

REPORT TO THE EXECUTIVE		Report No. 15
Date of Meeting	17 th January 2008	
Title of Report	Animal Welfare Act 2006	
Portfolio	Community & Wellbeing	
Link to Corporate Priorities	To protect and enhance the local environment	
Key Decision	Yes	
Executive Workplan Ref	B373	
Public Report	Yes	

Summary of Report

This is a report to make the Executive aware of the Animal Welfare Act 2006 for which the District Council is an enforcing authority and seeks delegated authority to be given to the Environmental Health Manager to appoint inspectors to enforce the Act, issue licenses and commence legal proceedings.

Officer Recommendations

1. That the Environmental Health Manager be appointed an inspector under Section 51 of the Animal Welfare Act 2006.
2. That the Environmental Health Manager be given delegated authority to exercise all local authority powers and duties arising under the Animal Welfare Act 2006 and associated regulations, including :
 - (i) Appointment of inspectors under Section 51 of the Animal Welfare Act 2006.
 - (ii) Issuing Licences and registrations under Section 13 of the Animal Welfare Act 2006.
 - (iii) In consultation with the Legal Services Manager authorising prosecute proceedings for offences under Section 30 of the Animal Welfare Act 2006.

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
Yes	Yes	Yes	Yes	None

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1. Introduction

- 1.1 The Animal Welfare Act received Royal Assent on 8th November 2006 and came into effect on 6th April 2007. The Act makes provision for animal welfare. Animal is defined as any vertebrate other than man, but the Act also allows that definition to be extended by regulation to cover invertebrates. The Act makes additional provision for 'protected animals' which are defined as either, commonly domesticated in the British Isles or under the control of man or not living in a wild state.
- 1.2 The Animal Welfare Act 2006 introduces a duty of care on people to ensure cruelty does not exist.
- 1.3 The Act now enables action to be taken where there is a welfare problem, but before an animal is actually suffering. The Act makes the owner of the animal wholly responsible for its well being even when left in the care of an adult or person under the age of 16 years. This will lead to a reduced need of intervention as welfare problems can be addressed before they become serious and more difficult.
- 1.4 Powers of enforcement of the Act and associated Regulations will be shared by Local Authority staff, the Police and the state Veterinary Service and apply to all premises where animals as defined are kept.
- 1.5 The Government has identified a range of secondary legislation (Regulations) to promote animal welfare together with Codes of Practice to be introduced at Government specified dates.

These include:

Dog and Cat Boarding Establishments

Horse Riding Schools

Pet Shops

Dog Breeding Establishments

All of the above are currently licensed by the District Council under existing legislation.

The following types of premises will be covered by licensing provisions for the first time when new regulations come into force:

Horse Livery Yards

Pet Fairs

Rearing of Game Birds

Tethering of Equines

Animal Sanctuaries

Performing Animals

Circuses

Racing Greyhounds

2. Options and Options Appraisal

- 2.1 Option 1: Give delegated authority as per recommendation.
- 2.2 Option 2: The Local Authority is not under a statutory duty to appoint inspectors or give delegated authority but it will not be able to enforce the act effectively if it does not do so.

3. Background Information

3.1 Section 51 of the Animal Welfare Act 2006 gives the Local Authority the power to appoint inspectors. In appointing a person to be an inspector for the purposes of the Act, Section 51 (2) requires a Local Authority to have regard to guidance issued by (DEFRA). However, no such guidance has yet been issued.

3.2 Once appointed inspectors have powers to:

- Serve Improvement Notices (Section 10)
- Alleviate the suffering of protected animals (Section 18)
- Enter premises for the purpose of searching for protected animals or alleviating the suffering of protected animals (Section 19)
- Enter and search premises under warrant (Section 23)
- Inspect and copy records at licensed premises (Section 25)
- Inspect licensed premises in order to check compliance with conditions (Section 26)
- Inspect premises in connection with registration (Section 27)
- Inspect farm premises (Section 28) (See par. 3.4)
- Inspect premises to check compliance with Community with obligations.
- Stop and detain vehicles, vessels, aircraft and hovercraft (Sections 54 & 55)

Schedule 2 of the Act sets out detailed powers and obligations of inspectors using powers of entry inspection and search.

3.3 The Local Authority has powers relating to the licensing and registration of activities involving animals (Section 13) and to prosecute proceedings for offences under the Act (Section 30).

3.4 DEFRA has indicated it's expectation that County Councils will enforce the provisions of the Act as they relate to farms and the transportation of farm animals.

3.5 The police are also given joint enforcement powers for many of the above provisions as well as specific powers in relation to animal fighting and arrest.

4. Financial Implications

4.1 It is envisaged that the cost of enforcement of the Act will continue to be met locally by setting the cost of a licence or registration scheme to meet administration and enforcement costs.

- 4.2 DEFRA accepts that financial demands on local authorities are bound to change and considers that there needs to be a considerable degree of flexibility in the powers and duties given by any new schemes.
- 4.3 There is also provision in the Act to apply for reimbursement of cost associated with the necessary seizure or destruction of animals under the Act.

5. Human Resources Implications

- 5.1 Officer time due to enforcement of legislation could demand further staff resources, but given paragraph 3.1 above these should be limited.

6. Community and Environment Implications

- 6.1 The Act will strengthen welfare provisions for a wide range of domesticated animals. It places additional duties on and creates new sanctions for dealing with people responsible for animals.

7. Risk Analysis

No risks are identified in relation to this report.

Appendices:	<ul style="list-style-type: none"> • None.
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none"> • None

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
None.		