

# Animal Welfare Charter

Regulatory Services

June 2015



## Key Information

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Section/Directorate:	Regulatory Services (Environmental Health)
Service Impact Assessment:	27 February 2015
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## 1. Introduction

Good animal welfare provides a range of indirect benefits to society. It can support delivery of environmental goals (examples include the benefits of locally-assured food production); social goals (farming for example is an integral part of rural communities and companion animals and those used for sport and recreation make a significant contribution to all communities); and economic goals (relating as it does to the viability of numerous industries in the UK).

Whilst the Council encourages an increased awareness throughout the borough of the need to care for the welfare of animals, it recognises that not all matters are within its influence. This document therefore deliberately focuses on the areas where this Council has direct responsibility for animal welfare by stating what it considers a priority and where it can and will take action. The Charter will provide information concerning the Council's activities as an employer, a landowner, a property owner and an enforcing authority for legislation that relates to the protection of animals.

## 2. Executive Summary

This charter has been designed to provide a clear local framework for action to deliver good animal welfare. It helps to define the role of the Council and its responsibilities for all those involved in the care of animals by -

- providing a clear focus and principles with which to prioritise future decisions on the provision and use of resources;
- requiring the improved capture of information on existing animal welfare standards and trends over time;
- leading to the effective enforcement of existing and anticipated new regulations, bringing with it a proportionate and targeted enforcement approach;
- seeking not to add administrative burdens on businesses;
- encouraging partnership working between different agencies to deliver good animal welfare, with clarity about respective roles and responsibilities.

### Scope

This charter does not cover every aspect of animal welfare, but it does aim to detail those areas that the council considers important and where it feels it can have some influence as a responsible and representative public body.

In keeping with the Animal Welfare Act 2006, this charter applies only to vertebrate animals. This term is used here to mean those for which humans have responsibility or over which they have control.

Specifically, it does not cover:

- Wild animals, when not under the control of humans;
- Animals involved in the normal course of angling;
- Animals used in research.

Whilst this Charter does not relate to the care and management of wildlife on Council owned sites, this is an issue that the Council takes extremely seriously and has a statutory duty to up-hold. This is reflected in its approach towards the protection and enhancement of Basildon's biodiversity through the adoption of management best practice across all sites under its control.

### **3. Vision**

The Council's vision is that all those who care for animals should understand, accept, and meet their responsibility to ensure good standards of animal welfare, and have the necessary skills and knowledge to manage and minimise risks of harm to animals (including by dealing with preventable problems), and to recognise, identify and promptly act upon other problems as they arise.

Basildon Borough Council supports the view that all animals have a right to life, free from cruel treatment and unnecessary suffering.

It recognises that animals are capable of feeling, capable of enjoying a state of well being, and equally capable of suffering.

Section 9 (2) of the Animal Welfare Act 2006 Act sets out the five basic needs of animals and states:

*“(2) For the purposes of this Act, an animal’s needs shall be taken to include—*

- (a) its need for a suitable environment,*
- (b) its need for a suitable diet,*
- (c) its need to be able to exhibit normal behaviour patterns,*
- (d) any need it has to be housed with, or apart from, other animals, and*
- (e) its need to be protected from pain, suffering, injury and disease.”*

Basildon Council agrees entirely with the sentiments behind this legislation and will take account of these needs when exercising its statutory powers in respect of animal health and welfare as well as when developing future policy. Furthermore, the Council expects its policies on animal welfare to be followed by its managing agents.

### **4. Context**

#### **Animals’ Basic Needs**

Basildon Council believes that those who care for animals have a duty to ensure that they are treated appropriately and humanely, and that they are not subjected to cruelty or abuse. In addition they must meet their needs (as described in the vision above) and must take the necessary steps to manage and minimise the risk of harm to animals. What constitutes ‘appropriate’ levels of treatment will vary depending on factors such as species and the nature of the relationship between the animal concerned and humans – for example whether they are kept for food production or as pets.

The Charter is of necessity a mixture of aspirations for the protection of animals and an explanation of the Council's role in animal welfare. The Council supports all current animal welfare legislation but it must act within its budgetary limits.

Specifically, no extra funding *is available* to local authorities to accompany the discretionary powers *under* the Animal Welfare Act and for this reason it must be recognised that Basildon Borough Council will not always be able to meet everyone's expectations.

Good welfare should apply across an animal's lifetime, including the manner and timing of its death. The killing of an animal in a humane way, such as the appropriate use of euthanasia, does not compromise good animal welfare.

This approach should help to achieve the aim set out in the vision, which is to engender a greater sense of responsibility for ensuring good standards of welfare amongst animal carers and all those who interact with animals.

Since the adoption of this Charter in 2009, other authorities across the country have adopted similar policies and Basildon Council will continue to urge them to do so, through the various local authority associations and the Essex Animal Welfare Forum.

### **Role and Responsibilities**

All those who interact with animals or who benefit from products made from them have responsibilities to consider, and in some cases provide for, their welfare.

The Council will satisfy all its legal obligations towards the protection of animals. In doing so, it will observe all appropriate standards of welfare in its direct dealings with animals.

Where the Council has a duty to enforce animal-related legislation, it shall act in accordance with its Enforcement Policy. Principles of good enforcement will be followed, with actions being proportionate, accountable, consistent, transparent, and targeted.

The Council's Environmental Health Service will actively represent the authority on the Essex Animal Welfare Forum and will seek to engage effectively with other voluntary and enforcement agencies at all levels.

Furthermore, as resources allow, the Council will promote the health and welfare of animals in the following areas:

- Provide appropriate information and guidance to encourage responsible pet management and compliance with best practice.
- Offer a low-cost micro-chipping service (to readily identify the owner of the animal).
- Consider animal welfare in planning for emergencies.
- Collect and share data on its activities as indicators of animal welfare surveillance.
- Have regard to the welfare provenance of the animals and products that they buy.

### **Working with partners**

The Council recognises the role of the Police, RSPCA, and other reputable animal welfare charities in providing rescue facilities, ensuring freedom from suffering and

prosecuting offenders. Wherever possible, and within the limits of available resources, the Council will seek to cooperate with these organisations to meet the aims of this charter.

**The Council acknowledges that the Animal Welfare Act places no obligation on local authorities to use their powers. The Act is a ‘common informers’ act’, and this means that anyone is allowed to bring a prosecution for an offence. The Council recognises the valuable role the RSPCA plays in investigating offences and bringing prosecutions, particularly in relation to companion and domestic animals. All reports of animal cruelty and neglect will be forwarded to the RSPCA without delay.**

### **Prioritisation**

The Council will centre its efforts in this field by focusing on areas of priority. The choice of priority areas for action will involve difficult judgements between competing demands. In making these difficult decisions the Council will be guided by the following principles:

- The number of animals affected;
- The duration of the welfare problem experienced by each affected animal;
- The impact of the problem on, separately, the need for freedom from:
  - Hunger and thirst
  - Discomfort
  - Pain and injury
  - Disease
  - Inability to express normal behaviour
  - Fear and distress
- Whether or not improvement is achievable and measurable; and
- The welfare impact of imposing statutory control measures.

### **Review and Consequential Amendments**

The requirements under existing legislation are often subject to revision by Regulations and Codes of Practice made under the Animal Welfare Act 2006. Basildon Council will ensure that any new requirements are properly adopted and enforced as necessary and that this Charter will be periodically reviewed to take account of any such changes. The charter will be subject to review at least once every 5 years or following significant changes to legislation/guidance..

### Council Promises

<b>Corporate Promises</b>	<b>Levels of Impact</b>			
	High	Medium	Low	None
We will get the basics right	<u>x</u>			
We will provide value for money		<u>x</u>		
We will demand good public services from our partner organisations			<u>x</u>	
We will support and develop the			<u>x</u>	

local economy				
We will positively transform our borough			X	

**5. Outcomes and Priorities**

Outcome – Improved public understanding of the role of the local authority in animal welfare

Priorities – Appropriate prioritisation of resources  
 Promotion of responsible pet ownership.  
 Working with partners to make best use of resources and share intelligence

**6. Links to other Corporate Policies or Partner documents**

Regulatory Services Enforcement Policy  
 Details the approach taken with respect to enforcement decisions

**7. Appendices**

A – Statutory duties and approach to enforcement  
 B – The Council’s approach

## **Appendix A**

### **Statutory Duties**

The council has a statutory duty to licence certain establishments within the borough, these being:

- Pets Shops
- Dog Breeding Establishments
- Dog and Cat Boarding Establishments (Including Home Boarding)
- Riding Establishments
- Owners of Dangerous Wild Animals
- Zoos.

The Council takes its statutory duties seriously and seeks to achieve the delivery of careful and competent animal husbandry at licensed premises. In the allocation of resources, these duties will be given top priority above any non-mandatory services relating to animal care and control.

Basildon Council will continue to appoint a qualified Veterinary Surgeon, or an appropriate expert where deemed to be appropriate or necessary, to inspect these premises, in addition to inspections carried out by its own Officers.

In considering the suitability of the establishment for licensing, regard shall be had to criteria set out in the laws that have created the licensing regimes; authoritative published guidance relevant to the activity; and any associated model licence conditions.

Inspections, including unannounced visits, shall be undertaken to verify that licences should be granted or renewed and that licence conditions are being adhered to.

### **Approach to Enforcement**

It will continue to be the Council's role to enforce appropriate baseline standards of welfare through regulation. Basildon Council also commits itself to promoting accepted best practice when carrying out its animal welfare licensing functions. In addition to enforcement, use will be made of:

- Services provided by the Council, particularly the work of the Animal Control Team within Regulatory Services;
- Methods of highlighting welfare standards in the production of food and animal products, so that consumers can make informed choices;
- Codes of Practice setting out requirements for good welfare and which explain best practice;
- Simple, coordinated communications providing information and advice to animal keepers; and
- Training and education, again including communicating best practice which promotes responsible ownership.

The Council's officers will seek compliance with welfare rules, with efficient and effective enforcement whilst having regard to the Regulatory Services Enforcement Policy. They will avoid unnecessary burdens on animal keepers

through the use of risk-based checks that, in turn, allow better targeting of limited resources.

Risk-based assessments carry inherent benefits for those who comply, since inspections are targeted towards those less likely to meet their responsibilities, and compliant individuals will therefore require fewer inspections.

Enforcement is not just about prosecution and penalties, but includes the provision of suitable advice and guidance to animal keepers. Wherever possible, comprehensive guidance will be offered on the legislative requirements in an easy to access, 'one-stop-shop' format.

The application of welfare standards and enforcement are not limited to local and central government, but encompass the work of a number of stakeholder groups, including self-regulation by industry; companion animal organisations and breed societies, assurance schemes, and the contractual requirements imposed by those who commission services that impact on animals.

Complaints regarding licensed premises and keepers will be investigated in accordance with environmental health service standards. Any complaint regarding the performance of the Council in relation to any of its duties will be addressed in line with Basildon Borough Council's corporate complaint procedures.

### **Training, Competency, and Appointment of Officers**

Basildon Council will ensure that those staff members who interact with animals as a part of their duties are properly and appropriately trained, and have the necessary skill and knowledge to ensure appropriate standards of animal welfare. Where appropriate, such officers will attend update training to ensure that any changes in legislation, or advancement in knowledge of welfare issues, are acted upon and knowledge disseminated.

## **Appendix B**

### **The Council's Approach**

#### **Provision of Advice and Information**

From time to time the Council may promote animal health and welfare seminars and campaigns on topical issues and make expert advice available through road shows, workshops, seminars and publications, including publication of information on the Council Web Site.

The Council will look to work with others, and will seek to facilitate joined-up working and 'one-stop-shop' type initiatives that improve the ease of access for the user and minimise burdens. This could include raising public awareness on welfare issues, including through schools, the provision of advice/guidance on breeding policies and on the ways animals should be kept, and formal welfare training schemes.

Moving toward joint working in this area, with greater co-ordination, should improve animal welfare by assuring the quality of information being communicated, and improving the penetration, coverage and ease of access of initiatives.

#### **Circuses, Performances, Exhibitions and Displays of Animals**

The Council does not have any duties to control the welfare of animals in circuses but any evidence of cruelty or mistreatment will be reported to the RSPCA. Circuses with animal performances will not be permitted on Council-owned land.

All other applications to hold exhibitions or displays of animals on any Council-owned 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.

#### **Giving Animals as Prizes**

It is Council policy that the conditions for hiring or letting any of the Council's facilities, premises or land, shall include a clause specifically banning the provision of live creatures as prizes. The Council encourages other private premises or landowners to follow this lead. In all cases, the Animal Welfare Act prohibits giving animals as prizes to unaccompanied children under the age of 16.

#### **Horse, Pony and Donkey Rides**

Anyone offering donkey or pony rides on Council land must meet the conditions as set out in the Code Of Practice for Working Donkeys as produced by the Donkey Sanctuary. (See: [www.thedonkeysanctuary.org.uk](http://www.thedonkeysanctuary.org.uk)) The Council encourages other landowners to apply similar strict conditions.

#### **Dogs**

The council liaises with other organisations to promote responsible dog ownership by:

- Providing dogs faeces bins, currently some 400 throughout the Borough (in addition to general waste bins).
- Encouraging the permanent identification of dogs through micro-chipping, a scheme currently supported by The Dogs Trust. (The Council's Animal Control Officer offers a dog micro-chipping service on a non-profit basis.). This is considered to be particularly important in advance of new legislation which is likely to make dog micro-chipping compulsory from April 2016.
- Promoting animal welfare by distributing animal welfare leaflets from council reception areas and placing advice on the Council Website.

The Anti-social Behaviour, Crime and Policing Act 2014 enables the council to make Public Spaces Protection Orders, where considered appropriate. The Council recognises that the making of such Orders can have a beneficial effect on enforcing responsible dog ownership and a significant effect on dog's welfare and safety. The Council is also aware that dog owners, in order to comply with the Animal Welfare Act 2006, may wish to be able to let their dogs run off lead, and will consider this aspect when introducing any Orders that might ban dogs from some areas.

### **Stray Dogs**

Local authorities' statutory duties on stray dogs are contained at sections 149 and 150 of the Environmental Protection Act 1990, and the Environmental Protection (Stray Dogs) Regulations 1992. The police do not collect, or accept stray dogs.

The Council's environmental health service provides a stray dog collection service during office hours. Outside office hours local authorities are expected, where practicable, to at least provide a place to which a stray dog can be taken and accepted into local authority care. The Council has chosen to fulfill this by employing a contractor to provide a collection service.

All dogs will be thoroughly checked for identification in an attempt to return the dog to its owner. The Council will as far as possible encourage the re-homing of unclaimed stray dogs after the statutory seven-day detention period, unless there is veterinary advice to the contrary.

### **Puppy Farming**

The Council opposes puppy farming and supports the RSPCA in recommending that prospective dog owners purchase only puppies that are seen with their mothers. The Council would also encourage residents to consider homing a rescue dog rather than a puppy, in an effort to reduce the population of unwanted dogs.

The transportation of litters of puppies is an integral element of the puppy farming trade. The 2005 EU Regulations on the transport of animals supported by the Welfare of Animals (Transport) (England) Order 2006 renders it illegal to transport puppies (and kittens) aged less than eight weeks old without their mother. Basildon Council will do all it can to assist in the enforcement of the Regulation within its area, where there is evidence that it is not being complied with.

### **Cats**

The Council encourages residents to be responsible cat owners and supports local animal welfare organisations in their efforts to educate and assist cat owners.

### **Animal Hoarding**

Anyone keeping large numbers of animals, including privately owned animal sanctuaries, needs to consider carefully whether they have adequate, suitable facilities, sufficient knowledge and resources, to care properly for all the animals. Professional advice should be sought. People are encouraged to report any suspected instances of animal hoarding to the Council (if nuisance is being caused) or the RSPCA (if the animals are being mistreated or neglected).

### **Pet Sitting Services**

The Council encourages responsible pet ownership and recommends that pet owners use only licensed boarding establishments (in respect of cats and dogs). Where they choose to use non-commercial pet sitting services, it is recommended that they, take up references, visit the service provider and contact animal welfare organisations for advice and recommendation when required. A current list of licensed boarding establishments within the borough are listed on the [Council's website](#).

### **Horses**

The Council supports the controls imposed by the Horse Passports Regulations 2009. The Council also supports the Protection against Cruel Tethering Act 1988 and will not allow the long term tethering of horses or ponies, in an open environment, on any land owned or managed by the Council. In line with the RSPCA, the Council does not oppose an animal being tethered for short periods, e.g. for grooming or having a short break in a journey or working period. The Council would wish to remind owners that a tethered horse requires adequate feed and particularly water and should be cared for in accordance with the Code of Practice for the "[Welfare of Horses, Ponies, Donkeys and their Hybrids](#)" issued by the Department of Environment, Food and Rural Affairs (DEFRA). Where there are any concerns for the welfare of horses or ponies on council owned land, the Council will work with partner agencies to ensure that these concerns are addressed.

### **Dangerous Wild Animals and Exotic Species**

The Council expects that if people are selling or keeping animals listed on the schedule of the Dangerous Wild Animals Act 1976 and other dangerous and/or exotic animals, they should have specialist knowledge on the care of these animals, as some of them can grow very large, live for a long time and can be a threat to life. The Council will provide links to relevant information on the keeping of such animals with a view to encouraging responsible ownership. Owners of non-human primates are recommended to familiarise themselves with the [Code of Practice](#) issued by the Department for Environment, Food and Rural Affairs (DEFRA).

## **Pest Control**

The Council promotes and supports the use of safe and humane methods of pest control only.

The Council encourages householders to seek professional advice on pest control, rather than over-the-counter preparations, to prevent harm to non-target species, humans and the environment.

## **Pesticides**

The Council encourages householders to use only authorised pesticides. Members of the public should check for an up to date list of authorised pesticides (information can be found at [www.pesticides.gov.uk](http://www.pesticides.gov.uk).)

## **Litter**

Litter such as multi-pack plastic can ties, tin cans and plastic bags can cause harm to both domestic and wild animals, and therefore the Council strongly recommends that all litter be disposed of safely in the facilities that it provides for this purpose throughout the borough.

## **Fireworks**

The Council supports the provision of organised displays by responsible organisations rather than individual domestic displays. Measures to assist in ensuring animal welfare during firework displays are available on the [Council website](#).

## **Emergency Planning**

Council emergency plans, including those drawn up for mass evacuation, will include provision for companion and other animals so far as is practicable, bearing in mind that the saving of human life always takes priority.

## **Wildlife and Animal Related Crime**

We take the issue of wildlife or other animal related crime on Council owned land seriously and where there is any indication that this is taking place we will notify the appropriate agencies and co-operate with them to support their investigations and help achieve a successful outcome.

## **Publicity**

The Council will supply information to promote animal welfare, for example through articles in the Borough Diary and by maintaining pages on the Council's website [www.basildon.gov.uk](http://www.basildon.gov.uk). This may include information on animal welfare legislation, advice, and links to useful related websites. The Council will ensure that this Policy is made widely available.

Monday to Friday  
10am to 5pm



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