

DUDLEY METROPOLITAN BOROUGH COUNCIL

SELECT COMMITTEE FOR THE ENVIRONMENT- 8th SEPTEMBER 2010

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

ANIMAL HEALTH & WELFARE FUNCTIONS OF THE COUNCIL

PURPOSE OF REPORT

- 1 To advise members of the animal health and welfare responsibilities of the local authority and of the scope of the work being undertaken to meet these responsibilities.

BACKGROUND

- 2 Local authorities are responsible for the implementation of a wide range of legislation relating to animal health and welfare. This work is carried out within the Food and Occupational Safety service of the Directorate of the Urban Environment and led by a Principal Environmental Health Officer. Environmental health officers undertake licensing and enforcement activities in relation to commercial premises, such as pet shops, animal boarding establishments and zoos and animal health work in relation to welfare and infectious disease together with the provision of dog control services

STRAY DOGS

- 3 The Local Authority is responsible for the collection and kennelling of stray dogs. Prior to 2008, the police also had responsibility for strays and took animals out of hours. In 2008 the Local Authority became the only authority responsible for stray dogs. Approximately 500 stray dogs a year are collected and taken to kennels with approximately 40% being returned to owners and the remainder being re-homed. Since 2008 the numbers of strays within the Borough has increased yearly, this together with the limited number of collecting and kennelling services has resulted in an increase in costs to the Local Authority. Proactive work to encourage owners to have dogs micro chipped and have collar and name tags is ongoing. Close liaison with both the police and RSPCA takes place. There is a reported increase in the number of stray dogs nationally and a lack of available new homes for dogs.
- 4 Current contracts are with Noah's Ark for the collection of dogs and with Rosedene Kennels in Walsall for kennelling. In house work includes contacting owners, issuing warning letters, enforcement and dealing with welfare issues.

- 5 Dangerous dogs are the responsibility of the police under the Dangerous Dogs Act 1991, with two lead specialist police officers undertaking this role in Dudley. Certain breeds of dog are prohibited under the Act and there are general offences in relation to dogs dangerously out of control in a public place or who injure persons on private property. Council officers do work alongside the police in some dangerous dogs investigations, for example where there may be offences relating to the carrying on of an unlicensed dog breeding business.

ANIMAL HEALTH

- 6 The animal health responsibilities of the Council are laid out in the Animal Health Act 1981 (as amended) and in statutory instruments made under the Act. The primary focus of the Act is to prevent the spread of farmed animal diseases which can impact not just on animal health but on the community, both financially and socially as shown during the 2001 outbreak of foot and mouth disease. A major review of animal health service provision within the UK was carried out after the 2001 outbreak which recognised the role that local authorities play in enforcement of animal health legislation and resulted in a national framework for delivery. Temporary funding for local authorities to undertake agreed work including the recording and licensing of all farmed animal movements, livestock premises inspections and enforcement was provided until March 2011.
- 7 There are 61 livestock premises in the Dudley borough, ranging from domestic keepers of goats, sheep and pigs to farms and two abattoirs, one red meat abattoir and a small poultry abattoir. These are inspected at frequencies relevant to the risk they present and all movements of animals recorded. Over 6,000 animal movement licences a year are recorded in respect of the red meat abattoir. This work is carried out by the part time Animal Health Officer post which is funded by Defra under the framework agreement above.
- 8 An important aspect of animal health control is contingency planning for emergencies such as outbreaks of animal diseases. DEFRA takes the lead nationally but local authorities are required to support DEFRA through the implementation of their own plans in relation to duties during an outbreak, for example, restricting movements of animals, enforcement of control zones, prosecuting offences, data and intelligence gathering. Plans are in place for Dudley in the event of foot and mouth, rabies, avian flu and other animal diseases and these are regularly reviewed and updated.
- 9 In 2009-10, a national performance indicator, NI 190 "Achievement in meeting standards for the control system for animal health" which focuses on the local authority's contingency planning, enforcement action and intelligence gathering in relation to animal health was introduced.
- 10 Performance is measured in a scoring system and ranges from Level 0 (low) to Level 3 (high) and Dudley's rating for 2009-10 was 2.3. The target achievement for 2010-11 is 2.6. It is anticipated that the funding from DEFRA will end in March 2011 and the result of the lack of funding will inevitably impact on performance.

ANIMAL WELFARE

- 11 The major piece of legislation relating to animal welfare is the Animal Welfare Act 2006. This provides for the protection of companion animals (pets) as well as farmed animals. Under the Act individuals have responsibilities to prevent harm to animals and promote welfare. The local authority powers include dealing with animals in distress or likely to suffer, seizing animals, and applying to the courts for orders in relation to treatment, sale, and disposal of animals, for example to new owners.
- 12 The Local Authority work with partners with regard to animal welfare. The RSPCA work with this authority, however, they have no powers under the Animal Welfare Act and it is their decision if they wish to instigate a private prosecution. LA's have been recently notified by the RSPCA that they will only deal with animal welfare issues in future, this will reduce overall capacity for animal welfare work.

LICENSING OF ANIMAL ESTABLISHMENTS

- 13 There are a number of Acts of Parliament which govern the licensing of animal establishments. There are currently 15 pet shops, 17 animal boarding establishments, 3 riding establishments and 2 zoos licensed in the borough as well as one dangerous wild animal licence. All licences, except zoos and dangerous wild animals, are renewable annually and require an annual licensing inspection in addition to spot checks being carried out. Zoos licences are not renewed each year but do require an annual local authority inspection and periodical inspections.

FINANCE

- 14 Financial implications from implementing the animal health and welfare functions are met from within existing budgets. Additional budget growth was provided for the stray dog service from 2010-11 to bring the annual budget to £57,000. Costs have increased with the increased number of strays reported and currently it is anticipated that the current budget will be insufficient to meet demand. Whereas other savings within Public Protection can offset this pressure in 2010/11, this matter will be raised as part of the annual budget review. DEFRA currently fund the 0.6 FTE animal health officer post undertaking the majority of the animal movement licence work and contingency planning. As this funding is due to cease in March 2011, this issue will be considered as part of the annual budget review. The costs involved in using the new wider ranging powers under the Animal Welfare Act in relation to taking possession of animals likely to suffer (vet fees and court costs) have to date been met from within existing budgets but this work is likely to increase with RSPCA's recent re-prioritisation and will be closely monitored.

LAW

- 15 The main piece of legislation governing animal health is the Animal Health Act 1981, as amended, most notably in 2002 following the 2001 food and mouth disease outbreak. There are a host of statutory instruments made under the Act. Some further animal health legislation is made under the European

Communities Act 1972, mostly around veterinary checks for trade. The Animal Health Act permits for infringements of secondary legislation made under it to be considered offences and prosecuted.

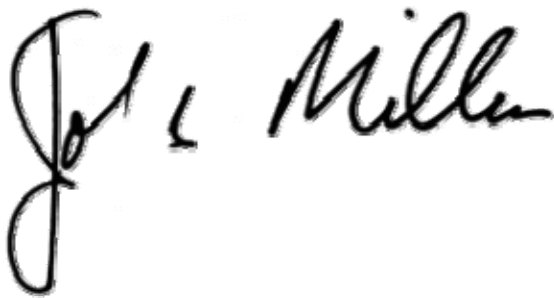
- 16 The main legislation governing animal welfare is the Animal Welfare Act 2006, although pre-existing regulations in relation to the licensing of animal establishments are still in force until replaced by regulations made under the Animal Welfare Act.
- 17 The Council's duty to provide a stray dog collection service is contained within the Environmental Protection Act 1990 and the Clean Neighbourhoods and Environment Act 2005.

EQUALITY IMPACT

- 18 This report does not conflict with the Council's policy on equal opportunities.

RECOMMENDATION

- 19 It is recommended that members note the contents of this report

A handwritten signature in black ink, appearing to read 'J. B. Millar'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

J. B. MILLAR – DIRECTOR OF THE URBAN ENVIRONMENT

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BACKGROUND PAPERS

NONE