

Animal Welfare Policy and Operational Guidance

Animal Welfare Policy	Page
1. Introduction	2
2. Scope of the Policy	2
3. Statutory responsibilities	2
4. Aims of the Policy	2
5. Enforcement of the Policy	3
Animal Welfare Operational Guidelines	
6. Overview	4
7. Dog enforcement responsibilities	4
8. Licensing enforcement responsibilities	7
9. Activities enforced by other agencies	9
10. Discretionary services	10
Annex Dog Exclusion Areas and Dog Lead Areas as scheduled in local byelaws	11

1. Introduction

- 1.1 Test Valley Borough Council has statutory responsibilities to promote and protect animal welfare. The Council takes all necessary steps to ensure that these responsibilities are fulfilled.
- 1.2 This Policy sets out the general principles that the Borough Council will follow in relation to the enforcement of animal welfare legislation. The policy describes the types of animal welfare matters that are likely to occur and how the Council will deal with them.
- 1.3 This Policy and Operational Guidance details the service provided and the general principles that the Council follows in relation to the enforcement of animal welfare legislation and the discretionary functions it undertakes.

2 Scope of the Policy

- 2.1 Animal welfare related matters included within the scope of this policy are:
 - Control of stray dogs
 - Control of dog fouling
 - Animal related nuisance complaints and animal cruelty
 - Licensing and regulation of licence conditions in respect of
 - Animal boarding establishment
 - Dog breeding establishments
 - Dangerous wild animals
 - Pet shops
 - Zoos

3. Statutory responsibilities

- 3.1 The Council is responsible for implementing the provisions of the Clean Neighbourhoods and Environment Act 2005 for dog fouling control, the provisions of the Environmental Protection Act 1990 relating to Stray Dogs and Noise, Odour and other statutory nuisance control and the Animal Welfare Act 2006 which relates to animal cruelty.
- 3.2 In addition, the Council is responsible for the licensing and regulation of licence conditions in respect of a range of activities involving animals as listed above.

4. Aims of the Policy

- 4.1 The Policy will ensure that the Council carries out its animal welfare responsibilities in a fair, equitable and consistent manner.
- 4.2 It will help to ensure that the public understands what the law requires and how the Council will approach its enforcement duties.

4.3 The Policy and Operational Guidance will explain how the Council targets its resources to where there is the greatest need.

5. Enforcement of the Policy

5.1 The Council adopted the national Enforcement Concordat in October 2000 which remains in force and provides the overall context within which the Council's enforcement work is conducted.

<http://testvalley.cmis.uk.com/TestValleyPublic/Document.ashx>

5.2 The Council will seek to ensure compliance with all legislation and will carry out its duty in an appropriate manner according to the following principles:

a) Proportionality – any action will relate to the seriousness of the animal welfare concern and to the seriousness of any breach of legislation.

b) Consistency – the Council wishes to be consistent in its approach to animal welfare enforcement action, including prosecution. To achieve and maintain consistency, officers will always have regard to appropriate guidance in the Regulators' Compliance Code and the LACORS Guidance for Councils on the Regulators' Compliance Code.

c) Transparency – the purpose of this Policy and Operational Guidance is to provide clarity to all concerned, so that there is better understanding of respective responsibilities and actions that may be taken in particular circumstances.

d) Targeting – the Council's use of resources will be targeted at dealing with the most serious animal welfare issues, to nuisance hot spots and where communities are most affected by the deterioration of the environment from, in the main, irresponsible dog ownership.

e) Accountability – Complaints are closely monitored and reported to Members of the Council. Performance is also closely monitored with performance targets set for speed of response to nuisance complaints and timely renewal of licences.

5.3 The Council will liaise with other enforcement agencies or bodies where there is a shared enforcement role, such as the RSPCA and the Police.

ANIMAL WELFARE OPERATIONAL GUIDANCE

6. Overview

- 6.1 The Council will concentrate its efforts in the following areas:
- Use its enforcement powers fairly and firmly in animal welfare matters
 - Provide information and guidance to residents, parish councils and organisations
 - Work in partnership with other statutory and voluntary organisations such as the Police and housing Registered Providers.

7. Dog enforcement responsibilities

7.1 Stray dogs – what the law says

- 7.1.1 Section 149 of the Environmental Protection Act 1990 requires every Local Authority to appoint an officer for the purpose of discharging the functions imposed by the Act for dealing with stray dogs found in the area of the Authority.
- 7.1.2 There is no formal definition of a stray dog in law. A dog may reasonably be treated as a stray if it is roaming freely and not under the control of any person, irrespective of whether it has a home. This applies whether or not the dog has identification or wears a collar.
- 7.1.3. If a member of the public finds a stray dog the Environmental Protection Act 1990 expects that they;
- return the dog to its owner, or
 - contact the Council, or
 - take the dog to the Council's reception facility.

7.2 What the Council will do

- 7.2.1 In accordance with the statutory requirements, the Council provides a collection service for stray dogs notified by members of the public during office hours. The Council delivers the statutory service for dogs collected by the public, outside of office hours, by providing two reception centres which are open at the following times;
- Monday to Thursday 17:00 to 20:00
 - Fridays 16:00 to 20:00
 - Weekends/Bank Holidays/Public Holidays 10:00 to 16:00
- 7.2.2 Stray dog reports are responded to within 24 hours either through the Out of Hours Service or by the Council's officer and involve collecting the animal, checking for identification and taking the dog to the kennels.

- 7.2.3 Where the dog is found on private property, the prior consent of the owner or occupier of that property must be received before the dog can be seized as a stray.
- 7.2.4 The owner of a stray which is seized will be required to pay a statutory fee plus any kennelling, veterinary or any other costs incurred before the dog can be reclaimed. If the owner of a dog allows the animal to stray on more than two occasions then the owner will have to pay an administration fee in addition to the statutory fee, kennelling, veterinary fees and any other costs incurred. The owner will also, if appropriate, be advised on the need to ensure the dog wears a collar and the benefits of having the animal micro-chipped. All stray dogs collected will be scanned for a microchip. In accordance with the legal requirements stray dogs are held for seven days, after this time if the owner cannot be found they will be taken to a national rehoming centre.
- 7.2.5 Any dogs that come into the Council's care which are in need of veterinary treatment will be taken at the earliest opportunity to a vet and given treatment to relieve suffering. Unclaimed dogs are only destroyed where they are in the opinion of veterinary advice unable to be re-homed due to age, infirmity or temperament.

7.3 Dog Fouling – what the law says

- 7.3.1 Under the Clean Neighbourhoods and Environment Act 2005, local authorities may use Dog Control Orders in respect of publically accessible land which is open to the air. The Dog Control Order may relate to:
- fouling of land by dogs and removal of faeces
 - keeping of dogs on leads
 - exclusion of dogs from land
 - number of dogs a person may take on to any land
- 7.3.2 The Dog Control Order requires, in most cases, that if a dog defecates at any time on designated land the person in charge of that dog at that time must clean up after the dog immediately. Failure to do so is an offence and if witnessed by an officer there is a statutory Fixed Penalty, failure to pay this fine within 14 days may lead to a summary conviction.

7.4 What the Council will do

- 7.4.1 In 2006, the Borough Council introduced a Dog Control Order regarding the fouling of land and removal of faeces.
- 7.4.2 If complaints are received regarding dog owners allowing their animals to foul, then the Animal Welfare Officer will respond to the complaint and investigate the complaint. If a person is witnessed by an officer allowing the animal to foul, a Fixed Penalty Notice can be served. If the offence is not witnessed, informal action will be taken either by contacting the alleged offender, or if the individual is unknown a

standard advisory letter will be sent out to local residents asking for any information they may have regarding irresponsible dog owners in their area. Any information will be treated with strictest confidence but enables the officer to communicate with the alleged offender.

7.4.3 The Borough Council's Environmental Services is responsible for the installation and emptying of dog waste bins in the Borough however the Council is under no obligation to provide these facilities. A comprehensive network of dog bins is provided in the area which the Council maintains and empties regularly. Dog owners can deposit their dog waste in such bins and can also dispose of bagged dog waste in normal litter bins therefore the request to install dog waste bins where suitable litter bin provision is already present, are declined. All requests for dog waste bins are given careful consideration having regard to the need, the cost (provision and emptying) and experience. Such experience is based on intelligence identifying locations where offenders persist in not removing the waste even though litter bins are available.

7.4.4 Where parish councils or other land owners wish to fund additional bins, on application the Council may agree to install them in suitable locations and empty them on their behalf for an on-going management fee. Dog Fouling Signage is also provided on suitable sites within the area.

7.5 Nuisance – what the law says

7.5.1 Dogs may cause a statutory nuisance through persistent barking on a frequent basis or if they are allowed to foul and this is not removed giving rise to an odour problem.

7.5.2 The main legislation relating to animal related nuisance complaints are:

- Environmental Protection Act 1990
- Public health Act 1936
- Animal Welfare Act 2006

7.5.3 Part III of the Environmental Protection Act 1990 sets out how complaints may be dealt with as a Statutory Nuisance. For the purposes of this Policy they are as follows:

- Noise emitted from premises so as to be prejudicial to health or a nuisance
- Any animal kept in such a place or manner as to be prejudicial to health or a nuisance
- Any accumulation or deposit which is prejudicial to health or a nuisance.

7.5.4 Under the Environmental Protection Act 1990, the Council is under a duty to take such steps as is reasonably practicable to investigate a complaint of the existence of a Statutory Nuisance made by a person living in its area.

7.5.5 If the complaint relates to an accumulation of noxious matter eg large quantities of faecal matter that requires immediate action, the Public Health Act 1936 may be used.

7.6 What the Council will do

7.6.1 Where the Animal Welfare Officer is satisfied that a statutory nuisance exists, a formal notice, known as an Abatement Notice, will be served upon the person responsible for causing the nuisance. Such Abatement Notices require the nuisance to be stopped and can specify the steps required to achieve abatement. The requirements must be reasonable and proportionate and an appeals procedure is available to the person(s) served with an Abatement Notice.

7.6.2 It is an offence to contravene an Abatement Notice without reasonable mitigating circumstances and the person responsible may be prosecuted and a substantial fine imposed. In certain cases, direct action to stop the nuisance can also be taken. All enforcement action for statutory nuisance will be taken in accordance with the Council's Environmental Nuisance Policy and Enforcement Policy.

7.7 Dangerous or aggressive dogs – what the law says

7.7.1 The Borough Council does not have the statutory responsibility to investigate complaints of dangerous dogs. If the Council receives such complaints they are referred to the Police. Hampshire Constabulary is the enforcing body for the Dangerous Dogs Act 1991.

7.8 What the Council will do

7.8.1 The Council, nonetheless, investigates complaints of dogs acting aggressively or in cases where they appear to be out of control. The Council has not adopted Dog Control Orders under the Clean Neighbourhoods and Environment Act 2005 for dogs to be on kept leads, for the exclusion of dogs from land or for limiting the number of dogs which a person may take on to any land. However, there are local byelaws covering certain areas and these areas are listed in the Annex to this Policy. Infringements of these in relation to dogs will, where appropriate, result in the Council taking enforcement action.

8. Licensing enforcement responsibilities

8.1 What the law says

8.1.1 There are numerous pieces of legislation which concern animal establishment and service licensing. For ease of reference, these are incorporated within each section of the text below.

8.2 What the Council will do

8.2.1 The Council will inspect all animal welfare premises in accordance with the legislative requirements, veterinary advice and any statutory code of practice before issuing a licence or renewing a licence. Where appropriate, inspections will be carried out with a qualified vet. Each licence has conditions attached to it and should be renewed in accordance with the legislative requirements. Where inspections identify areas of concern which cannot be addressed by the licence conditions, officers will consider use of the Animal Welfare Act 2006 and/or liaise with other organisations such as the RSPCA. The Council will investigate reports and intelligence relating to unlicensed establishments and/or breaches of conditions and respond to any issues and when necessary take enforcement action. All enforcement action will be taken in accordance with the Council's Enforcement Policy.

8.3 *Animal Boarding Establishments*

8.3.1 Anyone boarding cats or dogs for financial gain must be licensed by the Council under the provisions of the Animal Boarding Establishments Act 1963. Officers inspect these premises to ensure compliance with licence conditions and, in particular, that the animals are in satisfactory accommodation and are properly cared for.

8.4 *Riding Establishments*

8.4.1 The Council licenses all riding schools under the provisions of the Riding Establishments Acts 1964 and 1970 in order to ensure the suitability of the person in charge to undertake such a business. A suitably qualified vet inspects all animals used in the business to ensure that the horses are fit and healthy and suitable for use and are adequately cared for.

8.5 *Dog Breeding Establishments*

8.5.1 These activities are controlled by the Breeding and Sale of Dogs (Welfare) Act 1999, which amended and extended the provisions of the Breeding of Dogs Act 1973. The commercial breeding of dogs is a licensable activity for which specific welfare related conditions apply. These include conditions to protect the bitch from over-breeding, the prevention of spread of disease and the keeping of detailed records relating to the animals and the sale of offspring.

8.6 *Dangerous Wild Animals*

8.6.1 Anyone who keeps an animal scheduled as a dangerous wild animal must be licensed under the Dangerous Wild Animals Act 1976. When applications for a licence are received the Council seeks the appropriate advice of veterinary and/or other professionals to ensure

that any special needs of the animal are fulfilled and the applicant is a suitable person to hold such a licence.

8.7 *Pet Shops*

8.7.1 The Pet Animals Act 1951 requires premises selling any vertebrate animal to be licensed. The Council devises specific licences for each individual pet shop listing the specific species that may be sold and numbers held in stock. Any pet shop will only be licensed to sell those species whose welfare can be assured at the premises to ensure the animal handlers have the necessary knowledge and facilities to be able to provide animals with the appropriate specialist environment and care. Where exotic species are being sold, specialist advice will be sought in the care of the species in question. Finally the Council can issue licences for non-commercial pet sales made at pet fairs by hobbyists.

8.8 *Zoos*

8.8.1 The Council is responsible for licensing all establishments defined as a zoo under the provisions of the Zoo Licensing Act 1981*. The Act requires regular inspections of zoos every 5 years by a team, including three external inspectors, one being directly appointed by the Local Authority and two from the Secretary of State's list of persons deemed competent to inspect zoos. All are qualified veterinarians with special expertise in the treatment and welfare of zoo animals.

* The Hawk Conservancy in the Borough is defined as a zoo

9. **Activities enforced by other agencies**

9.2 *Circuses and performing animals*

9.2.1 The Council does not have any powers to control the welfare of animals in circuses but officers do inspect circuses under the Health and Safety at Work Act 1974 which covers animal handling and public safety. If evidence of cruelty or mistreatment is found it is reported to the appropriate authority which may include the RSPCA, the County Council and/or the Police.

9.3 *Control of International Trade in Endangered Species (CITIES)*

9.3.1 Hampshire Police are responsible for controlling this activity and officers will pass on intelligence as appropriate.

9.4 *Farm Animals*

9.4.1 The Council does not have any powers over the regulation and inspections of farms or for animal transportation. At a national level the Department for Environment, Food and Rural Affairs regulate farms and local movement licences are issued by Hampshire County Council's Trading Standards.

10. Discretionary services

10.1 In addition to fulfilling its statutory responsibilities, the Council provides discretionary services to encourage responsible dog ownership.

10.2 The Traffic Light System

10.2.1 This comprises a paw-printed signage in the parks and open spaces within the Borough to help all dog walkers to make the best use of facilities provided. Dog Exclusion Areas and areas where a dog must be kept on lead, aim to reduce the risk of incidents occurring between dog walkers and other users of these recreational facilities.

10.3 Campaigns

10.3.1 The Council works in partnership with many organisations including local schools, parish councils, the Kennel Club, housing associations, the PDSA, the RSPCA, the Dogs Trust and other charities to promote the responsibility for taking care of a pet's welfare and controlling its behaviour.

10.4 Education

10.4.1 The Council promotes responsible dog ownership through a number of educative activities, as resources permit:

- presentations are made on request to local business, housing associations, schools and other organisations on dog care and responsible ownership.
- signposting and encouraging attendance at dog training courses
- promoting the DEFRA Code of Practice for the Welfare of Dogs
- providing advice and information through the Council's website.

ANNEX

Dog Exclusion Areas and Dog Lead Areas as scheduled in local byelaws

SCHEDULE 1

The dog prohibited areas, referred to in bylaw 3 are :-

i. Under Section 164 of the Public Health Act 1875,

a) The following enclosed children's playgrounds:-

Off Adelaide Road/Vigo Road, Andover
Off Admirals Way, between London Road and Churchill Way, Andover
Off Bransley Close, Great Woodley Estate, Woodley, Nr Romsey
Off Bury Hill Close, Anna Valley, Nr Andover
Charlton Sports & Leisure Centre, Charlton
Off Colenzo Drive, Andover
Off Dean Path, Hedge End Road, Andover
Off Fleming Avenue, North Baddesley
Off Highlands Road, Andover
Adjacent to Icknield School, Pilgrims Way, Andover
Off King George Road/The Drove, Andover
Off Lavington Gardens, North Baddesley
Off Mead Hedges.Redbridge Drive, Andover
Memorial Park, The Meads, Romsey
Off Old Down Road, Andover
Off River Parade, Pilgrims Way, Andover
Between Roman Way and Smannell Road, Andover
Romsey Sports Centre, Southampton Road, Romsey
Off Shaw Close, Gallaghers Mead, Andover
Adjacent to St. John The Baptist Catholic Primary School,
Floral Way, Andover
Tadburn Meadow, Off Eight Acres, Romsey
Watermills Park, Barlows Lane, Andover
Whitenap Recreation Ground, off Whitenap Lane/Botley Road,
Romsey

b) The following enclosed sports facilities:-

Artificial Sports Surface, Charlton Sports and Leisure Centre,
Charlton
Running Track and associated facilities, Charlton Sports and
Leisure Centre, Charlton
Tennis Courts and Bowling Green, Memorial Park, The Meads,
Romsey
Tennis Courts, Romsey Sports Centre, Southampton Road, Romsey
Tennis Courts and Bowling Green, Vigo Road Recreation Ground
Andover

ii. Under Sections 12 and 15 of the Open Spaces Act 1906,

Off Donnington Drive, Valley Park, Chilworth
Off Tweed and Brue Closes, Valley Park, North Baddesley
Off Wicklow Drive, Valley Park, North Baddesley

SCHEDULE 3

The dogs on leads areas referred to in byelaw 6 are :-

i. Under Section 164 of the Public Health Act 1875.

Beech Hurst Park, Weyhill Road, Andover
Charlton Sports and Leisure Centre, Charlton Road, Charlton
(excluding the enclosed: children's playground; running track and associated facilities and the artificial playing surface. Also excluding 31,750m² to the south of Foxcotte Lane on the West side of the main recreation area.)
Great Woodley Estate, Woodley, Romsey.
(excluding the enclosed children's playground)
Hedge End Road Playing Field, Hedge End Road, Andover
Hunts Farm Playing Fields, Timsbury, Michelmersh
King George Road Playing Field, off King George Road/The Drove, Andover (excluding the enclosed children's playground)
Off Lavington Gardens and Mortimer Way, North Baddesley
(excluding the enclosed children's playgrounds)
Mead Hedges Playing Field, Mead Hedges/Redbridge Drive, Andover
(excluding the enclosed children's playground)
Memorial Park, The Meads, Romsey
(excluding the enclosed: children's playground; bowling green and tennis courts)
Romsey Sports Centre, Southampton Road, Romsey
(excluding the enclosed: children's playground and tennis courts)
Tadburn Meadow, Off 8 Acres, Romsey
(excluding the enclosed children's playground and the area comprising 40,976m² of land to the east of the playing field)
Vigo Road Recreation Ground, Vigo Road, Andover
(excluding the enclosed: children's playground, bowling green and tennis courts)
Whitenap Recreation Ground, Whitenap Lane/Botley Road, Romsey
(excluding the enclosed children's playground and the area of land, comprising 10,770m² of land on the western side of the playing field)

ii. Under Section 12 and 15 of the Open Spaces Act 1906.

Remembrance Garden, St. Mary's Churchyard, Church Close, Andover