

**CROSS PARTY GROUP IN THE SCOTTISH PARLIAMENT ON ANIMAL WELFARE**  
**51<sup>st</sup> meeting**  
**Tuesday 1 May 2012**  
**Committee Room 2, Scottish Parliament**

**MSPs:** Christine Grahame MSP (Convener)  
Jamie McGrigor MSP

**Associate Members:** Patricia Saluja, University of Aberdeen  
Ailsa Anderson, Scottish Land and Estates  
Morton Houston, South Ayrshire Council  
Gillian Bain, Highland Council  
Alastair Greig, Scottish Badgers  
Brian Hosie, Scottish Agricultural College/**BVA**  
David Craig, World Horse Welfare  
Donald Shepherd  
Joan Shepherd  
John Burns, World Horse Welfare  
John Bruce, British Deer Society  
Alex Hogg, Scottish Gamekeepers' Association  
Victoria Greening, Scottish Gamekeepers' Association  
Louise Robertson, League Against Cruel Sports  
Denis Hearsum, Perth and Kinross Council  
Jack Johnstone, Dogs Trust  
Laura Vallance, Dogs Trust  
Louise Robertson, League Against Cruel Sports  
Mike Flynn, Scottish SPCA  
Beverley Williams, Scottish Government  
Libby Anderson, OneKind (Secretary)  
Kirsty Connell, OneKind  
John Patrick, Scotland for Animals  
John Robins, Animal Concern Advice Line  
George Leslie, Canine Concern Scotland  
Patricia Neeson  
Michael Park, Animal Health and Veterinary Laboratories Agency

**Apologies:** Elaine Murray MSP  
Claudia Beamish MSP  
Alison Johnstone MSP  
Bill Reilly, BVA  
Helene Mauchlen, British Horse Society  
Victoria Brown, Kennel Club  
Mauvis Gore, Marine Conservation International  
Nicolle Hamilton, British Association for Shooting and Conservation  
Natalie Waran, Jeanne Marchig Centre for Animal Welfare Education  
Ross Allan, British Veterinary Association  
Ross Montague  
Chris Draper, Born Free Foundation  
Nigel Miller, National Farmers' Union Scotland  
Sarah Anderson, National Farmers' Union Scotland

Charles Everitt, National Wildlife Crime Unit  
Keith Meldrum, World Horse Welfare  
Jean Fairlie, Scottish Weimaraner Rescue  
Adam Reed, University of St Andrews

### **1. Welcome and introductions**

The Convener (CG) welcomed new members Michael Park of the Animal Health and Veterinary Laboratories Agency and John Robins of Animal Concern Advice Line, as well as visitors Joan and Donald Shepherd for the discussion of the animal welfare legislation and how it regulates boarding kennels.

### **2. Minutes of previous meeting**

These were agreed.

### **3. Matters arising**

#### **CCTV sub-group**

The sub-group met on 20 March and agreed to send out a questionnaire to slaughterhouses in Scotland to ask about their current arrangements with regard to CCTV. The Secretary has drafted a questionnaire and correspondence is still being received on this. There has been some disagreement between sub-group members as to what it is appropriate to cover in the survey. It was hoped to resolve the final issues that week and a OneKind volunteer was researching contact names and addresses, so that the survey could be sent out shortly.

#### **Out of hours veterinary cover**

John Scott MSP had asked if the Group could do anything about the shortage of veterinary cover out of hours in some areas, for both livestock and pets. The case in question had concerned a cocker spaniel with breathing difficulties and the nearest out of hours veterinary cover was 15 miles away.

Brian Hosie (BH) provided RCVS guidance sourced for the Group by the BVA **which he had been asked to represent on this issue at the meeting** (see Annex 1).

George Leslie (GL) added that Vets Now provided most out of hours treatment in the main urban centres but they did require the client to bring the pet to the centre. The quality of service was very high, but expensive. There was considerable pressure on small veterinary practices, especially those that cared for farm animals, which could result in vets having to stay up all night unless there was a service available. Many farmers administered emergency treatment themselves and were often very competent. John Burns (JB) said that a mixed practice would provide a service for large animals and equines. GL thought it was not adequate simply to leave the Vets Now number on the practice answerphone at night.

Michael Park (MP) commented that on-call provision was very arduous and the demands could drive people out of the profession. The RCVS code required out of hours cover but people might be reluctant to be available at all times.

BH commented that government subsidies were provided for cover in the Highlands under a special scheme. Beverley Williams (BW) added that this subsidised travel costs to vets; MP said that this assisted the agricultural community but also made veterinary practices viable in these areas.

**Action point: Secretary to draft letter to John Scott with response and to Minister to ask about incentives to support veterinary surgeons**

#### **4. Correspondence**

##### **Microchipping**

Alison Johnstone MSP had written to the Group following a meeting with the Kennel Club, to request discussion of compulsory microchipping of dogs and the online advertising of pets at a future meeting. The Dogs Trust had made a request for the same topics.

The Convener said that the Group had discussed compulsory microchipping in the last session at its meeting on 19 January 2010, with a presentation by Chris Laurence, Veterinary Director, Dogs Trust and Chairman, Microchip Advisory Group. Online advertising of pets would be relevant to the next item, about animal welfare legislation.

#### **5. Animal Health and Welfare (Scotland) Act 2006**

##### **Implementation and enforcement**

Mike Flynn (MF) had supplied a summary of Scottish SPCA cases which had been circulated (see Annex 2). MF pointed out that figures would also be collected by police, animal health officers and vets. The legislation in force since 2006 was being better implemented by the courts. Two specialist Procurators Fiscal were marking up animal welfare cases and a third was due to start soon. Inconsistencies in sentences continued however. For example, a person had received a life ban on keeping animals for an offence of abandonment, whereas someone else who had beaten a spaniel to death received only a five-year ban. However the number of life bans had more than doubled overall, with any breaches potentially leading to a jail sentence.

JR questioned whether it was appropriate for the Scottish SPCA to use charitable money to do most of the prosecutions when the police, state veterinary service and local authorities had a legal obligation to prosecute. MF agreed that the Scottish SPCA brought 90% of domestic animal cases and could incur significant veterinary fees. Morton Houston (MH) said that local authorities mainly took livestock cases but handed companion animal cases over to the Scottish SPCA. GL asked whether founding cases on unnecessary suffering was adequate. MF said that nine out of ten cases could be avoided with better advice.

John Patrick (JP) said that Scotland for Animals was dealing with a case of serious cruelty where an animal had died and a person had confessed. The police were not interested and tried to “dump” it on the Scottish SPCA. This should be a matter for police intervention, not left to a charity. MF said that the co-operation between the police and the Scottish SPCA was fantastic. The Society could now get warrants at its own hand and seize animals if necessary. The police were willing to do this but there were management issues. It was preferable if owners would sign animals over to the Society and they could be re-homed – otherwise they had to be kept for long periods.

Denis Hearsom (DH) asked if the Procurator Fiscal would pay care bills: MF responded that if the Scottish SPCA charged the Crown there was a risk that an animal would be returned to its owner before the case had taken place.

Patricia Saluja said that the Scottish SPCA figures were very interesting and asked where the full picture could be obtained. MF said that this would come from individual police forces. CG commented that this could change with the single police force.

GL asked how many breaches of s.20 (3) – prohibiting the taking of animals across the border for a mutilation that was illegal in Scotland – had occurred. MF said there had been four tail-docking convictions last year involving Boxer and Rottweiler dogs intended for the pedigree market.

GL said that much depended on care notices, codes of practice and guidance notes. BW said there were now welfare codes for all major farm animals, cats, dogs and horses. MF said that 1,500 care notices had been issued. MH added that figures from local authorities had not been collated for this meeting but they could be provided.

The Secretary (LA) reminded the Group that local authorities had powers under the 2006 Act but were not obliged to use them. MH agreed but said that he was not aware of the powers not being used.

JR commented that there appeared to be no duty on anyone to use the Act against fish farmers who failed to ensure the welfare of their fish.

### **Secondary legislation under the 2006 Act**

CG recalled that the Group had written to the Cabinet Secretary requesting an update on secondary legislation under the Act, and proposed implementation dates. BW said that the department did not have resources allocated to take this forward. JR said that it should be fully resourced. JP added that there was plenty of money about. ~~In addition, the level of penalties for offences should be raised.—It was not that current maximum tariffs should be applied but that the current tariffs themselves were unacceptable and should be amended.~~

CG thought that it might be time for a review of the Act as it had been in force since 2006, including a look at consistency of sentencing. MF said that the maximum sentence had never been imposed. The Crown would compare with other crimes when recommending sentence. JP said that there were links between domestic violence and child abuse and animal cruelty. The courts should be persuaded to use the maximum tariffs. CG said that research showed this link was well established and parliamentarians accepted it, but could not tell the judiciary what to do. She asked if MF could speak to Sheriffs about sentencing.

She asked what the Parliament could do to move things along. MF said that CG had done her bit with the “doggy ASBOs” and asked if the Parliament could secure more funding for resources. CG said she could ask the Cabinet Secretary what the resourcing implications were for introducing secondary legislation. BW said that the original topics were still on the list but the department did not have the resources.

DH commented that much of the secondary legislation was now two years overdue. An Act should not be brought in if it could not fulfil its function.

Laura Vallance (LV) said that resource cuts were in place across the UK generally. Turning to the online sale of pets, the Pet Advertising Advisory Group was working on this. Originally pets had been advertised in newspapers but this was now online and it was necessary to work with the industry and providers such as Gumtree. CG noted the inappropriateness of selling animals in this way. Online regulation was however a reserved matter.

Moving on to the regulation of boarding kennels and catteries, Donald Shepherd (DS) told the story of his English setter, Monty, who was in a kennel for two weeks, during which time he lost six kilos. He had died shortly after coming out. He and his wife Joan had taken advice from the Scottish SPCA and had complained to the Dumfries and Galloway Council on the basis that a licensed kennel

operator should be competent to know when a dog was ill. The council had sent a trainee inspector to visit the kennels, and this was not adequate. DS had asked the Council Chief Executive to do something about the kennels and had involved his MSP, but the Council appeared to be happy with its monitoring. He understood that current kennel licence fees of £70 – 80 were not adequate to fund a rigorous inspection regime. DS felt that as the kennel owner had not kept records, a case should have gone to the Procurator Fiscal. The Scottish SPCA should be given responsibility for inspecting premises, with kennel owners paying for visits.

GL said that he ran a boarding kennel in East Ayrshire where he paid £90 for a licence and £300 for veterinary inspections. Things he would like to see under the licence were space allowances, the provision of outside runs and adequate insurance. DS agreed, saying that pet owners were happy to pay for their pets to be adequately covered.

Gillian Bain (GB) said that from the local authority point of view she was surprised at the approach. Normally she would fully investigate a complaint and provide a full report for the relevant committee. Local authorities were meant to recover fees so that there was no cost to councils.

Jack Johnstone (JJ) sympathised with Mr and Mrs Shepherd for their loss of Monty. Stronger enforcement of legislation was required – even a fee of £100 for a boarding licence did not cover proper inspections. Dogs Trust shelters were subject to inspections. He suggested that there should be different grades of licences depending on the numbers of dogs accommodated, with realistic fees for realistic inspections. He believed that the Scottish Parliament should look at these ideas. It was expected that a dog might lose weight in kennels but 6 kilos in 15 days was excessive.

DH asked if a veterinary report had been obtained. DS said that the local vet had attempted to do a blood count on Monty and they had ended up at Vets Now. It was impossible to get a specialist and they had taken him home. Joan Shepherd (JS) said they could not understand why the kennel owner had not noticed Monty's state, he was covered in sores and scabs. Their Rottweiler had also had a skin infection.

CG said she had concerns about boarding kennels and unregulated areas such as dog walkers. JP mentioned dog groomers as well. DS said that the breeder who groomed their setter had a kennel licence, but in six years had never had a visit from the council.

CG said that the group would write to the Cabinet Secretary about secondary legislation and ask what his priorities were. DH pointed out that local authorities were told to de-regulate and reduce inspections. He used to do one annual check and two interim visits to kennels, all unannounced, but that was no longer possible.

John Robins (JR) said that he had looked at private kennels and catteries. These should have CCTV installed, which could be monitored and accessed by the local authority. Hard drives could hold material for months. Legislation was needed, not voluntary codes of conduct. Other necessary secondary legislation should cover the licensing of animal sanctuaries.

MH raised the issue of costs incurred when enforcing the 2006 Act. These were substantial for companion animals and considerably more so for livestock. In one case, taking animals into care had incurred up to £60,000 of unbudgeted costs. He wondered if a fund could be accessed to meet these costs until animals were disposed of and some expenses recouped.

The offences in the Act were good but the provisions on powers were unduly complex, especially the warrants section. It was confusing for warrant holders and for owners. It was not helpful to be

standing in a field and about to take an animal, but to have to go for a warrant first. (This would not apply for some situations, such as tagging offences or dead animals.)

CG said that she would ask the Cabinet Secretary about warrants.

David Craig (DC) reminded the group that the British Horse Society made annual inspections of livery and riding stables, in co-operation with local authorities. GB noted that legislation required riding establishments to be subject to veterinary inspection, but not boarding establishments.

#### **4. Any other business**

GL suggested that Vets Now be invited to talk to the group about out of hours cover. CG recalled that a session on pet vending was also requested.

#### **5. Next meeting September 2012**

## **Annex 1**

Current guidance for veterinary surgeons and veterinary nurses on the provision of 24-hour emergency first aid and pain relief is available on the RCVS website at [www.rcvs.org.uk/247care](http://www.rcvs.org.uk/247care).

Some relevant passages:

3.1 Veterinary surgeons in practice must take steps to provide 24-hour emergency first aid and pain relief to animals according to their skills and the specific situation.

3.2 The responsibility for the welfare of an animal rests primarily with the owner, keeper or carer of the animal. When the owner, keeper or carer is concerned that the animal is suffering or requires attention and contacts a veterinary surgeon, they then place the onus of decision-making onto the veterinary surgeon. With the benefit of prior knowledge of the animal, or relevant enquiry of the client, the veterinary surgeon decides whether attention is required immediately, or reasonably can be delayed.

3.3 Veterinary surgeons are encouraged to cooperate with each other in the provision of emergency first aid and pain relief for animals. Such cooperation may be between groups of local practices, or by a dedicated emergency service clinic, and arrangements should be confirmed in writing. In remote regions of the UK, there may be insufficient numbers of veterinary surgeons to be able to provide an emergency service.

RCVS does not have, nor has had, guidance as to an 'acceptable' amount of travelling time for an owner to take their animal to a veterinary practice to receive out-of-hours (emergency) treatment. RCVS has said that practices should ensure their emergency service provision should be accessible to their clients in a reasonable time. Of course, what is 'reasonable' will depend on different circumstances, such as where in the country the practice is situated. For this reason, it is not possible to stipulate a specific amount of time.

However, RCVS does expect veterinary practices to inform their existing and new clients of the provisions they have in place for out-of-hours emergency cover. Current guidance states:

3.4 Clients should be provided with information on the emergency service, including relevant telephone numbers, location details and the likely initial costs of a consultation. Such information should enable clients to consider whether they are able to access the service outside normal working hours. Special consideration should be given to clients registered as disabled who may have difficulty travelling outside normal working hours.

Hence, while there is no obligation on veterinary practices to 'consult' their clients on their chosen provision of 24-7 first-aid and pain relief, RCVS would expect them to inform new clients of the services they offer, and existing clients of any changes in those services. To this end, the guidance on communication and consent ([www.rcvs.org.uk/consent](http://www.rcvs.org.uk/consent)) further states that veterinary surgeons/nurses should:

11.2 a ensure that clear written information is provided about practice arrangements, including the provision, initial cost and location of the out-of-hours emergency service, and information on the care of in-patients;

## SCOTTISH SPCA ANNUAL REPORT – INSPECTORATE DEPT. – 2011–

Number of telephone calls received by Inspectorate Dept in 2011 was 167,446 (171,802 in 2010)

154 Cases lodged with the Procurator Fiscal with a view to prosecution – (173 lodged in 2010)

SSPCA: 138 Domestic Animal Cases, 7 Farm Animal Cases, 5 Wildlife Cases:

Joint Police: 2 Domestic Animal Cases, 2 Wildlife Cases

| Case Results Obtained   | 2011         | 2010        |
|-------------------------|--------------|-------------|
| <b>SSPCA:</b>           | <b>142</b>   | <b>124</b>  |
| Domestic Animal Cases   | 120          | 111         |
| Farm Animal Cases       | 11           | 4           |
| Wildlife Cases          | 11           | 9           |
| <b>Joint Police:</b>    |              |             |
| Domestic Animal Cases   | 1            | 4           |
| Farm Animal Cases       | 0            | 0           |
| Wildlife Animal Cases   | 2            | 2           |
| <b>TOTAL</b>            | <b>145</b>   | <b>130</b>  |
| <b>Resulting in: -</b>  |              |             |
| Acquitted               | 1            | 5           |
| Admonished              | 10           | 9           |
| Cases Deserted          | 6            | 6           |
| Compensation Order      | £2,050.00    | £2,886.00   |
| Deprivation Order       | 3            | 5           |
| Fines Totalling         | £25,395.00   | £16,878.00  |
| Given Community Service | 5            | 2           |
| Given Probation         | 2            | 2           |
| No Proceedings          | 42           | 24          |
| Not Guilty              | 17           | 16          |
| Not Proven              | 1            | 1           |
| People Banned           | 45 (12 Life) | 38 (5 Life) |
| People Fined            | 51           | 50          |
| People Sent to Prison   | 4            | 1           |
| PF Warning              | 21           | 16          |