

Cross Party Group on Animal Welfare in the Scottish Parliament

54th meeting

Room TG20/21

6.00pm Tuesday 5 February 2013

MSPs: Christine Grahame MSP (convener)
Claudia Beamish MSP
Jamie McGrigor MSP

Associate Members: John Brady, OneKind
Patricia Saluja, University of Aberdeen
Tim Baynes, Scottish Land and Estates
John Bruce, British Deer Society
Jack Johnstone, Dogs Trust
Dennis Hearsum, Perth and Kinross Council, NDWA Scotland
John Burns, World Horse Welfare
George Leslie, Canine Concern Scotland Trust
Adam Reed, University of St Andrews
Tina Warren, Scotland for Animals
John Patrick, Scotland for Animals
Natalie Waran, Jeanne Marchig Centre for Animal Welfare Education
Nigel Miller, National Farmers Union of Scotland
Keith Morton, Royal Society for the Protection of Birds
Beverley Williams, Scottish Government Rural Directorate (Animal Welfare)
Charlie Everitt, National Wildlife Crime Unit
Ronnie Soutar, British Veterinary Association
Colin Shedden, British Association for Shooting and Conservation
Alex Hogg, Scottish Gamekeepers' Association
John Robins, Animal Concern Advice Line
Robbie Kernahan, Scottish Natural Heritage
Donald Shepherd
Joan Shepherd

Apologies: John Scott MSP
Jennifer Dunn, League Against Cruel Sports
Morton Houston, COSLA Animal Health and Welfare
David Craig, World Horse Welfare
Helene Mauchlen, British Horse Society
Philip Martin, Scottish Kennel Club
Ross Allan
Brian Robinson, Association of British Riding Schools
Brian Hosie, British Veterinary Association
Chris Draper, Born Free Foundation
Fraser Henderson, Glo-Wild
Jamie Stewart, Scottish Countryside Alliance
Mike Flynn, Scottish Society for the Prevention of Cruelty to Animals
Libby Anderson, OneKind
Patricia Neeson
Edna Elliot McColl

1. Welcome and introductions

The Convener (CG) welcomed all present and explained that, as she was the only MSP able to attend the meeting, it would not be possible to take any votes, although Claudia Beamish might come later.

(Shortly after the meeting started Claudia Beamish, MSP and Jamie McGrigor, MSP joined the group).

The Convenor also expressed best wishes to Libby Anderson who was not at the meeting due to illness.

CG reported she recently visited Polmont Prison and saw a wonderful project run by the Dogs Trust involving Staffies and young offenders who had written really eloquent diaries about the dogs, and in return received notes back from owners about the dogs.

2. Apologies

As per the attendance list.

3. Minutes of previous meeting

These were approved with amendments received.

4. Matters arising

i) Implementation of EU Regulation 1099/2009 on the protection of animals at the time of slaughter

The convenor noted that Regulations to implement the directly applicable measures in the Regulation have been passed by the Parliament. These maintain existing national rules considered to go beyond the standards of the EU Regulation.

She also noted that the Scottish Government also intends to bring in a second tranche which will cover potential new national rules on issues such as welfare protection for animals killed outside a slaughterhouse and animals killed by methods prescribed by religious rites. Some of the retained national rules could be reviewed under this process.

Beverley Williams (BW) reported that SG is continuing to collate and analyse responses from the consultation on implementing 1099/2009 in Scotland. In parallel, discussions are ongoing regarding training arrangements for industry workers going forwards.

George Leslie (GL) asked if any decision had been made about siting of CCTV cameras. BW reported that the Scottish Government had never intended to implement compulsory CCTV as part of the initial implementation of 1099/2009, but that a specific question had been asked on the matter in the consultation and responses will be considered. There was a discussion about possibly differing opinion on EU legal advice on the legality of siting of CCTV. John Patrick (JP) said that he had obtained advice from the EU that it would be legal for the Scottish Government to legislate on CCTV. BW responded by saying that their legal advice remained that under 1099/2009 there could not be a national rule as provided by 1099/2009 on CCTV - however CCTV was permissible as an enforcement tool. After discussion BW clarified that the view on national rules had been reached by policy officials on reading 1099/2009. She noted that the Commission's letter did not contradict that view, but that it did helpfully confirm that there was no barrier to Member States

choosing to use compulsory CCTV to help enforce 1099/2009, where that use can be shown to be effective and proportionate.

John Robins (JR) expressed concern that the Scottish Government might be wrongly describing its own interpretations of situations as legal opinion in a bid to curb debate and stifle opposition to Government objectives.

CG noted that Government policy was not to release legal advice received. She asked whoever had documentation to send it on and she could table a question.

ii) Circuses with wild animals

The Convenor noted that the Group had a presentation on this subject from Chris Draper of Born Free Foundation in October. Since that time there has continued to be a good deal of activity south of the border including the passage of a complex licensing scheme intended to ensure rigorous welfare standards. A Private Member's Bill seeking a ban on wild animal circuses was introduced by Thomas Docherty MP and during the debate the Minister Richard Benyon MP repeated the coalition government's commitment to introduce a full ban on wild animals in circuses in England by legislation during the current session. DEFRA has offered to extend the scope of this Bill to cover Scotland and, it was believed, the other devolved administrations.

BW advised that the Scottish Government are considering Defra's offer, but that the first steps of clarifying the legal position of a ban in Scotland and consulting remain. The Animal Welfare Team is currently drafting a consultation to gauge public response. On questioning she confirmed that a ban could potentially be achieved through a Scottish Bill, but given the greater DEFRA resources it may be that a legislative consent motion is used for Scotland to piggyback on the DEFRA bill.

5. Correspondence

The Cabinet Secretary replied to our letter last year seeking views on enforcement of the Animal Health and Welfare (Scotland) Act 2006, secondary legislation under the Act, and support for out of hours veterinary services. This letter has been circulated to the Group. There was feeling from the group that the letter was not perhaps as helpful on out of hours services, which can be very expensive.

Ronnie Soutar (RS) indicated that the reason practices have to charge so much for out of hours services is that it is very expensive to run.

Jack Johnstone (JJ) believed PDSA do a good job for people who cannot afford to pay for treatment. John Robins (JR) highlighted that not everyone lives in an area with PDSA coverage. John Bruce (JB) said that in times of recession people needed to care and love for their animal even more.

There was recognition that it is a complex area and the group had a range of views including: compulsory insurance under a pet licensing scheme, some practices could absorb additional costs of out of hours services in with other work they do, and a recognition that responsible pet

owners can find themselves in economically challenging times. Perhaps in future meetings we could get PDSA to come and present or discuss the impact of the recession on animal welfare.

6. General licences for killing wild birds

It is illegal to kill wild birds in Scotland. However authorised persons (usually the landowner, his agent or an authorised pest controller) can avail themselves of a set of general licences issued every year to cover common situations. The licences are regularly consulted on and SNH carried out this process recently for the 2013 licences. A number of relevant animal welfare issues have arisen and one CPG member John Robins has questioned the process as a whole.

Presentation by Robbie Kernahan (RK), Head of Wildlife Operations, Scottish Natural Heritage:

SNH role is to promote species conservation, to ensure licences are given only to *bona fide* applicants and to strike a balance between, on the one hand, the legitimate demands of scientific research, survey, monitoring and recreational enjoyment of wildlife and on the other hand the need to avoid excessive disturbance to protected species.

In terms of wild birds and the law, all wild birds are protected as are eggs and young. Nests are only protected during 'breeding', and one cannot obstruct access to a nest. Some species receive greater protection

This evening the focus would be on licensing. Although the legislation helps to protect these species, it is not there to prevent anyone doing anything that might affect them. Licences permit people to do things that would otherwise be against the law.

However, they can only be issued for specific purposes (defined in the legislation)

SNH issue licences for the following purposes:

- science, research, conservation, education
- ringing, marking
- photography
- development (Badgers Act only)
- re-introductions, zoological or botanical collections

There are some contentious areas which include; preventing the spread of disease, health and safety purposes, preventing serious damage, agricultural or forestry operations (badgers only) or for imperative reasons of overriding public interest.

General Licences are possibly more contentious. There are 14 different licences designed for common scenarios. There is no need to apply for them as they are available on SNH website for 'Authorised' persons. There is an annual consultation. There are some conflicting views for example on the type of traps used, the people who can operate, and the types of species covered.

JP was concerned about the ease of availability of licences on the website. His organisation had been alerted about a case in Queens Park in Glasgow on an allotment site. Owners had downloaded a licence, used a Larsen trap to trap corvids and were showing delight at taunting

the trapped birds. When Scotland for Animals contacted the police they were informed that as the owners had downloaded a form there was nothing the police could do.

RK said there are supposed to be checks and balances and there is a job to be done on publicising conditions of general Licences

JR asked if it was the case that the licence could just be read and did not need to be downloaded. RK confirmed that to be the case if they are an authorised person. JR said their organisation took a call about owners who had laid a trap for magpies then gone off on holiday. A fox had entered the trap and JR found the fox in the trap and it had eaten the decoy bird. The police were not sympathetic because the owner of the trap had downloaded a licence. He believes the consultation process to be flawed; 22 groups were contacted, 12 were in favour of the system and only 3 could be considered on the side of the birds which he believes is unbalanced and weighted before the start.

CG asked how it could be ascertained whether someone is authorised, RK confirmed that the legislation defines authorised persons, and you need to be authorised to place traps on the land in question.

Nigel Miller (NM) suggested that terminology of “licensing” was misleading and it should be considered guidance.

Colin Shedden (CS) said that lots of birds are still protected. RK confirmed that and said people needed to satisfy the conditions of licence otherwise they were committing an offence.

Jamie McGrigor (JM) was horrified at sadistic people in the Glasgow case mentioned by JP.

CG had concerns that someone could buy a trap online, set it, and no-one would check you out unless an offence had been committed.

RK asked how else the system could be operated.

JR suggested there was a flaw in that many people are not competent to despatch birds humanely. In a case in Bearsden a woman trapping birds was hitting the trapped bird off a wall. He wants a consultation on whether we should have a system where people can just read information on the internet and then kill birds. Killing native birds to protect non-native birds is just not right.

CG said we can bring a petition to the Scottish Parliament to raise the issue, although it may be better to write to the Cabinet Secretary first. Usually petitions do better if they are a ‘last resort’ and other steps have been shown to be taken beforehand.

RK is concerned at the lack of awareness of the conditions attached to the licence.

CS asked if there is any difference between General Licences and the Deer Act

Charlie Everitt (CE) highlighted that traps must be registered with local police.

JJ said that just as many people in the room were not aware about General Licences it reflected 80% of the public not being aware. With the new single police force perhaps it was an opportunity to train police on awareness.

CE indicated the police will ask people who trap what licences they hold and if they are not licensed or in breach of the act they are breaking the law. Birds trapped must be released or despatched by a competent person.

CG suggested that perhaps the Scottish Parliament Information Centre (SPICe) may be able to share more information. Claudia Beamish (CB) was perplexed that whilst people had to be trained in order to lawfully set snares there was no mandatory training for the setting of traps.

CS suggested that in over 20 years of experience of legislation there were 1 or 2 examples of misuse but 90/95% of people to operate traps are fine.

CG suggested we ask SPICe for statistics on misuse

There are about 80 wildlife crime officers in Scotland. Keith Morton (KM) advised RSPB Scotland want wildlife crime to be a priority for the new police force.

7. Cross Party Group exhibition/event

The Convener proposed that we arrange an event to promote the positive aspects of our relationships with animals and why we are all interested in animal welfare. One idea is to book the exhibition stands in the Garden Lobby for a week and promote a positive theme. Only two persons can be on the stand at a time but we might get permission to run a rota if enough people are interested. Possibly a reception could be arranged for the same week, but a whip-round would be necessary as subscriptions are still slow to come in.

The group were very positive about the idea. Quite rightly we focus on negative aspects of animal welfare so this positive opportunity should be seized. Although not focussing on just one species, having things like working dogs such as detection dogs or rescue dogs may attract people to the stand to browse.

8. Any other business

None notified

9. Date of next meeting

To be advised.