

30th January 2007	ITEM 7
Licensing Committee	
ANIMAL WELFARE CHARTER REVIEW	
Report of the Environmental Health Team Leader	
Purpose: To consider reviewing the Council's Animal Welfare Charter	
Wards affected: All	Key decision: Yes
Public	

1. RECOMMENDATIONS:

- 1.1 To instruct the Head of Strategy, Environment and Development Services to commence a review of the Council's Animal Welfare Charter.**
- 1.2 For the Chair of the Licensing Committee and the Environmental Health Team Leader to agree a revised draft version of the charter that can then be presented for public consultation.**
- 1.3 The results of the public consultation to be reported and considered at a future meeting of the Committee prior to adopting a revised document.**

2. INTRODUCTION:

- 2.1 This report seeks the approval of Committee Members to undertake a periodic review of the Council's existing Animal Welfare Charter. The Licensing Committee appropriately can consider this matter as a significant portion of the Charter relates to the Council's role as a licensing authority for animal-related establishments, and this is therefore a subject area for which the Committee can dictate policy.

3. BACKGROUND:

- 3.1 Local authorities are not statutorily obliged to adopt Animal Welfare Charters. Some, like Thurrock, have nevertheless chosen to develop policy guidelines in this area to demonstrate the importance the local community attaches to animal health and welfare; to ensure that the Council acts in caring and

responsible way in all its work that involves animals; and to direct the enforcement of animal protection legislation for which it is responsible.

3.2 The present charter appears as Appendix A at the end of this report.

3.3 The Council's environmental health and trading standards service enforces various regulations designed to safeguard the health and welfare of animals in certain situations. For instance, licensing schemes require minimum standards of care and facilities at pet shops, boarding and breeding establishments. Officers can also monitor the health of animals on farms and conditions when they are in transit.

4. ISSUES AND/OR OPTIONS:

4.1 There are various reasons why this could be thought to be an appropriate time to review the Council's policy:

- All Council policies should be subject to periodic review. The charter has existed largely unchanged since it was created well over 10 years ago. This was before the Council took on 'Unitary status' and thereby acquired additional animal health functions.
- A review would coincide with the recent passing of the Animal Welfare Act, which is the most important development in animal protection law for a century.
- It can be foreseen that certain measures contained in the new Act and forthcoming secondary legislation will generate public interest and this could lead to expectations of how local authorities will exercise their new and extended powers. The charter could stipulate where the Council believes service requests concerning cruelty and welfare offences should be directed and the extent to which its appointed inspectors should act under the new provisions.
- A revision of the charter would be timely, in preparation for the new licensing regimes for animal establishments that are due to be created over the next decade.

4.2 The new charter could refer to the need to comply with the Regulators' Compliance Code, a product of the Legislative and Regulatory Act 2006. The Code will legally oblige regulators to have regard to certain principles when forming policy, rules, codes and guidance.

4.3 The existing charter is comparatively rigid and has arguably not kept pace with new legislation, procedures and partnerships with other agencies. Flexibility can be built into the new charter by, for instance, allowing minor alterations to be made by the Head of Service in consultation with the Portfolio Holder and/or Licensing Committee Chair. Any proposed amendments, which would change the essential meaning or content, would remain for approval by Licensing Committee following public consultation.

- 4.4** A charter need not cover every aspect of animal health and welfare but should address the circumstances where the Council’s duties and functions can influence the treatment of animals. Arguably, there is little point in including contentious issues in the charter that are outside the scope of the authority’s control. It is considered good practice to clarify the sort of contraventions the Council considers most important and the type of circumstances where intervention is warranted.
- 4.5** A consultation exercise involving interested parties (particularly Thurrock residents and businesses); animal welfare charities and other enforcement agencies should be undergone before a revised charter is adopted. This will also include canvassing the views of departments within the Council to ensure that the charter aligns with, for instance, housing policies regarding pet ownership and purchasing guidelines on cruelty-free, ‘animal-friendly’ products. Environmental planning policies are designed to safeguard wildlife and habitat conservation. The Council also has a role to play as a major landowner, being in a position to prevent certain activities involving animals taking place on its land and in its buildings.
- 4.6** If the Committee agree that the existing charter needs to be reviewed, a draft revised charter will have to be prepared and a consultation exercise commenced to allow comments to be received. An outline of the contents of such a draft is set out in Appendix B to this report.

5. IMPACT ON CORPORATE PRIORITIES:

- 5.1** Whilst the health and welfare of animals are not specifically mentioned in Council Priorities, promoting this objective has clear links to human health and achieving a safer environment.

RELEVANT POLICIES	
None	
FINANCIAL IMPLICATIONS	
There are no direct financial implications arising from this report.	
LEGAL IMPLICATIONS	
Whilst not in itself a legal requirement, establishing an animal health and welfare charter in part relates to the Council’s enforcement and compliance with animal protection legislation.	
OTHER IMPLICATIONS	
Any revised charter must be compatible with principles concerning diversity, equality and human rights.	
BACKGROUND PAPERS	Contact: Phil Eastal
Thurrock Council Animal Welfare Charter	Telephone: 01375 652104
	E-mail: peasteal@thurrock.gov.uk

APPENDIX A

THURROCK  COUNCIL

ANIMAL WELFARE POLICY

Preamble

This Council being of the opinion that to promote the welfare of animals can but enhance society and that the tone of society can be judged by its treatment of animals to that end, Thurrock Borough Council hereby asserts the right of all creatures to be free from exploitation and the infliction of suffering in all its forms AND UNDERTAKES to use its best endeavours to promote those rights and to encourage others to do likewise.

Companion Animals

This Council supports the Animal Rights/Welfare Organisations in their call for greater protection for dogs and cats and all other companion animals in the community and considers that such matters should be a duty of the Permanent Council for Animal Protection and in particular this Council is of the opinion that: -

- a) There should be greater Central Government Support for the various voluntary organisations concerned with animal welfare.
- b) That a national compulsory dog registration scheme be introduced.
- c) That all dogs be required to have at all times a means of identification of its owner.
- d) The Council will give support where possible to the police authorities in their enforcement of the dangerous dog legislation.

Stray Animals

This Council recognises this as a particularly difficult problem and calls upon the owners of all animals to ensure within the interest of those animals adequate means are taken to ensure that animals do not stray and in the case of horses that they are not placed upon any land without the knowledge and approval of the owner of that land.

Trading in Animals

This Council having statutory responsibility for the inspection of Pet Shops continues its policy of vigorous inspection so as to ensure that such animals as are kept in pet shops are maintained in proper and humane conditions and in particular the Council will have regard to such advice as may be given by

the Council's Veterinary Consultant (and under any planning or other implications) before a licence is granted or refused.

FURTHER this Council deplors the use of animals as prizes of inducements and will not permit such activity on Council owned land and will encourage other land owners to do likewise.

Licensing of Animal Related Premises

The Council will promote good standards of animal health and welfare through its role as licensing authority for animal boarding establishments, dog breeding establishments, pet shops, riding establishments and dangerous wild animals. Each premises will be subject to at least one annual inspection carried out by the Council's appointed veterinary consultant.

Investigation of complaints of alleged breach of licence conditions

The Council's officers will promptly and thoroughly investigate and enforce any alleged breach of licence conditions as necessary seeking advice from its veterinary consultant.

NOTE: Whilst not prohibited by licence conditions, the Council discourages sales of exotic pets from pet shops.

Destroying of animals

Where an animal has to be destroyed at any animal boarding establishment the Council considers that it should be by humane injection only.

With regard to feral cats

The Council will support any investigation into the health and incidence of feral cat populations, which may exist within the Borough and will use its best endeavours to achieve:

- a) the humane capture and re-homing of feral cats to any appropriate welfare agency; and
- b) assistance being given to appropriate voluntary agencies by the owners of premises populated by feral cats for the spaying and neutering of feral cats and for the promotion of their welfare.

With regard to horses

The Council considers the practice within the Borough of the unlawful tethering of horses and other livestock on highway verges, play areas and other Council owned land to be unacceptable and DECLARES that such animals will be removed immediately by the Council and disposed of forthwith to the best advantage of the Council.

And,

The Council will give assistance to the policy authorities in the control of straying horses on public highways and will continue to try to educate horse owners to be more responsible to prevent their animals straying.

Experiments on living animals

The Council opposes experiments carried out on animals.

Performing Animals

Whilst this Council does not object to performing animals it is of the opinion that training methods should not involve suffering or fear by the animals nor should the performance by the animal be degrading in any way. This Council will, therefore, make every effort to ensure that: -

- a) Circuses that include the use of animals (excluding domestic animals) will not be allowed on Council owned land.
- b) Circuses visiting the Borough are inspected to ascertain, so far as is possible, that animals are well kept and cared for and that training methods are humane. Any suspected mistreatment or cruelty toward animals following such inspections will be dealt with robustly including using the resources of the RSPCA and the Council's Consultant Veterinary Service.
- c) That animals are not put in fear.

Blood Sports

This Council having banned all types of blood sports (excluding fishing) upon Council owned land opposes blood sports and considers that there should be a similar ban nationally and the existing legislation should be extended and strengthened so as to ensure that all animals are given adequate protection so that only humane methods are used to kill wildlife where this is strictly necessary.

As concerns fishing this Council recommends to anglers to follow the code of practice based on recommendations of the Medway report and that licensing authorities should ensure that the issue of a fishing licence is accompanied by information relating to the welfare of fish.

FURTHER this Council supports the requests for a ban on the sale of furs and wild animal skins.

Factory Farming

This Council regrets the use of intensive/factory farming and considers that there should be more research into the need for this type of farming and

requests that members of parliament support any legislation that will improve animal welfare conditions.

Exportation and Transportation of Animals

This Council disagrees most strongly with the transport of live animals and their exportation from this Country and urges members of Parliament to back unilateral action being taken by the British Government on banning the export of live animals. Further this Council will press most strongly for legislation to restrict transportation times of animals to a maximum of 6 hours.

APPENDIX B

OUTLINE OF CONTENTS OF DRAFT REVISED ANIMAL WELFARE CHARTER

To include paragraphs on:

1. Statement of Council's commitment to enforcing the Animal Welfare Act 2006 and secondary legislation.
2. Description of animal protection legislation enforced by the Environmental Health and Trading Standards service i.e. covering aspects concerning both farm and companion animals. Explanation of advisory and enforcement roles.
3. Description of animal-related licences, registrations and permissions issued by the Council and procedures for administering and enforcing these schemes.
4. How licence fees and charges are derived.
5. Arrangements for the appointment of inspectors and veterinary consultants, the extent of duties and use of their powers.
6. Principles of good regulation – including compliance with Regulators Compliance Code.
7. Commitment to partnership working. Liaison with Defra, Lacors, Police, RSPCA and other animal charities, trade associations and animal societies. Inter-departmental co-operation, sharing information and intelligence.
8. Methods of promoting consistency of enforcement and good practice – e.g. through LACORS and Essex Animal Welfare Forum.
9. Expressions of the commitment by the local authority and its officers to themselves comply with all animal protection legislation (i.e. as duty-holders).
10. Statement of the Council's attitude to the use of its land for circuses with performing animals and funfairs where animals are given as prizes.
11. Encouraging the general promotion of animal welfare in the community, such as responsible pet ownership. Participation in local and national campaigns.
12. Scheme of delegation under constitution, including arrangements for any sub-delegation to officers.
13. Procedures for establishing and maintaining staff competency.
14. Routines for establishing the frequency and types of inspection.

15. Investigation of service requests. Answering enquiries and requests for information. Reference to Council complaints procedures
16. Methods/conduct of inspections and assessment (e.g. RCVS equine code) when determining the suitability for licensing. Procedures for accepting applications and appeal provisions.
17. Explanation of status and scope of Charter
18. Blood sports on Council land including fishing and shooting/trapping game.
19. Policies on the keeping of companion animals – including those kept in Council accommodation.
20. Arrangements for stray animals – principally dogs and horses and policies on re-homing.
21. Guidelines where animals have to be destroyed.
22. Environmental planning and wildlife/habitat conservation.
23. Procurement policies e.g. school meals.
24. Pest control & straying animals services.
25. Support for other legislative requirements and enforcement agencies where the direct responsibility is not necessarily the Council's e.g. CITES preservation of endangered species.
26. List of useful contacts relevant to animal health and welfare.
27. Arrangements for the periodic review of the policy and means of achieving amendments.
28. Regard to the “Five Freedoms” when exercising statutory powers.
 - **Freedom from Hunger and Thirst** - by ready access to fresh water and a diet to maintain full health and vigour.
 - **Freedom from Discomfort** - by providing an appropriate environment including shelter and a comfortable resting area.
 - **Freedom from Pain, Injury or Disease** - by prevention or rapid diagnosis and treatment.
 - **Freedom to Express Normal Behaviour** - by providing sufficient space, proper facilities and company of the animal's own kind.
 - **Freedom from Fear and Distress** - by ensuring conditions and treatment which avoid mental suffering.