

Response ID ANON-JPQR-SGNUM-T

Submitted to Introducing penalty notices for animal health and welfare offences in England
Submitted on 2023-07-20 21:10:30

Introduction

About you

1 Would you like your response to be confidential? (Select one option only)

No

If you answered yes, state clearly below what information you would like to be kept as confidential and explain your reasons for confidentiality::

2 Who are you responding as? (Select one option only)

Individual:

If selected other, please specify:

Organisation:

Member organisation (Describe your organisation)

Member organisation (describe your organisation):

Professional Body for Licensing Practitioners across the UK including local authority, police, private practice and industry.

Other organisation, please specify:

3 Please select where you/your organisation is based (select all that apply)

England, Northern Ireland, Scotland, Wales

Executive Summary

The role of penalty notices

How will penalty notices work?

When a penalty notice is issued

Conclusion

Part 1 - Scope of the penalty notice regime

Animal welfare related offences

4 Should penalty notices be an available enforcement tool to deal with current and potential promotion of animal welfare related offences?

Unsure, explain why

Explain why:

We have mixed views on this. On the one hand, FPNs might be a good idea for licensed AW establishments to deal with easily evidenced minor breaches, but there are concerns that FPNs dispense of the offence and can hinder subsequent investigations and prosecutions. Unless there are limitations on FPNs, they could potentially result in repeat offences with repeat FPNs.

Animal licensing related offences

5 Should penalty notices be an available enforcement tool to deal with current and potential animal licensing related offences?

No, none, explain why

Explain why:

If FPNs are to be enabled it should only be for one off very minor one-off offences and certainly not for unlicensed activities (including operating under an expired licence) or breaching licence conditions. Existing powers apply for animal licensing related offences.

Animal Identification related offences

6 Should penalty notices be an available enforcement tool to deal with current and potential pet identification related offences?

No, none, explain why

Explain why:

There are existing powers to deal with offences relating to microchipping.

7 Should penalty notices be an available enforcement tool to deal with current and potential livestock identification related offences?

This question is not relevant to me

Explain why:

We have restricted our comments to activities which fall within the local authority licensing regime.

8 Should penalty notices be an available enforcement tool to deal with current and potential equine identification related offences?

This question is not relevant to me

Explain why:

We have restricted our comments to activities which fall within the local authority licensing regime.

Animal health related offences

9 Should penalty notices be an available enforcement tool to deal with current and potential animal health related offences?

This question is not relevant to me

Explain why:

We have restricted our comments to activities which fall within the local authority licensing regime.

Imports of live animals, product of animal origin (POAO) and animal by products (ABP) related offences

10 Should penalty notices be an available enforcement tool to deal with current and potential import of live animals, POAO and ABP related offences?

This question is not relevant to me

Explain why:

We have restricted our comments to activities which fall within the local authority licensing regime.

Part 2 - Receiving a penalty notice

11 To what extent do you agree or disagree with the following statement: Where an individual has already been issued advice and guidance, an improvement notice or similar and they have failed to comply, it would be reasonable to escalate enforcement action of which, a penalty notice could be a suitable next step.

Disagree, explain why?

Explain why:

In relation to animal licensing offences, existing powers apply and FPNs would dispense of the offence.

12 To what extent do you agree or disagree that an individual should be allowed to receive a maximum number of penalty notices for committing the same or similar offence within a three-year period (similar to speeding) before an alternate enforcement action is taken?

Unsure, explain why?

How many?:

Explain why:

If FPNs are to be implemented, strong and compelling guidance is needed for local authorities to ensure that ONLY minor and isolated offences are dispensed in this way. ANY offence involving harm or neglect to animals should be dealt with through the full legislative process (prosecution). Animal welfare is not in any context comparable with speeding offences.

Part 3 – Penalty notice amount

13 Guidance could be given on additional matters that could be taken into account when deciding an amount to be specified in the penalty notice. We have identified examples which could be considered. Please rate each of the below examples of additional matters between 1 to 5 (with 5 being the most important) on whether they should be taken into account when deciding a penalty notice amount for an individual who has committed an offence and a penalty notice has been deemed an appropriate enforcement action.

Q13 - Additional matters - Financial gain from the offence:

1

Q13 - Additional matters - Ability to pay:

1

Q13 - Additional matters - Number of previous penalty notices issues:

5

Q13 - Additional matters - Duration of time since a previous penalty notice was issued:

5

Q13 - Additional matters - If the offence is the same or similar for which a previous penalty notice was issued:

5

Q13 - Additional matters - If other offences have been committed at the same time:

5

Q13 - Additional matters - Number of animals involved:

5

If there are other matters that should be taken in account, please specify:

Statutory guidance should look at the severity of offences and provide clear guidelines to licensing authorities. Offences involving harm or neglect to animals should not be dealt with by way of FPN. Ability to pay and financial gain are irrelevant, but what would the sanction be in the event that offender is unable to pay? We note that matters to be taken into account are set out in the legislation are more detailed and include seriousness and mitigating factors.

Consultee Feedback on the Online Survey

14 Overall, how satisfied are you with our online consultation tool?

Satisfied

Please give us any comments you have on the tool, including suggestions on how we could improve it. :