Submission to the Consultation Process on Local Economic and Community Plan

Animal Welfare Act 2013

 Section 12 (1) A person shall not

1. *do or fail to do or cause or permit anything to be done to an animal that causes unnecessary suffering to, or endangers the health or welfare of an animal, or*
2. *neglect, or be reckless, regarding the health or welfare of an animal*

June 2015

**Introduction**

We are making this submission to this consultation process despite the fact that there is no section which deals with animal welfare. We believe that this is a lack and would like to recommend that such a section be included. In the absence of such a section we are making this submission as part of Goal 11, as parts of the submission (in particular the part which deals with Traveller Horse Projects) deals with poverty and social exclusion as well.

Ireland has long been known as the land of the horse. From ancient times till today horses have played a significant role in our lives. During the recent boom times the culture of excess played itself out in, among other things, the overbreeding of horses, in particular thoroughbreds.

The consequences of this were seen in the abattoirs around the country.

In 2007 1,506 horses were sent to slaughter.

In 2012 24,362 horses were sent to slaughter (according to the Public Accounts Committee).

24,362 healthy young horses sent to be killed. Horses that perhaps had not made the grade. Horses whose owners had gone bust. Horses who were no longer considered fit for purpose.

In 2013 these numbers fell sharply following the illicit horse meat crisis, but still 10,711 horses were sent to slaughter.

*In the land of the horse.*

We are awaiting figures on the live export of horses but in our view this constitutes extreme cruelty – the live export of any animal – as the journeys are cramped, long and extremely stressful and the end result is brutal. While we have various standards in place for the slaughter of animals in Ireland, when we export live we have no control whatsoever over the standards in the receiving country.

At the same time as thousands were being sent to slaughter there was a surge in the impounding and euthanizing of horses under the Control of Horses Act.

Between 2011 and 2014, 15,620 horses were impounded throughout the country by county councils. Of these 11,819 were killed. In 2014 alone there were 4923 horses impounded by County Councils around the country, 4231 of these were killed.

In Kilkenny in 2014, 89 horses were impounded, 6 were reclaimed, 2 were rehomed and 81 were killed. The figures for 2015 look to be as high so far if not higher.

Most of these horses are healthy, some are in foal. Note: when a mare in foal is killed through the use of a captive bolt and a pithing rod (the method used by [redacted], the contractors employed by Kilkenny County Council to carry out this work) the foal does not die immediately. It takes a long time for the foal to die and there is no doubt that this is a slow painful death.

# Legislation

The legislation covering the keeping of horses and donkeys, broadly speaking is:

* The Control of Horses Act 1966 (and its proposed implementation in Kilkenny in the new Draft by laws 2015)
* The Animal Health and Welfare Act 2013
* European Communities Equine Regulations 2011
* European Communities Welfare of Farm Animals Regulations 2008
* Registration of Equine Premises 2012
* Various by laws introduced by local authorities and councils.

In section 12 of the 2013 Animal Health and Welfare Act the following is stated:

**Section 12 (1) A person shall not**

1. ***do or fail to do or cause or permit anything to be done to an animal that causes unnecessary suffering to, or endangers the health or welfare of an animal, or***
2. ***neglect, or be reckless, regarding the health or welfare of an animal***

We would like to see, through the Local Economic and Community Plan for Kilkenny, attention being paid to the Animal Welfare Act and to animal welfare in general as we believe that the welfare of animals whose lives we control is inextricably linked to the welfare of humans.

# Enforcement of the Act

As things stands the enforcement agencies are :

* The Department of Agriculture (when horses are found on farmed land)
* The Gardai (in cases overseen by both Councils and the Department)
* The county councils (where horses are on public land)

 The Farm Animal Welfare Advisory Committee established in 2002, is a non statutory body and equines fall under this – but as the name suggests its purpose is to promote animal welfare in a practical way and to provide a forum for welfare groups to meet and exchange ideas. It has produced a booklet on animal welfare guidelines for horses, ponies and donkeys.

The Council by-laws differ from county to county – and while some councils have a relationship with Rescue and Re-homing charities and call upon them, others do not. For the horses involved it is a lottery. In Kilkenny to date the relationship between the Department of the Environment and horse rescues has been a shaky one. The figures on rehoming attest to this. The recent draft by laws are certainly not the solution to this problem.

 In addition to this, as part of the announcement of the commencement of the Animal Welfare Act 2013 the following was stated:

***Department Animal Welfare Helpline Lo-call Helpline provided***

* + ***1850 211 990 and***
	+ ***Dedicated email address******AnimalWelfare@agriculture.gov.ie******to report instances where animal welfare may be compromised.***
	+ ***All calls received are treated in confidence and are followed up by authorised officers***

If this Act is to make a difference in the lives (and deaths) of animals in the country, then we need to feel sure that the above is implemented. At the moment the line is largely ineffective. Animal welfare issues are reported to it (during very limited opening hours) but they have no manpower to do anything about it and end up reporting issues to the SPCA who themselves seem ill equipped to deal with ongoing issues round horses.

 **Costs to Kilkenny**

* There are two contractors currently working with the county council as far as we understand it. [redacted].
* The cost to an owner for reclaiming their horse once it has been impounded is €984.00 including VAT per horse impounded.
* If a Rescue or Welfare organisation wishes to rehome an animal they are charged for the privilege of doing this - €250.00 per horse.
* If a horse is rehomed, the Department of Agriculture will only refund the County Council to the maximum of €200.00 per horse or €125.00 per donkey.
* If a horse is killed at the pound the Department will pay €450 towards the cost.
* Either way this process ends up costing the Council and the only people coming out of this situation in profit is the Pound. The County Councils are being left to find the extra money within their budgets, the Department of Agriculture are paying out money to kill horses, Rescue Organisations are paying (with money they do not have) to rescue and rehome equines – a private company (redacted) is the only party to benefit.

All horses entering the pound are assessed by a vet – this is usually to determine which part of the food chain if any they will enter once killed. (Ann Marie Brennan is the Chief Vet inspector in Kilkenny)

* Slaughtered, unpassported animals go to the rendering plant in Roscrea for tallow and meat and bonemeal
* Passported and 'clean' can go into the human food chain and are exported.
* Pet food industry may take livers.

Currently the only animals offered for rehoming are donkeys (to the donkey sanctuary in Cork) but the Council has said they are open to approaches from Horse Rescue organisations.

 **Proposals for Kilkenny**

1. That the implementation of the traveller horse projects at three sites in Kilkenny proceeds apace (See **Appendix 1** for a proposal on the Horse Project for Wetlands)
2. That the Council investigate setting up a subsidised Chip, Passport and Gelding operation with the vets in the County (the cheapest way to do this would be to involve the County Vet, time permitting). Minister Coveney has announced that he would support such programmes so we have no doubt that funding would be available.
3. That the Council draw up a list of reputable Horse Rescue organisations and allow for these to rehome horses (at no cost) once the five day period in the pound has passed and the owners have not reclaimed;
4. That this list be given to whichever company is running the pound and that they be obliged to contact the organisations for horses they hold;
5. That the Council investigate making land available for the construction of a Kilkenny Horse Sanctuary. Horse Sanctuaries are highly successful as tourist attractions in England and Wales as well as in the US. Perhaps a staff member within the Department of Environment could be tasked with researching this as a possibility.
6. That the Council investigate the possibility of a very small betting tax (one percent!) to fund equine welfare in our county.
7. That the Council look into the licensing of all stallions over eighteen months old;
8. That the granting of the tender for the horse pound be reconsidered once the next term of the tender comes round for submission – that priority should be given, as stated in the Act, to the welfare of the horses.