

**Open Report on behalf of Les Britzman,
Director of Fire & Rescue and Public Protection**

Report to:	Public Protection and Communities Scrutiny Committee
Date:	15 September 2020
Subject:	Animal Health And Welfare Enforcement within Trading Standards

Summary:

This report provides a review of the delivery of Animal Health & Welfare (AH&W) enforcement within the Trading Standards Service in Lincolnshire.

Actions Required:

Members of the Committee are invited to consider and comment on the contents of this report and the delivery of Animal Health & Welfare work within the Trading Standards Services.

1. Background

1.1 County councils, metropolitan boroughs and unitary authorities in England have a statutory duty to enforce a range of legislation relating to the health and welfare of farmed animals. Powers are provided under the Animal Health Act and European Communities Act (to be converted into domestic legislation when the UK leaves the EU).

The legislation made under the Animal Health Act and relevant EU Regulations cover health and welfare matters that are traditionally associated with farmed animals, such as movement and identification, TB and animal diseases, animal by-products and restrictions during a disease outbreak. However, it also covers areas such as poultry, horse identification, rabies controls on imported animals of all species (and the welfare of animals during commercial transportation and at markets. All of these laws apply to a private individual or small holder just as much as to a commercial farm. The work generally excludes that related to companion animals (cats, dogs and other pets) other than in relation to illegal importation and rabies.

In Lincolnshire, this work is carried out by the Trading Standards Service. This work is funded by the Revenue Support Grant.

- 1.2 Lincolnshire County Council has signed up to the [Animal Health and Welfare Framework Agreement](#) which has been developed by the Animal and Plant Health Agency (APHA) working in partnership with local authority officers from the National Animal Health and Welfare Panel and supported by the Association of Chief Trading Standards Officers and the Department for Food, Environment and Rural Affairs (Defra).

This national framework provides local authorities with a set of principles to consider when developing a programme of enforcement. The approach is risk based and can be adapted to suit the unique priorities of local communities and resources available. It also recognises the need for effective regulatory controls across the country to protect against animal disease and to meet the requirements of trading arrangements.

- 1.3 While the scope of the Framework is focused on work under the Animal Health Act and EC Act, these responsibilities link to other strategic priorities of the Trading Standards Service including supporting the local economy. Food and Farming is estimated to contribute £1 billion to the economy of Lincolnshire. In terms of both value and employment the sector is the third biggest in Lincolnshire and the county's economic reliance on food and farming production and manufacture is four times higher than the national average (Source: [Lincolnshire Research Observatory](#)).

2. Animal Health and Welfare Enforcement

The Trading Standards Service undertakes annual service planning based on the principles in the Animal Health and Welfare Framework. In April of each year, a plan of AH&W enforcement activity is drawn up which includes:

2.1 COMPLAINTS

Implementation of a risk based, consistent and accessible process for responding to complaints relating to animal health matters.

All complaints received by the Service are reviewed on receipt by the Service's intelligence team and assessed in line with Service objectives and the National Trading Standards Intelligence Operating Model.

Following documented duty officer guidance, complaints are either noted for intelligence only, passed to partner agencies or allocated for further investigation. Only complaints which are assessed as being 'serious' in terms of animal health or welfare are allocated for further investigation.

Complaints which are recorded for intelligence are reviewed regularly and used to identify any emerging issues or potential threats.

AH&W complaints are also reviewed on a regular basis by the Lead Officer for AH&W (an officer with specialist knowledge in the area) to ensure a consistent response.

Although there is no statutory duty to enforce animal welfare, local authorities are given unique powers under the Animal Welfare Act 2006 that can be used to respond to complaints about animal welfare, including on farms. Due to the frequent link between welfare cases and animal disease risks, public interest in animal welfare and a general moral duty to ensure that animals are not suffering, the Service has a documented policy on how it deals with animal welfare complaints. The Trading Standards Service will investigate all complaints relating to the welfare of farmed animals. To make the best use of limited resources, a local agreement is in place with the Animal and Plant Health Agency, (APHA), in that complaints relating to farm animal welfare (where there are no other animal health concerns) are initially investigated by APHA, with assistance provided by Trading Standards upon request. Guidance is published on the LCC website signposting users to the appropriate organisations dealing with welfare where this is not Trading Standards (i.e. horses and companion animals).

2.2 INSPECTIONS

Identifying high risk businesses and activities on an annual basis and producing an annual inspection plan.

A database of animal health premises is maintained and regularly updated with data from executive agencies within Defra (APHA & Rural Payments Agency - RPA) and the Farm Assurance Schemes. Each premise is risk assessed based on the activity it carries out and compliance levels. A business may be considered high risk because it carries out activities that pose an increased risk of spreading animal disease or causing welfare issues. Examples of such businesses include livestock markets, slaughterhouses, collection centres and dealers. A business may be considered high risk because of concerns about their compliance levels; this includes any business that is of significant concern to the local authority based on local knowledge, including their history of non-compliance, complaints from the public and / or delivery partners, veterinary input, incomplete records, intelligence or non-compliance with other areas of regulatory legislation.

Based on the risk profiling, an inspection plan is drawn up each year. All high risk premises are visited at least annually. Re-visits are carried out where non-compliances are found. A proportion of medium risk premises are also visited.

Lincolnshire has only one livestock market (Louth) and no collection centres. Trading Standards attend the annual licencing inspection with veterinary officers from APHA. A Trading Standards officer is appointed as a single point of contact for the market and an inspection programme is drawn up, with inspection findings shared between the two agencies.

When drawing up the inspection plan, consideration is given to the requirements laid down in the [On Farm Charter](#) and [Regulators Code](#) where appropriate.

2.3 REGIONAL & NATIONAL COLLABORATION

Actively engage in regional animal health and welfare groups, maintain good liaison with partner agencies, understanding of national priorities and expectations.

Lincolnshire Trading Standards is part of the Trading Standards East Midlands Region. Chaired by an officer from Lincolnshire, a regional best practice group for Animal Health and Welfare holds meetings twice a year. This Regional Group feeds into the National AH&W panel which meets four times per year and shares information and intelligence through e-mail groups and the [Knowledge Hub](#), a digital service for public service collaboration.

Through the regional and national panel, Lincolnshire Trading Standards works closely with other local authorities and APHA to share knowledge and expertise, including opportunities for shared training, joint inspections, and opportunities for contracting and peer to peer reviews. Links are also in place with other executive agencies of Defra carrying out inspections on farms including the Rural Payments Agency and the British Cattle Movement Service and the Food Standards Agency.

Each Local Authority in the group records intelligence relating to animal health and welfare onto a national intelligence database with the aim of making a staged improvement in the level and quality of intelligence recorded and the influence this has on service planning across individual authorities and the region. With the input of Regional Intelligence Analysts, the regional group reviews the level of intelligence being recorded on a quarterly basis and uses the intelligence to identify any potential threats.

The Trading Standards service completes all statutory data returns and ensures that contact details on the Local Authority Master Contact List are updated in a timely fashion. This information is used by APHA to communicate details of possible animal disease outbreaks, make referrals and share intelligence.

2.4 CONTINGENCY PLANNING

Keep an up to date animal disease contingency plan in place, which is shared internally and with partners.

Using national contingency plan templates produced by officers from the National AH&W panel and APHA, Lincolnshire Trading Standards Service has produced contingency plans to deal with the outbreak of notifiable animal diseases including, amongst others, Avian Influenza, Bluetongue, Foot & Mouth and Rabies. These plans are shared with APHA, the lead agency in a notifiable animal disease outbreak. This Service also collaborates with the Emergency Planning department and the plans are reviewed on a regular basis.

In addition to the disease contingency plans, the Trading Standards Service contributed to the development of a contingency plan for dealing with farmed livestock in the event of severe flooding. This plan was produced and is controlled by the Lincolnshire Resilience Forum and is updated regularly.

2.5 DEVELOPING AND MAINTAINING OFFICER COMPETENCY

All Trading Standards Officers involved in the delivery of animal health and welfare controls hold the relevant Trading Standards qualification. Officers are supported to ensure they receive any on-going training needed to maintain competency.

3. Activity and outcomes on Animal Health & Welfare in 2019-2020

3.1 COMPLAINTS

The Trading Standards Service received 441 complaints and referrals relating to animal health and welfare in this period. Complaints/referrals were received in relation to welfare, animal by-products (dead animals), disease, identification, record keeping, movement breaches, transport, illegal landings and abattoir referrals.

The categories which received the highest number of complaints were:

Animal movement breaches	80
Animal welfare	71
Abattoir referrals (relating to welfare & ID)	69
Bovine TB	66

Of the 441 complaints, 268 were noted for intelligence and 173 allocated; of

these 51 were advised, 37 received warnings, 1 resulted in a prosecution, 29 were referred to other agencies and 55 were found to be unfounded or there was insufficient evidence to investigate.

Complaint intelligence highlighted two areas of concern - an increase in the number of abattoir referrals regarding heavily pregnant cattle being transported to slaughter in breach of transport legislation, and an increase in the number of restrictions imposed on farms due to breaches of bovine TB regulations.

3.2 INSPECTIONS

There are 5152 premises with an animal health & welfare inspection risk in Lincolnshire. Of these premises, 35 high and medium risk animal health premises were identified for inspection in this period. Due to COVID-19 restrictions 9 premises were not inspected. 61 inspections were conducted to the remaining 26 premises; this includes 30 inspections to Louth Livestock Market which holds weekly auctions.

A further 61 inspections were carried out as a result of complaints, or programmed interventions in other areas of Trading Standards – such as feed – where animal health was also inspected.

Of the 122 inspections carried out in total, 94 were found to be compliant or were brought into compliance during the course of the visit. A further 28 inspections were found to be noncompliant and required some remedial action, of which 8 were deemed to be compliant within the year. In total 84% of inspections were found to be compliant or were brought into compliance during the 2019 2020 financial year. This equates to 16% of visits remaining non-compliant (on 8 premises); enforcement work is progressing to bring these into compliance.

3.3 REGIONAL & NATIONAL COLLABORATION

Only one physical Regional Panel meeting was held in this period in November 2019. A meeting planned for March 2020 was cancelled due to COVID-19 restrictions. The Regional Group contributed to the National Panel meetings, with representatives attending 2 meetings and reports produced in advance of all 4 meetings.

Intelligence collated by the group highlighted that the increase in abattoir referrals relating to heavily pregnant bovines was not just an issue in Lincolnshire. This matter has now been referred to the National Panel for further investigation.

Information disseminated from the National Panel was shared with the group and provided particularly useful during the period of COVID-19 restrictions. A national threat register was produced which was adapted to identify local threats affecting AH&W in Lincolnshire, allowing control measures to be put in place to control the risks.

Regular contact has been maintained with the local APHA office throughout the year, resulting in a sharing of information and intelligence, joint working and the pooling of resources where necessary.

3.4 CONTINGENCY PLANNING

No changes to the animal disease contingency plans were made in this period. The contingency plan for dealing with farmed livestock in the event of severe flooding was updated in May 2019, and this Service contributed to the review and updates.

3.5 DEVELOPING AND MAINTAINING OFFICER COMPETENCY

The AH&W work carried out by the Service is a relatively small part of the Trading Standards work as a whole, and it is estimated that it is delivered by 2.5 FTE.

There are currently 22 officers who hold qualifications in AH&W and are authorised to carry-out AH&W enforcement. The majority of these officers are accredited as Trading Standards Practitioners by the Chartered Trading Standards Institute. To retain Practitioner status Officers must complete a minimum of 20 hours CPD training annually, this includes AH&W training.

Having a number of officers qualified and competent in this area maximises resilience and flexibility in delivering services should the need arise, such as in a disease outbreak situation.

4. Conclusion

4.1 The Trading Standards Service has developed a programme of AH&W enforcement based on the principles of the AH&W Framework Agreement to ensure that it is:

- Responsive and accountable to local communities;
- Focused on high risk activities to make best use of limited resources;
- Recognises why national consistency is important for businesses, the public and to protect against animal disease;
- Delivers controls in a way that supports European and international trade agreements;

- Promotes collaborative working with other local authorities, delivery partners and industry.

4.2 The Trading Standards Service recognises that the animal health and welfare work undertaken supports many service objectives including tackling detriment and reducing harm, supporting the local economy and promoting health and wellbeing. The service is confident that in adopting the principles laid down in the Animal Health and Welfare Framework Agreement they are making the most effective use of their limited resources.

4.3 Work in 2020-2021 will include a more pro-active approach to bovine TB and this Service is currently looking at ways to support farmers to ensure they understand the changing regulations in this area. Bovine TB has been identified as a threat to the agricultural economy of Lincolnshire and health of cattle on Lincolnshire farms. Brexit?

4.4 The Trading Standards Service is monitoring the outcome of negotiations as the UK leaves the EU for any impact on Animal Health and Welfare legislation to ensure that business advice can be provided at the earliest opportunity.

5. Consultation

a) Have Risks and Impact Analysis been carried out?

Not Applicable

b) Risks and Impact Analysis

Not Applicable

6. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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