

Hansard Extract – Commons Committee Stage of Animal Welfare (Sentencing) Bill

3 February 2021

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I beg to move amendment 1, in clause 1, page 1, line 10, at end insert—

“(2A) After subsection (1) insert—

(1A) Subsection (1B) applies where the court is considering for the purposes of sentencing the seriousness of an offence under any of sections 4, 5, 6(1) and (2), 7 and 8, and the person guilty of the offence—

(a) filmed themselves committing the offence, or

(b) posted online a video of themselves committing the offence.

(1B) The court—

(a) must treat the fact mentioned in subsection (1A)(a) or (b) as an aggravating factor (that is to say, a factor that increases the seriousness of the offence), and

(b) must state in open court that the offence is so aggravated.”

[...] This simple amendment would make it a more serious animal cruelty offence for the purpose of sentencing if the guilty person had filmed themselves committing the abuse. In a digital age, we see more and more cases of people filming abuse of animals, partly for their own perverse enjoyment, partly because they want to share the film on social media, and partly because they fail to recognise that in so doing they encourage others to do the same.

The former MP for Redcar, Anna Turley, who campaigned relentlessly on the issue, used a specific example to illustrate the point. If the Committee will forgive me, I shall use it again now. She raised the case of Baby the bulldog, a dog from Redcar that was filmed being horrendously abused. I will borrow a quote from RSPCA inspector Gemma Lynch about what happened to Baby. She said Baby was

“totally submissive throughout, not even making a noise when she lands on the stairs, bouncing to the foot of them where there is a baby gate which she crashes into before hitting the ground.”

Frankish, the abuser,

“is saying... ‘one, two three’ before hurling her down them. He is clearly enjoying himself—he’s laughing and smiling. The whole horrible ordeal seems to be for his and the younger man’s entertainment, for fun.”

One clip

“shows him stamping on her neck repeatedly at the bottom of the stairs, then picking her up and throwing her to the ground with force over and over again. He’s laughing hysterically.... Another clip shows him standing on Baby’s chest with his full body weight at the top of the stairs, before jumping up and down on her. This is the only time you hear her make a noise, and she is crying throughout... The younger man says, ‘See if we can make it scream any more. We should throw it down the stairs by its ears’”

before Frankish

“picks her up against the wall and headbutts her twice, then throws her down the stairs again. Everyone who has seen the video says it’s the most distressing thing they’ve ever seen. These are people who have seen a lot of horrible things.”

I am sorry for putting everyone through that, but it is important to understand the examples that the amendment would deal with and to show just what cruelty and abuse people can inflict on animals.

Sadly, Baby was put down three months later after losing the use of her back legs as a result of her injuries from such abhorrent abuse. What makes the case so cruel and inhumane is that the abusers filmed themselves performing those despicable acts, as though they were proud of what they were doing or wanted to hold on to the memories of that abuse. The two men pleaded guilty to causing unnecessary suffering to Baby the bulldog by subjecting her to unnecessary physical violence, an offence under the Animal Welfare Act 2006. They were given a six-month suspended sentence and were tagged, under a curfew between 8 pm and 6 am, and they paid £300 in costs. Was that justice for Baby?

When Anna promoted the Bill, she referred to Baby’s law. Whether it is for Baby or for the countless other animals that we all know examples of, there is an urgent need to address the lack of a digital component—a filming component—in the legislation. This adds an extra component because it furthers the abuse by building on the power play that the people who abuse animals seek. This is about power. We should not underestimate that.

The need to crack down on filming animal abuse grows more urgent by the day. In 2015, the RSPCA investigated 27 cruelty complaints that involved images or videos shared on Snapchat. By 2019, the figure was 62 —a 130% increase.

A survey for the RSPCA showed that at least 46% of young people have witnessed animal cruelty: 28% have seen it on TV or in a film, and 18% have witnessed it on social media. Nearly one young person in five has witnessed animal abuse on social media. According to the survey, the majority who saw it online saw it on Facebook. That tended to be footage of real cruelty against pet animals shared by a stranger. We cannot stand by and let the abuse of defenceless animals continue and then expose our children to those horrifying acts.

[...]

I want Baby’s law to be passed, and I want it to send a strong message to people who not only abuse animals, but choose to film that and post the images online. Sharing the abuse encourages greater abuse and seeks, by having more people witness it, to desensitise. That makes it worth amending the Bill to provide for an extra consideration in sentencing. I encourage Members to support the amendment, although we shall not press it to a vote, for the reasons I gave. I hope to revisit the matter on Report.

Daniel Zeichner (Cambridge) (Lab): [...] As my hon. Friend has said, there are concerns that we want briefly to explore through our amendments. We very much agree with the previous MP for Redcar, who introduced the first Bill, that the filming of cruelty against animals should be considered an aggravating factor by courts in considering the offence. It is already listed as one in the sentencing guidelines to the 2006 Act, but we think it is important that that should be in the Bill.

We have heard that one of the overwhelming issues in the deeply distressing case of Baby the bulldog was the fact that those involved filmed themselves. People not only abusing animals, but recording it and, nowadays, sharing it on social media, with the intention of glorifying and amplifying the abuse, should be taken into account.

We are in a changing world ... As the available technology changes, the law must keep up. To abuse innocent animals and, not only that, to record the abuse for entertainment shows, I am afraid, a malicious intent that should be considered an aggravating factor in sentencing.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Victoria Prentis): [...] Aggravating factors are most often dealt with in the sentencing guidelines for an offence, not within the statute. A select number of offences relating to terrorism and domestic violence are exempt from that general rule. For most offences, normal practice is for other aggravating factors to be included in the sentencing guidelines. Those are not unimportant documents. From my experience as a lawyer, I know that the courts are required to follow those guidelines when determining the appropriate sentence in any particular case.

The sentencing guidelines on animal cruelty were drawn up by the Sentencing Council and were last reviewed in April 2017, following public consultation. Those include guidelines on “the use of technology to publicise or promote cruelty”

which is already considered an aggravating factor. The Department for Environment, Food and Rural Affairs has been in contact with the Sentencing Council about the Bill and, if we pass the Bill, the council will need to reassess its guidelines. It will conduct another review. It will also consult publicly on the new guidelines.

I have been looking at other examples of guidelines relating to filming. Perhaps the best, and the one that I suspect I would suggest to the Sentencing Council, is found in the sentencing guidelines for robbery when sentencing children and young people, which includes the aggravating factor of

“the filming of the offence... or circulating details/photos/videos etc of the offence on social media or within peer groups”.

That is to be considered specifically by the court when sentencing the offender.

[...] I should emphasise that the Sentencing Council is of course independent of the Government, but it is only right for the Government to make suggestions. I am outlining the suggestion that I feel would be the best-practice sentencing guideline, which I hope the council will make if we pass the Bill—I very much hope we will. I suggest a guideline similar to the one for the robbery offence that I outlined.

In addition to the sentencing guidelines, legislation—one piece specifically—provides an offence that could cover filming animal cruelty. Section 127(1) of the Communications Act 2003 creates a specific offence of sending grossly offensive, indecent, obscene or menacing messages over a public electronic communications network. It is a matter for the Crown Prosecution Service to decide which charge to bring, but it is possible that someone filming an act of animal cruelty or sharing it could be charged with an offence under that section. That would result in a maximum sentence of six months for the offence of posting the offensive message. I am happy to speak to DCMS colleagues further about this, and I will do so as the Bill progresses.

In brief, there are existing options to ensure that the offenders who film and upload or distribute footage of their animal cruelty are met with an appropriate response. This is an horrific crime, and filming it to share with others is beyond comprehension. We will discuss this matter further with the Sentencing Council, and when it reviews the guidelines we will ensure that this point is raised during the public consultation.

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