



# Written Evidence

FROM THE EXTERNAL AFFAIRS WALES DEPARTMENT

## RSPCA Cymru Written Evidence - Environment and Sustainability Committee's Animal Welfare Roundtable For Oral Evidence Session on 5 November 2014

RSPCA Cymru welcomes the Environment & Sustainability Committee's decision to host a roundtable evidence session in relation to pertinent issues focussed on animal welfare, and is very grateful to have the opportunity to submit both oral and written evidence.

With a host of issues requiring consideration by decision-makers at all levels in Wales, this roundtable debate provides an excellent, timely opportunity for key stakeholders to emphasise some pressing issues linked to the welfare of animals, so we are grateful to the Environment & Sustainability Committee for their facilitation of this session.

This paper provides a snapshot of some of the key issues we understand the Committee will be exploring as part of this session. We look forward to following-up on these issues via oral evidence on November 5th and, as ever, would be happy to provide further information as requested by the Committee.

### COMPULSORY MICROCHIPPING OF DOGS

The introduction of compulsory microchipping of dogs in Wales would be a welcome step. RSPCA Cymru has long championed the importance of microchipping as an effective means of identifying dogs and linking owners to pets. However, whilst legislating for the compulsory microchipping of dogs may seem relatively straightforward in principle, the practicalities of utilising and enforcing the legislation amounts to numerous, complex scenarios which the regulations, as previously drafted, failed to address satisfactorily.

Whilst delays to the introduction of compulsory microchipping in Wales are disappointing, the recent withdrawal of the proposed regulations provides a key opportunity for improvement.

The National Assembly for Wales' Constitutional & Legislative Affairs Committee rightly identified a series of issues in relation to proposed new laws for the compulsory microchipping of dogs. Following the publication of their report, we also outlined our own additional concerns.

For this legislation to be effective, it is essential that it is enforced. As such, we voiced concerns

regarding the practical enforcement of the previously-tabled Dog Identification Regulations. The proposals did not include any provision for Local Authorities to seize an animal or require it to be scanned. As such, it appears Local Authorities may only take action in conjunction with the pursual of other welfare offences; however not all Councils in Wales are proactively involved in such work, or potentially face cutbacks to such services.

As previously drafted, major question marks exist as to how much of a deterrent the legislation will pose if persistent offenders cannot be sufficiently held to account.

The RSPCA is the primary enforcer of animal welfare legislation in Wales and as such, on occasion, may be the only body in a position to utilise the proposed measures. Whilst the Society does not have the resources, nor routinely would wish, to seek out owners solely in breach of this proposed new law, it is highly likely that - in many instances - RSPCA Inspectors would be well placed to take action concerning any failure to comply with microchipping laws where other offences or issues linked to irresponsible dog ownership exist. Clarity is required as to whether the RSPCA will have this role as part of future regulations tabled.

There has been a lack of information as to how the updating of microchip databases may work in practice. When a dog is transferred to a new keeper, proposals had stated that the transferring keeper is responsible for updating the database holding the information linked to the dog's microchip. However, key information is needed as to the legal requirements involved whereby the previous owner of a dog is unknown, untraceable or unwilling to amend a database.

The RSPCA, Local Authorities and other organisations re-home a substantial number of dogs each year. It is unclear whether these organisations would need, at significant cost, to register as the owner of each dog in its care and, if so, how long it will need to care for a particular dog for this to be necessary; particularly given the limited amount of time some animals spend in the Society's care. Also, when the RSPCA - or other enforcement bodies - seize a dog pending the potential prosecution of an owner, it is equally unclear whether the RSPCA would need to become the 'keeper' of the dog until proceedings are concluded.

Recent estimates suggest approximately 58 percent of dogs in Wales are microchipped<sup>1</sup>. As such, ensuring all dogs in Wales are microchipped will be a significant undertaking, and any new law for Wales must be enforceable, encourage widespread compliance and yield a situation whereby microchip details are up-to-date, thus providing clear proof of ownership.

## ELECTRONIC TRAINING DEVICES FOR DOGS & CATS

It should be a matter of pride in Wales, that, in 2010, we became the first, and remain only, UK nation to introduce a ban on the use of electronic collars for cats and dogs. These devices demonstrate a highly aversive form of training, and can cause cats and dogs to exhibit behaviours associated with pain, fear and stress.

---

<sup>1</sup> Welsh Government Written Statement - Microchipping of Dogs, 23 April 2013

The RSPCA brought the first prosecution under the Animal Welfare (Electronic Collars) (Wales) Regulations 2010. This resulted in a fine of £2,000 and costs of £1,015 being awarded. Significant media attention focussed on that prosecution, further highlighting to owners the possibility of prosecution; whilst reinforcing the negative consequences for animal welfare associated with the use of these devices.

RSPCA Cymru and its Inspectorate witness some ignorance concerning the fact that these electronic training devices are illegal in Wales. This situation is not assisted by the fact that major retailers, particularly those online, continue to sell these devices and usually include no warning that attaching these collars to a dog or cat in Wales is an offence. As such, action to encourage major retailers to add appropriate warnings to products would help reduce instances of shock collars being purchased in ignorance of the law, and further raise awareness as to the welfare implications of their use.

We know a review of the law is pending - and we are concerned by calls for existing legislation to be amended to remove the ban on electronic collars linked with invisible boundary fencing or hidden fencing; a campaign which has received some attention. It is imperative that the Animal Welfare (Electronic Collars) (Wales) Regulations 2010 are not amended in any way which impinges upon the welfare of animals, and we welcome the Welsh Government's assertion, made in February 2013, that no significant proposals had been brought forward to suggest changes to the legislation were warranted<sup>2</sup>.

RSPCA Cymru [recently engaged](#)<sup>3</sup> extensively with the Petitions Committee on this issue, further to the submission of petition P-04-445, calling for the use of electronic collars linked with invisible boundary fencing or hidden fencing to be legalised<sup>4</sup>. We outlined a number of welfare and behavioural implications of using these fences. Our evidence highlighted, in relation to dogs, practical experience gained by the Association of Pet Behaviour Counsellors showing how these devices compromise welfare, and how they can result in other behaviour problems not previously present, such as aggression. It also detailed possible welfare consequences for cats and how these fences may prevent key behaviours and reduce abilities to manage and control social interactions.

Generally, by implementing a ban on electronic collar for dogs and cats, Wales has delivered a significant statement of intent in relation to animal welfare, ensuring legislation reflects important social norms and values, and it is vital this legislative ban is retained.

## DOG BREEDING REGULATION

There has been considerable need in Wales for some time to update regulations governing the licensing of dog breeding establishments, bringing existing provisions in line with modern-day

---

<sup>2</sup> Letter from Minister for Environment & Sustainable Development to Petitions Committee Chair, 5 February 2013

<sup>3</sup> RSPCA Cymru Evidence Paper - Electronic Boundary Fences, January 2014

<sup>4</sup> P-04-445: Save our Welsh cats & dogs from death on the roads

legislative developments, such as the Animal Welfare Act (2006). For these reasons, delays in implementing regulations have been a cause for concern.

Wales has an unenviable reputation related to unscrupulous dog breeding practices, and has also been labelled the "*puppy-farming capital of the UK*"<sup>5</sup>. To this end, as the Welsh Government notes, the Companion Animal Welfare Enhancement Scheme's (CAWES) previous identification of an "*inconsistent approach to licensing by Local Authorities*"<sup>6</sup> has potentially troubling animal welfare consequences; further reinforcing the need for action.

According to CAWES baseline data, there were 251 licensed, 149 unlicensed and 1,587 "exempt" dog breeding premises in Wales as of 2010/2011<sup>7</sup>. Under the new regulations, the number of breeders exempt from licensing is likely to fall significantly. We are, as such, acutely aware of the resource issues faced by Local Authorities across Wales highlighting questions regarding their capacity to enforce regulations effectively. This is something the Welsh Government must monitor closely following the implementation of new laws. It is worth noting that we support resources outlaid by Local Authorities being cost-recoverable.

Positive elements contained within the Welsh Government's proposals include the need for breeders to produce enhancement and enrichment programmes, and documentation detailing how puppies will be socialised. Redefining the interpretation of what constitutes a dog breeder is also a step in the right direction, though we have previously proposed that ownership of two breeding bitches, alongside other criteria, might be more appropriate to best protect puppies bred by breeders.

However, the inclusion of a staff-to-dog ratio which excludes puppies has been another major, on-going concern. The ratio states at least one member of staff must be in attendance at a breeding establishment per 20 adult dogs, but notably now excludes puppies. Depending on the size of a breeding bitch's litter, this ratio could leave one attendant facing the prospect of caring for as many as 200 dogs and puppies at once, potentially allowing as little as two minutes to provide for each animal in a working day.

This ratio, we believe, is deeply flawed and offers inappropriate legal safeguards for establishments. It threatens to undermine the legislation's aims, and appears incompatible with many of its provisions and the requirements anticipated to be included within Welsh Government guidance.

RSPCA Cymru has identified other anomalies regarding staffing requirement proposals. As was drafted, two part-time attendants sharing the workload of a working week could, between them, legally provide consistent care for ten adult dogs; yet a single full-time attendant could provide the exact same care for 20 adult dogs.

---

<sup>5</sup> WalesOnline, 30 December 2013

<sup>6</sup> Explanatory Memorandum to Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013 (since withdrawn), 12 June 2013

<sup>7</sup> Companion Animal Welfare Enhancement Scheme Baseline Data 2010-11, as identified in 31 March 2011

Much of the proposals previously brought forward by the Welsh Government promise to significantly improve conditions for dogs and puppies at breeding establishments across Wales. However, it is important to note our previous submissions on the issue, including an Expert Panel, which contain further improvements which could be made in the future<sup>8</sup>. When the regulations are re-introduced, it is vital that a flawed staff-to-dog ratio is not allowed to undermine many of these positive proposals. Given the scale of dog breeding in Wales, the opportunity must be seized to bring forward proposals which adequately improve welfare standards at establishments and, crucially, are welcomed and enforceable by Local Authorities.

## WILD ANIMALS IN CIRCUSES

In Wales, wild animals continue to face the prospect of life in a circus environment. This is despite scientific evidence, in our view, clearly demonstrating that life within a travelling circus is likely to have harmful effects on animal welfare.

Circuses are unsuitable and unable to meet the sizable and complex living conditions of wild animals. Regular transport, cramped housing, forced training and loud noises often prove an unavoidable reality for wild animals based within a circus setting. Despite this, in Wales, wild animals continue to be forced to perform in such environments, with one such circus - Circus Mondao - recently undertaking a tour of communities across Wales.

Public opinion in Wales has shown to be in favour of a ban on the use of wild animals in circuses<sup>9</sup>, whilst a majority of Local Authorities have already issued a ban on the land which they control. The Welsh Government has acknowledged public support which exists for a ban and the need for appropriate action. However, they have expressed willingness for the UK Government to legislate on their behalf on the issue, stating their preference of *"working with the UK Government and seeking an extension to the offence of using a wild animal in a circus to Wales"*<sup>10</sup>.

However, legislative attempts to progress the issue at Westminster have, thus far, failed. Despite previously pledging to *"take tough, prompt action"*<sup>11</sup>, this inaction from the UK Government is unacceptable. The issue's recent omission from the 2014 Queen's Speech was very disappointing - and time appears to be running out for this issue to be considered within the current Parliament. Additionally, a Private Member's Bill brought forward by Jim Fitzpatrick MP has, thus far, met objection at the second reading stage.

There are significant, global examples of successfully imposed bans on the use of wild animals in circuses, including - in Europe - Austria, Belgium, Bulgaria, Croatia, Cyprus, Greece, Malta and Slovenia; and - further afield - Bolivia, Colombia, Costa Rica, Israel, Paraguay, Peru and

---

<sup>8</sup> Information available at [PoliticalAnimal.org.uk/Wales](http://PoliticalAnimal.org.uk/Wales)

<sup>9</sup> An Ipsos MORI poll in Wales for RSPCA Cymru found in 2006 that 76 percent supported a ban

<sup>10</sup> Written Assembly Question, WAQ64896

<sup>11</sup> Hansard, 13 January 2013

Singapore. With inaction at Westminster continuing, pressure may resume on the Welsh Government to bring forward their own legislative proposals.

## NON-STUN SLAUGHTER

Current law in Wales requires animals to be stunned before slaughter, but exemptions exist for certain communities. Expert opinion indicates that the practice of non-stun slaughter compromises animal welfare, causing unnecessary suffering to the animals involved. Farm animals slaughtered by this method can experience very significant pain and distress, according to expert opinion. The Farm Animal Welfare Committee has stated that "... slaughter without pre-stunning is unacceptable"<sup>12</sup>.

Non-stun slaughter is prohibited under European law, but member states have the option to provide exemptions for the Shechita (Jewish) and Halal (Muslim) methods of slaughter. In Wales, exemptions exist under the Welfare of Animals at the Time of Killing (Wales) Regulations 2014<sup>13</sup>.

When performed correctly, stunning causes an animal to lose consciousness until death supervenes, thus rendering the animal insensible to pain during the slaughter process. Of the millions of farm animals slaughtered in Wales each year, the vast majority will be stunned before slaughter. It should also be noted that an estimated 88 percent of animals slaughtered via the Halal method are stunned before slaughter<sup>14</sup>.

One abattoir<sup>15</sup>, of approximately 23<sup>16</sup> in Wales, currently undertakes slaughter via the non-stun method. The Food Standards Agency (FSA) have recently been commissioned by the Welsh Government to collect monthly data regarding the number of animals slaughtered by the non-stun method at this abattoir and, as such, in Wales. It is disappointing, however, that the Welsh Government is not, as of yet, planning to publish this data<sup>17</sup>.

Any consideration given by the Committee to the issue of non-stun slaughter would be timely. The issue has received increased public attention in recent months and, RSPCA Cymru has witnessed a groundswell of public opinion in support of ending the exemptions currently in existence. Backed by the British Veterinary Association (BVA), RSPCA Cymru launched a petition at the Royal Welsh Agricultural Show urging the Welsh Government to end the existing exemptions. Within a short period of time, this petition has attracted in excess of 2,300 signatures from residents in Wales, and RSPCA Cymru was overwhelmed by the level of support the campaign received at the RWAS.

---

<sup>12</sup> FAWC Report: 'Welfare of farmed animals at slaughter or killing', 2003

<sup>13</sup> Schedule 3 outlines the circumstances in which sheep, goat, a bovine animal or bird may be slaughtered in Wales in accordance with religious rites without prior stunning.

<sup>14</sup> Food Standards Agency (2012) - Results of the 2011 FSA Animal Welfare survey in Great Britain

<sup>15</sup> Written Assembly Question, WAQ67707

<sup>16</sup> As of 2011, according to the Food Standard Agency's Animal Welfare Survey in Great Britain, there were 23 slaughterhouses in Wales. One currently undertakes slaughter via the non-stun method.

<sup>17</sup> Written Assembly Question, WAQ67884

The BVA have said the issue is one of the "top priorities" for their members<sup>18</sup>; and a HM Government petition, urging Defra to act in England, has attracted over 77,000 signatures.

Further to ending the exemptions to stunning before slaughter, additional positive steps that could be taken in relation to slaughterhouse welfare include the introduction of mandatory CCTV in slaughterhouses, and 'Method of Production' labelling to ensure consumers no longer inadvertently purchase produce slaughtered via a practice they oppose.

Bans on non-stun slaughter have been introduced across the world, including in New Zealand, Sweden, Poland and Norway. Action in Wales would not only end a practice which can cause suffering to Wales' farm animals, but set a positive example to other decision-makers across the United Kingdom, Europe and beyond.

## CONTROL OF DOGS LEGISLATION

From October 20th 2014, new aspects of the Anti-Social Behaviour, Crime & Policing Act have come into force, providing, Local Authorities and Police with a series of additional powers, many of which can be utilised in efforts to tackle issues related to irresponsible dog ownership.

When exploring the impact of the new UK legislation on Wales and dog welfare, it is important to do so in the context of proposals previously brought forward by the Welsh Government in the shape of the Control of Dogs (Wales) Bill. Whilst, as outlined in [evidence](#)<sup>19</sup> previously submitted to the Committee, RSPCA Cymru remains disappointed by the decision to withdraw that Bill, we were very pleased to be asked by the Welsh Government to convene a Working Group exploring issues of responsible dog ownership<sup>20</sup>. We are hopeful issues such as prevention, education, training and awareness-raising will form a key part of the Group's remit.

When powers granted via the Anti-Social Behaviour, Crime & Policing Act are deployed in relation to dogs, appropriate training is paramount. It is vital enforcers have appropriate knowledge, understanding and skills in relation to dog behaviour, handling and welfare. We fear due to a lack of knowledge and expertise, practitioners may unintentionally and unwittingly compromise dog welfare or place public safety at risk when attempting to tackle behavioural problems. We have previously expressed support of findings from the EFRA Select Committee, which observed "*those advising the Courts must be required to have appropriate training in dog behaviour*"<sup>21</sup>.

As Members will be aware, two of the new powers introduced in Wales, facilitated by the passing of a Legislative Consent Memorandum, are Community Protection Notices (CPNs) and Public Spaces Protection Orders (PSPOs)<sup>22</sup>. CPNs can be used to order an individual to do or stop doing

---

<sup>18</sup> Quote by Rob Davies, BVA, at the launch of RSPCA Cymru's petition calling for an end to non-stun slaughter in Wales

<sup>19</sup> RSPCA Cymru - Evidence to Environment & Sustainability Committee, Control of Dogs legislative issues, July 2013

<sup>20</sup> Welsh Government Written Statement - Control of Dogs (Wales) Bill, 1 July 2014

<sup>21</sup> Environment, Food and Rural Affairs Committee, First Report, Draft Dangerous Dogs (Amendment) Bill, 16 May 2013

<sup>22</sup> LCM-LD9331 - Legislative Consent Memorandum – Anti-social Behaviour, Crime and Policing Bill – Provisions relating to the introduction of Community Protection Notices, Public Space Protection Orders, Closure Notices and Amendments to the Dangerous Dogs Act 1991

certain things if they are behaving in a way which has a persistent or continuing detrimental effect on a locality, whilst PSPOs can prohibit certain activities from taking place in a particular area, or insist certain things must be done within a place. There is a danger that such powers, if utilised without sufficient up-to-date and scientifically sound knowledge or expertise of dog behaviour, welfare and law could greatly impinge upon animal welfare standards and even exacerbate local dog control problems or create unnecessary community tensions.

The Welsh Government's previous legislative proposals made provisions for the serving of Dog Control Notices (DCNs). Their ethos is more preventative, with an educational emphasis in tackling dog control issues. DCNs would allow people to refer concerns about the behaviour of an individual dog and its owner, to which a practitioner can then provide advice and guidance specific to a situation's particular circumstances. This would allow for early intervention, protect public safety and provide for the animal's long term welfare by ensuring action is taken before a serious incident has taken place.

In the context of the ASBC&P Act's largely punitive approach, it is clear efforts must be made to ensure new powers do not adversely stigmatise dog ownership, or lead to owners taking actions that may inadvertently compromise the dog's welfare or cause unwanted behavioural outcomes.

More generally, it is disappointing that more ambitious reform of the Dangerous Dogs Act 1991 (DDA) was not considered as part of this process, either by the Welsh or UK Government, including a shift of focus away from breed-specific legislation. International trends show us breed-specific legislation is unwarranted, and we would strongly welcome statements encouraging measures which focus on owners and not a breed or type of dog.

The new UK Act amends the DDA to define an attack by a dog on an assistance dog as an aggravated attack<sup>23</sup>. This is a welcome development given the detrimental impact such an incident can have on both the owner and animal. However, we would support further amendment of Section 3 of the DDA to ensure attacks on all 'protected animals' (as defined by section 2 of the Animal Welfare Act 2006) is deemed an offence. Whilst the Welsh Government's previous view that such incidents should be deemed as an aggravated offence went too far, discussions on the topic were welcome and could be resurrected in the future.

As noted, we were recently very pleased to be asked by the Welsh Government to facilitate a Working Group to explore issues concerning responsible dog ownership. We hope our work in this field, in conjunction with key stakeholders, will help inform the Welsh Government as to steps it can take following the introduction of new measures implemented via the Anti-Social Behaviour, Crime & Policing Act.

## REGULATION OF ANIMAL SANCTUARIES

Most animal welfare establishments or "sanctuaries" are invaluable resources for animal welfare.

---

<sup>23</sup> Amendment to Dangerous Dogs Act 1991 made by Section 106 of the Anti-Social Behaviour, Crime and Policing Act 2014

However, no regulations exist presently to specifically govern animal welfare establishments, their on-going practices or the standard of care animals must be kept in. This, RSPCA Cymru believes, would surprise many members of the public, who may already believe that animal sanctuaries are subject to particular standards or regulation by their Local Authority, much in the same way as riding, breeding and boarding establishments.

Presently, any individual or group is able to establish a 'sanctuary', which could house companion, wild, farmed or a mixture of such animals, without meeting any specific standard or criteria.

Though definition issues exist as to what constitutes a sanctuary, CAWES data previously recorded 88 'sanctuaries'<sup>24</sup> in Wales which Local Authorities were able to identify. Thus, it can be assumed that a significant number of Wales' animals are based in such establishments, many of which do invaluable work in ensuring their welfare needs are met.

In October 2012, the Animal Welfare Network for Wales (AWNW), of which RSPCA Cymru is an active participant, presented a [report](#)<sup>25</sup> on the issue to the Welsh Government. The report called for "*regulation of AWEs be introduced in Wales*", with establishments needing to "*prove that their policies comply with the Animal Welfare Act*". Such a licensing scheme, it is envisaged, would be administered via cost-recoverable, Local Authority-administered risk-based inspections, which should involve veterinary presence.

We look forward to the Welsh Government responding to this report, and remain eager to engage with all stakeholders on this issue with the aim of secondary legislation being brought forward under the Animal Welfare Act (2006) to protect sanctuaries, animals in this sector and ensure best practice.

Each of the issues briefly explored in this written evidence could warrant a paper of its own and, as ever, RSPCA Cymru would be delighted to provide additional information that the Committee may require. Additional information can also be found on RSPCA Cymru's [PoliticalAnimal](#) website. Once again, we wish to highlight our gratitude to the Committee Chair, Members and staff for their facilitation of this important session.

---

<sup>24</sup> Companion Animal Welfare Enhancement Scheme, Baseline of Premises Data, identified 31 March 2011

<sup>25</sup> Animal Welfare Network for Wales - The case for the regulation of Animal Welfare Establishments in Wales, October 2012