

Scottish Cross Party Group for Animal Welfare

Minutes of meeting, 4th November 2014

Sederunt

Christine Grahame MSP

Claudia Beamish MSP

Alison Johnstone MSP

Alex Hogg, Scottish Gamekeepers' Association

Sheriff Ian Anderson

Hazel Fraser

Helene Mauchlen, British Horse Society

Brian Robinson, Association of British Riding Schools

Peter MacDonald, Horse Rescue Scotland

Mike Flynn, Scottish SPCA

Mick Park, Animal and Plant Health Agency

Denisa Delic, The Kennel Club

Fraser Henderson, Glo-Wild

David Woolfries, COSLA Animal Health and Welfare Strategy Group

Jean Fairlie, Independent Weimaraner Rescue

Denis Hearsum, National Dog Wardens Association/Perth and Kinross Council

Jennifer Dunn, League Against Cruel Sports

Patricia Neeson

Patricia Gail Saluja

Mike Radford, University of Aberdeen

Louise Robertson, OneKind

Libby Anderson, OneKind

Jack Johnstone, Dogs Trust

Elizabeth Ormerod, British Veterinary Association

George Leslie, Canine Concern Scotland Trust

John Brady, OneKind

Diane Bain, Rabbits Require Rights

Karen Gray, Rabbits Require Rights

Adam Reed, University of St Andrews

Beverley Williams, Scottish Government

Jacqui Cuff, Cats Protection

Apologies

Cara Hilton MSP

Colin Shedden, British Association for Shooting and Conservation

Patricia Colville, British Small Animal Veterinary Association

Charlie Everitt, National Wildlife Crime Unit

Allan Sim, Canine Concern Scotland Trust

Brian Hosie, British Veterinary Association/Scotland's Rural University College

Mauvis Gore, Marine Conservation International

John Burns, World Horse Welfare

John Bruce, British Deer Society

John Robins, Animal Concern Action Line

Lorraine Currie, Campaign Against Sale of Cats Online

Ronnie Soutar

Minutes

The minutes from 1st April were approved.

Matters arising

Libby had not written to all pet retailers to request their guidelines on animal welfare as no comprehensive list was available, but does have information from some individual retailers, including Pets at Home.

John also requested that group members contact Simon over administrative matters while a permanent secretary is found, as Libby is no longer the secretary.

Electric Shock Collars

Denisa Delic from the Kennel Club gave a presentation on the above area, highlighting Defra-commissioned two pieces of research which found that electric shock collars could cause long term behavioural issues in some of the dogs that they were used on. The second piece of research had had input from the manufacturing association.

Alex Hogg said that electric shock collars could be valuable as a last resort in stopping a dog worrying sheep, although other group members argued that other methods were preferable.

Denisa explained that the only part of the UK in which electric shock collars were banned is Wales, but the definition used there was not ideal, as in the Welsh legislation they are called “electronic collars”.

MSPs present agreed to lodge a motion and mark it for Members’ Business, so the matter could be debated in Parliament.

Sentencing in Animal Cruelty Cases

Mike Flynn opened discussion on this topic highlighting a recent case where an elderly woman with mental health issues who hoarded animals was convicted of 29 counts of animal cruelty and was given a suspended sentence and a supervision order, but then subsequently had several of the dogs involved in the case returned to her. The SSPCA took the unusual step of criticising the sentence publically as they felt the woman should have been banned from keeping animals.

Mike continued that fines were ineffective and community sentences could be appropriate, but for crimes like badger baiting custodial sentences should be used.

Group members raised concerns about another case in Fife, where a man was convicted of both dousing a dog with petrol and burning it to death and housebreaking, and got a longer sentence for the latter.

Beverly explaining that most offences against animals are dealt with under the Animal Welfare (Scotland) Act 2006, and that the maximum sentence that can be given for the most serious offences within the legislation are a £20,000 fine and 12 months in jail. Lesser offences attract a maximum sentence of 6 months in jail and £5000.

Christine pointed out that increasing fines in line with inflation would normally require secondary legislation but increasing custodial sentences would require primary legislation.

Sherriff Ian Anderson then explained some aspects of the legal system that affected sentencing and time served:

- The maximum sentence available depended on how the case was heard – for example, there is a 12 months maximum sentence for cruelty but a 6 month maximum sentence for poisoning.
- A case being heard before a sherriff will attract a lower sentence than a case being heard before a jury.
- In Scotland criminals tend to have their sentences reduced by a quarter for pleading guilty. Criminals automatically serve half the time they are sentenced to.
- Animal related offenders tend not to have a lengthy criminal record.

- Courts will not give custodial sentences to young people if there is any other options.
- Fines are problematic if people cant pay them.
- Up to 100 hours of community service can be sentenced, but some people convicted of offences against animals are incapable of carrying out community work.
- Before sentencing, reports can be ordered from Criminal Justice Social Work by the sheriff to consider whether a supervision order would be appropriate.
- There are programmes to address the behaviour of sex offenders and people committing crimes because of addiction problems, but no programmes that address offences against animals.

John Brady asked if there was an issue in that offenders could be deemed to vulnerable for jail but still capable of caring for an animal. Ian replied that most people who were subjected to a ban on keeping animals had not contested this, and he had never been involve in a case where a ban was contested.

Christine said she would write to the Cabinet Secretary for Justice to ask him to consider whether or not sentences available in animal cruelty cases were appropriate.

Date of next meeting

Christine will contact members of the group when the next meeting date has been set.