



Improving the Effectiveness of Animal Welfare Enforcement



Part 1

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Introduction

The All-Party Parliamentary Group for Animal Welfare (APGAW) has spent many years looking at welfare issues and being at the start of policy formation which has seen new legislation for animals. The UK remains a leading nation for animal welfare and our members have been particularly pleased to see many more measures introduced over the last four years.

A consistent theme, however, arising in our meetings is how varied enforcement is and a view that, certainly in relation to companion animals, that there are different standards and approaches being applied to enforcement. There is also recognition that animal health and welfare is intrinsically linked and yet legislative requirements are disconnected with different authorities holding different responsibilities. Ultimately there has been a real lack of consistency in enforcement of animal welfare.

Enforcement in the context of this piece of work is about working to achieve compliance with legislation and getting to a level of best practice that avoids serious cases of poor welfare occurring in the first place. It is aligned with a preventative agenda that aims to address the low level issues at early stages using both educational and behaviour change tools, the mechanisms through licensing to address issues within the running of an animal business that should filter down to pet owners, through Fixed

Penalty Notices and early intervention from bodies with authority. There is a lot more that can be done at these early stages to avoid animals suffering often through the keeper being unaware of the needs of that animal or believing that there will be no oversight into what they are doing.

As it stands, there are a number of obstacles to good proactive animal welfare enforcement which are often practical issues such as the potential timeline for boarding of animals taken into possession, associated costs, the difficulty in finding boarding premises, the shortage of vets, the reluctance to issue Section 20 orders, the lack of consistency in sentences handed down and the lack of a database of banned persons. Consideration of these issues will form a secondary stage to this initial report.

This report has been written to summarise the key issues mainly for companion animals and to set out the first steps to make improvements without the need for large additional resources which we recognise are unlikely to be made available post COVID and at a time in which local authorities and charities are looking to reduce spending. APGAW hopes that this work, if not providing the full answer, at least prompts some debate and changes to the way animal welfare enforcement is carried out.

Recommendations

- Requirement within legislation for local authorities to have access to Dedicated Animal Welfare Officers to enforce animal welfare and the related regulations including The Animal Welfare (Licensing of Activities Involving Animals) England Regulations 2018.
- An assessment as to how upper tier authorities work with the lower tier authorities and whether the requirement to issue licences for animal activities would be better undertaken by the authorities who already deal with animal health legislation.
- The setting up of regional animal welfare fora led by the Dedicated Animal Welfare Officers with RSPCA inspectors, regional police representation and other relevant organisations which lead work on animal welfare compliance, to collaborate and share information.
- The formal establishment of a stand alone National Animal Welfare Board linked to the National Animal Health & Welfare Panel that consists of representatives from each regional animal welfare forum, the national RSPCA inspectorate, the national police representative, APHA, DEFRA and relevant associated NGO's to identify trends, emerging issues, share resource and develop policy.
- Consideration of a central fund to be provided that enables the National Animal Welfare Board to bid for resources to target large scale animal welfare breaches in a collaborative manner and demonstrate positive outcomes from such action.
- A requirement for Dedicated Animal Welfare Officers to attend initial and refresher training to an agreed standard that includes both practical and theoretical elements.
- Annual collation of data centrally by DEFRA on enforcement activity

A recognised problem

The Department for Environment, Food & Rural Affairs (Defra) is the lead Government ministry for the legislation concerning animal welfare issues. Over the last 3 years Defra has started to introduce more secondary legislation under the Animal Welfare Act 2006 (AWA) which is welcomed as it updates many older pieces of legislation and brings the law within the Act's framework of improving animal welfare and not just preventing unnecessary suffering. This includes the Licensing of Activities Involving Animals (England) Regulations 2018 (LAIAR) and the ban of third party sales of puppies and kittens under 6 months which are not being sold by their breeder. DEFRA are also working through other plans including restricting the importation of puppies and dogs with mutilations, licensing of private keeping of primates and they recently passed the Animals (Penalty Notices) Act 2022.

There are also other ongoing considerations from animal welfare NGOs around licensing of animal welfare establishments, potentially adding more activities to the licensing regulations (LAIAR) and other issues arising around microchipping, and equine identification. All of this work undoubtedly demonstrates the Government's commitment to high standards of animal welfare, however a major weakness of the AWA is that no state organisation is statutorily responsible for promoting or enforcing animal welfare broadly. The RSPCA still takes the majority of prosecutions for companion animals (around 85% annually). Going forward we have many legislative tools available to make a significant difference to animal welfare including the statutory provision for local authorities to enforce The Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018, but we need to ensure those tools are used effectively by the right authorities. The purpose of this short report is to consider enforcement models within the

structures and to bring together the key bodies working in this area to look at how resources and knowledge can be better utilised.

APGAW has sought to avoid duplicating work which has already been undertaken on the problems around enforcement and instead seeks to focus its limited resources on solutions. There have been a number of reports and work done on this matter to identify issues and findings. The main reports relevant to this work were identified as:

- EFRA Select Committee, November 2016, Animal Welfare in England: Domestic Pets, Third Report of Session 2016-17, HC117¹
- Wooler, S., September 2014, The independent review of the prosecution activity of the RSPCA²
- Wales Animal Welfare Action Plan 2021³

These reports have already established that, although there are some examples of excellent results, animal welfare is not always being protected in the most efficient or effective way. More recently Battersea released a report entitled Enforcement of Animal Welfare Licensing which confirmed that there is an inconsistent approach to enforcement. APGAW conducted some further research through FOIs in February 2022 and roundtable discussions with local authority inspectors between June 2021 and January 2022 to gather more qualitative data as well as 1:2:1 meetings with police representatives and RSPCA inspectors.

1 <https://publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/117/117.pdf>

2 <https://www.rspca.org.uk/webContent/staticimages/Downloads/WoolerReviewFinalSept2014.pdf>

3 <https://gov.wales/plan-achieve-good-quality-life-all-animals-wales-published>

Through a team consisting of RSPCA, World Horse Welfare and Local Government Animal Welfare Group (LGAWG) we have worked through the complexities in order to fully understand the existing landscape. Our expertise is firmly focused on the boots on the ground level with a link into an understanding of policy and the future for animal welfare legislation.

Our objective is to look at the enforcement issues from the first point of intervention and to address

the problems around effective consistent enforcement foremost led by education and then through the use of tools like the licensing regime and Fixed Penalty Notices.

It is fully recognised that there are issues around the court system and prosecutions which, as aforementioned, we will return to consider in due course.



Who is Enforcing Animal Welfare?

Table 1 summarises the main areas of animal welfare and which organisations deal with them:

Table 1. Enforcement areas and organisations

Area	Organisation
Cruelty or welfare of an animal in a domestic property	Local authorities have the power to appoint inspectors under the Animal Welfare Act 2006, but this varies between authorities. The police can take up cruelty cases, however it is unusual, but the RSPCA require a police officer to seize animals and/or an appointed LA Inspector The RSPCA investigate and prosecute around 85% of cases mainly around companion animals.
An emergency and urgent assistance is required (e.g. dog in a hot car)	Police & in some cases local authorities and RSPCA; only statutory agencies can enter property such as cars to rescue animals in emergency situations
Animal fighting	The Police take some action The RSPCA has the most expertise and investigates the majority of cases
Stray dogs and dog fouling	Local authorities, lower tier and unitary (one of the few statutory responsibilities)
Dangerous dogs, dog control, prohibited types of dog	Police are the primary enforcement body. The local authority, lower tier or unitary may also investigate some incidents such as low level dog bites.
Health and welfare of farm livestock	APHA (provide veterinary evidence) County council and unitary authorities take proactive enforcement through a risk-based approach which may include investigation and prosecution for offences relating to any compromise in farm animal welfare County council and unitary authorities may investigate instances involving farm animals and take proactive enforcement through a risk based approach.
Fly-grazing of horses	Lower tier or unitary local authorities
Licensing of animal establishments	All local authorities
Sick or injured wildlife, illegal trapping or killing of wildlife	National Wildlife Crime Unit for issues around poisoning, poaching, trapping etc. Wildlife charities for sick or injured wildlife. RSPCA enforce significant numbers of wildlife crime cases.
Endangered animal species being sold	UK Border Force, and/or the police (Wildlife Crime Officers)
Dangerous wild animals	Local authorities, lower tier or unitary enforce the regulations and licensing of keepers under the Dangerous Wild Animals Act (DWA) and investigate unlicensed keepers of Dangerous Wild Animals.
Primate licensing	Local authority – lower tier or unitary via DWA
Microchipping and updating of details	Local authority – district or unitary

Equine identification	County Council Trading Standards and unitary authorities enforce the Equine Identification Regulations. Low tier local authorities may check identification when licensing riding establishments under LAIAR 2018 and may investigate instances of horses illegally grazed on council owned land
Illegal imports	County Council Trading Standards and unitary authorities enforce the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 and the Non-Commercial Movement of Pet Animals Order 2011 UK Border Force run a number of joint operations with councils and the RSPCA The Animal & Plant Health Agency (APHA) also have involvement and have an investigative team for illegal imports.
Welfare at transport	County Council or Unitary Authorities
Welfare at markets	County Council or Unitary Authorities

As the table sets out, the main bodies responsible for enforcing animal welfare are the local authorities, with county councils and unitaries predominantly leading on animal health related matters including illegal imports, and also the police. The RSPCA take up a large number of cruelty and wildlife cases. Each enforcement body has a slightly different role, responsibility and standing in the criminal justice sphere. Both local authorities and the police are statutory bodies with powers associated with their standing, for example the police have powers of arrest. Some local authorities have also appointed their own officers under the 2006 Act so that they can enforce the law more effectively. The RSPCA, however, is a charity and does not have statutory powers.

The RSPCA is not the only entity which can prosecute. The Welfare Welfare Act sets out that any body or individual can prosecute for a welfare breach. Over the last five years there have been a small number of prosecutions carried out by other animal welfare organisations.

The APHA is rightly focused on animal health and the control of infectious disease as its priority. Resources have been cut from the agency and they would not be in a position to cover many of the welfare issues outlined in the above table.

The police service has also struggled with budget cuts and increased demand from the public. From the FOIs we sent to the police forces we found any animal welfare training tended to be focused on wildlife crime only although there were some dog legislation officers specially trained in animal welfare issues too. The Government has not made animal welfare one of the six National Policing Priorities and so understandably animal enforcement will not be a police forces priority. Equine crime is, however, in the top six rural crime objectives and therefore some police do have an interest in areas of animal welfare where it has been high profile or has links to wider criminal activity. The synopsis of the response from the police is included in Appendix 1. Follow up direct interviews with the police revealed that there is a huge level of inconsistency with some forces seeing the value of having officers dealing with animal welfare and recognising it can be connected to other types of crime and others not seeing any value.

The Crown Prosecution Service (CPS) prosecutes for the state on behalf of the police service. It follows strict guidelines in determining which investigations to prosecute. From the annual statistics, however, it is clear that the majority of cases concerning animal welfare are prosecuted privately by the RSPCA.

For local authorities, whilst there have been statutory requirements under the Animal Health Act 1981 which have mainly fallen on upper tier authorities, there is a lack of clear and adequate provision to actually enforce broader animal welfare legislation. This is likely to have been because of a reluctance of the Government to provide the additional resources required at the time as post 2006, when the Animal Welfare Act was created, we saw the beginning of cuts to local government budgets. Owing to this, local authorities have approached the issue of animal welfare in different ways and subsequently we have huge inconsistency between geographical areas. A key view on this can be noted through the discrepancies between local authorities as to the appointment of inspectors for the purpose of enforcement of the AWA. The likelihood of action on animal welfare issues depends on too many variables including the attitude and resources of the body in question. There are some examples of good practice in local authorities where they actively undertake animal welfare work but there are also many examples of very poor practice where no animal welfare work is undertaken and where it is undertaken, predominantly in relation to the statutory need to licence, it is of poor quality. This has not only been negative for animal welfare, it has also had a negative impact on pet businesses when it comes to animal activity licensing.

As local authorities, for understandable reasons, have not generally appointed personnel to focus solely on animal welfare, the RSPCA have continued to undertake the role in enforcing animal welfare legislation, which has led to criticism (EFRA 2016). Yet without their intervention there would clearly have been very limited enforcement and the public on the whole have been very supportive of the RSPCA doing this work.

In 2021 the RSPCA received just short of 1,082,000 calls from members of the public to its National cruelty line. In turn the organisation's Inspectors

investigated 51,105 complaints in 2021, although owing to COVID this was a reduction from the average 141,000 complaints investigated annually (which equates to around 2,712 per week). In 2021 the Society prosecuted 350 persons, around half of the pre COVID number of cases per year. The vast majority of the incidents investigated are dealt with by advice.

Despite being possibly the main investigator and prosecutor for animal welfare offences the difficulty with the RSPCA picking up welfare cases is that the charity has no statutory powers for its inspectors and is under-going a change to the way it operates looking to hand over prosecutions to the CPS. The RSPCA are seeking to prioritise their resources on the serious animal welfare issues which cause the most suffering. Added to this is the nature of the legislation beneath the AWA such as the LAIAR which fall to local authorities to inspect and licence therefore putting them at the front of companion animal welfare issues, at least in commercial premises. There is a similar situation with farm animals and the responsibility for local authorities around health and transport.

It is right for those enforcing the legislation to have the expertise, to be involved in the development of policy and to have the support of the public. We recognise that the RSPCA is conducting what is essentially a public function relying on charitable donations to do it. This is what the charity was set up to do in 1824 and little has changed since then. The breadth of issues falling under the ever expanding animal welfare remit needs more support and clearer understanding in order to tackle it effectively. A charity has the scrutiny of trustees and oversight from the Charity Commission but animal welfare is a public issue and dealing with it should be transparent, recordable and accountable through the sorts of democratic systems in which we scrutinise the management of public land, the licensing of businesses or the tackling of antisocial behaviour. The public have demonstrated frequently through

polling and campaigns that animal welfare is an issue that they see as important and so there is a need for a democratic process and the opportunity for scrutiny if required. As it stands animal welfare responsibilities are dispersed and it is unclear to the public as to how they are managed.

It is also vital to understand that animal abuse or neglect does not exist in isolation and that it can be linked to a number of other social issues including domestic abuse, child neglect and abuse, trafficking or modern slavery, financial exploitation and then broader personal issues like poor mental health. Tackling these issues is best done by collective working between various partners including the police, local authorities and voluntary groups. The need for a multi-agency approach is increasingly important. Connecting animal welfare with wider social issues can help identify them at the early stages and can also prevent some of the lower level criminal issues escalating. This is a “more people in more places to look at more issues” approach that involves partnership working and more awareness of the connectivity between different problems.

It is therefore clear that out of the existing bodies dealing with general animal welfare, local authorities are well placed to take a lead role with the aligned support of the RSPCA and police to provide expertise and powers when needed.

Local authorities have the systems which enable the transparent application of legislation and the democratic processes to check and challenge if needed as well as sitting within communities where information can be shared. As aforementioned much of the secondary legislation under the AWA is coming through to sit with them and the right use of that legislation can drive the improvement of animal welfare. As it stands, the current enforcement of animal welfare and application of animal activity licences is not fully effective and this needs to be addressed in order to improve enforcement across the country. We also know that resources are the biggest challenge for local authorities as well as the ongoing thinking about the structure of local government and how to make it more efficient and effective.

Sitting within this is the lack of appetite from many local authorities to take on any further responsibility especially in relation to animal welfare. Nonetheless this does not seem to reflect the view of the public who want animal welfare to be taken seriously nor does it factor in the links to wider issues which have just been touched upon and it also does not reflect the moving legislative framework. Therefore we need to consider how local authorities can support animal welfare enforcement more effectively.



Understanding the Structure of Local Authorities

Local authorities operate in single tier systems or two tier systems. For the lower tier systems, the boroughs and districts, they have very limited budgets compared to county councils and unitaries and so have to carefully prioritise staffing costs. Their work on animal licensing, dog wardens and anything relating to animal welfare usually sits with the Environmental Health teams and it is often the case that the staff undertaking this role will also be licensing taxis and retail establishments. It is also often the case that enforcement sits in many different departments within the authority which makes the work around it fragmented. For the upper tier authorities, they usually operate through Trading Standards teams where they have bigger budgets to focus on issues relating to food production and human and animal health including animal movements and livestock markets. They have a statutory obligation to enforce the Animal Health Act 1981. As they deal with ensuring businesses are run according to the law across a spectrum of activities broader than animal related they have experience of evidence gathering, prosecutions and tend to have larger legal teams to support this work.

Officers at all levels of local authorities are expected to provide reports and undertake scrutiny from elected members on the work they do in their departments. However animal welfare matters are very rarely the subject of requested reports and there is little overview on how that work is managed. This is largely because UK animal welfare legislation does not set out a clear statutory requirement for the work to be done by local authorities. It is, however, worth pointing out that there are obligations under the retained regulation (EU) 2017/625. This places a responsibility on the

competent authority which includes local authorities which have powers conferred on them by statute (Article 3) to verify that the rules relating to animal welfare are being met. The definition of animal is any vertebrate.

There are also very limited formal requests for data returns which misses a real opportunity to help understand the landscape better. Under The Licensing of Activities Involving Animals (England) Regulations 2018 there is a need for data returns to Defra, but not all local authorities are doing it and currently it is inconsistent albeit improving as the regulations bed down. Through this work it has been very clear that it would be valuable to collect data on work relating to animal welfare regularly so that the resource needs could be better understood and trends identified. This would then help with enforcement planning and also provide better evidence for policy formation.

On 23rd April 2021, the Government announced an independent review of local government to see whether current roles and functions are fit for purpose and how to make local authorities work more effectively. There continues to be some moves to unitary models and there is also work ongoing on the reorganisation of local government including “county deals.” Aside from the Government’s review it is clear that local authorities need to consider shared services in order to keep within budgets and to continue to improve service delivery and value for money. For an area of work like animal welfare which is patchy and inconsistent, and where there is growing responsibility, it seems an opportune time to look at how it is managed and work out how to overcome some of the current barriers.

There are four real barriers to the effective enforcement of animal welfare which include::

Limited resources
 Inconsistency
 Lack of training/experience
 Lack of knowledge sharing

The problem seems to lie predominantly with companion animal welfare. Farm animal welfare is covered more broadly by trading standards with statutory obligations and through farm accreditation which set welfare standards although it is important to recognise that there are inconsistencies and obstacles for best practice here too. The RSPCA handed over all farm animal investigation and prosecution work in March 2021 to APHA/trading standards and this model has worked well in the past year. It is also useful to point out that equines face serious potential welfare issues which need to be tackled and they can fall in-between both companion and livestock legislation and also in-between enforcement agencies. From the research undertaken equines welfare issues largely seem to be left to the RSPCA.

From the data we have collected both through FOIs and qualitative interviews it is clear that many of the issues local authorities face with the four barriers have been highlighted through the introduction of the licensing regulations in 2018 where pet businesses have reported back through the guidance review process carried out in 2020 that application has been varied and often confusing. This has been coupled with the

mandatory training for inspectors where the varying level of knowledge has been recognised with many participants having no experience and balancing the role of animal activity licensing with myriad other responsibilities within their local authority. The training is to an extent helpful but if the training is not of a good standard the application can be poor and detail can be missed or forgotten. Through a Local Government Animal Welfare Group (LGAWG) survey inspectors have identified a lack of support and stated they feel isolated in this work. The majority have also made it clear that they want to do the work and they want to do it well.

The majority of LA's are only appointing inspectors for licensing purposes and not for enforcing animal welfare in its entirety. Nonetheless, the licensing requirement has been used in this work as the hook from which to expand the thinking around enforcement owing to the issues it has raised and also the opportunities it holds within it to get a better understanding of animal welfare through inspectors, businesses and the public.

From the research we have conducted there have been four key themes which have arisen in regards to how participants felt enforcement would be most improved. These include:

1. Experienced and capable inspectors
2. Shared knowledge and resource
3. Ongoing and quality training
4. Addressing issues around the seizure of animals.

A Formal Model of Collaboration & Knowledge Sharing

Under the Animal Health Act 1981 county councils, metropolitan boroughs and unitary authorities in England have a statutory duty to work with local communities to help them comply with laws that are aimed at preventing the spread of animal disease and protecting the welfare of animals. Under the Animal Health and Welfare Framework there are a set of practical principles that will help local authorities deliver these duties in a way that:

- are responsive and accountable to local communities
- are focused on high risk activities to make best use of limited resources.
- recognises why national consistency is important for businesses, the public and to protect against animal disease
- delivers controls in a way that supports European and international trade agreements
- promotes collaborative working with other local authorities, delivery partners and industry quarterly meetings.

As a result the The National Animal Health & Welfare Panel was formed which sits above regional groupings of local authorities where the animal health function sits and one lead member from each of those regions is appointed to attend quarterly national meetings to discuss key issues arising across the country and share knowledge and risk analysis. Within each region they have a meeting before each National Panel meeting to collect their feedback and regional reports are then taken to the Panel. Lead officers are appointed for example on imports, cattle ID,

animal by-products, etc. Defra, APHA and sometimes the Food Standards Agency (FSA) attend the quarterly meetings which ensures they are getting consistent feedback and they also use the panel to draft guidance and consult around policy formation. The Framework when it was at its most active helped to drive collaborative working, clarity and leadership and also helped to get clear, consistent approaches as well as setting priorities.

Animal welfare is discussed at the National Panel with the recognition that health and welfare are intrinsically linked. There are now meetings that include the lower tier authorities to consider the links between the licensing of animal activities and other welfare issues. Additionally, officers from unitary councils do feed in where they enforce farm animal welfare and some, such as Milton Keynes, do both the farm animal inspections and animal activity licensing.

The practical principles within the Framework are applicable to animal welfare in that local communities want local authorities to be responsible and accountable, that they should focus on the high risk activities that cause most public concern, that national consistency is important for pet businesses and the role in the economy and that there should be collaborative working with other local authorities, delivery partners and industry to share resources and ensure best value. Applying these principles to a vision for animal welfare will help with effective delivery and therefore the concept of regional grouping should be explored. This would be a formal National Animal Welfare Board which would then link to the National Animal Health & Welfare Panel. Health and welfare are intrinsically connected and this would continue to build on useful intelligence sharing.

As has been recognised, local authorities operate across a broad landscape, for example, puppy smuggling, welfare during transport, fly-grazing of horses, exhibiting of exotic animals etc. Most integral to a better system is effective intelligence sharing between agencies. That should start with sharing knowledge in formal settings but also go on to look at integrated systems and access to data. This will be explored further within the part two report.

There are a number of smaller groups which meet to share knowledge and intelligence such as the National Equine Welfare Council (NEWC) regional meetings. It is important to include the work of NGOs who work with animal owners to raise welfare standards and also take some animals into their care as well as having expertise in their workforce on compliance. Representatives from those smaller groups should be included in the regional animal welfare meetings so that their expertise can be utilised.

Before this is developed further, however, it is important to accept that such a panel could only be as useful as those who form it and so there is a need to ensure that those working on animal welfare enforcement are knowledgeable and capable across the various regions. With animal health and welfare being so split between all the different levels of local government this is currently complicated and so it is helpful to understand where the expertise already has a basis and then how it could be developed and sustained.

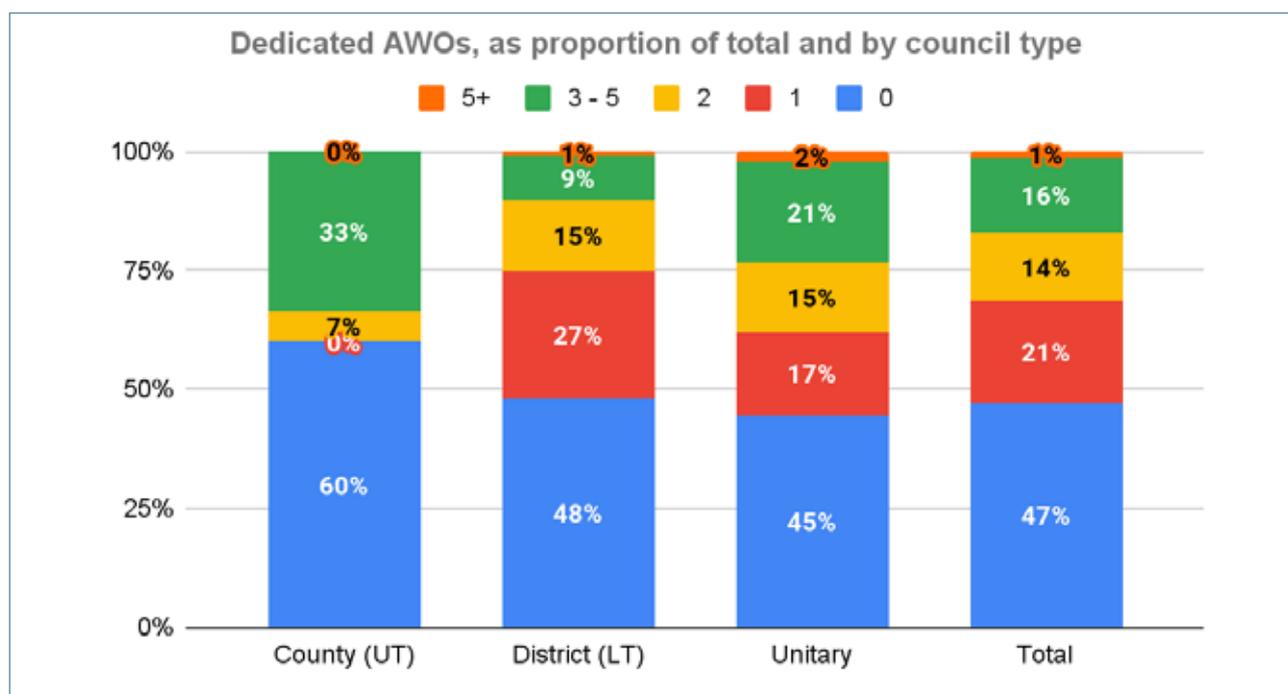
Experienced & Capable Inspectors

In some areas of the country, expertise in animal welfare has been developed already. The City of London provides a good example of a formalised structure where that authority has actively built up its expertise and has a strong team of animal welfare inspectors which has enabled it to set up contracts with other local authorities both across London and in other regions too where it carries out the animal licensing inspections on their

behalf. This has meant that local authorities do not need their own trained officer resource and they are assured of consistent application of the Regulations for businesses across their jurisdictions whilst also knowing that animal welfare will be protected and driven upwards by the skill of those inspectors. A more informal example of helping to develop expertise is in Essex where there is a county wide support group in which the officers from each district and borough come together to share knowledge and support each other with complex issues which have arisen.

We have found other examples of shared services or collaborative working which has shown better outcomes for animal welfare, more consistent and clear enforcement for businesses and better use of resources. Inspectors feel more supported and positive about their work and councils have recognised the value of doing it well. It has a positive effect on wider animal welfare issues outside of licensing or stray dog collection in that inspectors feel more equipped to address other issues or have good working relationships with the RSPCA or police to refer issues to them. Likewise police and the RSPCA feel confident in responding to any concerns from these inspectors as they know they are sharing important issues which need tackling and not wasting their time.

Increasingly local authorities are facing financial pressure and there is a need to tackle even more issues such as climate change and COVID recovery. Some local authorities are looking at their strengths and looking at where they can utilise those strengths through contracting out their services. They are also considering their weaknesses and whether they contract in those services. Some areas may have limited numbers of pet businesses and so the need for a sole animal activity licensing officer is not strong enough to warrant the cost. They are getting by using an officer with a wider work remit to do the work but this is often where weakness in consistency and expertise are found.



APGAW issued a set of Freedom of Information Act requests to understand how local authorities are managing animal welfare work and we obtained an 80% response rate from all of the councils across the country. One of the main objectives was to establish how many local authorities have dedicated animal welfare officers. Over, Figure 1 sets out that 53 councils (22 percent) have one dedicated officer, 35 (14 percent) have two officers, 39 (16 percent) have between three and five officers, and 3 (1 percent) have more than five officers. Some had their own dedicated animal welfare officers, while others had a contract with another Local Authority who supplied the dedicated animal welfare officer. There were regional differences with some areas (such as London) having access to dedicated officers in the majority of local authorities, whereas other regions had very few. Just under half of those who responded, 116 councils, (47 percent) have no animal welfare officers dedicated solely to dealing with animal welfare issues. A slim majority (53%) of local authorities in England have at least one dedicated animal welfare officer. There is a lack of clarity as to whether these are full-time officers and whether they are focused entirely on farm

animals or as dog wardens. Whether the LA is a County Council, Unitary Authority or District Council will have an impact on what legislation the dedicated officer is enforcing and therefore what training they have received and how much experience they can gain.

It does seem to be that the greatest investment into animal expertise is within the county councils and unitary authorities where they are doing more work around animal health and welfare. To an extent the Licensing of Activities Involving Animals Regulations 2018 will continue to shape this landscape in that if a lower tier authority has a lot of animal businesses to licence they will have enough demand and so will bring in enough fees to cover the cost of having a dedicated officer. However this will be limited within most lower tier authorities which are trying to cut costs and may not see the responsibilities as significant enough to warrant officers solely focused on licensing.

Getting better animal welfare enforcement will be achieved through the use of dedicated animal welfare officers in local authorities and there is a need to move in this direction. The way to get more specialised expertise is to consider asking

the high tier local authorities to undertake all of the work on animal health and welfare collectively or to get the lower tier authorities to share their services in this area more and contract out to the authority who can provide this focused expertise. Either way it means a bigger team with a clearer focus. Potentially, when it comes to a skill such as licensing this would enable more of a free market approach to form in that one authority invests in its staff specialising in the area of animal welfare knowing they are able to use the contract income from a group of other authorities to fund those staff members. Animal activity licensing is only likely to increase as pet ownership continues to rise and businesses whether dog groomers, pet sitters, or commercial boarders respond to growing demand. A business case can be developed in a local authority to pursue this route and it can work with neighbouring authorities to broaden out that business proposal. City of London Corporation have done exactly that and have won contracts across London and Berkshire and are called on for advice more broadly across the UK.

We have also recognised the work being undertaken in Wales which is seeking to develop expertise and consistency in animal welfare work. In 2021 the Welsh Government released their Animal Welfare Plan 2021-26⁴ which sets out what they want to achieve for the next Parliamentary term. Within this Plan is the outline for the development of a national model for regulation of animal welfare, the registration of animal welfare establishments and improving qualifications for animal welfare inspectors. There is a positive focus on enforcement with the trading standards teams in Monmouthshire two years into a pilot where they manage the work for the neighbouring local authorities through the provision of six trained animal welfare inspectors to work across Wales.

In Scotland they are hoping to set up the Scottish Veterinary Service to replace the Animal and Plant Health Agency which will seek to introduce

efficiencies, better resilience and strength enforcement across animal health and welfare. They are looking at better expertise too and have recognised the need for improvement.

Local authorities in England will be concerned about the cost of doing more and being seen as accountable for animal welfare and if they can even be encouraged to consider contracting out the service, it will take a long time to do so. If they have a licensing inspector who does a bit of animal related work in-between all of their other work it will not seem like a priority issue. Nonetheless in the proposed model there is no significant loss of income to factor in as either the upper tier authorities take over and keep the licensing fees to put towards growing their teams or the contracted authority which does the work for other lower tier authorities keeps the fee. The existing licensing officer then has the time back to do the other work more effectively and that authority has a reporting mechanism agreed against the contract.

There is a need to establish a better framework as the 2018 licensing regulations are still embedding themselves and there is an opportunity to consider this when the Government undertakes the Impact Assessment Review in 2022/23 in which it is likely that feedback will be around the inconsistency of application by local authorities. Foremost they should consider whether the legislation should fall to trading standards teams in upper tier authorities to get more consistency and a link into the broader animal health and welfare work such as animals at transport.

A number of local authorities may not even consider dedicated resources for animal welfare. The requirement to do so could be strengthened by a requirement within legislation to use Dedicated Animal Welfare Officers are set out below:

⁴ <https://gov.wales/animal-welfare-plan-wales-2021-26>

Amendment to Animal Welfare Act legislation:

Local authorities must use a dedicated animal welfare officer to enforce animal welfare and the related regulations.

This does not require the employment of an animal welfare officer directly but there must be access to one via shared services or an arrangement with other authorities.

Definition of a dedicated officer: job title specifically related to animal welfare, minimum 75% FTE, training undertaken, ongoing skill development.

This move will clearly demonstrate that it is no longer an insignificant and peripheral part of the work of local authority officers to deal with animal related work and that expertise is expected to exist with those authorities whether it is direct or through engagement of another party. It does not, however, force them to find the budget resource to create that expertise and is up to them to consider the best way of doing it for their organisation whether it be through collaboration with other lower-tier authorities, delegation to the upper tier authorities or recruitment of their own staff. This is a flexible approach.

Shared Knowledge and Resource

With the principle of dedicated animal welfare officers established, there needs to be consideration of how to best use such a resource to get the best outcomes and ensure knowledge sharing.

Looking at the animal health model, it is clear there has been value in bringing people together geographically to share intelligence and resources where needed. One of the Freedom of Information requests sought to establish whether information sharing and support systems between local authorities already exists. Figure 2 sets out that 64% of councils are part of a local, regional or national forum, although this differs substantially by council type. 93% of upper-tier councils participate in a forum and 82% of unitary councils

participate in a forum. In contrast, lower-tier councils are slightly less likely but evenly split; 48% participate in a forum while 52% do not.

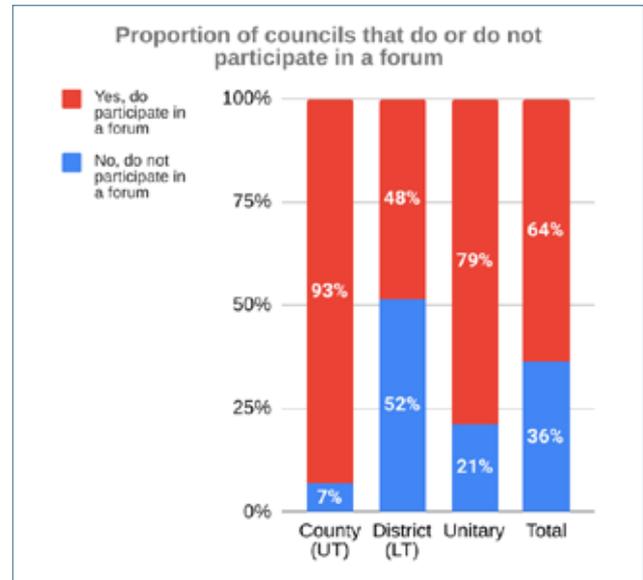


Figure 2

We then looked at the types of fora where knowledge and information sharing took place. In relation to the district level authorities when they did utilise fora they were mainly based on licensing or dog warden forums which are the areas on which Government have directed them to take responsibility as shown in Figure 3.

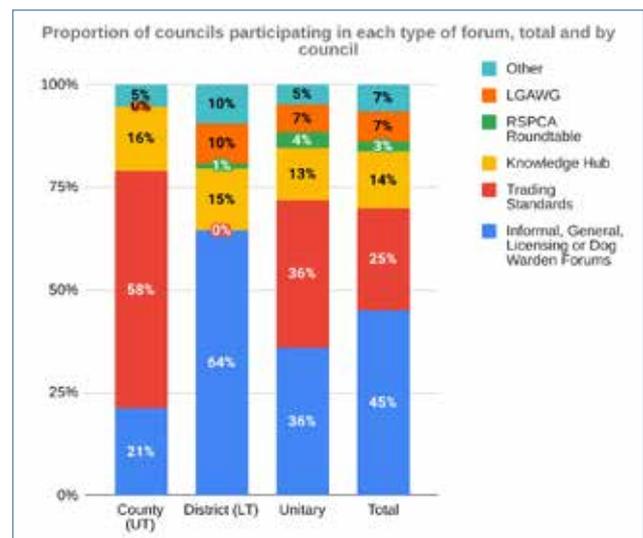


Figure 3

It is an opportune time to look at building more established fora for animal welfare owing to the ease of accessing remote meetings and bringing people together at low cost. Like the Animal Health model, the idea would be that within each region the officers working on animal welfare related matters form a group which can meet as needed and discuss issues relating to the area and that within that group they appoint a representative for the aforementioned National Animal Welfare Board (NAWG). The regional group could include the dedicated animal welfare officers, a regional police representative and other relevant organisation which leads work on animal welfare compliance such as a regional member organisation of NEWC. This structure would work best with the dedicated animal welfare officers in the lead authorities working closely with a lead RSPCA inspector in each area. It is not going to be possible for local authorities to take up every animal welfare issue but better awareness and understanding of it will enable them to tackle the lower level issues which lie alongside anti-social behaviour and community nuisance work. The larger issues can then be tackled more collaboratively through the regional groups with the RSPCA and police. Clearly this will require training and expertise to understand what a “low level” offence is and what a “serious offence” is and to ensure that dedicated officers do not mistake a serious offence for a low level offence which is then left to escalate.

The National Board – NAWG – would meet twice a year minimum and could bring in other key bodies including APHA, DEFRA and relevant organisations working in enforcement. Central to this would be the development of strategic intelligence documents which would be developed by the national board and would help to identify criminal activity linked to animal welfare, trends and the need for concentrated resources which could come from the regional hub. By feeding into the national structure, large-scale issues like canine fertility clinics or equine neglect could be tackled on a wider level with shared

resources. This Board can also look at policy development and legislative impact.

With an organised and focused national board for animal welfare there is a better way to use the scant resources on offer and so seek some limited extra resources. For example Wales have run a few small scale initiatives such as the grant aid for small abattoirs in 2018 for £1.1m and £1m for the “Local Authority Dog Breeding Enforcement Project” which aimed to improve the use of available resources and develop an intelligence strategy as well as improve the training of local authority staff involved in licensing to increase consistency in the inspection and enforcement of the regulations. Utilising this model of small scale funding could work alongside the National Hub to create a bidding pot that can be used for bigger scale issues such as a dog fighting ring, or illegal movement of equines overseas or illegal import of puppies for example.

This more organised and collective way of working could utilise data more effectively to enable prioritisation of issues, to have a good understanding of where the problems lie and to measure success. It is also more capable of pushing the relevant bodies to provide data and recognise its value. For that reason APGAW believes DEFRA should collate data on an annual basis on enforcement activities. This will not only provide answers on questions like how many top rated dog breeders are there, how many businesses are at the lowest standard, how many FPNs were issued etc but will also enable the measuring of collaborative working and establish its value to the taxpayer.

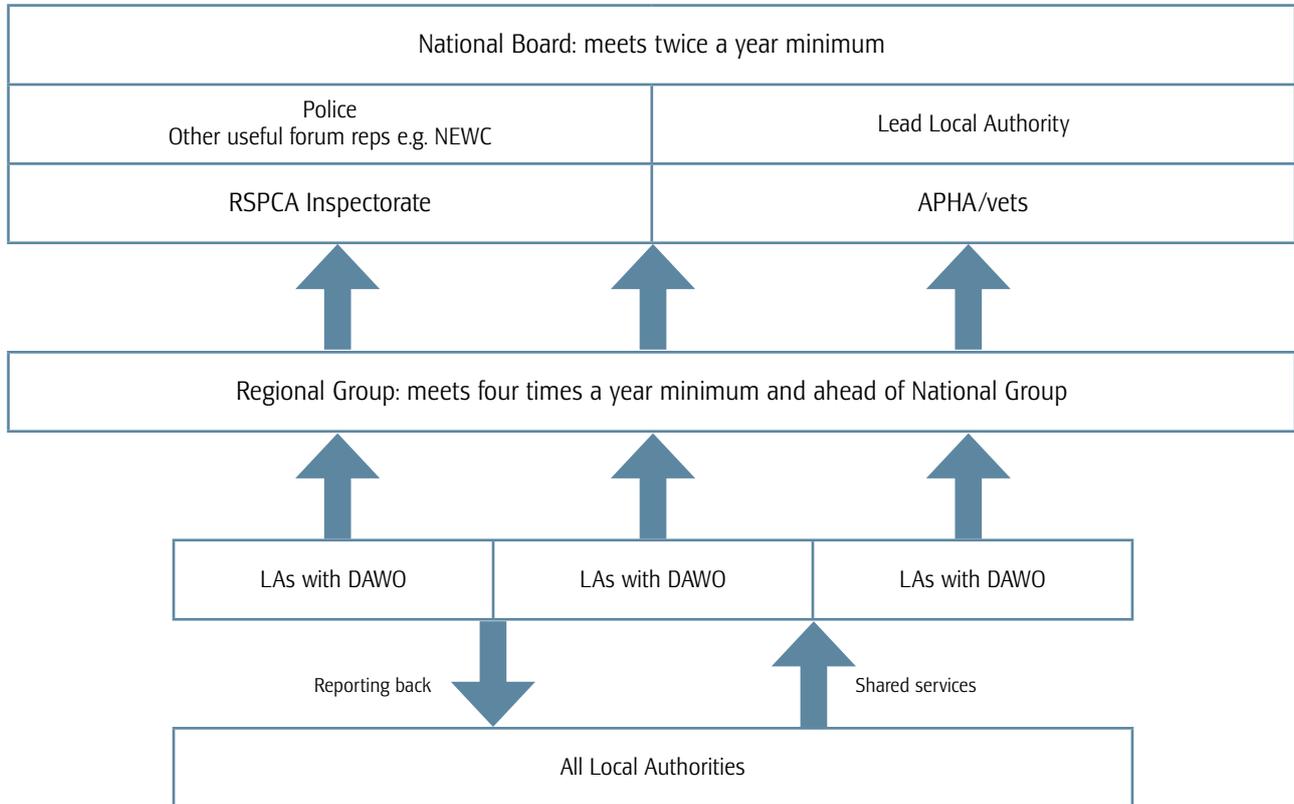
Proposed National Animal Welfare Groupings

Central England (CENTSA)	North West (TSNW)
East England (EETSA)	North East (NETSA)
London (LTS)	South East (TSSE)
South West England (SWERCOTS)	York and Humber (YAHTSG)
East Midlands (TSEM)	

NB: Replication of the National Panel Regions

The Model

DAWO = Dedicated Animal Welfare Officer



Ongoing & Quality Training

Where animal welfare enforcement is done well it is by those who have fully recognised the value of ongoing training and knowledge sharing and they actively seek to develop their learning. Our knowledge of animal welfare is constantly evolving and the wide and growing range of scenarios makes it difficult to ever fully be on top of our understanding.

Information requests on the level of training undertaken on animal welfare has identified that 16% of all county district and unitary authorities have not undertaken any training. Another finding was that 50% of the lower tier authorities have only one or no member of staff who has undertaken training. 73% of county level authorities have trained teams with over 7 members of staff. This is an important point as it

provides resilience and sharing of expertise whereas if there is only one member of staff trained and they leave the authority, are unwell or their conduct is challenged there is no back up.

There is, of course, now a legal requirement for all local authority officers who are undertaking inspections in relation to LAIAR 2018 to be trained. This is positive to an extent but still ultimately flawed in that the standard of training has not been defined. It is managed by Ofqual, however the content of the course is not quality controlled and they vary in content quite significantly from one to another. Some such courses consist of a couple of hours of an online process whilst others are more thorough and utilise practical training too which is valuable. Generally such training is only undertaken once and the learning can be lost with time, and turnover of staff means gaps whilst training is

then re-done. Additionally training is still undertaken by some inspectors who are having to train or develop skills in a range of different fields so do not get the chance to raise their expertise around animal welfare. The increasing workload, not just on animal welfare as outlined at the start of this report, but on other issues for environmental health and licensing teams, makes it very difficult for non-animal welfare dedicated staff to maintain training. For those same officers, if there is not enough animal welfare work, their skills will not be developed further either.

The use of the proposed dedicated animal welfare officers means they will have the ability to develop their expertise by their focus on that specific role and connecting into other experts like RSPCA inspectors. They will need to do broader training on animal welfare than just in relation to licensing. There may even be the

opportunity to do combined training with organisations like the RSPCA and develop working relationships that way too. Of course learning on the job is crucial in these roles and for the new local authority officers spending a day or two with a more experienced officer from a neighbouring authority or with an RSPCA inspector would be very useful. All of this should be encouraged in the new model for enforcement.

Both initial training and any ongoing training for the role will be important and will set out the way of working so it must be of good quality and recognisable in the recruitment of welfare officers. The LAIAR 2018 Regulations require training to be undertaken as set out below and we have included our additions that will improve the standard of training in red.

A suitably qualified person **dedicated animal welfare officer** can be any of the following – it is a person that:

- has a Level 3 certificate (or equivalent) granted by a body recognised and regulated by the Office of Qualifications and Examinations Regulation (Ofqual). Their certificate must apply to that particular type of activity to count as qualified. The training **programme** must cover the application of the licensing conditions for **each** licensable activities **separately** and must contain a practical element. The individual must demonstrate ongoing learning in relation to animal welfare through online or practical means.
- or has a formal veterinary qualification recognised by the Royal College of Veterinary Surgeons (RCVS), together with a relevant RCVS continuing professional development record

Conclusion

These proposals are by no means an elixir to prevent breaches of animal welfare legislation, however there are a number of breaches which occur owing to misinformation or ignorance about the welfare needs of animals and a number of breaches which are low level. The ask for 'dedicated animal welfare officers' fits into the larger enforcement landscape through the expectation that more expertise at this level will reduce issues escalating into more serious cases but also by removing the demand on agencies like the police and RSPCA to deal with the low level issues. There remains an important role for NGOs in ensuring compliance with the law by working with animal owners to raise welfare standards and taking animals into their care, however it is hoped that dedicated animal welfare officers will help to reduce the burden, will improve welfare within animal businesses and will lead to better information sharing.

The proposal also helps to remove the opaqueness of the current way of working and ensures we start to recognise that animal welfare offences sit within the wider issues that affect our society such as domestic violence, child neglect, mental health problems and tax evasion. Delivering transparency around animal welfare is important in reducing offences and showing that it is recognised as a valid social issue.

The proposal has been put together to take into account limited funding, and a recognition that local authorities are already overburdened in many ways. We would urge the Government to consider a level of funding that would assist local authorities in organising shared services, undertaking training and cracking down on the

really serious offences that are often national level and linked to organised crime. This can start with a limited pot assessed annually that enables partnership working to really tackle some of the serious issues.

The animal welfare community has, and will continue to, provide a huge amount of resources to animal welfare enforcement outside of any Government funding and good will has contributed even more in many cases. There is clear support for improvement from bodies like the RSPCA, World Horse Welfare, the Local Government Animal Welfare Group and many others that means public bodies like local authorities and the police are not alone in tackling animal welfare issues and APGAW hopes that the Government takes advantage of both this support and also the timing that aligns with so much new and refreshed legislation to take this thinking forward. Foremost, the Government needs to put the outline structures in place to give the role of animal welfare enforcement a value. This will be rewarded broadly by the public and through the outcomes in many related areas of work. If the suggested approaches in this report are not the total answer, it is hoped that at least we can develop this conversation and change the way animal welfare is enforced in a way that meets the ambition of our country through the recent introduction of significant legislation like animal sentience.

We look forward to developing the thinking around these issues through discussions with Government and relevant stakeholders and the part two report.

Appendix 1: Police FOI feedback

The All-Party Parliamentary Group for Animal Welfare (APGAW) sent out a freedom of information request to 44 police services in England and Wales in 2021. In total 36 police services (3 from Wales and 33 from England) responded to the request giving a response rate of 82%.

In 2020 there were 132,467 police officers in England and Wales (this excludes British Transport Police – in 2020 there were 2,984 FTE officers).

The request asked a number of questions relating to protocols and procedures concerning animal cruelty complaints as well as any statistics or data they held on such complaints. From the responses received it is clear there is no consistent approach across all services although there are some similarities. Neither is there a consistent approach to recording such information, with some recording quite detailed information and others either not recording anything, or not recording anything that is easily retrievable. This clearly poses problems in making any assessment on the influence and impact of the police involvement in dealing with animal cruelty.

The police were asked what their protocols were with regard to complaints received from members of the public about animal cruelty. What did they do and how did they action them? This question received the most consistent answer with 15 police services indicating that the action they took depended on the nature of the complaint. The majority (32) would assess the complaint (at the point of it being reported) and then either investigate it themselves or pass it on to another relevant agency, for example the local council or the RSPCA. Two police services refused to respond to this question and five indicated they would pass all such complaints directly to the RSPCA without considering investigating themselves.

The police were also asked if they had any police officers specially trained in animal welfare issues. Of those who responded the majority indicated they had officers specially trained in wildlife crime (32), two refused to respond to this question. Some of these officers are based in rural crime teams, whilst others are based within neighbourhood teams. In most cases these are volunteer roles and as such an 'extra' to their day work. Seven police services indicated they have dog legislation officers specially trained in animal welfare issues too.

When asked if the police service had any system in place for filtering animal cruelty/welfare complaints, 20 indicated they used some form of filtering system mainly seeking input/advice from a wildlife crime officer when concerning wildlife crime. 10 police services indicated they did not filter such complaints and they are simply allocated to the most appropriate team either within the service or to an external agency.

23 police services stated they did not have any sub-categories in their recording systems (other than the standard ones) for recording animal cruelty complaints/offences. Seven stated they used a range of sub-categories to record such incidents.

33 police services were able to provide statistics on the number of animal cruelty complaints reported to them between 2010 and 2020. Three refused to provide such information due to the time it would take to compile it. However, only 22 police services were able to provide statistics on the number of complaints that were then investigated as 'crimes' by them. Again three refused to provide this information due to the time it would take to compile.

Acknowledgements

APGAW would like to thank the Local Government Animal Welfare Group and their Steering Group for their input into this work. We would also like to thank the RSPCA team and World Horse Welfare team.

We have spoken to a wider number of people working in local government and within the police during our research who would be too lengthy to name individually but we would really like to thank those people for their genuine willingness to improve the enforcement mechanism for animal welfare and for taking the time to meet and provide us with their valuable input.

Report Author: Marisa Heath. Please contact admin@apgaw.org if you could like to provide further information or ideas around this work.

