

ANIMAL WELFARE ACT 2006
(Report by Head of Environmental & Community Health Services)

1. INTRODUCTION

- 1.1 The purpose of this report is to advise Members of the introduction of new animal welfare powers under the Animal Welfare Act 2006, "the 2006 Act", and to seek delegated authority for officers to be appointed under section 51 of the 2006 Act and to use the full range of these new powers. The 2006 Act came into effect on 6 April 2007.
- 1.2 Secondary legislation and codes of practice will be introduced under the 2006 Act to update and replace much of the existing licensing and registration schemes relating to animals. These latter functions are likely to be designated as non-executive functions and as such will be reported to the Licensing and Protection Panel in due course.

2. BACKGROUND INFORMATION

- 2.1 The Protection of Animals Act 1911 has formed the basis for most prosecutions concerning animal cruelty and although it has been amended by several subsequent Acts, it is no longer considered to reflect modern practice.
- 2.2 The 2006 Act brings together and updates existing legislation designed to promote the welfare of vertebrate animals, other than those in the wild. It introduces a duty to ensure the welfare of kept animals and offences related to cruelty and fighting. It has limited applications to animal welfare establishments which are regulated under the Animals (Scientific Procedures) Act 1986.
- 2.3 Animals of a kind commonly domesticated in the British Islands are "protected animals" under the 2006 Act and this ensures that, for instance, stray dogs and feral cats are covered. Animals of a kind not commonly domesticated in the British Islands are only "protected animals" to the extent that they are under the control of man or are not living independently in the wild. "Under control" is intended to be a broader expression than "captive animal".
- 2.4 The 2006 Act introduces a duty on those responsible for animals to take reasonable steps to meet the welfare needs of their animals. It also makes available a range of powers to local authorities and their inspectors. These include:
- ◆ Emergency powers in relation to animals in distress.
 - ◆ Powers of entry and inspection including the power to seize documents.
 - ◆ Prosecution powers.
 - ◆ Improvement notices.

- 2.5 The Act is a “common informant act” which means that anyone is allowed to bring a prosecution for an offence. This means that, for instance, the RSPCA can continue to bring prosecutions in relation to cruelty to domestic animals but RSPCA inspectors will not have formal enforcement powers such as the power of entry to residential premises when an owner’s consent to enter is withheld and will therefore have to be accompanied by a local authority inspector or the police in such circumstances.
- 2.6 Although there is no duty on local authorities to use the powers introduced by the Act, there will be an expectation that local authority inspectors will exercise all available powers when circumstances indicate that they should.

3. IMPLICATIONS

- 3.1 The 2006 Act introduces a range of powers designed to help local authority inspectors carry out their existing duties more effectively and comes at a time when new dog control orders are taking effect and the police responsibility for dealing with stray dogs is being transferred to local authorities. These facts will put added strain on our small animal welfare team of 1.6 FTEs and it is hoped that sufficient savings can be identified corporately to allow a modest increase in personnel to 2 FTEs.
- 3.2 Secondary legislation will be issued under the 2006 Act in connection with the licensing and registration of animal-related businesses and it is anticipated that this will extend the application of such matters to additional animal-related businesses such as liveries and pet-sitting businesses. These issues are likely to be designated as non-executive functions and as such will be reported to the Licensing and Protection Panel.

4. CONCLUSION

- 4.1 These new powers will be useful to local authority inspectors dealing with animal welfare issues and should be adopted.

5. RECOMMENDATIONS

- 5.1 It is RECOMMENDED that:
- a) The Council adopt the powers set out in the Animal Welfare Act 2006;
 - b) The Director of Operational Services and the Head of Environmental and Community Health Services are authorised to appoint officers as inspectors under section 51 of the Animal Welfare Act 2006;
 - c) That appointed officers are authorised to exercise all of the powers set out in the Animal Welfare Act 2006 in the course of their duties;
 - d) The Head of Environmental and Community Health Services be authorised to initiate legal proceedings under the 2006 Act after consultation with the Executive Councillor for Housing and Health;

BACKGROUND INFORMATION

Animal Welfare Act 2006

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