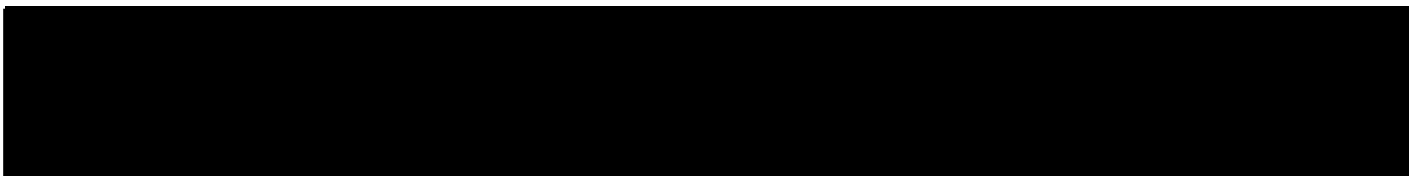
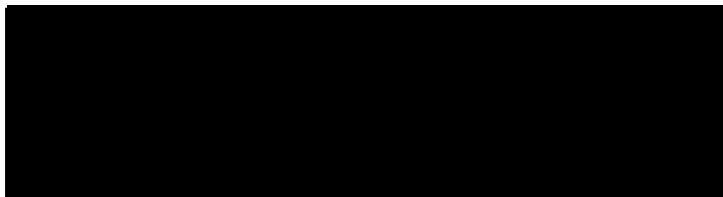
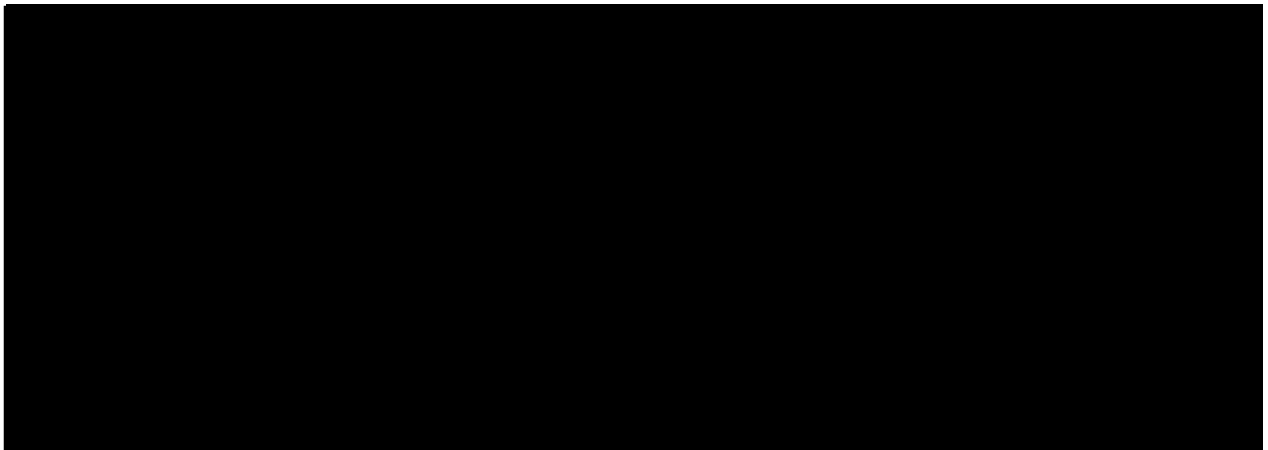


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**MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF
AGRICULTURE ENVIRONMENT AND RURAL AFFAIRS, LEAD COUNCILS AND THE
POLICE SERVICE OF NORTHERN IRELAND**

**TO SET OUT THE ANIMAL WELFARE ENFORCEMENT RESPONSIBILITIES UNDER
THE WELFARE OF ANIMALS ACT (NORTHERN IRELAND) 2011
AND REPORTING ARRANGEMENTS**

Scope

1. This Memorandum of Understanding (MOU) is between the Department of Agriculture, Environment and Rural Affairs, Lead Councils and the Police Service of Northern Ireland with regard to the enforcement of the Welfare of Animals Act (Northern Ireland) 2011.

Definitions in this MOU

2. "1972 Act" means the Welfare of Animals Act (Northern Ireland) 1972.

"2011 Act" means the Welfare of Animals Act (Northern Ireland) 2011.

"Councils" mean -

- **Belfast City Council**
- **Eastern Region** – led by Lisburn & Castlereagh City Council (covers Lisburn & Castlereagh City Council, Ards & North Down Borough Council)
- **Northern Region** – led by **Mid & East Antrim Borough Council** (covers Mid & East Antrim Borough Council, Causeway Coast & Glens Borough Council, Antrim & Newtownabbey Borough Council)

- **Southern Region** – led by **Armagh City, Banbridge and Craigavon Borough Council** (covers Armagh, Banbridge & Craigavon City Council, Newry, Mourne & Down District Council) ; and
- **Western Region**–led by **Fermanagh and Omagh District Council** (covers Fermanagh and Omagh District Council, Derry City & Strabane District Council, Mid Ulster District Council).

“Department” means the Department of Agriculture, Environment and Rural Affairs.

“Lead Council” means the specific Council, as designated by Councils, to be the Lead Council with regards to the Welfare of Animals Act (NI) 2011. The Lead Council is currently **Fermanagh and Omagh District Council**

“Parties” means the Department of Agriculture, Environment and Rural Affairs, Lead Council and the Police Service of Northern Ireland and any party may be construed in the singular.

“PSNI” means the Police Service of Northern Ireland.

Purpose

3. The purpose of the MOU is to:
- Establish an agreed framework between the Department, Councils and the PSNI regarding enforcement of the 2011 Act;
 - Clarify the general roles and responsibilities of each Party;
 - Set out in general terms the specific types of animal that each Party has responsibility for under the 2011 Act.
 - Set out in general terms the basis of an information sharing protocol between the parties for the purposes of enforcement under the 2011 Act.
 - Set out the general financial arrangements in respect of the 2011 Act; and
 - Set out the review, dispute and termination arrangements.

4. When the content of the MOU is agreed a Lead Council representative, a PSNI representative and a DAERA official shall be co-signatories of this MOU. It shall come into effect from the latest date of signing by the Parties. This MOU will remain in force indefinitely unless superseded by another MOU or equivalent document.
5. The Parties enter into this MOU independently and nothing herein shall be construed as establishing a partnership or joint venture between the Parties, nor may any Party profess to represent any of the other Parties, save with written consent in advance from the other Party.

Roles and responsibilities

6. While the general responsibilities of each Party to this agreement are outlined below, there may be occasions when it would be appropriate for multiple parties to be involved in the same animal welfare incident. This shall primarily be determined by the nature of the incident and the species of animals involved. In such situations it may be appropriate for each party to take separate enforcement action / prosecutions however, any decision on which Party may take the lead role shall be determined by mutual agreement at the time.
7. The act of abandoning an animal is an offence under Section 14 the 2011 Act and dependent upon the species of animal it is either for the Department or Councils to consider investigation and if appropriate prosecution. PSNI have legal responsibilities where an animal(s) is / are wandering on the road under the Animals (NI) Order 1976 and the Roads (NI) Order 1993. PSNI guidance is outlined in the flowchart in Appendix One of this MOU and should be read in conjunction with the appropriate legislation. This is subject to change.
8. Causing a protected animal to take a poisonous or injurious substance is an offence under Section 7 of the 2011 Act and dependent upon the species of animal it is either for the Department or Councils to consider investigation and where appropriate prosecution.

9. The 2011 Act does not provide DAERA or Council inspectors with powers of detention or arrest.

Department of Agriculture, Environment and Rural Affairs -

10. The Department is responsible for general animal welfare policy development and associated legislation and for providing guidance and advice to Councils and PSNI. With regards to legal advice, both Councils and PSNI should seek advice on their own behalf.
11. Department Inspectors are responsible for 'farmed animals'. Section 45 (1) (a) of the 2011 Act allows the Department to appoint Inspectors to implement enforcement powers in respect of a 'farmed animal'. A 'farmed animal' is "any animal bred or kept for the production of food, wool or skin or for other farming purposes."
12. Under the 1972 Act the Department is responsible for the licensing of petshops, animal boarding, riding and zoological establishments. The Department has enforcement powers to revoke a licence if the licence holder is convicted of an offence under the 1972 Act or fails to comply with any Regulations made under Section 11 of the 1972 Act in respect of the safety, health and welfare of any animals in petshops, animal boarding, riding or zoological establishments. New subordinate legislation made under the 2011 Act will be introduced by the Department and this will impact on council enforcement responsibilities.
13. The Department also has enforcement powers under the 1972 Act in respect of any person who carries on a business of selling animals as pets in the street or in a public place, or from a vehicle, stall or barrow.

Councils –

14. Council appointed Animal Welfare Officers (designated as "Inspectors" under Section 45(1) (b) of the 2011 Act) are responsible for investigating reports of animal welfare incidents in respect of 'other animals'. 'Other animals' are those vertebrate

animals kept by any person that are not farmed animals (e.g. domestic animals, pet animals and horses).

15. Councils have their own enforcement policies and guidance documents.

PSNI –

16. The PSNI has its own policy and guidance. A constable (which includes an officer of any other rank) is responsible for investigating animal welfare incidents that are deemed as crime involving wild animals, animal fighting offences and other criminal offences in respect of any animal. A wild animal is any animal living in a wild state that is not under the control of any person.
17. Under Section 21 of the 2011 Act only constables have enforcement powers in respect of animal fighting. The Department or Councils will be contacted to become involved if there are other animal species on the premises not linked to animal fighting, and that are suffering or likely to suffer.
18. Depending on the individual circumstances of an animal welfare incident, PSNI support may be requested by the Department or Council Inspector (e.g. where a breach of the peace is reasonably anticipated or where the entry to premises is being made under warrant). While the PSNI may be requested to assist for breach of the peace and public safety reasons, the warrant application remains the responsibility of the relevant party (i.e. the Department or Councils). PSNI support to Councils and the Department will include use of custody suites and if required access to Forensic Medical Officer (FMO). Any PSNI assistance or support will be subject to the availability of police resources at the time. Any costs incurred by PSNI in respect of the use of custody suites and access to the FMO will be met by Council/DAERA as applicable.
19. The PSNI will respond to any incident where a violent crime, such as one involving beating, kicking or other brutality, against an animal is in progress at that time.

However, depending on the species involved, either the Councils, Department or PSNI, will carry out the subsequent investigation.

20. The PSNI has responsibility for investigations and prosecutions of animal fighting offences as set out in Section 8 of the 2011 Act.

Information Sharing Protocol

21. An Information Sharing Protocol (ISP) shall be developed to assist the sharing of information for purposes of enforcement under the 2011 Act. Any ISP will be subject to the agreement of all parties.

Notification of serious welfare incidents to the Department

22. With regard to serious animal welfare incidents, the Department is responsible for ensuring that timely information and briefing is provided to the Department of Agriculture, Environment and Rural Affairs Minister. Councils and the PSNI shall inform the Department within 3 hours on a working day (Monday to Friday), or at the commencement of the next available working day where that is not feasible, of any major animal welfare incident for which there is, or could be, media interest.
23. To facilitate the monitoring of animal welfare incidents generally, Councils shall provide the Department with quarterly returns indicating the number of ongoing and completed investigations or prosecutions.

Financial Arrangements

24. The Department shall provide annual funding to Councils in respect of enforcement of the 2011 Act for non-farmed animals and information gathering with regards to such enforcement of the 2011 Act.
25. The PSNI will meet its own expenses incurred in connection with this MOU and any due diligence, enforcement and information gathering with regard to the 2011 Act.

Legal Status

26. While this MOU constitutes a statement of mutual intent between the Department, Councils and PSNI, it does not constitute a legally binding obligation. While each Party has specific responsibilities arising from this MOU, it creates no rights in favour of any Party.

Review Arrangements

27. This MOU will not be subject to a specific or regular review period. However, any Party may seek a review of this MOU by request in writing to the other Parties. Where a meeting is considered necessary, the hosting and location of such meeting shall be determined at the time by mutual agreement between the Parties.
28. This MOU may also be revised by any Party by written communication between the Parties however, no revision shall take place without the agreement of the other Parties. Written notification of any revision from one Party shall be considered by the other Parties within 3 months of notification. A determination of acceptance or rejection of such revisions by the other Parties shall be made and issued to the Parties within that 3-month period.
29. Where all Parties agree to any revision, whether by meeting or in writing, the Department shall be responsible for making such revisions and recirculating the revised MOU, or appending any revisions to the MOU, to the other Parties.

Dispute Resolution

30. A dispute shall be deemed to have arisen when any Party notifies the other Parties in writing to that effect.
31. The Parties shall use all reasonable efforts to resolve any dispute that may arise under this MOU through good faith negotiations. Each Party shall nominate a senior representative of its management to meet at any mutually agreed location to resolve the dispute.

32. Where an attempt to resolve any dispute has failed, the matter shall be considered by all the signatories to this MOU, or other authorised representative, and their decision shall be final. Where appropriate the Department shall be responsible for making any revisions to the MOU, or appending any revisions to the MOU, and issuing to the other Parties.

Termination of Agreement

33. This MOU may be terminated by any Party, and such termination must be in writing to the Department and the other Party and give at least 1 month's notice of termination. The Department shall liaise with the remaining Party and revise the MOU accordingly.
34. Such termination shall not detract from any statutory responsibility for enforcement of the 2011 Act by the Department, Councils or PSNI.

Confidentiality

35. Each Party shall observe confidentiality in relation to shared information which is not already in the public domain.
36. Each Party shall ensure that the information it supplies to the other Parties is subject to appropriate safeguards in order to avoid prejudicing the interests of all parties. All Parties accept that in certain circumstances a duty of confidence may arise and that shall respect legal requirements of confidentiality.
37. It is for the Party providing the information to state what, if any, restrictions there should be upon its use. Each recipient Party shall treat the information it receives in accordance with the restrictions which are specified as to its use.
38. Disclosure of information shall be subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

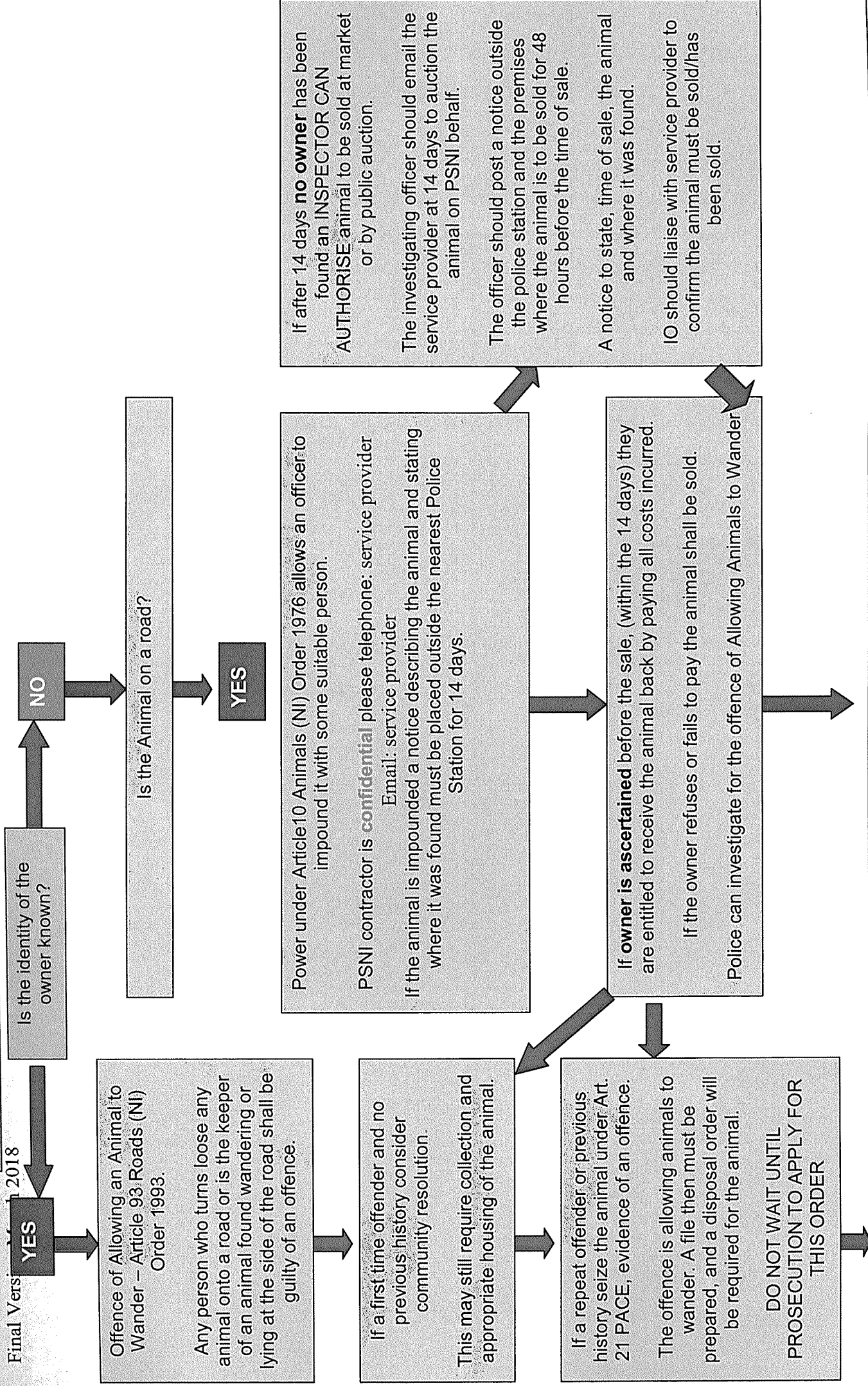
39. Some information will be subject to statutory or other restrictions, such as the Data Protection Act 1998 or the Official Secrets Act 1989, or protecting commercial or other interests, which may mean that there will be restrictions on the category of persons who may have access to the material. Such access shall be determined by the supplier of the information (i.e. the Department, Councils or the PSNI) and the recipient Parties must adhere to any such restriction.

Operational Arrangements

40. Operational arrangements are outlined in Appendix Two to this MOU. These arrangements will be kept under review by the Department, Councils and PSNI, and may be subject to change.

APPENDIX ONE - ANIMALS WANDERING ON ROAD (E.G.HORSES)

Final Version 1st March 2018



In all cases where an animal is seized a W1 FORM MUST be immediately sent to zWildlife, preferably before termination of duty. This lets the organisation and accounts branch know a bill is coming for its care. It is advisable that this should be copied to the Sergeant on duty for expediting at the 14 day mark.

Animals on the road

PSNI investigate cases of animal/s on the road and on occasions, PSNI may seize animals under Art.21 PACE evidence of an offence. Where animal/s are seized and a welfare concern is identified the welfare investigation as well as the decision on the fate of the animals will be passed to the appropriate agency i.e. for non-farmed animals this will be councils and farmed animals will be passed to DAERA. Should PSNI believe there are welfare offences regarding animals on the road, then PSNI will formally advise Council/DAERA that PSNI believe this to be their investigation, that the Police Service is not progressing an investigation of welfare and of PSNI intention to return the animals to the owner (with suitable advice and guidance) unless councils/DAERA advise differently and wish to take over the investigation in respect of welfare.

Every case should be considered on its merits, however when the PSNI receive a report of animals on the road it is up to the investigating officer to make a judgement call on the circumstances as they are presented. If, for example, at the time of response the animal is not on the road the PSNI may not feel it is deemed necessary to impound it with some suitable person.

Council/DAERA/PSNI will consider assisting each other in any training initiative being run by any of the other parties to this MOU.

Appendix 2 - Operational Arrangements

Handover of Animal Welfare Investigations to another agency

Whilst PSNI are primarily concerned with s.8 offences, there may be occasion if a situation arises outside the Councils operating hours (current operational hours are 9am to 5pm; 365 days per annum) where PSNI may respond. PSNI will not ordinarily take into possession any animals with welfare concerns where it is deemed there are no links to serious organised crime. PSNI will report any concerns immediately to Council or DAERA as soon as practical. There should never be a situation where a PSNI seizure takes place for standalone s.6, s.7, s.9 or s.14 purposes. If in exceptional circumstances PSNI seize an animal in relation to s.4 offences the PSNI Wildlife / Animal Liaison Officer and Councils Animal Welfare Manager will agree the necessary action at the earliest opportunity.

PSNI will seize for s.8 purposes regarding animals linked to what is originally believed to be wildlife crime, animal fighting and other criminal offences. If later it is discovered (following a veterinary report) that none are applicable the PSNI will formally advise Council/ DAERA (depending on type of animal) that PSNI believe this is not a PSNI investigation, that the Police Service is not progressing an investigation and of PSNI intention to return the animals to the owner. The PSNI Wildlife / Animal Liaison Officer and Councils Animal Welfare Manager will agree the necessary action at the earliest opportunity.

Where Councils Animal Welfare Officer (AWO) in the execution of their duties comes across what may be s.8 offences these will be immediately reported to PSNI. Where these potential offences have been discovered in the execution of a warrant under s.4 and s.9 offences and PSNI are in attendance for breach of the peace purposes, then PSNI officer may seize, if deemed necessary, under Art 21 of the Police and Criminal Evidence Order.

Where PSNI, DAERA and/or Council are at a search, under no circumstances should the Council/DAERA officers advise PSNI Officers/staff on specific private veterinary providers and/or service provider to utilise; and/or on what animals to seize. PSNI Officers or DAERA/Council Inspectors MUST seek approval for seizure of animals from their own individual management before proceeding to seize animals.

PSNI will only approve costs on recommendation from PSNI officers.

Councils will only approve costs on recommendation from council officers.

DAERA will only approve costs on recommendation from DAERA Veterinary Officers.

Routine Multi-Agency Meetings between Councils, DAERA and PSNI (Wildlife Liaison Officer)

The lead council representatives, appointed representatives from DAERA and appointed representatives from PSNI agree to meet at least twice a year and liaise on issues raised at local level. The product of these meetings will further inform this Appendix B of the MOU.

Animals left on a property after execution of an arrest warrant.

Where PSNI have arrested a person on premises and there are animal/s on the property. The onus and responsibility for the animal/s are ultimately that of the owner and the PSNI will ask the owner to appoint a suitable person to care for the animals. Once the person is appointed and if they do not care for the animals accordingly this will be passed to the appropriate agency depending on the type of animal i.e. DAERA/councils animal welfare officer to follow up accordingly.

PSNI will report to Council / the Department, as appropriate, for information purposes, details of the animal owner and the address concerned where animals have been left on the property and who has been appointed to ensure the welfare of the animals.

In the unlikely event where the owner claims they have no-one to care for the animal/s in the house the PSNI will consider who owns the house and/or if neighbours will care for the animal/s. PSNI will ensure any immediate needs of the animals(s) are met, and will confirm to DAERA/Council who the responsible/appointed person is. Only in exceptional and rare circumstances will PSNI consider seizure.

Should there be any other welfare concerns regarding these animals PSNI will report to DAERA/Councils the next day to allow follow up accordingly.

Contact Details to include Out of Hours

1. Current contact details for Councils Regional Animal Welfare Service:

Belfast City Council

- telephone: 028 9027 0431
- email: animalwelfare@belfastcity.gov.uk

Eastern region (Lisburn and Castlereagh City Council, Ards and North Down Borough Council)

- telephone: 028 92447861
- email: animalwelfare@lisburncastlereagh.gov.uk

Northern region (Mid and East Antrim District Council, Causeway Coast and Glens District Council, Antrim and Newtownabbey Borough Council)

- telephone: 028 2563 3134
- email: animal.welfare@midandeastantrim.gov.uk

Southern region (Armagh City, Banbridge and Craigavon Borough Council, Newry, Mourne and Down District Council)

- telephone: 028 3751 5800
- email: animalwelfare@armaghbanbridgecraigavon.gov.uk

Western region (Fermanagh and Omagh District Council, Derry City and Strabane District Council, Mid Ulster District Council)

- telephone: 028 8225 6226
- email: animalwelfare@fermanaghomagh.gov.uk

Emails will only be responded to during office hours, Monday to Friday, 9am to 5pm.

For emergency welfare cases Tel: 07824 994 490 the out-of-hours service which operates Saturday, Sundays and Bank Holidays from 9am to 5pm.

2. Current contact details for 11 individual Council Dog Warden Services:

(Note the Dog Warden Service does not deal with the enforcement of animal welfare. The remit of the Dog Warden Service includes stray dogs, prescribed banned breeds, dog attacks on persons / livestock / other animals. Further detail is provided on page 17.)

Note due to restructuring within councils these details may be subject to change
DOG WARDEN SERVICE - OUT OF HOURS PROVISION

COUNCIL	HOURS OF WORK	CONTACT NUMBER (S)
Antrim & Newtownabbey Borough Council	24 Hour , 365 days	078 4197 0084
Ards and North down Borough Council	24hrs (when available) (under review)	030 0013 3333 Or 028 9182 4005
Armagh, Banbridge & Craigavon Borough Council	For complaints of dangerous dogs and attacks by dogs on persons and livestock. There are no specific time periods for the on-call service.	0300 0300 900
Belfast City Council	8am - 8pm 7 days a week. No service outside these hours but there is an answer machine facility which is picked up first thing every morning.	028 9027 0431
Causeway Coast & Glens	Ballymoney - outside office hours 24hrs, 7 days a week, 365 days a year Coleraine – until 10pm weekdays, 9am – 10pm weekends and bank holidays exc. Xmas day, boxing day, NY day and Easter Sunday. Limavady - outside office hours 24hrs, 7 days a week, 365 days a year Moyle - outside office hours 24hrs, 7 days a week, 365 days a year	077 7593 8003 078 5057 0763 077 9416 5161 078 8970 7083
Derry and Strabane Council	Operating an ad hoc out of hours service. A mobile number is left on the Council Answering service and the person taking the call will respond to either attacks on a person or livestock, and to road	028 7125 3253

	traffic accidents only.	
Fermanagh and Omagh Council	24hr call out service for attacks on People or Livestock.	077 1824 8111
Lisburn & Castlereagh City Council	Weekdays - 6-10pm Weekends 9am – 10pm 365 days / year	078 9987 6081
Mid Ulster Council NOTE : contact numbers are for council use only and not to be given to public.	Until 10pm weekdays and evenings (attacks only) 24hrs a day , 7 days a week (attacks only) 24hrs a day, 7 days a week (stray dogs and emergencies)	(under review – New number 1 Nov 2017)
Mid and East Antrim	Can contact Borough Warden through PSNI	028 25 633 120 (will divert to Enforcement Officer Mobile)
Newry, Mourne and Down District Council	Callout service available for Weekends and evenings. Emergency calls only e.g. serious dog attacks. All calls go via the Head of Service who exercises discretion before dog warden is contacted.	07967571387 030003002233

3. Current contact details for DAERA Veterinary Service/ Welfare and Enforcement Branch (WAEB) / Portal staff.

Contact DAERA if you are concerned about the welfare of farmed animals or animals kept in riding establishments, boarding kennels, pet shops or zoos.

Monday to Friday, 9am to 5pm, telephone 0300 200 7840

Out of hours Veterinary Service Emergency Hotline; 028 90 52 5596

Clarity of role between Councils Animal Welfare Officer and Council Dog Wardens

Although both services are provided by Councils, these are two separate teams. Whilst Animal Welfare Service is provided on a regional basis, the enforcement of dog control matters is provided by each of the 11 councils. As such the out of hours service provided by each will vary.

Whilst Animal Welfare Officers are responsible for enforcement of the provisions of the Welfare of Animals Act (NI) 2011, Council dog wardens will investigate matters under the Dogs (NI) Order 1983 (as amended) such as dog attack on livestock and other animals; dog attack on persons; stray dogs; reports of prescribed banned breed dogs. Dog Wardens are also responsible for the licensing of dog breeding establishments.

Clarity of roles between Councils Animal Welfare Officers and DAERA Portal Staff during Portal Operations.

DAERA are responsible for the enforcement of the Welfare of Animals Act (NI) 2011 for farmed animals. At both Belfast Harbour and Larne Port there is a permanent presence of DAERA Portal Inspectors who are responsible for the enforcement of the Welfare of Animals (Transport) Regulations (Northern Ireland) 2006 for all animal types.

DAERA will utilise their powers in order to deal with issues arising at the port. Where there is a potential for breach of the 2011 Act at a premises from which, for example pups, are thought to have been transported from, the DAERA Divisional Veterinary Officer and the relevant Council Animal Welfare Manager will agree the necessary action at the earliest opportunity.

Enforcement of Disqualification and Deprivation Orders

For disqualifications gained under the 2011 Act the agency who had successfully achieved the prosecution and any associated orders will take the lead in connection with any breach of the disqualification order and execution of any deprivation order.

With regard to disqualifications in cases investigated by PSNI they should liaise with the Department /Councils as appropriate, in advance of any operation to determine a breach of the disqualification order. Consideration should be given to a joint agency operation as any current (new) welfare concerns observed will be a matter for investigation by the Department / Councils, as appropriate. As circumstances arise the PSNI Wildlife / Animal Liaison Officer, DAERA Officer and/or the Councils Animal Welfare Manager will agree the necessary action at the earliest opportunity.

Where under the 1972 Act a disqualification is still in effect, the Department -or PSNI will investigate as appropriate. Where any current welfare concerns are observed this will be a matter for investigation by the Department / Councils, as appropriate, with consideration to a joint operation where appropriate.

Other criminal offences in respect of any animal

Other criminal offences in respect of any animal will most often have links to serious organised crime, for example included but not limited to dog fighting and badger baiting. However as circumstances arise the PSNI Wildlife / Animal Liaison Officer, DAERA Officer and/or the Councils Animal Welfare Manager will agree the necessary action at the earliest opportunity.

Dogs in hot cars

Calls pertaining to dogs in hot cars should be reported to Councils Animal Welfare Service. However where it is obvious that the dog is in distress, then the PSNI 999 number can be utilised.

Poisonings

Where a domestic animal is reported to be poisoned, Councils will investigate. Where wildlife crime in respect of poisons has been identified the PSNI will investigate.

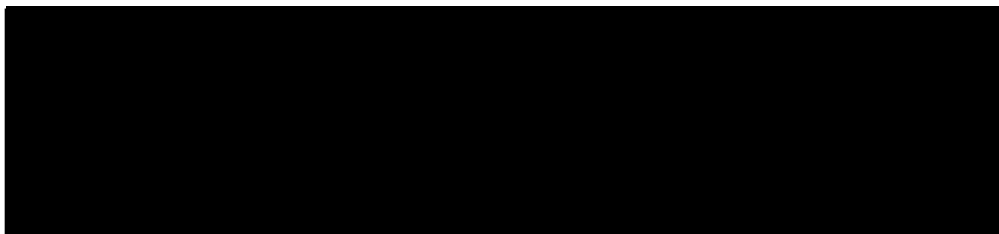
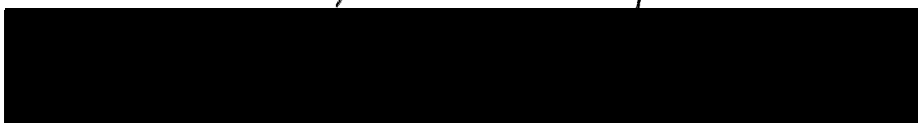
Where it is confirmed the poison used has been alpha chloralose or carbofuran the investigating authority should inform the Health and Safety Executive for NI and have regard to the WIZZ scheme.

Health and Social Care Trust responsibilities

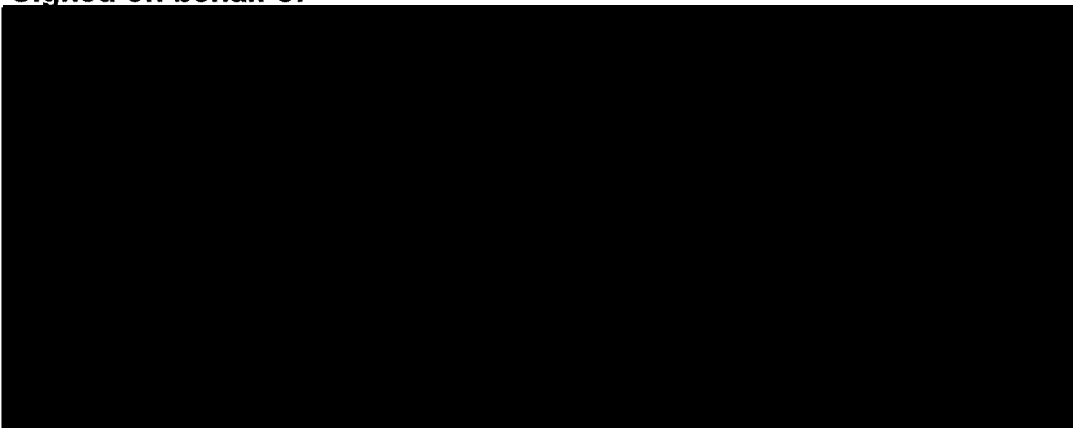
Council/ DAERA / PSNI officers should be aware that in circumstances where an animal owner has been admitted as a patient to any hospital or is admitted to other accommodation, the Health and Personal Social Services (Northern Ireland) Order 1972, Article 38: Protection for property of certain persons, places a duty on the Trust that where there is danger of loss of, or damage to, any property of this person by reason of his temporary or permanent inability to protect or deal with the property, and that other suitable arrangements have not been, or are not being made to prevent or mitigate the loss or damage, the Trust shall take reasonable steps for that purpose.

Signed on behalf of the

Department of Agriculture, Environment and Rural Affairs

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Signed on behalf of

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Signed on behalf of

The Police Service of Northern Ireland

Name:

Rank:

Position: Service Lead for Rural and Wildlife Crime.

Date:

21st MAY 2018