

Chelmsford
**Animal
Welfare
Policy**



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01

Introduction



Animals bring much joy to the lives of individuals, families and communities. Chelmsford City Council works tirelessly to protect public health and enhance community wellbeing; this includes the use of animal welfare legislation

to provide protection against rogue animal breeders and dangerously out of control dogs. Animals depend upon humans for their protection from cruelty.

Whilst the Council encourages an increased awareness throughout the district 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 where it can and will take action. The policy will provide information concerning the Council's activities including enforcing legislation that relates to the protection of animals.

Cllr Rose Moore
Cabinet Member for Greener
and Safer Chelmsford

November 2022

02

General Principles

1. Policy Aims

The aim of this policy is to focus, where appropriate, the Council's resources and influence to improve animal welfare and aspire to all animals having a life free from cruel treatment.

Whilst this policy is not intended to cover every aspect of animal welfare, it does detail those areas that the Council considers most important and where it may have some influence as a public body.

The Council recognises that there are many areas of animal welfare concern but considers the areas covered in the following sections of this policy to be priority areas.



2. Rights

This policy has been published by Chelmsford City Council to address the concerns of local people who care about animal welfare and cruel treatment, abuse or neglect of animals. In publishing the policy, the Council hopes to provide an example to other agencies, individuals and organisations to help prevent unnecessary suffering of animals.

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, of enjoying a state of wellbeing and are capable of suffering. The Council will take these factors into account when formulating policies.



The Council considers that people have a duty of care towards animals in their charge and that such animals have the right to enjoy the five basic freedoms:



3. Responsibilities

The Council will take the five freedoms into account when exercising its statutory powers in relation to animal health and welfare matters and when developing future policies.

The Council believes that it has a moral responsibility for the welfare of all captive and domestic animals and all wild animals in-so-far that its activities impinge upon them.

The Council will work to achieve these objectives in the following key areas:

- Using its enforcement powers fairly and firmly on animal welfare matters
- Exercising control through policy decisions in relation to activities it controls
- Educating and advising residents and visitors to the Chelmsford district on relevant animal welfare issues
- Providing up-to-date advice on animal welfare matters to organisations involved with animals and to the public, where appropriate
- Seeking to influence, both within and outside the Council's area, persons who could have an impact on important welfare issues

Whilst there are areas where the Council is unable to take direct action, as a responsible body it will make its views known where it considers it is appropriate to do so, via the Local Government Association and/or to Members of Parliament and Government.



03

General Enforcement and Responsibilities

The Council is responsible for the licensing and enforcement of licence conditions in respect of a range of activities involving animals.

These include:

- Animal Boarding Establishments
- Dangerous Wild Animals
- Dog Breeding Establishments
- Dog Warden Enforcement
- Pet Shops
- Riding Establishments
- Zoos

The Council also has a role in enforcement of a range of statutory powers in relation to dogs.

The Council will liaise with Essex Police in relation to offences for which they have powers of seizure and arrest, and with all other relevant bodies to help ensure the efficient enforcement of Animal Welfare legislation and to prevent cruelty to animals.



In order to fulfil its responsibilities under Animal Health and Welfare legislation the Council will:

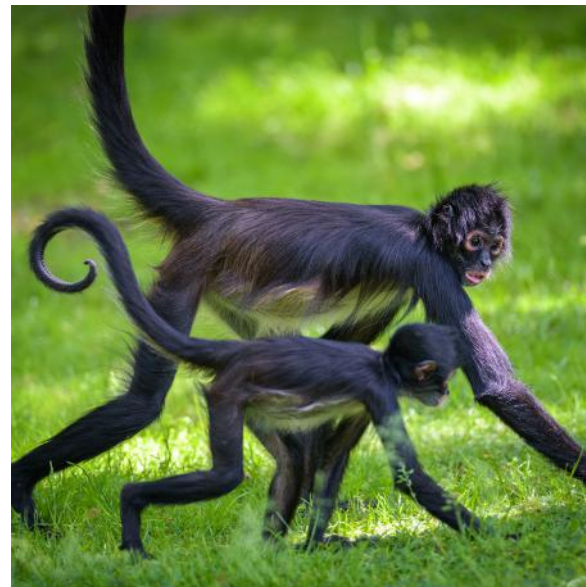
- Employ a core of trained and experienced personnel and where necessary and appropriate call upon the expertise of others to assist in the process; the Council will provide all ongoing training necessary for the animal welfare functions to be fulfilled.
- Produce, apply and regularly review conditions attached to licences issued by the Council to provide adequate protection for animals and promote their welfare, within the bounds of licensing objectives.
- Prepare and distribute, to all involved, material explaining the provisions of the law and licence conditions so as to promote a better understanding of the law and greater compliance with the various statutes.
- Inspect premises and carry out such enquiries as required prior to a licence application being determined to ensure that will be complied with the licence conditions.
- Inspect all premises prior to renewal of their licence and undertake such interim visits as may be necessary due to reports, intelligence and or risks, to ensure compliance with the licence conditions and will also
- Take enforcement action to counter unlicensed premises.
- Respond to reports of stray dogs, dangerous dogs and irresponsible dog ownership
- Liaise closely with other enforcing agencies to ensure a co-ordinated approach to animal welfare, including referral of reports of irresponsible animal ownership.

04

Specific Areas of Enforcement Responsibility

Animal Boarding Establishments

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



Dangerous Wild Animals

Anyone who keeps an animal scheduled as a dangerous wild animal must be licensed under the Dangerous Wild Animals Act 1976. Private ownership of dangerous species is not encouraged nor is the ownership of primates or exotic species. In the event that an application for a licence is received the Council will seek the appropriate advice of veterinary and/or other professionals to ensure that any special needs of the animal are fulfilled.

Dog Breeding Establishments

The commercial breeding of dogs is a licensable activity under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, for which specific welfare related conditions apply. These include conditions to protect the bitch from over-breeding and for the prevention of spread of disease. The Council will investigate reports and intelligence relating to unlicensed establishments and/or breaches of conditions and rigorously respond to any issues.

The Council is strongly opposed to irresponsible and uncontrolled private and commercial breeding of puppies, such as puppy farms. In 2019 "Lucy's Law" was introduced preventing puppies and kittens being sold by a third party seller—such as a pet shop, unless they have bred the animal themselves. The Council will ensure licensed breeders keep detailed records and comply fully with licence conditions.



Dog Warden Enforcement Services

■ Strays

We endeavour to provide a collection service for strays found by members of the public in the City during office hours, with a reception service operating at the Civic Centre out of hours Monday-Friday between 4.45pm-11pm and Saturday and Sunday between 9am-11pm.

Dogs that come into the Council's care in need of veterinary treatment will be taken at the earliest opportunity to a vet and given treatment to relieve suffering. The Council endeavours to re-home dogs that come into its care and are unclaimed, normally via donation to a charitable kennel. Unclaimed dogs may however be euthanised (put down) where they are in the opinion of the charity not able to be re-homed due to age, infirmity or aggression and the charity is unable to care for the dog. Dogs will always be put down in a humane way by a veterinary professional.



■ Dog Fouling

We provide advice to ensure that owners are aware of their responsibilities regarding clearing up after their dogs and advise on the health effects of fouling. The Council has funded and erected approximately 570 dog faeces bins throughout the City and undertakes a regular emptying service. Where Parish Councils and/or others wish to fund additional bins these are erected in suitable locations free of charge and emptied by the Council. We rigorously enforce the Public Spaces Protection Order and issue Fixed Penalty Notices to offenders.

■ Dangerous Dogs

The police are the primary authority for enforcement of the Dangerous Dogs Legislation. The Council nonetheless investigates complaints of dogs acting dangerously out of control in accordance with our Dangerous Dog Policy and will, where appropriate, take enforcement action.

Pet Shops

The law requires premises selling any vertebrate animal to be licensed and for conditions to be attached to the licence to secure the 5 licensing objectives. Whilst the protection of animal welfare is not a direct licensing objective, much can be achieved to secure that animals are kept in reasonable standards of hygienic accommodation with proper control against infectious disease spread. The Council will devise 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 could be assured in the shop. This will ensure the shop staff have the necessary knowledge and facilities to be able to provide animals with the appropriate specialist captive environment and care. The Council will inspect premises before issuing a licence or renewing a licence. Additional spot checks will be undertaken by a Community Protection Officer, and where appropriate a qualified vet.

Where pet shops are selling exotic species, the person carrying out the inspection should be experienced in (or seek the advice from someone experienced in) the care of exotic species. Where inspections reveal shortcomings in the licensed pet shop trade, which are not resolved via licence conditions, Officers will consider use of the Animal Welfare Act and/or liaise with other organisations such as the RSPCA. The Council will investigate reports of unlicensed activity and/or breach of licence conditions and take relevant enforcement action. The Council is opposed to pet fairs but recognises that there are proposals under the Animal Welfare Act 2006 to allow pet sales at pet fairs by hobbyists in a non-commercial capacity. In considering any licence for the commercial sale of animals at a pet fair the Council will take in account veterinary advice and any code of practice issued by the Government.



Riding Establishments

The Council licenses all riding schools to ensure that the person in charge is fit to be so. A suitably qualified vet inspects all horses and ponies used in the business prior to licensing or renewing the annual licence to ensure that the animals are fit, healthy, suitable for use and are adequately cared for. Officers inspect the establishment to ensure compliance with conditions.



Zoos

The Council is responsible for licensing all zoos in its area under the provisions of the Zoo Licensing Act 1981. The Act requires regular formal inspection of zoos 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 Council will ensure that the formal inspection covers all features of the zoo which are directly or indirectly relevant to the health, welfare and safety of both the visiting public and the animals. The inspection shall have regard to the latest version of the Secretary of State's Standards of Modern Zoo Practice, which requires zoos to contribute in as many ways as possible to the education of visitors.



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Responsible Pet Ownership

General

In addition to exercising its legal enforcement powers, the Council actively encourages responsible pet ownership. The Council believes it has an important role in advising and educating the public in responsible ownership. We work in partnership with Social Landlords and charitable organisations including the PDSA and RSPCA. The Council encourages pet shops to provide suitable care and welfare information to prospective owners about the animal they are purchasing. The Council discourages the sale of animals as Christmas gifts.

From 6th April 2016 under The Microchipping of Dogs (England) Regulations 2015 every dog must be microchipped unless it is not yet 8 weeks old or is a certified working dog for the purposes of section 6(3) of the Animal Welfare Act 2006.

The Council provide a low cost micro-chipping service to help reunite pets with their owners in the event of straying. The Council encourages all dog owners to train their dogs.

Leaving animals for long periods in motor vehicles, especially in hot weather, should not occur and we support campaigns against this.

Domestic Dogs

The Council promotes responsible dog ownership through attendance at appropriate events, education and enforcement. We provide advice and produce advisory leaflets on a range of dog issues. Officers undertaking dog warden functions not only deal with stray dogs but also work hard to encourage responsible dog ownership and welfare. The protection of human health and safety from dangerous dogs is also a priority and promoted by education as well as enforcement.



Responsible Pet Ownership and Social Landlords

The Council is not a Social Landlord but will work with Social Landlords with regards to creating pet ownership policies in tenancy agreements. The Council supports clauses that cover the following areas:

- Whether pets are allowed in the accommodation and, if so, how many and of what species
- Breeding of animals should be prohibited on the premises. This will help encourage responsible pet ownership and to reduce the number of unwanted pets.
- The Council's position on roaming and unattended animals. For example, people who repeatedly allow their animals to stray should have written warning that unless the problem is resolved they will be asked to leave their accommodation.
- The rules on fouling. There should be strict penalties for owners who persistently refuse to clean up after their animals. Faeces should be removed regularly from gardens so as to prevent nuisance to neighbours and protect the health of the animal and tenants.
- Excessive noise. If pets, particularly dogs, are causing a noise nuisance, the owners should be recommended to seek help from an animal behaviour counsellor. If the problem persists they may be in breach of their tenancy agreement.
- Animal welfare. If it is suspected that animals are being neglected the RSPCA should be contacted with any concerns.

In addition Social Landlords should:

- also require that all tenants provide details of any animals kept in their properties in case of emergencies such as evacuations, fire or flood. All tenants should be encouraged to carry the RSPCA emergency cards and to have signs in their windows stating that they have pets that require safe keeping in an emergency
- prohibit the keeping of pets on balconies or in communal walkways.
- prohibit the tethering of any animals – usually goats, dogs and equines – on any land under their control. There should be a suitable policy for warnings and subsequent removals if this condition is breached.
- ensure staff are:
 - suitably trained, so they can at least recognize different species of animals, especially common exotic species; are aware of basic welfare standards and able to spot signs of neglect or cruelty.

06

Pest Control

Our service seeks to protect human safety and welfare but advice is also given by office humane and environmentally friendly methods of treatment. Pests treated by us include mice, bedbugs, fleas, cockroaches and wasps. We do not deal with protected species such as bats. We do not normally treat for bees, local beekeepers normally collect swarming honeybees.



07

Activities Which are Enforced by Other Agencies

Control of International Trade in Endangered Species (CITES)

This legislation is enforced by the police. Whilst it is not a Council function we maintain vigilance and report any contraventions we are aware of to the police.



Farm Animals

The Council does not have any powers over the regulation and inspections of farm animals but they do from a health and safety perspective and investigation of E.coli reports. At a national level the Department for Environment, Food and Rural Affairs regulate farms and local licences are issued by Essex County Council's Trading Standards department.



08

Policy Decisions in Relation to Council Activities and Council Owned Land

General

The Council will not allow the giving of live animals as prizes at events on Council owned or managed land. The Council will not allow the tethering of horses and ponies on land owned or managed by the Council.

We do not permit Council owned land to be used by circuses, or other animal based entertainment, where caged and/or performing animals are used. Exemptions would however include but not be limited to:

- Theatrical performances
- Equestrian acts using only horses and ponies
- Horse racing
- Cat or dog breed shows
- Dog agility events
- Mobile Petting Farm experiences for children

Where the use of animals is an essential or required part of a stage theatrical performance in Chelmsford Theatres, the Arts and Entertainments Manager will satisfy themselves that all animals used are either trained for stage and/or are well cared for at all times and have due regard to the RSPCA guidelines for the welfare of Performing Animals. All exemptions will be considered on a case by case basis and will be subject to the Public Health and Protection Services Manager being satisfied that in each case there is no form of cruelty and that all animals are well treated.



Protection of Wildlife on Council Owned Land

The Council will not tolerate unnecessary use of agrochemicals and pesticides and therefore the Council will:

- Ensure that the horticultural staff use methods of weed control etc which are not harmful to wildlife, and wherever practical, weeds are controlled by the use of alternative methods and not chemicals. If chemicals must be used, they should be of a type which would have minimum effect on the environment and must comply with current legislative requirements.
- Ensure that, where practicable and desirable, hedgerows and roadside banks under Council control will be managed to conserve, enhance and create safe habitats for birds and animals during the breeding season, and encourage the growth of wild flowers.



Fishing from Council Controlled Waters or from Council Controlled Land

1980 saw the publication of the "Medway Report" commissioned by the RSPCA to enquire whether practices related to shooting and angling in the UK involved cruelty (defined as "unnecessary suffering"). As part of its investigation, the panel of inquiry considered the evidence that fish feel pain. The report concluded that "In the light of evidence reviewed ... it is recommended that, where considerations of welfare are involved, all vertebrate animals (i.e. mammals, birds, reptiles, amphibians and fish) should be regarded as equally capable of suffering to some degree or another, without distinction between 'warm blooded' and 'cold blooded' members."

The Council will encourage those who fish in Council controlled waters, or from Council controlled land, to adopt the following code of practice (based on the Medway Report): –

Fish that swallowed the hook and those intended for food should be killed humanely before any attempt is made to unhook them.

To assist in removing hooks all anglers should possess suitable "disgorgers" appropriate to the size and species of the fish they are likely to catch.

Promote the use of barbless hooks which cause less injury to the fish and, being easier to remove, re-duce the amount of handling required.

Great care should be taken when handling fish to minimise damage to the thin protective layer of skin and mucus covering the scales. Damage to this layer will increase the chance of infection and reduce the ability of the fish to survive.

The use of double and treble hooks should be avoided.

If keep nets are used, fish should be confined for the shortest possible time, to reduce the risk of injury.

– Prolonged "playing" of fish, especially those destined to be returned to the water, and the use of ultra-fine tackle which necessitates such "playing", should be avoided. – Fish which are killed following capture should be dispatched as quickly and humanely as possible. Anglers should know how to kill a fish humanely.

– In view of the dangers posed to wildlife and other animals by discarded fishing tackle, anglers should not use lead weights and must ensure the safe disposal of unwanted or tangled fishing tackle. Angling clubs fishing in Council controlled waters or from Council controlled land will be encouraged to arrange for younger members to receive guidance from qualified instructors concerning the biology of fish and their relationships with other animals in order to help reduce the incidence of inconsiderate behaviour towards them.

Council Emergency Planning

Council emergency plans, including those drawn up for mass evacuations, will include provisions for companion and other animals.

A photograph of a man and a young boy fishing by a lake at sunset. The man, with a beard and wearing a red and blue plaid shirt, is sitting in a green folding chair. The boy, wearing a blue and black plaid shirt, is sitting next to him, holding a fishing rod. The background shows a calm lake and a soft, golden sunset sky.

Contact Details if Concerned About an Animal's Welfare

If you see any animal which you believe to be injured or whose welfare is giving concern, you should contact the RSPCA, see **Advice and Welfare Information for Animals | RSPCA** or Tel: **0300 1234 999**

If you see any animal whose welfare gives reason for concern and which you believe to be in immediate danger, such as a dog locked in a hot car, you should contact Essex Police, see Essex Police or Tel; **101** or **999** in an emergency.

For further information and to report cruelty or an animal in distress in a licensed premises such as a pet shop or boarding establishment, you should contact Chelmsford City Council see **Animal licensing (chelmsford.gov.uk)** or Tel: **01245 606606**



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