

John F. Robins, Secretary, Animal Concern Advice Line (ACAL), c/o Animal Concern,
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Animal Concern Advice Line (ACAL) is a recognised Scottish charity: No. SC030982.
Animal Concern Advice Line was established in 2001 to take on the charitable work of Animal
Concern which was founded as the Scottish Anti-Vivisection Society in 1876.
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Our Reference ACAL21917a

Roseanna Cunningham MSP,
Cabinet Secretary
The Scottish Government,
Holyrood,
Edinburgh.

Dear Cabinet Secretary Cunningham,

I write concerning previous e-mails to you and your reply reference 2017/0032156,
2017/0030955 and 2017/0030553 of September 2017 which was written and sent on your
behalf by Mr. Phil Burns of your Animal Welfare Branch. I attach a copy of that reply as there
is no indication on it that Mr. Burns sent you a copy.

While I welcome the information supplied in the first five paragraphs of the attached I wish to
raise some queries with you on the last three paragraphs.

On the subject of your proposed new legislation to license and regulate animal rescue and
rehoming agencies Mr. Burns states in paragraph 6 that "Officials have previously met with
stakeholders to discuss a number of welfare related topics including rescue and rehoming
agencies."

Can you tell me what "stakeholders" Mr. Burns refers to and what entitles groups or
individuals to be recognised as "stakeholders" by the Scottish Government? Can you also
tell me if you have initiated specific pre-consultation discussions with stakeholders on the
regulation of animal rescue and rehoming agencies and if animal sanctuaries are to be
included in your legislative reviews?

One of my reasons for raising this is that Animal Concern Advice Line has not been asked to
contribute to any discussions on this matter. I have decades of experience in this field
including having had contact/dealings with animal hoarders and rescuers (ranging from the
very good to the very bad) of most species of animals. I have also been involved in the
successful rescue and rehoming of animals, including bears, reptiles and primates, in
Scotland.

When I first supported licensing of animal rescue and rehoming agencies (in the 1990s) there was a lot of flak from some of the smaller rehoming agencies. They were specifically concerned over who would police the regulations. As the SSPCA, local authorities and the police are all involved in the rescue and rehoming of animals I think it is important that another agency, preferably an answerable Government department, monitor any new legislation. I am concerned that important issues such as this may not have been raised by stakeholders in the pre-consultation discussions.

In paragraph 7, referring to my request for an animal offenders register, Mr. Burns states; "Although there is currently no formal list, anyone who has been investigated for animal welfare offences is already known to the relevant authorities". I think this falls far short of what is required. I know from experience that "the relevant authorities" sometimes don't communicate internally far less with other agencies.

What is required is an official Animal Offender Register to which the likes of livestock farmers and transporters, abattoirs, zoos, pet shops, sanctuaries, laboratories using animals and, under some circumstances, the general public can easily access before employing anyone to work with animals or trusting their pets to kennels, catteries or dog walkers and pet groomers or asking a rescue centre to care for and rehome a beloved pet.

In paragraph 8, referring to my request for a review of the Ayrshire Ark case, Mr. Burns states "The Scottish Government does not consider that to be necessary as there has been a successful prosecution." He goes on to admit that "... police officers and Scottish SPCA staff accessed the premises on Friday 2 December 2016 after the Sun had alerted them to the conditions inside."

It is obvious from his reply that Mr. Burns does not know enough about the Ayrshire Ark case. If he knew more I hope he would agree that the handling of this case urgently requires a full and thorough investigation to find out what went dreadfully wrong with this case, try to ensure it does not happen again and, if necessary, censure or prosecute any of the relevant authorities which may have failed in their duty to protect the welfare of the animals which suffered and died.

Animal Concern Advice Line was first made aware of welfare concerns about the Ayrshire Ark in September 2016. The information supplied to us clearly indicated that the SSPCA and other authorities had, prior to June 2015, been made aware of and had been investigating complaints – including deaths of dogs under suspicious circumstances - about the Ayrshire Ark (aka Scottish Bull Terrier Rescue and Bullies Buddies Friends and Bull Breed Buddies).

I very much regret that as my informant told me, "... all the authorities have been alerted previously and there have been investigations from SSPCA, HMRC, police, social work, local council", I assumed the matter was being dealt with and I did not take it any further with the relevant authorities.

On 13th November 2016 The Scottish Sun on Sunday reported on a case where a dog rehomed by Ayrshire Ark attacked a child and was then returned to Ayrshire Ark by Police Scotland. In response to this I passed my information on Ayrshire Ark to The Scottish Sun on Sunday and asked them to investigate.

Questions which must be answered include why, if this place had been under investigation by the relevant authorities since 2015, did it take a press photograph, taken through a window at the end of November 2016 and showing a dog which had been dead for some time, to persuade the SSPCA and Police Scotland to take obviously long overdue action? Why, if the place was under investigation, did the police return a potentially dangerous dog to Ayrshire Ark?

As the court acknowledged very serious criminal acts occurred at the Ayrshire Ark. A large number of dogs died and were injured. The evidence strongly suggests some of these dogs suffered terribly cruel, slow deaths and others were left with painful untreated injuries due to incompetence on the part of the various agencies which were aware that there were problems but failed in their duty to enforce animal welfare legislation.

Over recent years I have discovered that a number of local authorities and the police have a policy of referring allegations of certain types of animal welfare crimes direct to the SSPCA for investigation. If the SSPCA deem necessary it is left to them to ask the PF to consider a prosecution. The police and local authorities do not pay the SSPCA for undertaking these statutory duties on their behalf, leaving the SSPCA to use charitable donations to do the work of the police and local authorities for them. As a charity, unlike the police or local authorities, the SSPCA do not have to respond to Freedom of Information requests to show how they deal with cases such as the Ayrshire Ark.

AS well as the above the main questions which a review of this case should address is:

On what dates were Police Scotland, Scottish SPCA and East Ayrshire Council first and subsequently made aware of potential problems at Ayrshire Ark?

What if any, action did each organisation take up to and after the prosecution of (name removed for legal reasons) and on what dates did they take such actions?

I look forward to your response in due course.

Yours sincerely,

John F. Robins,
Animal Concern Advice Line