

Introduction of an Animal Welfare Charter for Swindon

Licensing Committee

Date: 8th September 2016

Author: Licensing Manager

Wards: All

Locality Affected: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To seek the agreement of the Licensing Committee to endorse an Animal Welfare Charter for Swindon, and to commend the policy to Council for adoption.
- 1.2 Animal Welfare is a major consideration in many of the Council's activities in areas such as licensing, stray dogs, housing tenancies, travelling fairs and events on land over which we have control and responsibility. To date, there is no overarching charter or policy which can provide a benchmark and level of expectation against which animal welfare issues can be considered in our day to day work, and when we allow others to use our land. At its June 2016 meeting, the Licensing Committee endorsed a draft Animal Welfare Charter for consultation. Officers have taken responses made to the consultation into account and propose a revised Animal Welfare Charter for adoption.

2. Recommendations

The Committee is recommended to:

- 2.1 Endorse the Animal Welfare Charter, attached at Appendix 1, and commend it to Council for adoption.

3. Detail

Background

- 3.1 The Council has a long history of improving and promoting animal welfare across its functions and with external organisations. It is, however, recommended by groups such as the RSPCA that local authorities produce policies covering animal health and welfare issues within its areas of responsibility in the form of a clear Animal Welfare Charter.
 - 3.2 Although the Council did adopt a broad statement covering its commitment to animal welfare in 2008, recent complaints from members of the public, along with the Licensing Manager's commitment to review all our licensing policies, lead to the view that the statement was too general and carried no weight in our ability to protect animal health and wellbeing.
 - 3.3 At its meeting of 7th June 2016, the Licensing Committee endorsed a more comprehensive draft Animal Welfare Charter for consultation and resolved that
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Further information on the subject of this report can be obtained from Alison Waine, (01793) 466080, or awaine@swindon.gov.uk.

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the results of the consultation, along with any amendment to the policy be brought back to Committee for consideration.

Content

- 3.4 The draft Animal Welfare Charter covers all aspects of animal welfare on land we own, and for the functions that we perform as a Local Authority. As such it covers our responsibility as landlord, as Licensing Authority, through our animal welfare functions, and through our emergency planning functions. Based on animals' rights to enjoy five basic freedoms, the Charter establishes our enforcement powers and responsibilities, along with responsibilities of our tenants and other partners. The charter has been drafted with the benefit of local experience and seeks to address issues that the Animal Welfare Team regularly deals with. It is drafted in a way that will enable it to be used in support of legal action against perpetrators of animal cruelty.

Consultation

- 3.5 Consultation on the draft policy took place between 17th June 2016 and 12th August 2016. This included a press release, encouraging local animal related businesses to share via social media, informing individuals who had previously expressed an interest in such a document and sharing with internal departments as well as external agencies. Despite this only nine responses were received. These are appended at Appendix 2.
- 3.6 The responses were unanimously in favour of the proposals with a few suggestions:
- 3.7 One asked for an out of hours dog warden service to be provided. The guidance from central Government is that an out of hours dog warden should be available where practicable. The Council currently has an acceptance point where stray dogs may be taken to out of hours which is deemed sufficient given the low number of stray dogs reported out of hours.
- 3.8 It was also noted that licensed premises should receive surprise visits to ensure conditions are being upheld. Currently all animal related licensed premises are visited once a year on inspection with additional inspections carried out on an ad hoc basis. This includes larger premises with open access to public being visited unannounced, targeted visits if a complaint should be received and general visits.
- 3.9 It was suggested that dog fouling be included but it is felt that this is covered by mention of the full dog warden service including section 2.7b – dog fouling patrols being an important part of the dog warden's duties.
- 3.10 There was also a request if commercial dog walkers could be licensed. This would have to be proposed by central government legislation in order to be so.

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The department is considering introducing a voluntary registration process for such activities.

- 3.11 Finally the Council's Housing department requested it be made clear which clauses stated are included in the Secure tenancy and which are in the Flexible tenancy agreement. They highlighted the differences.
- 3.12 As a result of the consultation, the wording of section 3 of the proposal has been amended slightly to accommodate the Housing comments. The rest of the charter is as originally proposed.

Final Policy for consideration

- 3.13 It is, therefore, proposed that the Animal Welfare Charter for Swindon is adopted so as to enable the Council to exert greater control over animal welfare and to provide additional powers in support of legal action against animal cruelty. As such, Committee is requested to commend the Charter attached at Appendix 1 to Council for adoption.

4. Alternative Options

- 4.1 The Council could continue to rely on its general statement to cover animal welfare, though this would not provide the comprehensive coverage of issues that the proposed charter addresses and would leave the Council open to complaint and challenge if animal welfare issues emerge. Recent concerns regarding the maltreatment of dogs in Council premises, fly grazing of horses by travellers and live animals being used as prizes at fairs on Council land all justify a clearer and more robust approach to control.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial or procurement implications arising from this report. If approved, the Animal Welfare Charter will be made available on the Council's website.

Legal and Human Rights Implications

- 5.2 Legal and Human Rights considerations have been taken fully into account in compiling this report. The recommendations of this report are compatible with Convention Rights as they are fully in accord with the requirements of relevant legislation. The Council is required to comply with the statutory provisions referred to in the report, which the adoption of this policy will ensure it does. All other legal and human rights implications have been considered in the preparation of this report.

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All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 Health and crime and disorder are drivers for the policy and taken into account in its drafting and designation. There are no staffing, sustainability or rural implications arising from this report.

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has been completed and is available on request

Risk Management

- 5.5 An adopted charter will assist in enabling the Council to influence and where appropriate intervene or refuse licence applications that would result in the mistreatment of animals.

6. Consultees

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 Animal Boarding Establishments Act, 1963
- 7.2 Animal Welfare Act, 2006
- 7.3 Breeding of Dogs Act, 1973 and 1999
- 7.4 Control of Horses Act, 2015
- 7.5 Dangerous Wild Animals Act, 1976
- 7.6 Performing Animals (Regulation) Act, 1925
- 7.7 Pet Animals Act, 1951
- 7.8 Riding Establishments Act, 1964 and 1970
- 7.9 Zoo Act, 1981

8. Appendices

- 8.1 Appendix 1 – Animal Welfare Charter for Swindon for adoption
- 8.2 Appendix 2 – Responses to the consultation

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Appendix 1 – Animal Welfare Charter for adoption

SWINDON BOROUGH COUNCIL CHARTER FOR THE WELFARE OF ANIMALS

Introduction

1.1 The Council supports the view that all animals are sentient creatures and have a right to life free from cruel treatment and unnecessary suffering. It recognises that animals are capable of feeling, of enjoying a state of well-being and capable of suffering.

1.2 The Council considers that people have a duty of care towards animals in their charge and that such animals have the right to enjoy the five basic freedoms:

1. Freedom from hunger and thirst - by ready access to fresh water and a diet to maintain full health and vigour.
2. Freedom from discomfort - by providing an appropriate environment including shelter and a comfortable resting area.
3. Freedom from pain, injury or disease - by prevention or rapid diagnosis and treatment.
4. Freedom to express normal behaviour - by providing sufficient space, proper facilities and company of the animal's own kind, if appropriate.
5. Freedom from fear and distress - by ensuring conditions and treatment which avoid mental suffering.

1.3 The Council will take these five freedoms into account when exercising its statutory powers in relation to animal health and welfare matters.

1.4 The Council believes that it has a moral responsibility for the welfare of all captive and domestic animals and all wild animals in-so-far that its activities impinge upon them. The Council will work to achieve these objectives in the following key areas:-

- Using its enforcement powers fairly and firmly on animal welfare matters.
- Exercising control through policy decisions in relation to activities it controls.
- Providing up-to-date advice on animal welfare matters to organisations involved with animals and to the public.

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- By working with main strategic partners such as the Police and animal welfare charities.

1.5 The Council will amend and update this Animal Welfare Charter as necessary to reflect changes in national legislation, public opinion and local and national circumstances.

2 Enforcement and responsibilities

2.1 The Council has a role in enforcement of a range of statutory powers in respect of animal related legislation.

2.2 This includes licensing and enforcement of licence conditions for: Dog Breeding, Pet Shops, Animal Boarding, Dangerous Wild Animals, Riding Establishments and Zoos.

2.3 In order to fulfil its statutory responsibilities under this legislation the Council will:

- a) Employ a core of trained and experienced personnel and where necessary and appropriate call upon the expertise of others to assist in the process;
- b) Produce, apply and regularly review conditions attached to licences issued by the Council to provide adequate protection for animals and promote their welfare;
- c) Prepare and distribute to all involved, material explaining the provisions of the law and licence conditions so as to promote a better understanding of the law and greater compliance with the various statutes;
- d) Inspect premises and carry out such enquiries as required prior to their licence application being determined to ensure that they will comply with the licence conditions;

2.4 The Council also has a statutory duty in regards to stray dogs. The procedure for stray dogs is detailed in the Stray Dogs Policy but in brief the Council agrees to fulfil its statutory duties by:

- a) Operating a full Dog Warden service during office hours to respond to stray dog complaints and remove stray dogs to the pound
- b) Operate an out of hours Acceptance Point that members of the public can take a stray dog.
- c) Liaise closely with other enforcing agencies to ensure a co-ordinated approach to animal welfare.

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2.5 The Council works closely with Wiltshire Police to share joint responsibility in the investigation and enforcement of dangerous dogs complaint. A Police Protocol document shared with Wiltshire Police and Wiltshire Council details these responsibilities.

2.6 The Council also works closely with the RSPCA in the investigation and enforcement of animal welfare complaints.

2.7 The Council will exercise its legal enforcement and other powers in relation to the following:

2.7.1 Licensing

- a) The Council will not allow the sale of puppies in pet shops without specific standard conditions being adhered to and only by agreement of the licensing committee.
- b) The Council will encourage pet shops to provide suitable care and welfare information to prospective owners about the animal they are purchasing.
- c) The Council will urge pet shops to employ suitably-qualified staff (to NVQ or BTEC levels), provide suitable training for all staff in animal welfare issues and only employ staff who can demonstrate acceptable levels of animal husbandry experience

2.7.2 Companion Animals

- a) The Council will particularly encourage and support the re-homing of rescued animals from recognised societies and establishments.
- b) The Council will continue to promote responsible dog ownership and believes it has an important role in advising and educating the public. To control and protect dogs in the community, the Council will fully utilise its Dog Warden Service and continue to develop its advisory and social welfare role.
- c) This will include promotional campaigns on good pet ownership, talks to voluntary groups and schools and the provision of display and information stands at suitable venues.
- d) A leaflet detailing all legislation relating to dog ownership is available both on the Council's website and in hard copy on request.
- e) The Council will endeavour to re-home dogs that come into its care. Dogs will only be destroyed in abnormal circumstances, and then only having taken into

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account veterinary or professional behavioural advice, and always in a humane way.

The Council will also:

- f) Encourage the neutering of dogs as part of its animal welfare education activities.
- g) Work with charities to assist owners in finding help for costs of neutering/microchipping/veterinary fees
- h) Audit its canine records on a regular basis.
- i) The Council encourages all dog owners to humanely train their dogs and will make information available on the subject for those who are interested.

2.7.2 Horses and Ponies

The Council will not allow the flygrazing of horses and ponies on Council owned land. Enforcement under the Control of Horses Act 2015 will be carried out as necessary as per the Control of Horses Guidance.

3 Pets in council housing.

3.1 The Council's tenancy agreements include clauses about pet ownership. This varies between the Secure tenancy and the Flexible tenancy that was introduced in January 2015.

- a) Cats or dogs not being permitted in high rise flats unless on grounds of disability or welfare in secure tenancy
- b) Dogs not being allowed in flats with communal gardens in flexible tenancies except designated properties.
- c) Permission is required for more than one cat or dog in a property under flexible tenancies.
- d) Keeping of Livestock is not permitted in Council properties
- e) Tenants are responsible for the behaviour of their animals. This includes not allowing them to stray, foul or cause excessive noise. Tenants are also not permitted to breed from their dog or cat without permission from the Council under flexible tenancies.

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3.2 If it is suspected that animals are being neglected, the owner should be asked to rehome the pet under Flexible tenancies and advice shall be sought from the Animals department and/or the RSPCA.

3.3 All empty properties, especially those recently vacated, shall be checked for abandoned pets. All due efforts will be made to locate the owner but if following a suitable period, they cannot be traced the animal shall be disposed of via a suitable rescue organisation. The owner shall be liable for any costs involved in caring for that animal before final disposal and this shall be pursued where possible.

3.4 Housing providers should ensure staff are suitably trained so they are aware of basic welfare standards and able to spot signs of neglect or cruelty. Assistance in training shall be provided by the Animals Team at the Council.

3.5 Housing officers will work closely with the Animals team at the Council to assist tenants and advise or take action where necessary.

4 Giving Animals as prizes

4.1 It is Council policy that the conditions for hiring or letting any of the Councils' facilities – premises or land – shall include a clause specifically banning the provision of live creatures, animals or fish, as prizes.

4.2 The Council opposes the giving of animals as prizes because:

- a) No preparation of animal housing, feeding or how the animal should be kept is available
- b) The prize winner may have little knowledge about the pet's husbandry requirements in question or how to be a responsible owner
- c) The prize may be accepted without proper consideration or thought to the animal in question

4.3 The Council encourages other private premises or landowners to follow this lead.

4.4 Licensing officers will ensure that licensees are aware of their duty of care under the Animal Welfare Act 2006.

5 Animal Diseases

The Council has contingency plans with regard to notifiable diseases such as foot and mouth, anthrax, swine vesicular disease, rabies etc., which will limit the spread of the

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diseases, and subsequent suffering, to other healthy animals. The Council will ensure, with the assistance of Defra, that staff are trained in emergency procedures and work closely with relevant local agencies and that the welfare of animals effected by such actions is paramount.

6 Wildlife

6.1 Taking into account national and local strategies which directly affect the welfare of wild animals, the Council will ensure, wherever possible, the welfare of wild animals is protected.

6.2 The Council recognises that changes to the natural environment through land use changes or changes in management practices may directly or indirectly adversely affect the ability of habitats and ecosystems to sustain viable populations of wild animals and plants.

6.3 The County has rare, threatened and legally protected species of animal within its administrative jurisdiction. The Council will therefore endeavour to ensure their continued survival through habitat management, public education and monitoring.

6.4 The Council will ensure that where practicable, and desirable, hedgerows and roadside banks under Council control will be managed to conserve, enhance and create safe habitats for birds and animals during the breeding season, and encourage the growth of wild flowers.

6.5 Through its planning functions, the Council will, wherever possible, work with developers to ensure the appropriate safeguarding of protected species of animal on any proposed development site, or where they reside nearby and may be affected by loss of habitats, and will alert them to relevant legislation protecting wild animals and their habitats. The safeguarding of species may involve compensatory habitat provision which would normally be provided by the developer.

6.6 The Council will encourage the use of management and legal agreements as part of the Planning process to ensure adequate on-going management of land, which may be affected by development and, further, will encourage the designation of Local Nature Reserves as a positive commitment to safeguarding wild animals and their habitats, where this is justified.

6.7 The Council is opposed to the use of snares and other traps which cause suffering to animals. It approves of live traps only when certain conditions are adhered to, particularly the need for them to be under the control of a skilled person adhering strictly to legislative controls.

7 Other activities

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7.1 All applications to hold circuses, performances, exhibitions and displays of animals on any Council land or premises will be considered individually and the decision to grant or refuse such applications will be based on a wide range of considerations, including animal welfare.

8 Safe Houses

8.1 Working with other relevant agencies and animal welfare organizations, the Council will provide information on secure facilities for pets owned by people or families requiring temporary accommodation in safe housing.

9 Fireworks and events

9.1 The Council has regards to animal welfare when considering an event, including fireworks displays, proposed to the Event Safety and Advisory Group (ESAG). Although ESAG does not have powers to prohibit an event, if support is not given by the group, the event rarely proceeds.

10 Council emergency planning

10.1 Council emergency plans, including those drawn up for mass evacuations, includes provisions for companion and other animals.

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Appendix 2 - Responses to questions on Survey

1. Do you agree in principle with the proposed Animal Welfare Charter?

9 of 9 respondents – Yes

- General comment – Very clear guidelines

2. Do you feel any content should be removed?

9 of 9 respondents – No

3. Do you feel any content should be added?

1 of 9 respondents - Yes

- Suggest about dog fouling within parks and open spaces

4. Do you have any other comments?

- Very pleased to see the council is taking animals seriously and giving them the welfare they should be entitled to. Thank You!
- Out of hours Dog Warden should be on call, should it be required
- Licensed premises should receive surprise visits to ensure conditions are being upheld
- Could commercial dog walking be licensed?
- As you know we strengthened the pet's clause in the flexible tenancy agreement, thus making the do's and don'ts clearer and the charter takes this into account. However, it doesn't seem to account for those tenants that are signed up for a secure tenancy. As part of this exercise, I have highlighted the differences and given you both pet clauses for your information.