.—(*Angela Smith.*)

Question put, That the new paragraph be read a second time.

The Sub-Committee divided.

Ayes, 2	Noes, 4
Ms Margaret Ritchie	Chris Davies
Angela Smith	Simon Hart
	Dr Paul Monaghan
	David Simpson

Question accordingly negatived.

Paragraph 89 (now paragraph 90) agreed to.

Motion made to leave out paragraph 90 (now paragraph 91) and insert the following new paragraph:

We recommend that the government introduces a third party ban on sales by adopting a more robust licensing system. This would deliver the welfare standards required to effectively rule out third party sales and moreover would provide the finances to enforce it, and the control to ensure that it does not drive the trade underground.—(*Angela Smith.*)

Question put, That the new paragraph be read a second time

The Sub-Committee divided.

Ayes, 2	Noes, 4
Ms Margaret Ritchie	Chris Davies
Angela Smith	Simon Hart
	Dr Paul Monaghan
	David Simpson

Question accordingly negatived.

Paragraph 90 (now paragraph 91) agreed to.

Paragraphs 91 to 107 (now paragraphs 92 to 108) read and agreed to.

Paragraph 108 (now paragraph 109) read, amended and agreed to.

Paragraphs 109 to 111 (now paragraphs 110 to 112) read and agreed to.

Paragraph 112 (now paragraph 113) read, amended and agreed to.

Paragraphs 113 to 130 (now paragraphs 114 to 131) read and agreed to.

Amendment proposed, at end of paragraph 131 (now paragraph 132), to add:

Other local authorities confirmed that they do not do the work as the RSPCA do it and that if the RSPCA did not do this work then, they asked, who else would do it.—(*Angela Smith.*)

Question put, That the amendment be made.

The Sub-Committee divided.

Ayes, 2	Noes, 4
Ms Margaret Ritchie	Chris Davies
Angela Smith	Simon Hart
	Dr Paul Monaghan
	David Simpson

Question accordingly negatived.

Paragraph 131 (now paragraph 132) agreed to.

Paragraphs 132 to 134 (now paragraphs 133 to 135) read and agreed to.

Motion made, to leave out paragraph 135 (now paragraph 136) and insert the following new paragraph:

The RSPCA is the oldest animal welfare charity in the country. It was established in 1824, primarily to enforce the Cruel Treatment of Cattle Act 1822, the first animal welfare law in the world. It has been conducting its function as a charity for the public benefit and exercises its role as a private prosecutor under the Prosecutions of Offences Act 1985.—(*Angela Smith.*)

Question put, That the new paragraph be read a second time.

The Sub-Committee divided.

Ayes, 1	Noes, 4
Angela Smith	Chris Davies
	Simon Hart
	Dr Paul Monaghan
	David Simpson

Question accordingly negatived.

Paragraph 135 (now paragraph 136) agreed to.

Paragraph 136 (now paragraph 137) read and agreed to.

Amendment proposed in line 18, after “by local government”, to insert:

A previous Committee in 2005 received many submissions opposing the power of the RSPCA but recommended it continue to institute private prosecutions as there was no other body with the experience to take up the task. We also received submissions opposing the RSPCA but received

more written and oral evidence in the charity's favour, arguing that the organisation fulfilled a role in animal welfare not currently performed by local government.—(*Angela Smith.*)

Question put, That the amendment be made.

The Sub-Committee divided.

Ayes, 1

Angela Smith

Noes, 4

Chris Davies

Simon Hart

Dr Paul Monaghan

David Simpson

Question accordingly negated.

Paragraph 137 (now paragraph 138) agreed to.

Amendment proposed in line 5, at beginning of paragraph, to insert:

The Local Government Association confirmed a view, that if not the RSPCA, then who would undertake the enforcement work and many charities, including Battersea, World Horse Welfare and Cats Protection, confirmed the RSPCA had the relevant expertise to undertake the job.—(*Angela Smith.*)

The Sub-Committee divided.

Ayes, 1

Angela Smith

Noes, 4

Chris Davies

Simon Hart

Dr Paul Monaghan

David Simpson

Question accordingly negated.

Paragraph 138 (now paragraph 139) agreed to.

Motion made, to leave out paragraph 139 (now paragraph 140) and insert the following new paragraph:

One witness was strongly critical of the RSPCA but noted that complaints they had received about them had declined “Two or three years ago, we were getting between two and three calls a day. In the last year it has dropped right down”.—(*Angela Smith.*)

Question put, That the new paragraph be read a second time.

The Sub-Committee divided.

Ayes, 2	Noes, 4
Ms Margaret Ritchie	Chris Davies
Angela Smith	Simon Hart
	Dr Paul Monaghan
	David Simpson

Question accordingly negatived.

Paragraph 139 (now paragraph 140) agreed to.

Question put, That paragraph 140 (now paragraph 141) stand part of the Report.

The Sub-Committee divided.

Ayes, 4	Noes, 2
Chris Davies	Ms Margaret Ritchie
Simon Hart	Angela Smith
Dr Paul Monaghan	
David Simpson	

Question accordingly agreed to.

An Amendment proposed in line 18, at beginning of paragraph, to insert:

We noted that the SSPCA and ISPCA have statutory powers under their animal welfare legislation but they do not prosecute.—(*Angela Smith.*)

Question proposed, That the Amendment be made:—Amendment, by leave, withdrawn.
An Amendment made.

Paragraph 141 (now paragraph 142) read, amended and agreed to.

Motion made to leave out paragraph 142 (now paragraph 143) and insert the following new paragraph.

The RSPCA told us that they had received the 33 Recommendations from the Wooler review and trustees had signed up to all 33 recommendations; to date they had completed over half. In particular they had set up a new performance management system to provide development training for all inspectors. For each inspector this amounted to two days a year to bring them up to date on procedural and legislative changes.—(*Angela Smith.*)

Question put, That the new paragraph be read a second time.

The Sub-Committee divided.

Ayes, 2	Noes, 4
Ms Margaret Ritchie	Chris Davies
Angela Smith	Simon Hart
	Dr Paul Monaghan
	David Simpson

Question accordingly negatived.

Paragraph 142 (now paragraph 143) agreed to.

Paragraph 143 (now paragraph 144) read and agreed to.

Amendment proposed to leave out from “We were pleased” to end, and insert:

We were pleased to note that the new complaints system had started on 1 June and that it would be independent, with an Independent Complaints Reviewer, to provide an external channel for anyone that wished to complain about the RSPCA, including the conduct of their inspectors.—
(*Angela Smith.*)

The Sub-Committee divided.

Ayes, 2	Noes, 4
Ms Margaret Ritchie	Chris Davies
Angela Smith	Simon Hart
	Dr Paul Monaghan
	David Simpson

Question accordingly negatived.

Paragraph 144 (now paragraph 145) agreed to.

Amendment proposed in line 7 to leave out from “stated that” to “Society”, and insert “The”.—(*Angela Smith.*)

The Sub-Committee divided.

Ayes, 2	Noes, 4
Ms Margaret Ritchie	Chris Davies
Angela Smith	Simon Hart
	Dr Paul Monaghan
	David Simpson

Question accordingly negatived.

Paragraph 145 (now paragraph 146) agreed to.

Amendment proposed in line 14 to leave out from “local government” to “We welcome”.—
(*Angela Smith.*)

The Sub-Committee divided.

Ayes, 2

Ms Margaret Ritchie

Angela Smith

Noes, 4

Chris Davies

Simon Hart

Dr Paul Monaghan

David Simpson

Question accordingly negated.

Paragraph 146 (now paragraph 147) agreed to.

Question put, That paragraph 147 (now paragraph 148) stand part of the Report.

The Sub-Committee divided.

Ayes, 4

Chris Davies

Simon Hart

Dr Paul Monaghan

David Simpson

Noes, 2

Ms Margaret Ritchie

Angela Smith

Question accordingly agreed to.

Paragraph 148 (now paragraph 149) read, amended and agreed to.

Motion made to, leave out paragraphs 149 and 150 (now paragraphs 150 and 151) and insert the following new paragraph:

We heard from many witnesses that if the RSPCA did not prosecute there would be a gap in enforcement. The Wooler review highlighted the unique remit of the RSPCA as a successful prosecuting animal welfare organisation, whose prosecuting team “enjoys good standing before the courts for an effective manner in which its cases are presented”. We also heard that the RSPCA has a 92.4% success rate in prosecutions in England, higher than the CPS at 84%, and also better compared than in Scotland where it is 79%. We also heard that the number of prosecutions taken are about 1% of the complaints received due to the high success rate of improvement notices issued by the RSPCA.—(*Angela Smith.*)

Question put, That the new paragraph be read a second time.

The Sub-Committee divided.

Ayes, 2	Noes, 4
Ms Margaret Ritchie	Chris Davies
Angela Smith	Simon Hart
	Dr Paul Monaghan
	David Simpson

Question accordingly negatived.

Paragraphs 149 and 150 (now paragraphs 150 and 151) agreed to.

Paragraph 151 (now paragraph 152) read and agreed to.

Amendment proposed in line 15 after “animal welfare.” to insert:

The question was raised as to whether charitable trustees could fulfil their fiduciary duties on the one hand, whilst remaining entirely separate from the decision making process on prosecutions on the other, as the latter could have such a significant impact on the former.—(*Simon Hart.*)

The Sub-Committee divided.

Ayes, 4	Noes, 2
Chris Davies	Ms Margaret Ritchie
Simon Hart	Angela Smith
Dr Paul Monaghan	
David Simpson	

Question accordingly agreed to.

Paragraph 152 (now paragraph 153), as amended, agreed to.

Question put, That paragraph 153 (now paragraph 154) stand part of the Report.

The Sub-Committee divided.

Ayes, 4	Noes, 2
Chris Davies	Ms Margaret Ritchie
Simon Hart	Angela Smith
Dr Paul Monaghan	
David Simpson	

Question accordingly agreed to.

Question put, That paragraph 154 (now paragraph 155) stand part of the Report.

The Sub-Committee divided.

Ayes, 4	Noes, 2
Chris Davies	Ms Margaret Ritchie
Simon Hart	Angela Smith
Dr Paul Monaghan	
David Simpson	

Question accordingly agreed to.

Paragraph 155 (now paragraph 156) read and agreed to.

Motion made to leave out paragraph 156 (now paragraph 157) and insert the following new paragraph:

In Northern Ireland the local authorities undertake both the investigation role and the prosecution role under their animal welfare legislation. The NPCC considered that the primary prosecutor should be a single agency but agreed that the resource was not available and that the RSPCA could prosecute “if those checks and balances were there and were robust, yes. Clearly some independent oversight would be useful, but we want to work together constructively, so we are willing to have that discussion.—(*Angela Smith.*)

Question put, That the new paragraph be read a second time.

The Sub-Committee divided.

Ayes, 2	Noes, 4
Ms Margaret Ritchie	Chris Davies
Angela Smith	Simon Hart
	Dr Paul Monaghan
	David Simpson

Question accordingly negatived.

Paragraph 156 (now paragraph 157) agreed to.

Paragraphs 157 and 158 (now paragraphs 158 and 159) read and agreed to.

Question put, That paragraph 159 (now paragraph 160) stand part of the Report.

The Sub-Committee divided.

Ayes, 4	Noes, 2
Chris Davies	Ms Margaret Ritchie
Simon Hart	Angela Smith
Dr Paul Monaghan	
David Simpson	

Question accordingly agreed to.

Motion made, to leave out paragraph 160 (now paragraph 161) and insert the following new paragraph:

The Wooler Report made a number of recommendations to improve the prosecutions function, most of which the RSPCA has complete, such as appointing a Head of Prosecutions, and establishing it as a self-contained unit. We heard that the RSPCA had now set up its Oversight Group and had gone further than the Wooler recommendations in appointing experienced people who have no connection with the RSPCA.—(*Angela Smith.*)

Question put, That the new paragraph be read a second time. The Sub-Committee divided.

Ayes, 2	Noes, 4
Ms Margaret Ritchie	Chris Davies
Angela Smith	Simon Hart
	Dr Paul Monaghan
	David Simpson

Question accordingly negatived.

Paragraph 160 (now paragraph 161) agreed to.

Paragraph 161 (now paragraph 162) read and agreed to.

Amendment proposed in line 16 to leave out from “statutory status” to end, and insert:

We are pleased to see that all these recommendations including setting up the Independent Complaints Reviewer and the Oversight Group, have now been completed.—(*Angela Smith.*)

The Sub-Committee divided.

Ayes, 2	Noes, 4
Ms Margaret Ritchie	Chris Davies
Angela Smith	Simon Hart
	Dr Paul Monaghan
	David Simpson

Question accordingly negatived.

Paragraph 162 (now paragraph 163) agreed to.

Question put, That paragraph 163 (now paragraph 164) stand part of the Report.

The Sub-Committee divided.

Ayes, 4	Noes, 2
Chris Davies	Ms Margaret Ritchie
Simon Hart	Angela Smith
Dr Paul Monaghan	
David Simpson	

Question accordingly agreed to.

Amendment proposed in line 5 to leave out from “statutory prosecutors” to end, and insert:

We accept that the RSPCA has made a number of improvements to the way it prosecutes and agree with the NPCC there is no alternative without resources, which the Minister has said are not available. We accept that the RSPCA needs to implement fully all the Wooler recommendations but we consider that the RSPCA should be able to continue to institute private prosecutions on its own behalf as it has the experience and skills and it furthers its charitable objectives.—(*Angela Smith.*)

The Sub-Committee divided.

Ayes, 2	Noes, 4
Ms Margaret Ritchie	Chris Davies
Angela Smith	Simon Hart
	Dr Paul Monaghan
	David Simpson

Question accordingly negatived.

Paragraph 164 (now paragraph 165) agreed to.

Question put, That paragraph 165 (now paragraph 166) stand part of the Report.

The Sub-Committee divided.

Ayes, 4	Noes, 2
Chris Davies	Ms Margaret Ritchie
Simon Hart	Angela Smith
Dr Paul Monaghan	
David Simpson	

Question accordingly agreed to.

Question put, That paragraph 166 (now paragraph 167) stand part of the Report.

The Sub-Committee divided.

Ayes, 4	Noes, 2
Chris Davies	Ms Margaret Ritchie
Simon Hart	Angela Smith
Dr Paul Monaghan	
David Simpson	

Question accordingly agreed to.

Paragraphs 167 to 186 (now paragraphs 168 to 187) read and agreed to.

Summary agreed to.

Resolved, That the Report, as amended, be the First Report of the Sub-Committee to the Committee.

Ordered, That the Chair make the Report to the Committee.

Committee Formal Minutes

Wednesday 2 November 2016

Members present:

Neil Parish, in the Chair

Chris Davies	Rebecca Pow
Jim Fitzpatrick	Ms Margaret Ritchie
Simon Hart	David Simpson
Kerry McCarthy	Angela Smith
Dr Paul Monaghan	Rishi Sunak

Draft report from the Sub-Committee (*Animal welfare in England: domestic pets*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 89 read and agreed to.

An Amendment made.

An Amendment proposed, in line 12, to leave out “issues” and insert “and problems of zoonotic diseases.”.—(*Angela Smith.*)

Question proposed, That the Amendment be made:—Amendment, by leave, withdrawn.

An Amendment proposed in line 13, after “balance” to leave out “however”, and another amendment proposed in line 13, to leave out from “we consider” to the end of the paragraph and insert “the most promising way to improve standards would be to bring in a ban through a well enforced licensing system which is attached to mandatory model licence conditions.”.—(*Angela Smith.*)

Question put, That the amendments be made.

The Committee divided.

Ayes, 4	Noes, 5
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	David Simpson
	Rishi Sunak

Question accordingly negated.

Paragraph 90, as amended, agreed to.

An Amendment proposed in line 16, to delete from “Government” to the end of the paragraph and insert, “amend the Pet Animals Act 1951 to introduce a requirement to licence anyone selling a dog which would be attached to model licence conditions.”—(*Angela Smith.*)

The Committee divided.

Ayes, 4	Noes, 5
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	David Simpson
	Rishi Sunak

Question accordingly negatived.

An Amendment proposed in line 16, to delete “.Dogs” and insert, “, and that they.”—(*Jim Fitzpatrick.*)

The Committee divided.

Ayes, 4	Noes, 5
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	David Simpson
	Rishi Sunak

Question accordingly negatived.

An Amendment proposed in line 18, at the end, to add, “, and that model license conditions be amended to effect such a ban.”—(*Jim Fitzpatrick.*)

Question proposed, That the Amendment be made:—Amendment, by leave, withdrawn.

Paragraph 91 agreed to.

Paragraphs 92 to 135 read and agreed to.

An Amendment proposed in line 4, to leave out from “campaigning and” to the end of the paragraph.—(*Angela Smith.*)

The Committee divided.

Ayes, 4	Noes, 6
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	Rebecca Pow
	David Simpson
	Rishi Sunak

Question accordingly negated.

An Amendment proposed in line 4, to leave out “sustained”.—(*Jim Fitzpatrick.*)

The Committee divided.

Ayes, 4	Noes, 6
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	Rebecca Pow
	David Simpson
	Rishi Sunak

Question accordingly negated.

Paragraph 136 agreed to.

Paragraphs 137 and 138 read and agreed to.

Amendment proposed in line 3, at the beginning, to insert:

The Local Government Association confirmed that, ‘if not the RSPCA, then who would undertake the enforcement work’ and many charities including Battersea, World Horse Welfare and Cats Protection confirmed the RSPCA had the relevant expertise to undertake the job.—(*Angela Smith.*)

The Committee divided.

Ayes, 4	Noes, 6
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	Rebecca Pow
	David Simpson
	Rishi Sunak

Question accordingly negated.

Paragraph 139 agreed to.

An Amendment proposed in line 6, to leave out from beginning to “. The”, and insert “One witness was strongly critical of the role of the RSPCA but noted the complaints they had received about them had declined by around half in the past two to three years.”.—*(Angela Smith.)*

The Committee divided.

Ayes, 4	Noes, 6
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	Rebecca Pow
	David Simpson
	Rishi Sunak

Question accordingly negated.

An Amendment proposed in line 6, to leave out from “of RSPCA.” to the end of the paragraph.—*(Angela Smith.)*

The Committee divided

Ayes, 4	Noes, 6
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	Rebecca Pow
	David Simpson
	Rishi Sunak

Question accordingly negated.

Paragraph 140 agreed to.

Amendment proposed in line 13, to leave out from “animal.” to the end of the paragraph and insert “The RSPCA said it had since updated its guidance to inspectors and the Chief Executive was confident this was no longer happening.”.—*(Angela Smith.)*

The Committee divided.

Ayes, 4	Noes, 6
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	Rebecca Pow
	David Simpson
	Rishi Sunak

Question accordingly negated.

Paragraph 141 agreed to.

An Amendment proposed in line 17, after “inspectorate” to insert “The RSPCA’s Head of Inspectorate confirmed that he had introduced a new management system which will deliver cultural change.”—(*Angela Smith.*)

The Committee divided.

Ayes, 4	Noes, 6
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	Rebecca Pow
	David Simpson
	Rishi Sunak

Question accordingly negated.

An Amendment proposed in line 18, after “cruelty” to insert, “All the other animal welfare charities said they were happy for the RSPCA to prosecute as they had the experience and expertise and without the RSPCA there would not be as much enforcement as there ought to be.”—(*Angela Smith.*)

The Committee divided.

Ayes, 4	Noes, 6
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	Rebecca Pow
	David Simpson
	Rishi Sunak

Question accordingly negated.

Paragraph 142 agreed to.

Paragraphs 143 and 144 read and agreed to.

Amendment proposed in line 4, to leave out from “system.” to the end of the paragraph, and insert, “We were satisfied to hear that the new complaints system had been introduced from June and is independent.”—(*Angela Smith.*)

The Committee divided.

Ayes, 4	Noes, 6
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	Rebecca Pow
	David Simpson
	Rishi Sunak

Question accordingly negated.

Paragraph 145 agreed to.

An Amendment proposed in line 7, to leave out “RSPCA” and insert “criminal justice system”—(*Angela Smith.*)

The Committee divided.

Ayes, 4	Noes, 6
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	Rebecca Pow
	David Simpson
	Rishi Sunak

Question accordingly negated.

An Amendment proposed in line 7, to leave out from “the RSPCA” to “, it asserted”, and insert “was unstructured and haphazard.”—(*Angela Smith.*)

Question proposed, That the Amendment be made:—Amendment, by leave, withdrawn.

Paragraph 146 agreed to.

Amendment proposed in line 14, to leave out from “local government” to “welcome”, and insert “However, we recognise that its enforcement and prosecution role will leave it open to complaint, so we”—(*Angela Smith.*)

The Committee divided.

Ayes, 4	Noes, 6
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	Rebecca Pow
	David Simpson
	Rishi Sunak

Question accordingly negatived.

Paragraph 147 agreed to.

Paragraphs 148 and 149 read and agreed to.

An Amendment proposed in line 16, to leave out from the beginning to “The report”, and insert, “We heard from local government witnesses that if the RSPCA did not prosecute there would be a gap in enforcement and their “working with the RSPCA is probably better now than it ever has been.”.—(*Angela Smith.*)

The Committee divided.

Ayes, 4	Noes, 6
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	Rebecca Pow
	David Simpson
	Rishi Sunak

Question accordingly negatived.

An Amendment proposed, in line 19, to leave out “report” and insert “Wooler review”.—(*Angela Smith.*)

Question proposed, That the Amendment be made:—Amendment, by leave, withdrawn.

Paragraph 150 agreed to.

Paragraphs 151 to 153 read and agreed to.

An Amendment proposed in line 5, to leave out “large”.—(*Jim Fitzpatrick.*)

The Committee divided.

Ayes, 5	Noes, 5
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Rebecca Pow
Dr Paul Monaghan	David Simpson
Angela Smith	Rishi Sunak

Whereupon the Chair declared himself with the Ayes.

Question accordingly agreed to.

An Amendment proposed in line 5, to leave out from the beginning to “animal”.—(*Angela Smith.*)

Question proposed, That the Amendment be made:—Amendment, by leave, withdrawn.

An Amendment proposed in line 9, at the end, to add, “Most witnesses, however, were in favour of the RSPCA having the power to prosecute, both in oral and written evidence.”.—(*Angela Smith*)

The Committee divided.

Ayes, 4	Noes, 6
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	Rebecca Pow
	David Simpson
	Rishi Sunak

Question accordingly negatived.

Paragraph 154, as amended, agreed to.

Paragraphs 155 and 156 read and agreed to.

Amendment proposed in line 13, to leave out from the beginning to “It considered”, and insert, “The NPCC agreed that there should be a single agency to act as the primary prosecutor but that the resource was not available and that the RSPCA could prosecute “if those checks and balances were there and were robust.”.—(*Angela Smith.*)

The Committee divided.

Ayes, 4	Noes, 6
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	Rebecca Pow
	David Simpson
	Rishi Sunak

Question accordingly negatived.

Paragraph 157 agreed to.

Paragraphs 158 and 159 read and agreed to.

Amendment proposed in line 10, to leave out from the beginning to “However” and insert:

The Head of Prosecutions at the RSPCA stated that she had “no problem” with cases being referred to the CPS but this has been considered in the past and had been rejected primarily due to the reasons that the RSPCA has the expertise and experience.—(*Angela Smith.*)

The Committee divided.

Ayes, 4	Noes, 6
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	Rebecca Pow
	David Simpson
	Rishi Sunak

Question accordingly negatived.

Paragraph 160 agreed to.

An Amendment proposed in line 6, after “properly.” to insert, “We were pleased that the RSPCA has gone beyond what Wooler had recommended and will have the right level of independence.”.—(*Angela Smith.*)

The Committee divided.

Ayes, 4	Noes, 6
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	Rebecca Pow
	David Simpson
	Rishi Sunak

Question accordingly negatived.

An Amendment proposed, in line 6, to leave out from “properly” to the end of the paragraph.—(*Angela Smith.*)

Question proposed, That the Amendment be made:—Amendment, by leave, withdrawn.

An Amendment proposed, in line 6, to leave out from “We were” to “established”.—(*Jim Fitzpatrick.*)

Question proposed, That the Amendment be made:—Amendment, by leave, withdrawn.

An Amendment made.

Paragraph 161, as amended, agreed to.

Paragraph 162 read and agreed to.

An Amendment made.

An Amendment proposed in line 4, after “of the Report”, to insert, “We recognise, however, that although the NPCC does not want to give the RSPCA statutory authority yet, local authorities would be happy for them to have it.”.—(*Angela Smith.*)

The Committee divided.

Ayes, 4	Noes, 6
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	Rebecca Pow
	David Simpson
	Rishi Sunak

Question accordingly negatived.

Paragraph 163, as amended, agreed to.

Question put, That paragraph 164 stand part of the Report.

The Committee divided.

Ayes, 6	Noes, 4
Chris Davies	Jim Fitzpatrick
Simon Hart	Ms Margaret Ritchie
Dr Paul Monaghan	Kerry McCarthy
Rebecca Pow	Angela Smith
David Simpson	
Rishi Sunak	

Question accordingly agreed to.

An Amendment made.

An Amendment proposed in line 12, to leave out from “It should” to the end of the paragraph and insert:

We agree with the NPCC there is no alternative without resources which the Minister has said are not available. We urge the RSPCA to implement fully all the Wooler recommendations and to ensure there is separation between the different functions it fulfils. It is the right of anyone in England and Wales to undertake a private prosecution and to single out the RSPCA as not being able to do this would be invidious, as it has the experience and skills and it furthers its charitable objectives.—(*Angela Smith.*)

The Committee divided.

Ayes, 4	Noes, 6
Jim Fitzpatrick	Chris Davies
Ms Margaret Ritchie	Simon Hart
Kerry McCarthy	Dr Paul Monaghan
Angela Smith	Rebecca Pow
	David Simpson
	Rishi Sunak

Question accordingly negated.

An Amendment proposed, in line 13, to leave out “where” and insert “if and when”—(*Jim Fitzpatrick.*)

Question proposed, That the Amendment be made:—Amendment, by leave, withdrawn.

An Amendment proposed, in line 14, to leave out from “this role” to the end of the paragraph—(*Jim Fitzpatrick.*)

Question proposed, That the Amendment be made:—Amendment, by leave, withdrawn.

Paragraph 165, as amended, agreed to.

Paragraph—(Rebecca Pow)—brought up, read the first and second time, and inserted (now paragraph 166).

Question put, That paragraphs 166 and 167 (now paragraphs 167 and 168) stand part of the Report.

The Committee divided.

Ayes, 6	Noes, 4
Chris Davies	Jim Fitzpatrick
Simon Hart	Ms Margaret Ritchie
Dr Paul Monaghan	Kerry McCarthy
Rebecca Pow	Angela Smith
David Simpson	
Rishi Sunak	

Paragraphs accordingly agreed to.

Paragraphs 168 and 169 (now paragraphs 169 and 170) read and agreed to.

Paragraph 170 (now paragraph 171) read, amended and agreed to.

Paragraphs 171 to 187 (now paragraphs 172 to 188) read and agreed to.

Summary agreed to.

Resolved, That the Report, as amended, be the Third Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available (Standing Order No. 134).

[Adjourned till Tuesday 15 November at 10.00 a.m.]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Tuesday 12 April 2016

Question number

Mike Radford, Reader in Law, University of Aberdeen; **Dr Fiona Cooke**, Independent Researcher, Implementation and enforcement of animal welfare legislation; and **Professor Sheila Crispin**, Veterinary Surgeon [Q1–83](#)

Tuesday 19 April 2016

Jeremy Cooper, Chief Executive, RSPCA, **Steve Goody**, Deputy Chief Executive, Blue Cross, **Paula Boyden**, Veterinary Director, Dogs Trust, and **Claire Horton**, Chief Executive, Battersea Dogs and Cats Home [Q84–151](#)

Heather Bacon, Member of Ethics and Welfare Group, British Veterinary Association, **John Chitty**, Vice-President, British Small Animal Veterinary Association, and **Bill Lambert**, Health and Breeder Services Manager, Kennel Club [Q152–225](#)

Tuesday 10 May 2016

Claire Bessant, Chief Executive and **Dr Andrew Sparkes**, Veterinary Director, International Cat Care, **Jacqui Cuff**, Advocacy Manager, and **Peter Hepburn**, Chief Executive, Cats Protection [Q226–298](#)

Lee Hackett, Director of Policy, British Horse Society, and **Roly Owers**, Chief Executive, World Horse Welfare [Q299–369](#)

Tuesday 24 May 2016

Stacey Blackledge, Pets4Homes, **Julia Carr**, Pup Aid, **Charlotte Speedy**, Pet Advertising Advisory Group, and **Hannah Wilson**, Head of Marketing, Gumtree [Q370–448](#)

Anne Kasica, The self-help group for farmers, pet owners and others experiencing difficulties with the RSPCA, and **Christopher Laurence**, former trustee of the RSPCA [Q449–520](#)

Tuesday 14 June 2016

Councillor Simon Blackburn, Chair, Safer and Stronger Communities Board and **Robert Quest**, Assistant Director, City of London Corporation, Local Government Association, **Deputy Chief Constable Gareth Pritchard**, North Wales Police and **Inspector Patrick O'Hara**, Metropolitan Police, National Police Chiefs' Council [Q521–663](#)

Tuesday 28 June 2016

Jeremy Cooper, Chief Executive, RSPCA, **Dermot Murphy**, Assistant Director Inspectorate, RSPCA, **Hayley Firman**, Head of Prosecutions, RSPCA, and **Mike Flynn**, Chief Superintendent, Scottish SPCA

[Q664–843](#)

Tuesday 12 July 2016

George Eustice MP, Minister of State for Farming, Food and the Marine Environment, **Andy Howarth**, Team Leader, Companion Animal Welfare, and **Marc Casale**, Deputy Director, Animal Welfare, Department for Environment, Food and Rural Affairs

[Q844–987](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

AWF numbers are generated by the evidence processing system and so may not be complete.

- 1 Adele Mahan ([AWF0069](#))
- 2 Alan Meredith ([AWF0096](#))
- 3 Alexandra Kleanthous ([AWF0276](#))
- 4 All-Party Parliamentary Group for Animal Welfare ([AWF0270](#))
- 5 Amy Tatton ([AWF0281](#))
- 6 Andrew J Boulton ([AWF0093](#))
- 7 Anglican Society for the Welfare of Animals ([AWF0146](#))
- 8 Animal Interfaith Alliance ([AWF0141](#))
- 9 Association for Pet Behaviour Counsellors ([AWF0152](#))
- 10 Association of Lawyers for Animal Welfare (ALAW) ([AWF0195](#))
- 11 Barbara Sykes ([AWF0083](#))
- 12 Battersea Dogs & Cats Home ([AWF0252](#)), ([AWF0292](#))
- 13 Blue Cross ([AWF0244](#))
- 14 Boycott Dogs4Us ([AWF0115](#))
- 15 Brighton Dogwatch ([AWF0025](#))
- 16 Brigitta MacMillan ([AWF0033](#))
- 17 British Horseracing Authority ([AWF0266](#))
- 18 BVA and BSAVA ([AWF0268](#))
- 19 Camp Nibble ([AWF0056](#))
- 20 Caroline King-Cherne ([AWF0239](#))
- 21 Cath Kinder ([AWF0133](#))
- 22 Catherine Bennett ([AWF0251](#))
- 23 Cats Protection ([AWF0175](#)), ([AWF0288](#))
- 24 Centre for Animals & Social Justice ([AWF0237](#))
- 25 Chantal Cooke ([AWF0075](#))
- 26 Countryside Alliance ([AWF0112](#))
- 27 Craig Graham ([AWF0057](#))
- 28 Daniel Wells ([AWF0248](#))
- 29 DDA Watch LTD ([AWF0254](#))
- 30 Department for Environment, Food and Rural Affairs ([AWF0138](#)), ([AWF0307](#))
- 31 Devon and Cornwall Police ([AWF0260](#))
- 32 Dog Breeding Reform Group (DBRG) ([AWF0222](#))
- 33 Dogs Trust ([AWF0256](#)), ([AWF0289](#))

- 34 Dr Anke Franz ([AWF0238](#))
- 35 Dr Caroline Key ([AWF0225](#))
- 36 Dr Francesca Chiarelli ([AWF0218](#))
- 37 Dr Gill Saunderson ([AWF0265](#))
- 38 Dr M D ([AWF0180](#))
- 39 Dr Margaret Clotworthy ([AWF0206](#))
- 40 Dr Rosa Angela Ragni ([AWF0219](#))
- 41 Elizabeth Cameron ([AWF0199](#))
- 42 Emma Pereira ([AWF0117](#))
- 43 Endangered Dogs Defence & Rescue Ltd ([AWF0243](#))
- 44 Equine Behaviour and Training Association ([AWF0269](#))
- 45 FAB fireworks campaign ([AWF0158](#))
- 46 Facebook ([AWF0299](#))
- 47 Faerie tale alpacas ([AWF0106](#))
- 48 British Herpetologists & Reptile & Exotic Pet Trade Association ([AWF0213](#))
- 49 Fiona Wright ([AWF0277](#))
- 50 Friends of Northern Dobermanns Ltd ([AWF0245](#))
- 51 Friends of Swansea Horses ([AWF0167](#))
- 52 Garside Animal Welfare ([AWF0026](#))
- 53 Gillian Didlick ([AWF0022](#))
- 54 Good for Dogs, Dog and Puppy Training School ([AWF0030](#))
- 55 Governing Body of the Cat Fancy ([AWF0295](#))
- 56 Greg Glendell ([AWF0249](#))
- 57 Greyhound Rescue West of England ([AWF0216](#))
- 58 Gumtree.com Ltd. ([AWF0247](#))
- 59 Hilary Luder ([AWF0040](#))
- 60 Hope for Horses UK ([AWF0104](#)), ([AWF0185](#))
- 61 Ian McTurk ([AWF0279](#))
- 62 International Cat Care ([AWF0284](#)), ([AWF0285](#))
- 63 International Fund for Animal Welfare (IFAW) ([AWF0177](#))
- 64 Irish Society for the Prevention of Cruelty to Animals ([AWF0169](#))
- 65 Jayne Dendle ([AWF0088](#))
- 66 Jennifer Kelly ([AWF0196](#))
- 67 Jo Chinery ([AWF0055](#))
- 68 John McKenna ([AWF0058](#))
- 69 Julia Waterman ([AWF0102](#))
- 70 Julie Henretty ([AWF0125](#))
- 71 Julie Nadian ([AWF0212](#))

- 72 Julie Parsons ([AWF0064](#))
- 73 Kate Price ([AWF0282](#))
- 74 Kennel Club ([AWF0297](#)), ([AWF0302](#))
- 75 Kierti Vaidya ([AWF0047](#))
- 76 Kim Hayes ([AWF0280](#))
- 77 L. Marian Hussenbux ([AWF0063](#))
- 78 Law for Paws ([AWF0217](#))
- 79 League Against Cruel Sports ([AWF0223](#))
- 80 Lindsay Murray ([AWF0275](#))
- 81 Liz Carlton ([AWF0009](#))
- 82 Local Government Association ([AWF0271](#))
- 83 Lorraine King ([AWF0233](#))
- 84 M Roberts ([AWF0204](#))
- 85 Make Mine Chocolate! UK Rabbit Welfare ([AWF0189](#))
- 86 Mandy Dumont ([AWF0149](#))
- 87 Marie Sharp ([AWF0070](#))
- 88 Mark Johnson ([AWF0135](#))
- 89 Marnie Moyle ([AWF0020](#))
- 90 Mary Emery ([AWF0170](#))
- 91 Mary Herbert ([AWF0085](#))
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