

Written Response by the Welsh Government to the report of the Climate Change, Environment and Rural Affairs Committee entitled Report on the use of snares in Wales.

The way our animals are treated is an important reflection of society's values and the Welsh Government is committed to improving animal welfare standards in Wales.

The Code of Best Practice on the Use of Snares in Fox Control (the 'Code') was published on 25 September 2015. The Code is aimed at those who use snares in the Welsh countryside and was developed with input from stakeholders with an interest in snares and their use. It seeks to deliver higher animal welfare standards, increased efficiency in terms of fox control and ensure fewer non-target species are caught. My officials are actively reviewing the Code and its effectiveness in Wales to ensure it meets these aims.

As part of this analysis officials have been working to develop proposals regarding snares and their use within the Welsh Government Consultation 'Taking Forward Wales' Sustainable Management of Natural Resources¹. The 'Wildlife' section of the Consultation is seeking a view on whether the current Code is an effective method of controlling the regulation of snares. The Consultation includes seven proposals covering aspects of snare design, snare operator practice and asks whether there should be further Order making powers for the Welsh Ministers to regulate snares. The Consultation closes on 13 September 2017 and I would like to encourage anyone with an interest in snare use to provide evidence as part of the consultation process.

One of the most challenging aspects of this work has been the practicalities of gathering evidence on the extent of snare use in Wales. Snare users such as gamekeepers, farmers and pest control operators will be asked to participate fully in stakeholder meetings aimed at gathering evidence on snare use.

I would like to thank the members of the Climate Change, Environment and Rural Affairs Committee for their report on the use of snares in Wales. I am particularly pleased to see the Committee's recommendations are in line with our current and future plans. I have set out my response to the Report's individual recommendations below.

Detailed Responses to the report's recommendations are set out below:

¹ <https://consultations.gov.wales/consultations/taking-forward-wales-sustainable-management-natural-resources>

Recommendation 1

The Committee recommends that

The Welsh Government should undertake an annual review of the Code and publish a report of that review.

Response: Accept

A year on from the launch of the Code my officials met with stakeholders to discuss the progress made in publicising the Code and also to listen to concerns raised by anti-snaring groups. My officials will continue to hold annual stakeholder meetings at which anti-snaring groups, snare users and also those responsible for enforcement will be asked to present evidence to include cost and number of code compliant snares sold, numbers of people who have been trained and the number of prosecutions. Prior to the meeting, attendees will be asked to gather specific evidence linked to the Code and present it to my officials.

A report of the findings of each of these annual stakeholder events will be published on the Welsh Government website from September 2018.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 2

The Committee recommends that

If the annual review of the Code shows that it is not working then the Welsh Government should tighten the law on the use of snares in Wales, including the introduction of sanctions for non-compliance with the Code.

Response: Accept in principle.

The Code was developed to drive up standards for both operator practice and animal welfare. Welsh Ministers would be prepared to consider taking further steps should the Code prove ineffective. The Welsh Government Consultation, Taking Forward Wales' Sustainable Management of Natural Resources seeks views regarding proposals on whether potential regulatory reform is required for snares. In particular, the Consultation asks whether the Welsh Ministers should take a power to ban by Order any type of snare (in addition to self-locking snares, which are already illegal) and/or to make requirements in relation to the use of a snare. Such an Order would allow action to deal with particular problems which come to light in relation to snaring. It could give detail on any additional specification relating to the technical requirements a snare should require such as a stop to limit the closure of the wire loop, a non-movable ground anchor, swivel, wire or break-away devices. It could provide for additional requirements on how a snare should be used such as on the checking, labelling/tagging, setting, placement

of a snare and any training required. It could allow a flexible legal mechanism which could be enshrined in law, if desired. The current requirements are presently set out in the Code.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 3

The Committee recommends that:

If evidence shows the voluntary approach has not succeeded, we recommend that the Welsh Government should prepare draft legislation. In preparing that legislation, the following options should be considered:

- the introduction of similar requirements to those in Scotland, for training and identification and exploring a licensing system to be funded by users;
- whether the liability for prosecution should be placed on the landowner where snares are found; this could reduce the problems of determining ownerships of snares and the difficulty of gaining successful prosecutions.

Response: Accept

Whilst the Welsh Government has developed the Code to improve snare user practice in fox control, officials are considering whether in the future further regulatory action may be required to existing controls on the use of snares to improve animal welfare standards.

The Welsh Government Consultation ‘Taking Forward Wales’ Sustainable Management of Natural Resources’ seeks views on new regulatory approaches to the sustainable management of natural resources in Wales. The Consultation includes proposals to allow the Welsh Ministers to regulate the type of snares used and provide flexibility to incorporate into legislation any development or improvement to snare design. The Consultation includes seven proposals concerning snares and their use. The Consultation closes on 13 September 2017.

The options listed in Recommendation 3 will be considered alongside other evidence provided by stakeholders and any consultation responses.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 4

The Committee recommends that:

If it is shown that the reformed enforcement measures listed in Recommendation 3 do not increase the humaneness and efficacy of pest control by snaring, then the Welsh Government should consider legislating to ban the use of snares.

Response - Accept

The Consultation (referred to above) includes a proposal for the Welsh Ministers to take a power to ban by Order any type of snare (in addition to self-locking snares, which are already illegal) and/or to make requirements in relation to the use of a snare. Such an Order could provide a legal mechanism to ban snaring completely.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 5

The Committee recommends that:

The Welsh Government should undertake a gap analysis of the data available and takes urgent steps to obtain the information it needs to assess the efficacy of its policy.

Response: Accept

My officials are already in the process of mapping what information is available on the use of snares in Wales. There is limited data available as there is no monitoring process in place for snaring. However, we are engaging with stakeholders to discuss how we might collect more information.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 6

The Committee recommends that:

The Welsh Government should report by the end of September 2018 and thereafter on an annual basis, on the extent of the use of snares in Wales. As part of that reporting process, the Welsh Government should work with stakeholders to devise a mechanism to determine the number and species of animals caught in snares.

Response: Accept

As part of the annual meeting with stakeholders evidence will be gathered on the extent and use of snares in Wales. Whilst recognising there is no active monitoring regime officials will explore with stakeholders the practicalities of gathering this information. As previously mentioned a report of the findings of each of these annual stakeholder events will be published on the Welsh Government website from September 2018.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 7

The Committee recommends that:

The use of non-Code compliant snares should be banned on Welsh Government owned land.

Response: Accept

I was asked in Plenary on 28 June 2017 whether I would promote only the use of snares which comply with the Code on Welsh Government owned land². I confirmed I would only support the use of Code compliant snares.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 8

The Committee recommends that:

The Welsh Government's review of the Code should report on:

- enforcement action in relation to the Code and the numbers of successful prosecutions, if any;
- the cost and availability of Code compliant snares; and
- the numbers of people being trained to use snares according to the Code and the methods used to assess the effectiveness of that training.

Response: Accept

The annual stakeholder meeting will seek to gather evidence on all the aspects listed.

The Wales Wildlife and Environmental Crime Enforcement Group and the Crown Prosecution Service will be involved with the process to provide insight on the enforcement of the legislation involved.

My officials are currently working with manufacturers and retailers to increase the availability of Code compliant snares in retail outlets in Wales. I have written to manufacturers and retailers across Wales to urge them to make/stock only Code compliant snares.

Welsh Government Wildlife Advisers and staff from the Office of the Chief Veterinary Officer have attended snare user training in Wales. The training

² <http://www.assembly.wales/en/bus-home/pages/rop.aspx?meetingid=4301&assembly=5&c=Record%20of%20Proceedings&startDt=28/06/2017&endDt=28/06/2017#483700>

was comprehensive and included all the aspects required to allow a trained individual to work within the requirements of the Code.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Lesley Griffiths AM
Cabinet Secretary for Environment and Rural Affairs