ABERDEEN CITY COUNCIL

COMMITTEE Housing and Environment DATE 16th February 2010

DIRECTOR Pete Leonard

TITLE OF REPORT Aberdeen's Animal Policy

REPORT NUMBER: H&E/10/006.

1. PURPOSE OF REPORT

To seek Committee's approval to instigate a review of the Council's Animal Policy.

2. RECOMMENDATION(S)

That Committee:

- (a) notes the existing Policy
- (b) notes the recommendations and
- (c) instructs the Director of Housing and Environment to report back with a draft updated Animal Policy at the earliest opportunity.

3. FINANCIAL IMPLICATIONS

A limited print run only of the Policy will be made as it will be available on the Council website. It is anticipated 500 leaflets will satisfy initial demand for one year. Cost of printing 150-£200 from the Commercial (Housing and Environment) budget.

4. SERVICE & COMMUNITY IMPACT

The subject of this report is in keeping with the Community Plan challenges of a clean and healthy environment.

There are no implications with respect to Equalities & Human Rights Impact.

4. OTHER IMPLICATIONS

May have implications for other Council policies , e.g. ethical purchasing .

REPORT

In 1998 the Council produced its Animal Policy (links at Appendix A) This set out the Council's policy on a range of animal welfare issues and aimed to provide elected members, council officials and the general public with information and guidance on these issues. A copy of the Policy is included. Provision was made when the Policy was created to review and update it periodically. Certain circumstances would trigger a review –

- · relevant legislation being introduced,or
- any Council decision having the effect of creating an anomaly or
- there has been a significant advance in an animal welfare issue which should be reflected in the policy ,or
- any other situation arises whereby failure to make changes to the Policy would adversely effect the Council's image.

As there has been the introduction of the Animal Health and Welfare (Scotland) Act 2006 signifying a major change in the legislative controls on animal welfare, it is considered that a review of the Policy is long overdue.

In preparation of this report it was intended to refer to documents produced for the original policy in order to understand its development. However very little could be located, and consists of the report to the Environmental and Consumer Protection Services of 7th December 1998. which merely ratified the conclusions of the short life Animal Charter Working Group of which no documentation could be found.

The position has therefore been taken that the original concept was sound and rather than go "back to basics", it is considered that enhancement and amendment of the Policy would be appropriate.

The Policy need not cover every aspect of animal health and welfare but should address the circumstances where the Council's duties and functions can influence the treatment of animals. For example, Officers are concerned about the increasing variety of exotic animals being sold from pet shops and the ability of the buying public to adequately care for them.

Arguably, there is little point in including contentious issues in the Policy that are outside the scope of the authority's control.

An online consultation exercise involving interested parties, animal welfare charities and other enforcement agencies will be undertaken before a revised Policy is adopted. This will also include canvassing the views of Services within the Council to ensure that the Policy aligns with housing policies regarding pet ownership and purchasing guidelines on cruelty-free, 'animal-friendly' products, for example. The Council also has a role to play as a major landowner, being in a position to prevent certain activities involving animals taking place on its land and in its buildings.

It is anticipated that the most significant change will be the incorporation of the principles of the Animal Health and Welfare (Scotland) Act 2006 that:

- enhances the ability to respond to exotic disease outbreaks,
- makes provision to minimise the risk of disease spread,
- introduces a duty of care on keeping animals, and
- allow animals either suffering or in danger of suffering to be seized.

Suggested topic headings are detailed at Appendix B although these could very well be expanded upon as a result of consultation.

REPORT AUTHOR DETAILS

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6. BACKGROUND PAPERS

- Aberdeen's Animal Policy 1998
- Report to the meeting of the Environmental and Consumer Protection Committee 7 December 1998

Appendix A – Existing Animal Policy

http://www.aberdeencity.gov.uk/web/files/AnimalWelfare/AnimalPolicy.pdf

COMPANION ANIMALS

POLICY 1

Responsible Ownership

The Council recognises the positive health benefit to many people of keeping pets and have taken this into account in considering this policy.

However whilst not wishing to be unduly restrictive, the Council will take every opportunity to raise public awareness of the responsibilities and potential problems that go with pet ownership.

Reasons

People who do not have the facilities, time, financial means or level of interest necessary to ensure a satisfactory standard of care should be discouraged from keeping pets unsuited to their circumstances.

Where domestic cats and dogs are concerned, the owners have a responsibility to control unwanted breeding. Early neutering of the animals in consultation with a veterinary surgeon is advised. An added benefit in the case of male dogs is that neutering generally results in the lessening of aggressive behaviour, a disinclination to stray and an increased responsiveness to training.

POLICY 2

Responsible Dog Ownership

The Council will promote responsible dog ownership.

Reasons

Dog fouling, abandonment of unwanted animals, aggressive behaviour and nuisance caused by excessive barking are all faults of irresponsible ownership. Council Dog Wardens are actively involved in promoting responsible dog ownership amongst school children and are also able to offer useful advice on the proper care of dogs to any owner.

Note: The Environmental Services Section, Neighbourhood Services (Central) can be contacted on Tel: 523737, Fax: 522605 or Email: poll@aberdeencity.gov.uk for full details of these services. A leaflet 'Living With Dogs' published by the Council is available free on request.

POLICY 3

Dog Registration

All dog owners resident in the city will be actively encouraged to join the local Dog Registration Scheme run by the Council. Dogs owned by occupiers of Council property are required, as a condition of let to have their dogs registered under the scheme.

Reasons

The Council employs Dog Wardens to uplift stray dogs and to deal with dog related problems. Where a dog has been registered, a name and address of the owner can be readily accessed and the animal returned with the minimum delay.

PETS IN COUNCIL HOUSES

POLICY 1

Conditions of Let

All tenants of Council houses are required as a condition of let to obtain the prior consent of the Head of Shelter and Environment to keep an animal on the property.

Permission to keep a dog is dependent on the dog being registered with the Council's Dog Registration Scheme. Permission to keep an exotic species will be referred to the Animal Health Service of Neighbourhood Services (Central).

No animal listed in the Schedule of the Dangerous Wild Animals Act 1976 and (amendment) Order 1984 will be permitted in Council owned housing.

In any other circumstances permission will only be granted where the Council is satisfied that:

- [a] It is not contrary to public interest on the grounds of safety, nuisance or otherwise;
- [b] The applicant is a suitable person in respect of knowledge, experience or training of keeping the animal concerned:
- [c] The condition and facilities provided are adequate to meet with the requirements of the 5 freedoms:
- [d] The animal's diet does not include other live animals, insects etc. The Council may require a certificate relating to any or all of the above conditions from an authorised veterinary surgeon the fee for which will be paid by the applicant.

These conditions are not intended to be unnecessarily restrictive but serve the twin purposes of ensuring control over the welfare of animals whilst, at the same time, recognising the rights of others to enjoy a quality of life not unduly affected by neighbours' pets.

Experience has shown that the keeping of certain exotic species which for example are fed on live insects, has led to infestations of neighbouring houses by escaped insects. Apart from the general nuisance and disruption this causes the infestations are difficult and expensive to eradicate.

PET SHOPS

POLICY 1

Model Standards

The Council has adopted the model standards for Pet Shop Licence Conditions recommended by the Local Authorities Association, the British Veterinary Association and the Pet Trade and Industry Association joint working group.

Reason

Annual licensing of pet shops is required by the Pet Animals Act 1951 (as amended). The model standards set out a nationally recognised best practice code which is reasonable and practicable.

Information and advice on current requirements for training of pet shop staff can be obtained from the Animal Health Service.

POLICY 2

Infectious Diseases

As a condition of the licence pet shop operators will be required to report any occurrence of infectious disease amongst animals on their establishment to the Animal health Service of this

Council.

Reason

Section 1(3(d) of the Pet Animals Act 1951 provides for local authorities to ensure 'that all reasonable precautions will be taken to prevent the spread among animals of infectious diseases'.

These conditions shall be specified in the licence.

The Council considers that notification of diseases to the licensing authority is a necessary control measure.

This requirement is in addition to the pet shop operator's responsibility to ensure veterinary care of the animals.

Note: The Animal Health Service can be contacted on Tel: 523800, Email: Commercial@aberdeencity.gov.uk for full details of these services.

ANIMALS AS PRIZES

POLICY 1

Prohibition

The giving of live animals as prizes is prohibited at events on Council owned premises and in other circumstances this prohibition will be made a condition of any public entertainment licence issued by the Council.

Reasons

Live animals, usually fish but occasionally puppies, kittens etc are offered as prizes at fairs, fetes and other events. Even if the donor of the prize attempts to impose conditions there is a very real risk that the recipient will not be able to provide facilities and other requirements for the continued well-being of the animal.

FERAL CATS

POLICY 1

Control Criteria

Where the Council is involved in the trapping of feral cats the cats will not be destroyed except where:

- [a] an authorised veterinary surgeon advises such a course because of disease or injury; or
- [b] an Environmental Health Officer considers there is a risk to public health; or
- [c] relevant organisations are unable to house or feed the cat and it is not appropriate to neuter adult cats and return them to their home area.

Reasons

True feral cats are wild mammals and should be left unmolested unless they are creating a real health problem. Whilst it is possible to 'home' feral kittens and redomesticate abandoned or stray cats which have previously lived in households, long established feral cats do not respond to attempts to domesticate them.

PERFORMING ANIMALS

POLICY 1 • Controls and Monitoring

As a condition of lease, the Council will not permit on Council land any circuses or other activities which include performing acts by captive wild animals.

Council staff will monitor performing animal acts on private land and will use their statutory powers where it is found that the health or well-being of the animals are being compromised.

Where normally domesticated animals such as dogs, horses etc are used in performance activities such as theatre plays, shows, exhibitions of skill or trials, the Council will use its statutory powers to ensure that the animals are not caused suffering or distress.

Where necessary the enforcing officers will consult with or seek specialist advice from a qualified veterinary surgeon, the Scottish Society for the Prevention of Cruelty to Animals or any other recognised authority on the particular animals involved.

Reasons

The Council believes that there is no educative value in the use of captive wild animals in performing acts for entertainment.

WILDLIFE

POLICY 1

Controls on Hunting

The unnecessary taking or killing of wild animals or the infliction of any pain or suffering upon them is prohibited on land owned by the Council.

Reason

The Council takes the view that fox hunting, hare coursing, stag hunting or similar activities, particularly where dogs are used to pursue the prey, and the primary purpose of the activity is for sport or amusement, is both unnecessary and cruel.

POLICY 2

Species Control

Where it becomes necessary for a particular species to be controlled, minimum distress should be caused to the animals and trained personnel using acceptable methods and equipment should be used. Killing should be avoided where appropriate alternative methods are available. Prior permission of the Council will be required for any control measures proposed.

Reasons

In some instances wildlife conflicts with the interests of human activity such as on farms or in peoples homes etc. On district Wildlife Sites an animal or a group of animals may cause unacceptable damage to habitats or adversely affect populations of other species. In such instances, the animals can be considered to be pests.

A balance must be struck between these situations and the normal natural controls on population by predation, natural deaths or road kills. It is for this reason that prior permission of the Council will be required. Permission will be granted only where:

- [a] There is compelling evidence that the taking or killing of wild animals is necessary in this instance. [b] A case can be made for the taking or killing of particular animals for food purposes; or
- [c] There is evidence that control is necessary and that alternative methods of control are inappropriate or unavailable.

The Council has adopted a number of policies for the protection of wildlife. These policies are described in the Nature Conservation Strategy for Aberdeen (1991). Of particular relevance are the policies providing for:

- The protection of sites of existing wildlife interest;
- The general consideration of wildlife interests;
- The protection of species; and
- The control of pollution

These policies and those in future amendments to the nature Conservation Strategy are therefore incorporated into Aberdeen's Animal Policy.

Note 2 References should also be made to the Scottish Natural Heritage in conjunction with the Scottish Executive when considering matters relating to this Policy.

ANGLING

POLICY 1

Code of Practice

The Council endorses the recommendations of the panel of enquiry into shooting and angling (the Medway report) and, so far as angling is concerned, will impose the following Code of Practice based on those recommendations as conditions of lease of fishing rights on Council controlled waters:

- [a] The use of double and treble hooks should be avoided especially when the intention is to return the fish alive to the water.
- [b] Fish that have swallowed the hook and those intended for food should be killed humanely before any attempt is made to unhook them.

- [c] To assist in removing hooks all anglers should possess suitable 'disgorgers' appropriate to the size and species of fish they are likely to catch.
- [d] The use of unsuitable 'gag's to hold open the jaws to facilitate the safe removal of the hook may cause considerable damage to the mouth. Care should therefore be taken to use only gags of appropriate size and without sharp points,
- [e] The use of barbless hooks is likely to cause less injury to the fish's mouth and, being easier to remove, reduce the amount of handling required.
- [f] If keep-nets are used, fish should be confined for the shortest time possible, to reduce the risk of injury.
- [g] 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. A dry cloth should never be used to handle live fish.
- [h] 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.
- [i] Never use vertebrae animals as live bait.
- [j] Fish which are to be killed following capture should be despatched as quickly as possible. Anglers should know how to kill a fish humanely.
- [k] In view of the dangers posed to wildlife and other animals by discarded fishing tackle anglers should take the greatest care to ensure that all litter is disposed of safely.

POLICY 2

Information Leaflet

Each Fishing Licence will be accompanied by a leaflet on the welfare of fish.

Reason

This will fulfil the purpose of the General Policy to inform the public on animal welfare issues and will explain the importance of following the Angling Code of Practice.

POLICY 3

Use of Lead Weights

The use of lead weights in any form will be prohibited on Council owned waters.

Reasons

The use of lead weights has resulted in the suffering and death of waterfowl particularly swans. Although the importation and sale of most sizes of lead weights is prohibited by law they are still being used by some anglers.

SHOOTING

POLICY 1

Code of Practice

The Council endorses the recommendations of the panel of enquiry into shooting and angling (the Medway report) and, so far as shooting is concerned, will impose the following Code of Practice based on those recommendations as conditions of any permission to shoot animals on Council owned land.

[a] Shooters must be competent at estimating ranges and aware of the limitations of their equipment and themselves, having been subjected to an assessment of their competence in handling the firearm and ammunition and their ability to fire accurately at an inanimate object.

- [b] Shooters must be able to recognise legitimate quarry and be fully conversant with protective legislation.
- [c] Shooters should always be accompanied by or have immediate call upon a trained dog to find and retrieve wounded game.
- [d] Shooters should ensure that they know how and are suitably equipped to dispatch wounded quarry humanely.

In addition:

No lead gunshot will be permitted in circumstances where the spent pellets are likely to be ingested by waterfowl. Steel shot would be an acceptable alternative.

Reason

Where the Council have given permission for the shooting of animals on Council owned land for the reasons outlined in Appendix 7 – Wildlife, some control of the methods used are required to reduce suffering to a minimum. The Code of Practice is widely accepted as being both reasonable and practicable.

POLICY 2

Prohibited Methods

The use of any type of bow or air powered weapons for the killing of animals on Council owned land is prohibited.

Reasons

- Bows are not considered to be an acceptable method of killing animals and are therefore prohibited for this purpose on council owned land as is the indiscriminate use of air powered weapons.
- Even in the hands of experts these weapons are less efficient than an appropriately selected firearm for the killing of animals instantaneously.

zoos

POLICY 1

Standards of Practice

The Council is committed to rigorous enforcement and monitoring of the provisions of the Zoo Licensing Act 1981 (as amended) particularly Section 9 – Standards of Modern Zoo Practice.

Licensing Conditions

Future applications for zoo licences on Council owned property will only be granted where the purpose of the proposed zoo is to:

- [a] Establish a sanctuary for unwanted captive wild animals from other defunct zoological collections, from circuses or from experimental and research institutions; and/or
- [b] Provide specialised environments for the protection of rare or endangered species;
- [c] Undertake a breeding programme registered by an approved national or international organisation.

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Reasons

Many authorities on animal welfare consider that the traditional role of zoos as an educative resource is now outdated and unnecessary. Instead, their future role is seen as providing a sanctuary or unwanted animals from a variety of sources which would otherwise have to be destroyed or be vulnerable to exploitation an abuse if sold on. Such animals would not be replaced following their natural death.

The long term aim would be to provide space and the opportunity for the provision of specialised environments and habitats for rate or endangered species, and approved breeding

ANIMALS IN EDUCATION

POLICY 1

Keeping Animals in Schools

No mammals, birds or cold water fish will be kept in schools except for tropical fish and invertebrates.

Tropical fish and invertebrates may be kept subject to the provisions of proper facilities for their well-being and in particular:

- [a] That nominated persons are responsible for the welfare and veterinary care of the fish or invertebrates [f] Invertebrates will only be kept for the minimum period required for the purposes of a planned study, subject to the above conditions and to the return of the creatures to their normal habitat at the end of the study period.
- [b] That a suitable environment is provided.
- [c] That proper provision is made for care at all times including term time, weekends and during holidays.
- [d] That any contact between pupils and fish or invertebrates is a supervised and controlled activity.
- [e] That the fish or invertebrates are given adequate periods free from disturbance.

Reasons

Following a comprehensive consultation with all interested parties the consensus opinion was that the objections to keeping animals in schools were more compelling than the perceive benefits. One of the difficulties identified was achieving consistency in the provision of proper facilities and arrangements for the welfare of the animals at all times. It was also felt that the case for educational benefits was insufficiently compelling. A crucial element in animal studies is their natural habitat and this cannot be adequately replicated in the classroom.

However whilst it is possible to teach biology without access to mammals, the banning of invertebrates would have resulted in severe educational disadvantages. Invertebrates are therefore exempted from the ban subject to the conditions laid down.

In the case of tropical fish the view that their therapeutic effects were of greater importance than the practical difficulties of keeping them prevailed.

POLICY 2

Dissection

The dissection of animals in schools will be discontinued.

Reasons

The current curriculum precludes the necessity for dissection of animals.

POLICY 3

Animal Welfare Education

Animal welfare issues will be included in the curriculum.

Reasons

The Council believe that wide discussion and consideration of animal welfare and animal habitat issues should be provided for in the curriculum. Use may be made of local facilities such as wildlife sites and other council run initiatives for the purpose and the Learning Service will continue to develop the animal welfare component of the curriculum.

ANIMAL EXPERIMENTATION

POLICY 1

Adoption of Principles

The Council recognises that the use of animals for experimental purposes is still an essential and unavoidable component of some research and statutory testing procedures. In accepting this situation the Council nevertheless is opposed to unnecessary experiments and endorses the principles of replacement, reduction or refinement of animal experimentation techniques.

Reasons

Animal experimentation is subject to the provision of the Animals (Scientific Procedures) Act 1986 which sets out animal welfare requirements at establishments where research using animals is carried out. All experiments have to be licensed by the Home Office.

The Council shares the public concern about unnecessary experimentation, for example for the testing of cosmetic products, but take the view that, encouraging the development of new methods and techniques which will eventually lead to the replacement of live animals, to the reduction of the number of animals involved and to the refinement of methods to reduce pain and suffering in the short term, is the most realistic way of achieving the complete discontinuance of the practice in time.

POLICY 2

Ethical Committees

The Council will offer its services for the establishment of ethical committees to review applications for all new experiment or testing protocols.

Reasons

In accepting the understandable public concerns over animal experimentation and recognising that these concerns are open to exploitation, the Council believe that the best way of addressing these concerns is by the setting up of an unbiased body made up of qualified representatives of the public and animal welfare organisations to work with local research establishments and the universities. The purpose of these ethical committees would be to:

- [a] Review animal experimentation activities.
- [b] To provide factual and balanced information on the necessity for such experimentation and
- [c] To re-assure the public that the welfare of the animals involved is being protected.

To assist in the establishment of these ethical committees the Council will provide, at least initially, administration and secretarial resources.

APPENDIX B

OUTLINE OF CONTENTS OF DRAFT REVISED ANIMAL WELFARE POLICY

May include:

- 1. Explanation of status and scope of Policy
- 2. Statement of Council's commitment to enforcing the Animal Welfare (Scotland) Act 2006 and secondary legislation.
- 3. Description of animal protection legislation enforced by the Environmental Health service. Explanation of advisory and enforcement roles.
- 4. Description of animal-related licences, registrations and permissions issued by the Council and procedures for administering and enforcing these schemes.
- 5. Arrangements for the appointment of inspectors and veterinary consultants, the extent of duties and use of their powers.
- 6. Principles of good regulation
- 7. Commitment to partnership working. Liaison with Scottish Government Animal Health, SSPCA and other animal charities, trade associations and animal societies.
- 8. Inter- service co-operation, sharing information and intelligence.
- 9. Methods of promoting consistency of enforcement and good practice
- Statement of the commitment by the local authority and its officers to themselves comply with all animal protection legislation (i.e. as duty-holders).
- 11. Statement of the Council's attitude to the use of its land or property for events involving circuses with performing animals and funfairs where animals are given as prizes.
- 12. Encouraging the general promotion of animal welfare in the community, such as responsible pet ownership. Participation in local and national campaigns.
- 13. Procedures for establishing and maintaining staff competency.
- 14. Routines for establishing the frequency and types of inspection.
- 15. Investigation of service requests. Answering enquiries and requests for information. Reference to Council complaints procedures.
- 16. Blood sports on Council land including fishing and shooting/trapping game.
- 17. Policies on the keeping of companion animals including those kept in Council accommodation.
- 18. Arrangements for stray animals principally dogs and policy on re-homing.
- 19. Guidelines where animals have to be destroyed.
- 20. Environmental planning and wildlife/habitat conservation.
- 21. Procurement policies e.g. school meals.
- 25. Pest control.
- 26. Support for other legislative requirements and enforcement agencies where the direct responsibility is not necessarily the Council's e.g. CITES preservation of endangered species.
- 27. List of useful contacts relevant to animal health and welfare.
- 28. Arrangements for the periodic review of the policy and means of achieving amendments.

- 29. Regard to the "Five Freedoms" when exercising statutory powers.
- Freedom from Hunger and Thirst by ready access to fresh water and a diet to maintain full health and vigour.
- Freedom from Discomfort by providing an appropriate environment including shelter and a comfortable resting area.
- Freedom from Pain, Injury or Disease by prevention or rapid diagnosis and treatment.
- Freedom to Express Normal Behaviour by providing sufficient space, proper facilities and company of the animal's own kind.
- Freedom from Fear and Distress by ensuring conditions and treatment which avoid mental suffering.