

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 OCTOBER 2022

REPORT OF THE CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

PROPOSAL TO IMPLEMENT A BAN ON THE GIVING OF LIVE ANIMALS AS PRIZES ON COUNCIL OWNED LAND AND AN OVERVIEW OF WORK TO ENSURE HIGH STANDARDS OF ANIMAL HEALTH AND WELFARE ACROSS THE COUNTY BOROUGH

1. Purpose of report

- 1.1 The purpose of this report is to seek to implement a ban on the giving of live animals as prizes on all Bridgend County Borough Council owned land, and
- 1.2 To provide Cabinet with an overview of the work of Shared Regulatory Services to ensure high standards of Animal Health and Welfare across the County Borough

2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:
 - **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
 - **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.

3. Background

- 3.1 Authorised officers of Shared Regulatory Services (SRS) deliver the full range of Animal Health and Welfare functions on behalf of the Council. The remit of the team is broad and includes
 - Animal disease prevention and control
 - Animal feed compliance
 - Animal welfare
 - Animal warden services to deal with problems of straying, particularly dogs and horses, and

- Animal related licensing (including dog breeding)

3.2 The Service works closely with the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and other partners to achieve the best possible outcomes for animals in often challenging circumstances.

3.3 The RSPCA conducts regular campaigns to raise awareness of the plight of animals, and one such campaign which has gained significant public interest concerns the fact that animals, usually goldfish, are still being given to people as prizes at fairs and other events across the country. While an outright ban on the practice can only be achieved through a change in the law, the RSPCA has appealed to Councils in Wales to prohibit the giving of animals as prizes on any Council-owned land.

4. Current situation/proposal

4.1 In its broadest sense, the focus of the Animal Health and Welfare team is two-fold. Firstly, officers have powers under the Animal Welfare Act and animal straying legislation to ensure the wellbeing of animals. They also monitor compliance with the law in respect of farmed animals, and this is central to ensuring the safety of the food chain; quite literally a farm to fork approach.

4.2 Officers carry out inspections of farms and holdings across the county borough, and a crucial element of this work is making sure that legal requirements are being met in respect of animal disease prevention and control as well as in the identification, traceability and movement of farmed animals. Outbreaks of notifiable animal disease can have devastating consequences, as seen in the Foot and Mouth Disease outbreak of 2001, and these inspections, bio-security checks and robust contingency planning, form the first line of defence against future incidents.

4.3 Unfortunately, one such notifiable disease has made its presence felt in Wales recently, and that is avian influenza. Strict rules come into play as soon as an outbreak is confirmed in farmed birds to prevent spread of the disease from one site to another. After a number of reported incidents across South Wales last winter in the wild bird population, the Animal Health and Welfare team is working with partners to raise awareness of the problem and the need for the public to be vigilant when using open spaces and report the presence of sick or dead wild birds.

4.4 Animal feed plays an important part in the human food chain with implications for the quality and composition of livestock products consumed by humans, such as milk, meat and eggs. All businesses that manufacture, market, distribute or use animal feed across the county borough must be registered with SRS. Officers carry out a risk based programme of inspections and provide guidance to the various trade sectors to ensure feed compliance.

4.5 Turning to animal welfare, officers work proactively through their inspection programmes and also reactively, in response to complaints received. While the Service will always seek to work with the keepers of animals to drive up standards of welfare, there are occasions when improvement notices and warnings aren't heeded and it becomes necessary to take formal action, including prosecution. This will also be the case in respect of repeat offenders. Unfortunately it has proved necessary to prosecute a keeper of horses in the county borough on a number of occasions for unnecessary suffering and for failing to meet the welfare needs of horses. At the conclusion of the most recent trial, the horse keeper was sentenced to 6 months in

prison and he, as well as his then partner, were both disqualified for life from keeping any animals.

- 4.6 The team is also responsible for responding to stray dog incidents across the county borough whereby Animal Wardens seek to identify owners through the compulsory microchipping scheme and reunite them with their lost dogs. Where this isn't possible, stray dogs are seized and kennelled for 7 days during which time they can be reclaimed by their owners (on payment of a fee) or later re-homed.
- 4.7 Using the Welsh Government's Control of Horses (Wales) Act, Officers work with partners to seize stray horses from the highway and Council land, or in the case of private land, fly-grazed horses can be seized following a request from, or express permission of, the landowner. Horses seized under the Act are kept for a period of 7 days and are only released upon proof of ownership and on payment by the owner of the full costs of seizure.
- 4.8 The Animal Health and Welfare Team conduct annual inspections of premises requiring a licence for animal related business activities such as kennels, home boarding, pet shops, riding establishments and dog breeding. Officers work with the businesses concerned to ensure that the required conditions are met in terms of animal welfare and also for the health and safety of staff and customers. Currently, some 68 premises are registered for animal related business activities across the county borough.
- 4.9 In recent years there has been a huge increase in demand for pet dogs, particularly the most desirable breeds, and this demand was only exacerbated during the COVID 19 pandemic as families sought 'lockdown buddies'. While legitimate breeders are able to operate safely and ethically within the licensing regime, the huge demand for puppies has driven huge price increases with recent research suggesting eye watering prices for Labradoodles, French Bulldogs and American Bullies among others. Perhaps it is not surprising that this is an industry that has attracted a rogue element, keen to make quick profits, with little thought for animal welfare, and in an environment where they perceive there to be a low risk of being caught and punished. This is the world of the unlicensed, illegal dog breeder.
- 4.10 In the last year, a number of SRS investigations have concluded in the prosecution of unlicensed dog breeders, and further investigations are ongoing. The introduction of the Animal Welfare Breeding of Dogs (Wales) Regulations 2018 has been of assistance in this regard as has the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021. As a result of the latter set of regulations, commercial sellers can only sell puppies and kittens that they have bred on the premises from which they are being sold. The result of this is in effect, the banning of third party sales of puppies and kittens, as envisaged by 'Lucy's Law'.
- 4.11 The work of the Animal Health and Welfare team has been recognised recently, firstly by the South Wales Police and Crime Commissioner's Partnership Award, which was announced in June 2022. This award praised the very best in partnership working which saw SRS Officers working alongside the RSPCA and equine charities to seize 240 horses from different sites, including one in the county borough. The horses were being kept in dreadful conditions, but with support from South Wales Police and also South Wales Fire and Rescue Service, officers were able to overcome the bitterly cold and very challenging conditions, and worked into the night to complete the task.

4.12 At the end of September 2022, the team was recognised once again through the RSPCA's 'PawPrints' Awards. While the Service has maintained its 2021 gold and bronze 'PawPrints' standards in the categories of Stray Dog Provision and Kennelling respectively, it was particularly pleasing that this year the Service has achieved the gold standard for Animal-related Licensing for the first time, thereby improving on its silver standard performance in 2021.

2022 'Pawprints' awards

- Animal-related Licensing - Gold Award
- Stray Dog provision - Gold Award
- Kennelling - Bronze Award

It is also notable that SRS is the only service in Wales to achieve the gold standard in Animal Licensing this year.

4.13 Through its wider engagement with the RSPCA, the Council has become drawn to one particular campaign of the organisation, that of raising awareness of the outdated practice of live animals randomly being given out as prizes. The practice raises concerns as the individuals being given animals as prizes had not planned to become pet owners and as a result do not have the wherewithal, in the moment, to provide for the animal's welfare needs.

4.14 Between 2014 and 2020, 48 cases were reported to the RSPCA of live animals being given as prizes in Wales. While a large number of these were goldfish being given at fairgrounds, examples of other animals being given as prizes included dogs, ducklings and horses.

4.15 The RSPCA warns that animal ownership is a big responsibility, and one that should be planned, and well thought out. Animals often do not have their welfare needs met both prior to, during and after being given as a prize, as seen in the case of goldfish being given in plastic bags to members of the public who had no intention of becoming a goldfish owner, and as a result do not have the necessary equipment, food and expertise required for the animal's wellbeing.

4.16 Under the Animal Welfare Act 2006, it is an offence to give an animal as a prize to anyone under the age of 16, except within the family context. RSPCA Cymru believes that this does not go far enough and would like to see legislation introduced similar to that within the Animal Health and Welfare (Scotland) Act 2006, which states that it is an offence to give an animal as a prize, regardless of age, except within the family context.

4.17 Local authorities have the opportunity to ban the giving of live animals as prizes on Council owned land, ensuring the welfare of these animals is not compromised, as well as raising public awareness of the issue and leading the way on ending the practice. By adopting a ban, the Council would join a number of other local authorities in Wales, including Caerphilly, Conwy, Newport, Wrexham and the Vale of Glamorgan where the giving of live animals as prizes on Council-owned land is banned. It is the view of the RSPCA that the more Local Authorities that make this step, the greater the possibility of achieving an outright ban on the practice.

5. Effect upon policy framework and procedure rules

- 5.1 The report content has no direct effect upon the policy framework and procedure rules.

6. Equality Act 2010 implications

The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial implications

- 8.1 There are no financial implications arising from the report.

9. Recommendations

Cabinet is requested to:

- 9.1 Note the work of Shared Regulatory Services to ensure that high standards of animal health and welfare are maintained across the county borough.
- 9.2 Note and support the RSPCA campaign to prohibit the practice of giving live animals away as prizes.
- 9.3 Approve the implementation of a ban on the giving of live animals as prizes on all Bridgend County Borough Council owned land.

Kelly Watson

CHIEF OFFICER - LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

11 October 2022

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Background documents:

None