



Department
for Environment
Food & Rural Affairs

Animal Welfare Team
Area 5D
17 Smith Square
London, SW1P 3JR
T: [Redacted]
helpline@defra.gsi.gov.uk
www.gov.uk/defra

[Redacted]

Your ref:
Our ref: RFI 6464
Date: 22 April 2014

Dear [Redacted]

**REQUEST FOR INFORMATION: COMMUNICATION WITH THE INDEPENDENT
REVIEWER OF THE RSPCA'S PROSECUTION POWERS**

Thank you for your request for information, which we received on 1 April, about the department's communication with Mr Stephen Wooler, who is conducting a review into the RSPCA's ability to prosecute in animal welfare cases. We have handled your request under the Freedom of Information Act 2000 (FOIA).

Specifically, your request was:

"I would like to request the following information under the Freedom of Information Act 2000.

- 1. All correspondence between the Department for Environment, Food and Rural Affairs and Mr Stephen Wooler CBE on the review of the RSPCA's prosecutions activity.*
- 2. Minutes of, and information from, all meetings between the Department for Environment, Food and Rural Affairs and Mr Stephen Wooler CBE regarding the review of the RSPCA's prosecutions activity.*
- 3. Copies of all documents given by the Department for Environment, Food and Rural Affairs to Mr Stephen Wooler CBE in relation to the review of the RSPCA's prosecutions activity.*

I would be most grateful for an acknowledgement of my request."

Following careful consideration, we have decided not to disclose some of this information. Officials from this department met Mr Wooler and answered a few of his questions he had on the mixed role of RSPCA as prosecutor, campaigner and commercial organisation. Officials explained the various ways welfare offences are investigated and are prosecuted by local authorities, by the police, by CPS on behalf of Defra or by private prosecutors such as RSPCA. Officials also explained that Defra did not own the Animal Welfare Act 2006 and it was there for anyone to use. Defra officials handed Mr Wooler two documents:

1. Defra's "Enforcement Policy Statement (2010)". This document is already in the public domain and can be found here:

<http://archive.defra.gov.uk/corporate/policy/enforcement/enforce-policy-rev1001.pdf>



and

2. A copy of a court judgment in a particular cases “Barco de Vapeur and others v. Thanet District Council (2014)” which is also in the public domain and can be obtained via this website:

<http://lexisweb.co.uk/cases/2014/february/barco-de-vapor-by-and-others-v-thanet-district-council>

The remainder of the information requested is being withheld as it falls under the exemption in section 22 of the FOIA, which relate(s) to information intended for future publication. In applying this exemption we have had to balance the public interest in withholding the information against the public interest in disclosure. We recognise that there is a public interest in disclosure of information concerning deliberations on the possible future role or status of a leading animal welfare charity, such as the RSPCA.

On the other hand, there is a strong public interest in withholding the information prior to the planned publication because it would likely hamper the preparation of the report by diverting attention to deal with selective enquiries based only on the partial evidence that would be released. Public confidence in the review process may also be damaged due to public attention becoming focused on unfinished deliberations rather than firm recommendations. Therefore, we have concluded that, in all the circumstances of the case, the public interest in withholding the information outweighs the public interest in disclosure and so the information must be withheld. The information currently being withheld will be released at the time that the report is published.

In keeping with the spirit and effect of the FOIA and in keeping with the government’s Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on www.gov.uk together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I attach Annex A, which explains the copyright that applies to the information being released to you.

I also attach Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact me.

Yours sincerely

[Redacted]

Annex A

Copyright

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Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF