

## **DRAFT ANIMAL WELFARE CHARTER**

### **1 SUMMARY**

- 1.1 To consider the draft Animal Welfare Charter and recommendations from the Animal Welfare Charter Sub-Committee.

### **2 BACKGROUND**

- 2.1 Following a motion put forward by Councillors Mrs M S Vince, Mrs M J Webster and former Councillor Mrs M A Weir, Council agreed to establish an Animal Welfare Charter Sub-Committee for the purpose of considering relevant issues and drafting the Animal Welfare Charter for the Council.
- 2.2 The Sub-Committee has met on nine occasions under the Chairmanship of Councillor Mrs M J Webster and has considered information from a wide range of specialists and others representing local interest groups including:-
- Royal Society for the Protection of Animals (RSPCA)
  - Essex Trading Standards
  - Essex Police
  - National Farmers' Union
  - Dangerous Wild Animals Rescue Facility (D.W.A.R.F.)
  - Rochford Angling Club
  - Council officers on issues relating to pets in sheltered housing, pest control, planning policies and stray dogs.

### **3 DRAFT ANIMAL WELFARE CHARTER**

- 3.1 The Sub-Committee has drafted the appended charter, for consideration and adoption by the Council.
- 3.2 Throughout the discussions at the Sub-Committee, Members have recognised that legislative and operational developments mean that the Charter will need periodic review and updating, and it is proposed that, initially, it be reviewed in 12 months time, unless a major issue arises earlier. This will also enable a wide range of interested organisations and individuals to consider it and make suggestions for further development or improvement.
- 3.3 The Sub-Committee are keen for the Charter to be widely publicised and for the evidence gathered during its drafting to be available. This has been recorded in detail in the Minutes of the Sub-Committee and so it is proposed that these will be sent along with the adopted Charter to key organisations and also made available through linkages to the Charter on the Council's website.

- 3.4 The Sub-Committee suggests that, subject to any changes by this Committee, its recommendations be sent to the next Full Council for resolution.

#### 4 RECENT DEVELOPMENTS

- 4.1 Recent developments and information received suggest that it may be prudent to reconsider a number of points which are either within the draft Charter or on which the Sub-Committee recommended action.

##### Pets in other Council Accommodation

- 4.2 The Sub-Committee was concerned that homeless applicants who own larger pets should not be required to re-home their animals when they are placed into temporary accommodation.

In emergencies, the Council often has no choice but to use hotel accommodation for a period. For families, this will be for a maximum of six weeks, but for single people could be longer. If the applicant is then moved into self-contained temporary housing, some of this is provided by housing associations who do not allow larger pets unless the property has sole use of a garden or yard area. The same restrictions apply to some housing association homes that may subsequently be offered as a permanent tenancy.

- 4.3 The draft Charter currently states that if people are moved into temporary housing, “they are allowed to keep” (pets). Given the current letting policies of some housing associations, it is necessary to amend this to say:-

*“The Council will make every effort to secure temporary accommodation where pets are allowed. If this is not possible, and the applicant is unable to make arrangements for the pet to be looked after, the Council will ensure that proper arrangements are made for the care of the pet”.*

In these circumstances, where no alternative exists, the costs would have to be met from the contracted accommodation budget.

##### Pets in Sheltered Housing Schemes

- 4.4 Members of the Sub-Committee felt that residents in sheltered accommodation should not be treated differently, as regards pets, from those in other Council tenancies. However, the Head of Revenue and Housing Management reported to the Community Services Committee on 2 November 2004 on the results of recent surveys amongst sheltered scheme residents, which showed low levels of support for extending pet ownership. Members deferred any decision on this issue until the Animal Welfare Charter has been considered. The Animal Welfare Charter and housing management policies concerning pets in sheltered housing clearly need to be consistent. Any change in policy will mean drawing this to the attention of existing tenants through a consultation exercise.

Dangerous Wild Animals

- 4.5 Following advice from the proprietor of D.W.A.R.F., the Sub-Committee was minded to press for the licensing of all snakes over eight feet in length because of the potential for some of these to be dangerous. Similarly, the Sub-Committee did not want the range of animals controlled by the Dangerous Wild Animals Act 1976 to be reduced.
- 4.6 The Council has recently responded to a consultation from DEFRA on the operation of the legislation, and there was broad support for the principle that controls on the keeping of animals should be on the basis of the danger that the animal poses.
- 4.7 The results of the DEFRA consultation, and any changes to the Act, have not yet been announced and so it is suggested that it would be prudent not to take any action at this time on these two conclusions from the Sub-Committee, but to revisit them when the Charter is next reviewed.

Use of Council Land

- 4.8 The Sub-Committee have proposed extending the existing policy of not allowing circuses with exotic animals on Council land, so as to prohibit any performance, exhibition or display of any animal on Council owned land.
- 4.9 Legal advice recently received from the RSPCA suggests that a blanket ban of this type is open to challenge and that Councils must consider any application to use their land on a case-by-case basis. A variety of factors can be taken into account in determining applications, including animal welfare issues.
- 4.10 A revised wording is, therefore, suggested for the draft Charter:-

*"It is Council policy that all applications to hold performances, exhibitions or displays of animals on any Council owned land or in Council premises will be considered individually and the decision to grant or refuse such applications will be based on consideration of a range of issues, including animal welfare".*

Cherry Orchard Jubilee Country Park

- 4.11 The Sub-Committee's proposal that consideration be given to extending the country park is already being taken forward through policy decisions contained within the replacement Local Plan and the Best Value Performance Plan, and, therefore, that part of recommendation (9) is no longer required.

Wildlife and Conservation Issues

- 4.12 The Head of Planning Services has clarified that the current Local Plan does not specifically cover the issues mentioned in recommendation (7), but that

these will be included as the Local Development Framework is progressed. He has also suggested that information be published in Rochford District Matters to encourage developers to plan their site clearance so as to avoid nesting times.

## **5 OTHER ACTIONS**

- 5.1 In the course of hearing evidence and considering the draft Charter, the Sub-Committee identified a number of issues on which it believed the Council should press for action. These are detailed in the recommendations.

## **6 RISK IMPLICATIONS**

### **Reputation Risk**

- 6.1 In clearly stating its position with respect to animal welfare issues, the Council has the opportunity to gain support and be seen to be providing community leadership.

### **Regulatory Risk**

- 6.2 The correct procedures need to be used concerning the letting of Council land in order to avoid legal challenge.

## **7 CRIME & DISORDER IMPLICATIONS**

- 7.1 There is strong evidence of links between animal abuse and other forms of crime.

## **8 RESOURCE IMPLICATIONS**

- 8.1 There will be some demands on Member and officer time in publicising the Charter and in considering revisions in the future.
- 8.2 The Sub-Committee considered, but were unable to reach consensus, on whether the Council should adopt a policy of specifying free-range/animal-friendly products whenever orders are placed for catering for Council events and functions. These include the Civic Dinner, training events, meetings of outside bodies etc, and orders are placed from a variety of sources so it is not a simple process to identify the total overall cost of all food procured by the Council. However, enquiries of one of the larger outside caterers indicated that specifying free range/animal friendly foodstuffs would be likely to add 50% to the cost of the food element.
- 8.3 The development of wildlife walks on Foulness (Recommendation 9) will incur expenditure for the production of leaflets and observation posts estimated at £2,000 for which budget provision will be required. It will also require the cooperation of the landowner.

- 8.4 If the Council has to make provision for homeless applicants' pets whilst they are in temporary accommodation, there will be a cost to the contracted accommodation budget.

## 9 RECOMMENDATION

- 9.1 It is proposed that subject to consideration of the issues and suggested amendments outlined above, the Committee **RECOMMENDS** to Full Council
- (1) That, subject to any changes made by the Committee, the draft Animal Welfare Charter be approved.
  - (2) That Council policy on pets be altered so that tenants in sheltered housing schemes should not be treated differently from those in other Council accommodation, with regard to the keeping of pets.
  - (3) That a letter be sent to the County Council requesting that emergency planning arrangements should include farm livestock at risk from flooding and that contingency arrangements in rest centre planning take account of domestic pets.
  - (4) That a letter be sent to the local branch of the National Farmers' Union urging them to identify measures that could be taken to avoid animals drowning in the event of flooding, so as to avoid health risks from carcasses.
  - (5) That a leaflet be produced and made available on the safety of animals in emergency situations.
  - (6) That Members of Parliament be lobbied on the following:
    - The range of animals listed on the schedule of the Dangerous Wild Animals Act 1976 should not be reduced.
    - Large snakes over eight feet long should also be licensed.
    - The potential hazards to wildlife from the development of wind farms needs to be properly taken into account in the evaluation of proposals.
    - The development of alternative methods of research not involving animals.
    - That animal cruelty and wildlife crime be made recordable for Police forces because of strong linkages with other crime and the Home Office lobbied on this.
    - That stronger controls be introduced on the tethering of horses.

- (7) That an article appear in Rochford District Matters advising residents that:-
- Work is identified within the Local Plan on wildlife and conservation issues, together with guidance relating to the sensitive treatment of tree felling associated with planning applications.
  - The felling of trees, hedges and ditch clearance and associated works should be discouraged during bird nesting times.
- (8) That other Local Authorities be advised of the value of appointing an ecologist, both in terms of arboricultural, as well as planning issues and particularly where the introduction of an animal welfare charter was under consideration.
- (9) That consideration be given to the possibility of extending the Cherry Orchard Jubilee Country Park and of developing wildlife walks at Foulness with observation posts in order to encourage greater appreciation of wildlife, particularly given aspirations to develop Rochford as a centre of leisure and tourism within the Thames Gateway South Essex.
- (10) That the Minutes of all Animal Welfare Charter Sub-Committee meetings be attached to all distributed copies of the Animal Welfare Charter, to include all those organisations that gave evidence to the Sub-Committee and to all other animal welfare agencies, MPs, Essex County Council, Essex Police Authority, libraries, primary schools and veterinary surgeries.
- (11) That the Animal Welfare Charter be reviewed in 12 months' time.

Graham Woolhouse

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**Background Papers:-**

None

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## **Draft Animal Welfare Charter**

The 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 and therefore considers animals have the right to enjoy five basic freedoms:

- Freedom from fear and distress
- Freedom from hunger and thirst
- Freedom from pain, disease and injury
- Freedom from unnecessary constraint
- Freedom from physical discomfort

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.

The Council supports all current animal welfare legislation and requests that members of parliament support any legislation that will improve animal welfare conditions.

### **Statutory Duties**

The Council has a statutory duty to licence certain establishments within the district, these being:

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

The Council will continue to ensure that a qualified Veterinary Surgeon and the Council animal welfare officer inspect these premises and that the conditions of such premises will be in line with the published guidance and model licence conditions. It will carry out annual inspections when licences are granted or renewed and unannounced inspections to ensure that the licence conditions are being adhered to.

**Council Policies****Blood Sports**

It is Council Policy that hunting is not allowed on Council owned land

**Circuses**

It is Council policy not to allow performances, exhibitions or display of animals on any council land or premises.

It is Council policy that all applications to hold performances, exhibitions or 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.

***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, animals or fish, as prizes. The Council encourages other private premises or land owners to follow this lead.

**Horse, Pony and Donkey Rides**

Anyone offering pony rides on Council land must meet strict conditions as laid down by the Council. The Council encourages other landowners to apply similar strict conditions.

**Domestic and Captive Animals****Dogs****The Council liaises with other organisations to promote responsible dog ownership by**

- providing dogs faeces bins
- promoting animal health education on dogs faeces bins and within all Council operated car parks
- promoting animal welfare by distributing animal welfare leaflets from Council reception areas and placing advice on the Council Website

**Stray Dogs**

The Council has a contract with a local kennel, with a 24-hour call out service, for the collection of stray dogs. All dogs will be thoroughly checked for identification in an attempt to return the dog to its owner. It is Council policy to re-home all unclaimed stray dogs after seven days, 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 rescued dog rather than a puppy, in an effort to reduce the population of unwanted dogs.

### **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.

### **Responsible Pet Ownership**

The Council strongly advises that anyone thinking of getting a pet should have good knowledge and/or take professional advice on the care of such animals before getting the pet. It is a license condition of pet shops within the district, that pet care leaflets or other similar written instructions must be made available to customers free of charge at the time of purchase and that proper advice on the care of the animal must be given. Once the pet has been acquired, responsible pet ownership should include means of identifying the owner of the animal (eg. micro-chipping), consideration to neutering the animal to prevent unwanted pregnancies, regular health checks, including vaccinations, where required and the safe and hygienic disposal of all animal waste.

### **Pets In Council Accommodation**

The Council allows tenants to have pets in permanent Council accommodation. If a tenant owns a pet animal when they need to be moved into temporary accommodation, the Council will attempt to place them with a housing provider that allows pets in their properties. However, tenants who are currently in temporary accommodation shall not acquire a pet (or replace one that has died) as this may prevent them from moving to permanent accommodation as some landlords and housing associations do not allow pets in their properties. The Council will work with other social housing providers in the district to try to harmonise lettings policies regarding pets, with the aim of allowing tenants to have pets.

### **Pets in Sheltered Housing Schemes**

The Council accepts tenants with small pets and caged birds in sheltered housing schemes. Specialist dogs (Guide dogs, Hearing dogs and Assistance dogs, including retired specialist dogs) are accepted in sheltered housing schemes. The Council believes that tenants in sheltered schemes should not be treated differently from those in other accommodation and the same tenants' rules regarding animals should apply. Older tenants should not be regarded as being incapable of deciding for themselves as to the suitability or otherwise of accommodation for pets.

### **Pet Sitting Services**

The Council encourages responsible pet ownership and recommends that pet owners use only licensed boarding establishments or, if using pet sitting services, take up references, visit the service provider and contact animal welfare organisations for advice and recommendation when required.

## Horses

The Council supports the introduction of the Horse Passports Regulations (England) 2004. 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. The Council would wish to remind owners that a tethered horse requires adequate feed and particularly water.

## Dangerous Wild Animals

The Council recommends 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 and/or seek professional advice on the care of these animals as some of these animals can grow very large, live for a long time and can be a threat to life. The Council encourages the Government to increase the number of animals listed on the schedule of Dangerous Wild Animals and supports the rigorous enforcement of current legislation.

## Wildlife

The Council supports measures to conserve wildlife and in particular draws attention to the following:-

- **The control of animals released into the wild**

The Council is concerned at the potential threat to British wildlife, pets and people by the release of non-native animals into the wild. Expert advice should be sought so that the appropriate control should be taken.

- **Traps and Snares**

The Council is opposed to the use of traps and snares. Where traps and snares are employed, the Council encourages the government to strengthen legislation so as to reduce the suffering of the target species and the capture of non-target species.

- **Bats**

The Council supports legislation that protects bats and their roosts

- **Angling**

The Council recommends that anglers follow the code of practice based on the recommendations of the Medway report. The key recommendations being:-

1. The use of double and treble hooks should be kept to a minimum. These should be avoided entirely when the intention is to return the catch alive to the water.
2. Fish that have swallowed the hook and those intended for food should be killed humanely before any effort is made to unhook them.

3. All anglers should be equipped with, and use, disgorgers.
4. Employment of the pike-gag should take fully into account the size of the fish for which it is used,
5. Barbless hooks should be favoured.
6. Holding periods in keep-nets should be as brief as possible.

The Council considers it essential that fishing tackle is safely disposed of to prevent injury to both domestic and wild animals and that undersized fish should be returned to the water as quickly as possible.

- **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. It provides a free rodent control service to householders to ensure that a professional and safe treatment is readily available (01702 318045).

- **Pigeons**

Overpopulation of pigeons in built up areas can cause health and safety problems. The Council encourages the safe and hygienic disposal of all waste, especially fast food waste products to prevent such overpopulation. Where the pigeon population has to be controlled, only humane methods will be used.

- **Planning**

Through the delivery of the planning process, the Council is committed to using the mechanisms in the planning system to ensure that animals, plants and their habitats are afforded the appropriate level of protection in accordance with their protected status.

- **Parks/Open Spaces**

The Council makes minimum use of pesticides in all Council controlled public open spaces and encourages the introduction of wildlife and fauna into these areas by sympathetic management and the display of notices explaining this type of management to visitors. Weed control is by approved methods only. The expansion of such areas within the district is an ongoing project.

- **Pesticides**

The Council encourages householders to use only authorised pesticides that will do no harm to the flora and fauna in the district. 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) - 01904 455775).

- **Litter**

Litter is not only unsightly, but much of it, such as multi-pack plastic can ties, tin cans and plastic bags can cause harm to both domestic and wild animals,

therefore the Council strongly recommends that all litter is disposed of safely in the facilities that it provides for this purpose throughout the district.

- **Guns**

The Council does not permit guns on any Council owned public open space, woodlands, parks or country parks.

### **Experiments on Living Animals**

The Council encourages the Government to look into the use of alternative methods of research not involving animals. The Council also recognises that it is irresponsible and not in the interests of the animal for laboratory animals to be released into the wild where it may not be able to fend for itself.

### **Factory Farming**

The Council regrets the use of intensive/factory farming and would seek that a kinder approach to farming be adopted and requests that Members of Parliament support any legislation that will improve animal welfare conditions. The Council encourages consumers to check food labelling very carefully and to seek assistance from store managers if they are unsure of their meaning in an effort to encourage a kinder approach to farming.

### **Transport of Food Animals**

The Council believes that the live export of food animals is not necessary and that the slaughter of animals should take place as close to where they are reared as possible.

The Council supports the role of Trading Standards in enforcing roadside checks of livestock in transit to ensure compliance with legislation designed to protect animal welfare.

The Council supports Police action with regards to the enforcing of speed restrictions of vehicles transporting live animals and requests that enforcement be more rigorously applied.

### **Animal Cruelty**

Those dealing with children or vulnerable adults who have suffered physical and/or mental abuse, recognise that there is a link between animal and 'people' cruelty. Indeed, a protocol exists between social services staff and the RSPCA in some local authority areas, whereby there is an exchange of information, and careful monitoring of those will follow.

This Council believes that there should be a requirement on local authorities to establish and operate such a protocol, and that police forces should also be part of such agreements, so that every effort can be made to prevent cruelty wherever it might arise.

The Council encourages the Government to support all research by other agencies on the link between animal/child and vulnerable adult abuse in an effort to reduce both animal cruelty and serious crime.

**Council Purchasing/Education**

- **Meals**

It is the personal choice of a person to eat meat or not. The Council should aim to use cruelty-free, animal-friendly produce at all Council run functions or where it has an influence. In addition to this at least one vegetarian alternative will appear on all menus and vegan food will be made available on request.

- **Fireworks**

The Council supports the introduction and enforcement of legislation such as the Licensing of shops selling fireworks, the limit of hours that fireworks are permitted to be used and limiting the permitted noise level to 95dB to minimise the distress caused to animals by the use of such fireworks.

- **Publicity**

The Council will undertake to promote animal welfare issues by way of publishing informative and educational articles in Rochford District Matters and on the Council website of [www.rochford.gov.uk](http://www.rochford.gov.uk).