



**Northern Ireland
Assembly**

**COMMITTEE FOR
AGRICULTURE AND
RURAL DEVELOPMENT**

OFFICIAL REPORT
(Hansard)

**Welfare of Animals Bill:
Local Government**

12 October 2010

NORTHERN IRELAND ASSEMBLY

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RURAL DEVELOPMENT**

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Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
Mr Roy Beggs (Deputy Chairperson)
Mr Trevor Clarke
Mr Simpson Gibson
Mr Francie Molloy

Witnesses:

Mr John Corkey)	Belfast City Council
Ms Karen Smyth)	Northern Ireland Local Government Association
Ms Gillian Topping)	Banbridge District Council

The Chairperson (Mr Moutray):

I welcome John Corkey from Belfast City Council, Gillian Topping from Banbridge District Council and Karen Smyth, head of policy at the Northern Ireland Local Government Association (NILGA).

Ms Karen Smyth (Northern Ireland Local Government Association):

We will try to keep this brief, because we are aware that you had a mammoth session earlier this afternoon. We thank you for the invitation to present evidence to the Committee. On behalf of NILGA, I apologise for the fact that we have no elected members with us. Councillors Jenny

Palmer and Bert Wilson send their apologies for being unable to attend.

The Committee asked NILGA to facilitate local councils to give evidence, and we communicated with the councils that responded to the Committee to ensure that we would be able to field appropriate representatives. The views expressed today have undergone elected member oversight in councils, but not in NILGA, so we will send a follow-up letter to back up the views of elected members.

We broadly welcome the Welfare of Animals Bill. However, as with all draft Bills, there are issues of concern, and we need to make sure that we work together so that the legislation is practical and enforceable on the ground. You will be aware that councils in Northern Ireland currently have no role or input in the field of animal health and welfare, which is a significant difference from the regime that is in place in Great Britain. Consequently, we have a very weak base on which to begin to enforce the legislation if it is enacted.

The chief concern of councils is that the proposals in the Bill that deal with the role of councils greatly exceed the role that was previously proposed and consulted on. It is our view that the proposed powers, although discretionary, will raise public expectations of councils with regard to delivery, and we are deeply concerned that there appears to be no funding to support the proposed new burden on councils.

I understand that you have already received written evidence from local government, but we view this meeting as a valuable opportunity to update you on our main concerns and to discuss the issues. Therefore, I shall bring in my colleagues, Gillian Topping from Banbridge District Council and John Corkey from Belfast City Council.

Ms Gillian Topping (Banbridge District Council):

Thank you for the opportunity to address the Committee. For your information, the response submitted by Banbridge District Council was ratified by the council at its meeting on 4 October. It is from that submission that I will draw some main points on consultation and on the powers of councils in enforcement and licensing roles.

To give you some background on the policy proposals, the original public consultation was carried out in 2006, and, with respect to the role of councils, the consultation document contained

a question about extending registration around dog-breeding establishments, and another on councils having a greater role in general enforcement. The second question referred specifically to licensing and registration activities involving animals. We also note that, in 2009, there was an animal welfare legislation workshop for stakeholders. Having reviewed the minutes of that meeting, we found no reference to further discussions with invitees about an extended remit for councils on wider welfare issues.

The comments from the consultation are relevant to the comments that we would wish to make on the proposed role of councils in the Bill. Councils had little knowledge of what is proposed in the Bill until it was published. We suggest that the consultations in 2006 and 2009 were limited in scope, and the proposals in the Bill on the role of councils extend far beyond that which was proposed and consulted on.

With respect to enforcement responsibilities, as you heard, local councils in Northern Ireland have no role or input into the area of animal health and welfare. Members will no doubt be familiar with the roles of council staff in the enforcement of legislation designed to deal with dog control matters. Those roles are based largely on a system of public protection and investigation, as opposed to animal welfare issues. As you heard from Karen Smyth, unlike in England and Wales, where a very similar Act is in place, there is no existing foundation in Northern Ireland councils for the type of animal welfare work that is envisaged in the Bill, which would give councils a role in the welfare of protected domesticated or companion animals.

I refer members to clause 29, which concerns the power of councils to prosecute offences. That is our main point of concern. We note that it is framed as a discretionary power as the term “may” is used. In relation to general welfare complaints about the keeping of companion animals, such as someone’s dog or cat, councils are reluctant to accept those powers because it would give rise to public expectation that councils would investigate and prosecute cases of negligence and cruelty in the domestic setting.

The Department’s comments in the explanatory memorandum are noted. It states that the proposal to provide councils with powers to enforce the clause is permissive; in other words, it is discretionary. Therefore, no additional funding will be made available to councils. We recognise the benefits in providing local government with a wide range of functions at a local level on issues that the public feel are important. However, we will not be able to meet that public

expectation within our current budgets. I am sure that the Committee knows that those are likely to be placed under further pressure. We respectfully suggest that that clause be removed from the Bill.

As regards available resources to deal with complaints and to carry out an investigation, I refer members to clause 17, which concerns the power to remove an animal that is in distress, if that is what is immediately necessary to alleviate suffering. That will involve at least costs that are associated with veterinary examinations and treatment, and, very likely, accommodation costs, all of which will be placed on the ratepayer. There is no mention of new burden funding to assist that or a reimbursement fund. Although clause 17(13) allows for expense reimbursement by order of a Magistrate's Court, council officers will, no doubt, tell the Committee and their elected members that going to court costs money. There are no guarantees that someone will always be identified and made to pay or that that reimbursement will ever be made in full. In all those situations, councils simply would not have the resources or even the expertise to deal with welfare issues.

We would also like to comment about the role of the council in relation to licensing and registration. I refer members to clause 12 and schedule 2. It is noted that, for the purposes of licensing and registration of activities that involve animals, regulations will provide for the licensing authority to be a council or the Department. We would welcome further consultation on that area of the Bill. We have not been provided with explicit information on the proposed role for councils. We note from the memorandum that the licensing and registration of animal establishments such as pet shops will transfer from the Department of Agriculture and Rural Development to the councils. It is anticipated that extending the current role of councils from dog-breeding establishments and the registration thereof to include the licensing of pet shops, riding schools, animal boarding kennels, and even zoos, is possible. We point out that our animal expertise relates only to dogs. Those licensing activities relate to animal welfare that is outside of our current expertise levels.

The Bill will have the effect of adding significantly to the diversity of expertise and resource that is required in respect of existing local authority inspection and enforcement roles. We put that forward as a new burden on councils. A prerequisite to the councils taking on those very substantial roles and responsibilities must be the provision of suitable and sufficient resources. That is vital if councils are to deliver that service.

John will conclude our presentation, after which we will deal with any questions or queries that members may have.

Mr John Corkey (Belfast City Council):

Thank you very much, Chairman, for giving me the opportunity to speak to the Committee. Gillian and Karen covered the salient points. I will be very brief. I remind the Committee that Belfast City Council's written submission of 15 September 2010 was an officer response. I inform members that that response has now received the approval of the council's health and environmental services committee, although it has not yet been ratified by the full council. The next full council meeting is on 1 November 2010.

At the outset, I stress that Belfast City Council is very supportive of legislation to promote the welfare of animals. However, it is particularly concerned about the issue of enforcement, and the council has not endorsed the suggestion that councils should have powers to initiate proceedings for offences under the Bill. Indeed, without additional funding, it is unlikely that Belfast City Council will embrace the discretionary option of enforcement.

Animal welfare would be a completely new area of work. Although the discretionary option for enforcement in clause 29 may appear to relieve councils of any obligations in that regard, any reluctance on the part of a council to assume an enforcement role could result not only in negative perceptions of local government in general, and district councils in particular, but in legal challenge. It is the view of Belfast City Council that enforcement of the Bill would most appropriately be achieved by the PSNI working where necessary in association with an appropriate animal charity such as the USPCA. The council, therefore, respectfully requests that the Committee reconsider the issue of enforcement as set out in clause 29.

The Chairperson:

Thank you for your presentation. You indicated that there will be significant resource implications in respect of the enforcement of the obligations that are contained in the Bill. What level of implication do you estimate, and how do you see those resource implications being met?

Mr Corkey:

As I indicated, this will be a completely new area of work. We have not costed out the monetary

implications. There would be a need for additional staff, and there would be administrative and training costs. Veterinary services and, probably, husbandry skills would be required. We may require premises. On occasion, we would probably be required to transport large animals such as horses and ponies, which are often associated with animal welfare issues. The resource implications have not been clarified, but, from a superficial look, it is clear that there will be significant resource implications, and the councils do not currently have those resources.

The Chairperson:

The costs will be considerable.

Mr Molloy:

I declare an interest as a member of Dungannon and South Tyrone Borough Council and of NILGA.

The Chairperson:

I declare an interest as a member of Craigavon District Council.

Mr Beggs:

I am a member of Carrickfergus Borough Council.

Mr T Clarke:

I am a member of Antrim Borough Council.

Mr Molloy:

Thank you for the presentation. I am aware of the concerns that were raised. It is worthwhile to state that it is officers who made the presentation and that their statements have not been ratified by elected members. Therefore, private individuals are putting forward proposals. They made a point in relation to the USPCA —

The Chairperson:

Mr Molloy, Ms Topping has indicated that Banbridge District Council has ratified the comments.

Ms Topping:

Yes.

Mr Molloy:

Yes, but what about Belfast City Council?

Mr Corkey:

The members of Belfast City Council's health and environmental services committee have endorsed it, so I can speak on their behalf.

Mr Molloy:

Perhaps Belfast City Council works in an entirely different way, but I understand that, unless the full council ratifies something, it has no standing whatsoever.

The Chairperson:

We are splitting hairs. Go ahead, Mr Molloy.

Mr Beggs:

You will be reassured to know that it is going to full council.

Mr Molloy:

It is an important point. Unless elected members ratify it, it has no standing whatsoever in any council, regardless of where it is. However, that is a side issue. You said that you recommend that the USPCA should be used. What is your knowledge of the work of the USPCA on the welfare of animals or of its authority on the welfare of animals?

Mr Corkey:

We have been involved with the USPCA for many years. It has provided boarding kennels for Belfast City Council and for some other councils. I am aware that it is an animal welfare charity, but I used the USPCA simply as an example of the type of organisation that I see the PSNI utilising to deliver on the legislation. I was not holding up the USPCA specifically over and above any other animal welfare organisation. I used it simply to illustrate a point.

Mr Molloy:

You are not aware that there may be question marks about how the USPCA has handled other situations or about the welfare of animals in its care in other situations?

Mr Corkey:

I could not comment on that.

Mr Molloy:

I understand that the Department of the Environment would be the body that would transfer power to councils as we have not had the review of public administration in operation. It was mentioned that, in the legislation, the Department of Agriculture states that it wants to transfer powers to councils; is there any authority for that?

Ms Topping:

I was referring to what was written in the explanatory memorandum, which I assume was written by the Department of Agriculture.

Mr Molloy:

Does the Department of Agriculture have any authority to delegate powers to local government?

Ms Smyth:

We would need to check and come back to the Committee on that point.

Mr Molloy:

You stated that there was early consultation, but not further consultation on additional bits that would be transferred or delegated to councils. Have you had any communication with the Department since the Bill was published?

Ms Topping:

The first opportunity that we had to see the Bill was when it was published.

Ms Smyth:

Mr Molloy made a point earlier about not having ratified information. Part of the issue is that what the Bill suggests is quite a new idea for us, and so some councils may not even know that the proposals are in place. We may need more time to consider that.

Mr Molloy:

My other point, to return to the start of your presentation, is that I would look more favourably on presentations coming from elected members of representative councils rather than just officials.

Ms Smyth:

We are aware of that, Mr Molloy.

Mr Beggs:

You have opposed powers coming down to the local councils because of the lack of expertise and the wide variety of specialist knowledge of animals that might be required. Can you confirm how incidents are dealt with at the minute? Is there no role for local authorities at present? You referred to the USPCA and such organisations, as well as the PSNI; are you suggesting a continuation of the status quo?

Ms Topping:

Currently, councils can get a number of queries; people will ring the council particularly about pets — cats, dogs or occasionally ponies or horses. We have no role in animal welfare, so we will refer people to the USPCA or to the police. We do not take any role in investigating or following up any of those matters. It is not within our jurisdiction. The only animal welfare role that we have, which ties in with the licensing role, is the licensing and registration of dog-breeding establishments, which I believe will be transferred from the Dogs Order 1983 into the Welfare of Animals Bill by way of regulation.

Mr Beggs:

If you think that those powers should not come down to councils, are you suggesting any other changes, or are you just saying that there should be a continuation of the status quo that exists with the USPCA or similar body and the PSNI?

Ms Topping:

I am not making any comment on improving the current situation. I suppose what we are identifying are the risks and challenges in giving enforcement roles to councils.

Mr Corkey:

The councils, certainly Belfast City Council, are happy to support or endorse the introduction of

this type of animal welfare legislation. The mechanisms to deliver may not necessarily be available. Perhaps a better consultation process would allow us to be in a better position to embrace this type of legislation.

The Chairperson:

OK. I think that is all for this afternoon.

Mr Molloy:

I just want to state for the record that the Department has told this Committee that the USPCA has no authority in relation to animal welfare.

The Chairperson:

Thank you for your attendance.