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**Report to:** Cabinet

**Date of Meeting:** September 11 2014

**Subject:** Animal Welfare Charter

**Report of:** Director of Built Environment

**Wards Affected:** All

**Is this a Key Decision?** Yes

**Is it included in the Forward Plan?** Yes

**Exempt/Confidential** No

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### **Purpose/Summary**

For the Cabinet to consider the Animal Welfare Charter for Sefton Council

### **Recommendation(s)**

That the Cabinet,

- a) Notes the content of this report and:
- b) Adopt the Animal Welfare Charter for Sefton Council

### **How does the decision contribute to the Council's Corporate Objectives?**

	<b><u>Corporate Objective</u></b>	<b><u>Positive Impact</u></b>	<b><u>Neutral Impact</u></b>	<b><u>Negative Impact</u></b>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability	√		
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities		√	
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy	√		

**Reasons for the Recommendation:**

To define the Council’s position on a range of animal welfare issues and to provide guidance to elected members, council officials, the business sector and the general public on animal welfare issues.

**Alternative Options Considered and Rejected:**

Not to adopt an appropriate charter

**What will it cost and how will it be financed?**

**(A) Revenue Costs:** None

**(B) Capital Costs:** None

**Implications:**

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Financial:</b> None		
<b>Legal:</b>	Incorporated into the report	
<b>Human Resources:</b> None		
<b>Equality</b>		
1.	No Equality Implication	<input checked="" type="checkbox"/>
2.	Equality Implications identified and mitigated	<input type="checkbox"/>
3.	Equality Implication identified and risk remains	<input type="checkbox"/>

**Impact of the Proposals on Service Delivery:**

None

**What consultations have taken place on the proposals and when?**

The Head of Corporate Finance and ICT (FD.3085/14.....) has been consulted and notes the report indicates no direct financial implications for the Council. . The Head of Corporate Legal Services (LD.2389/14.) has been consulted and any comments have been incorporated into the report.

The Head of Landscape Services (May 2014)

The Head of Landscape Development Management (May 2014)

The Head of Coast & Countryside Services (May 2014)

The Head of Planning Services (May 2014)

The Director of Merseyside Environmental Advisory Service (May 2014)

The Assets and Property Manager (May 2014)

Corporate Legal Services – Planning, Environment & Property Services Team (May 2014)

### **Implementation Date for the Decision**

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

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### **Background Papers:**

- Convention on the Conservation of European Wildlife and Natural Habitats  
<http://conventions.coe.int/Treaty/en/Treaties/Html/104.htm>
- The Performing Animals (Regulation) Act 1925  
<http://www.legislation.gov.uk/ukpga/Geo5/15-16/38>
- Prevention of Damage by Pests Act 1949  
<http://www.legislation.gov.uk/ukpga/Geo6/12-13-14/55/contents>
- Pet Shops Act 1951  
<http://www.legislation.gov.uk/ukpga/Geo6/14-15/35>
- Animal Boarding Establishments Act 1963  
<http://www.legislation.gov.uk/ukpga/1963/43>
- Breeding of Dogs Act 1973 as amended  
<http://www.legislation.gov.uk/ukpga/1973/60>
- Dangerous Wild Animals Act 1976  
<http://www.legislation.gov.uk/ukpga/1976/38>
- Wildlife & Countryside Act 1981  
<http://www.legislation.gov.uk/ukpga/1981/69>
- Animal Health Act 1981  
<http://www.legislation.gov.uk/ukpga/1981/22>
- Deer Act 1991  
<http://www.legislation.gov.uk/ukpga/1991/54/contents>

- Animal Welfare Act 2006  
<http://www.legislation.gov.uk/ukpga/2006/45/contents>
- Animal Welfare Act 2006 Explanatory Notes  
<http://www.legislation.gov.uk/ukpga/2006/45/notes/contents>
- The Conservation of Habitats and Species Regulations 2010  
<http://www.legislation.gov.uk/uksi/2010/490/contents/made>
- Defra Animal Health and Welfare Strategy for Great Britain  
<http://archive.defra.gov.uk/foodfarm/policy/animalhealth/strategy/ahws.pdf>
- Defra Code of Practice on the Use of Snares in Fox and Rabbit Control  
<http://archive.defra.gov.uk/wildlife-pets/wildlife/management/documents/snares-cop.pdf>
- Determining the Extent of Use and Humaneness of Snares in England and Wales (WM0315)  
<http://sciencesearch.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&Completed=0&ProjectID=14689>
- Labour Animal Welfare Society: Animal Welfare Policy  
<http://www.labouranimawelfaresociety.org.uk/2014/02/labour-animal-welfare-policy-have-your-say/>
- League Against Cruel Sports Manifesto to End Snaring in Great Britain and Northern Ireland  
<http://www.league.org.uk/~media/Files/LACS/Publications/Snaring-Manifesto-2013.pdf>
- The Queen v Sefton Metropolitan Borough Council – Case No CO/5148/98 – High Court of Justice Queens Bench Division  
<http://policy.mofcom.gov.cn/en/service/fcaseEN!fetch.action?libcode=fcase&id=edd773ad-a77f-4cf2-ae1b-e5d14c0754e2&classcode=293;410>

## **An Animal Welfare Charter for Sefton Council**

### **1.0 Introduction**

- 1.1 Further to a request from the Cabinet Member Communities and Environment, the Animal Welfare Charter has been drafted to reflect the concerns of local people who care about animal welfare and any cruel treatment, abuse or neglect of animals. The Charter set out in this report states the Council's position on a range of animal welfare issues and aims to provide elected members, Council officials, the business sector and the general public with guidance on animal welfare issues.

- 1.2 The Council believes that we all have a responsibility to our fellow creatures. It seeks to raise awareness of these responsibilities and explain how best they can be met.
- 1.3 In considering the welfare of domestic or captive animals due regard should be had to the principles, known as the Five Freedoms, that animals must be accorded:
- Freedom from hunger and thirst by ready access to fresh water and a diet to maintain 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 the company of an animal of its own kind; and
  - Freedom from fear and distress by ensuring conditions and treatment which avoid mental suffering.
- 1.4 The Council will consider these Five Freedoms for guidance when exercising its statutory powers in relation to animal health and welfare matters.
- 1.5 Through lawful means the Council will also use its best endeavours to promote improvements in animal welfare by taking account of animal welfare issues in the Council's day to day operations, in its decision making process and through influence in association with other local authorities, voluntary welfare groups and government agencies. The case of the Queen v Sefton Metropolitan Borough Council, identifies an important issue. It demonstrates that, in exercising its powers, a local authority must be able to demonstrate that there are rational reasons for its decision not to permit an otherwise lawful activity to take place on land owned by it. Such a decision must be made objectively and in accordance with the authority's statutory powers. In order to avoid challenge by way of judicial review such a decision should not be based on the personal morals, views and principles of the decision maker.
- 1.6 Whilst there are areas where the Council is unable to take direct action, as a responsible body it will make its views known via the Local Government Association, Members of Parliament, Members of the European Parliament and the Government.
- 1.7 This Charter is not a fully comprehensive document intended to cover every aspect of animal welfare. It will however provide a framework within which new policies can be developed. It details those areas that the Council considers most important.

## **2.0 Background**

- 2.1 Any attempt to define 'animal welfare' immediately serves to highlight the complexities of the whole subject and the issues involved.
- 2.2 'Animal Welfare' means many things to many people. For some it simply means the well being of animals while they are alive and the acceptance that farm animals are bred and kept with the objective of eventual slaughter for the provision of food. Others will feel that the whole process of breeding and keeping animals for sale, for entertainment, or for food is unacceptable exploitation and that it is not in the interest of the animal's welfare to control its existence for the benefit of human beings. Some consider that the welfare and behavioural needs of animals can only be met by keeping animals in extensive conditions, while others believe that the 'welfare' losses in intensive conditions are relatively small and are offset by the economic advantages to the consumer.
- 2.3 Both ethical and scientific considerations play a part in the whole subject of animal welfare. It can be asserted that no enlightened society could seriously contest that human beings have an inescapable responsibility to ensure the well being of those animals on which humans depend for their own wellbeing. The obvious area of disagreement relates to the limit to which human beings in a civilised society are prepared to reconcile their need to use animals for food with the above considerations
- 2.4 The Council recognises that the use of animals in the food chain is inescapable. However, the Council supports the aim of ensuring that, in the processes involved, animals are treated humanely, all measures are taken to avoid unnecessary suffering and the guiding principles of the Five Freedoms are observed.
- 2.5 The Council's role in animal welfare is partly one of enforcing its statutory powers and partly one of influencing debate.
- 2.6 The statutory powers of the Council are firstly contained in a range of licensing provisions concerned with the protection of animal welfare in activities such as pet shops, animal breeding and boarding establishments and zoos. Secondly the Council has an enforcement role in relation to animal diseases and also in relation to dog ownership and control.
- 2.7 The influencing role of the Council derives from its status as a democratic tool of local government able to reflect the view of the community which it serves. Whilst there is little doubt that the proper welfare of animals is of increasing concern to the community, the activities of the Council are constrained by the limits on its statutory powers.
- 2.8 As a large organisation within the community the Council has the ability to influence the animal welfare debate and to lead by example through the way it conducts its operations and by supporting and encouraging other organisations with similar interests.

### **3.0 Enforcement of Statutory Powers**

3.1 The Council is responsible for the licensing and enforcement of licence conditions in respect of a range of activities involving animals, including:

- Dog Breeding;
- Pet Shops;
- Animal Boarding;
- Riding Establishments;
- Dangerous Wild Animals;
- Performing Animals; and
- Zoos.

3.2 The Council also has a role in enforcement of a range of other statutory powers in relation to dogs, including dangerous dogs, stray dogs and dog fouling.

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

- Employ trained and experienced personnel and where necessary and appropriate call upon the expertise of others to assist in the process;
- Produce, apply and regularly review conditions attached to licences issued by the Council to provide adequate protection for animals and promote their welfare;
- Encourage a better understanding of the law and greater compliance with the legislation;
- Inspect premises and carry out such enquiries as required prior to their licence applications being determined to ensure that they will comply with the licence conditions;
- Respond to enquiries regarding stray dogs, dangerous dogs and irresponsible dog ownership; and
- Liaise with other enforcement agencies to ensure a co-ordinated approach to animal welfare.

3.4 The Council recognises that it may also be required to enforce statutory powers relating to pest and disease control. In such cases target species will only be killed where they present a threat to the health or wellbeing of the local community. Consideration will be given to non target species where there is a risk from secondary ingestion of the active ingredient. Pests will be despatched using the most appropriate method depending upon circumstances.

3.5 The Council will fulfil its statutory responsibilities under the Animal Health legislation if appropriate by:

- Taking appropriate enforcement action where necessary;
- Seeking to encourage good practice by maximising publicity where prosecutions are brought;
- Explain the regulations so as to promote a better understanding of the law and greater compliance with the various welfare codes; and
- Liaise closely with other enforcement agencies to ensure a co-ordinated approach.

3.6 The Council will fulfil its responsibilities under the Wildlife & Countryside Act by working with the responsible enforcement agency. It will respond to reported breaches of local Bye-laws by taking appropriate enforcement action where necessary and/or by referring infringements to the most appropriate agency.

## **4.0 Influencing Behaviour**

4.1 The Council will use its best endeavours to promote improvements in animal welfare by:

- Encouraging animal owners to take measures to prevent neglect and cruelty;
- Encouraging prospective purchasers of pets to ensure they have the necessary equipment, facilities, time and financial means or the level of interest for the proper keeping of the animal;
- Encouraging pet owners to ensure that their pets have sufficient space to avoid stress or suffering;
- Encouraging responsible pet ownership;
- Encouraging the re-homing of rescued animals from recognised societies and establishments;
- Encouraging responsible dog ownership;
- Encouraging the humane training of animals by the Police, other public protection agencies and for those who help the disabled.
- Encouraging the use a recognised method of identification, e.g. electronic chipping; and
- Encouraging the neutering of domestic cats and dogs which plays an important role in countering irresponsible pet ownership.

## **5.0 Leading by Example**

5.1 The Council will take account, where appropriate, of animal welfare issues in its day to day operations and its decision making processes.

5.2 This will be achieved by:

- Not knowingly purchasing animal by products where alternatives are available;
- Opposing the importation of animals from the wild and the importation of products derived from wild animals. However it accepts that the importation of live specimens may be necessary for captive breeding programmes for endangered species;
- Opposing the use of fur;
- Encouraging food establishments to offer vegetarian alternatives to animal products;
- Discouraging the use of caged or performing animals and the giving of animals as prizes.
- Opposing the taking or killing of wild animals or the infliction of pain and suffering, subject to the need to control pests;
- Discourage the use of snares and any trap which causes suffering;
- Encourages anglers not to use lead shot and ledger weights, barbed hooks or live vertebrate bait for angling;
- Supporting habitat conservation (where possible) of river banks, hedgerows, wooded areas etc which provide habitat and cover for other animals which are not normally hunted; and
- Endeavour to ensure its land management practices accord with the welfare of wild animals, their habitats and biodiversity conservation generally. The Council encourages the community to follow similar principles.



## **6.0 The Decision Making Process**

6.1 The Council believes that the rich variety of wildlife in the Borough is an important treasure to be protected and safeguarded and to that end it will:

- Take into account, European national and local strategies which directly affect the welfare of wild animals;
- Support the construction of road crossings and other innovative measures where the necessary regulatory tests are met to safeguard wild animals in the Borough;
- Seek to meet its biodiversity conservation duties and legal responsibilities under the Natural Environment and Rural Communities Act (2006);
- Through the development management process, advise developers as early as possible in the development process, of their statutory responsibility with regard to the presence of protected species and their habitat.
- Promote effective land management;
- Promote Local Nature Reserves and Local Wildlife Sites as a positive commitment to safeguarding wild animals in the Borough;
- Encourage the development and use of educational materials to raise awareness of wild animals in the Borough; and
- Consult with local residents and groups who have knowledge, experience and expertise in the welfare of wild animals when devising strategies and action plans to support wildlife in the Borough.