

<b>Sustainable Development Select Committee</b>		
Title	Animal welfare charter and consultation results	
Contributor	Executive Director for Customer Services	Item 5
Class	Part 1 (open)	24 January 2017

## **1. Summary**

This paper reports back on the results of the consultation on the proposed changes to the London Borough of Lewisham's Animal Welfare Charter.

## **2. Purpose**

The purpose of the report details the findings of the 'Animal Welfare Charter' consultation and informs on the updated Animal Welfare Charter including changes in the Council's policies with regards to Animal Welfare.

## **3. Recommendations**

3.1. The Sustainable Development Select Committee is recommended to:

- Note the results of the Animal Welfare Charter consultation;
- Comment and / or note the updated Animal Welfare Charter.

## **4. Policy Context**

- 4.1. Adopting an Animal Welfare Charter is considered good practice and should outline the Council's commitment to animals and their welfare, serve as a guide to aid policy making and decisions.
- 4.2. The findings of the Animal Welfare Charter consultation and the Animal Welfare Charter contribute towards delivering the Council's corporate and sustainable community priorities, especially in respect of 'clean, green and liveable' and 'safety, security and visible presence'.

## **5. Background**

5.1. In 1983 Lewisham Council adopted an Animal Welfare Charter to ensure that the needs of animals were taken into consideration when the Council carried out its duties. Since then there have been many changes to animal legislation and best practice, making the current Charter out of date. Lewisham Council is proposing to update its Charter to ensure that high standards of animal welfare are maintained and shared throughout the borough. Details of the proposed changes are outlined in the next section.

## **6. Draft Animal Welfare Charter**

- 6.1. The Charter adopted in 1983 covered companion animals, experiments on animals, factory farms and slaughtering, wildlife, performing animals and education. Many of the views contained within the original charter are now outdated and are no longer reflected by animal welfare professionals.
- 6.2. Guidance issued by the RSPCA suggests that an Animal Welfare Charter need not cover every aspect of animal welfare, but should address the main areas of the Council's responsibility for animal welfare. It may also include statements about issues on which they have no direct responsibility. An effective charter should look at each issue in turn, setting out the Council's policy and then addressing how that policy can be turned into action.
- 6.3. To reflect the changes in current legislation and to bring it in line with best practice the draft Animal Welfare Charter has been broken down into the following categories:
- Statutory Responsibilities
  - Enforceable Legislation
  - Responsible Animal Ownership
  - Deceased Animals
  - Performing Animals
  - Procurement
  - Wildlife and Habitat Conservation
  - Emergency Planning
  - Council Pledges
- 6.4. These categories best reflect the Council's statutory and legislative responsibilities and best reflect its continued commitment to ensuring that high standards of animal welfare are maintained throughout the borough.
- 6.5. A copy of the new Animal Welfare Charter is attached as Appendix 1.

## **7. Animal Welfare Charter Consultation**

- 7.1. Consultation on the Animal Welfare Charter commenced on 24<sup>th</sup> October 2016 and ran until 2<sup>nd</sup> December 2016. The aim of the consultation was to garner resident's views about the proposed changes to the current Animal Welfare Charter.
- 7.2. Consultation was carried out via an online survey using uEngage. Participants were asked to read the Draft Animal Welfare Charter and then answer the questions relating to specific sections of the Charter.
- 7.3. The online survey was promoted via a variety of means including Lewisham Life e-zine and Twitter. To ensure that particular groups were targeted, 270 organisations were contacted inviting them to participate in the survey. These included all Primary and Secondary Schools, nurseries, businesses and charities involved in animal welfare and community groups. For a full list see Appendix 2.
- 7.4. The draft Animal Welfare Charter was also promoted at the Young Advisors Forum.

## **8. Animal Welfare Charter Consultation Results**

8.1. The results of the online consultation and the Young Advisors Forum are detailed below. The full results of the consultation can be found in Appendix 3.

### *8.2. Animal Welfare Charter Online Survey*

8.3. The online survey was completed by 119 people, these included 11 that responded on behalf of a business or organisation and there were 41 additional comments in the free text box of the survey. Of those that responded to the survey and provided the relevant information:

- 83% of respondents were of White ethnicity (70.59% were White British)
- 62% were female
- 55% were 50 years and older
- 8% consider themselves disabled
- 90% of people responded as an individual and 6.72% responded on behalf of a business or organisation

8.4. The results of this survey are not representative of Lewisham's demographic as per the 2011 census. According to the census 54% of the population are white (42% White British) and 15% consider themselves to be disabled.

8.5. The main findings of the online survey are summarised below and are broken down into the 9 main sections of the charter.

8.6. Updating the Animal Welfare Charter – 86% of respondents agreed with the Council regarding updating the Animal Welfare Charter to bring it in line with current legislation and best practice.

8.7. Promoting responsible animal ownership – The Council promotes responsible animal ownership in a variety of ways including through partnership working, the Borough Action for Responsible K9's (BARK) project and the Green Dog Walkers Scheme. 92% of respondents agree with this approach to promoting responsible animal ownership. This section received the largest number of free comments with individuals taking the opportunity to highlight issues and concerns.

8.8. Discouraging the keeping of animals in a classroom – Over half (55%) of respondents agreed with the Council's proposal to discouraging the keeping of animals in classroom, including hatching egg projects. However respondents were keen to point out the educative value of animals and suggested alternative ways in which children could still experience animals in a classroom environment.

8.9. Deceased animals – The Council has a policy to scan all deceased domestic animals to check for a microchip, and 96% of respondents agreed with this policy.

8.10. The banning of caged or performing animals for the purposes of entertainment – 94% of respondents agreed to the proposal to ban the use of caged or performing animals for the purposes with permitted exceptions, which are detailed in the Charter.

8.11. Performances being allowed following such considerations regarding banning of caged or performing animals – 70% of respondents agreed to performances being allowed once the additional checks and considerations had been carried out.

8.12. Sustainable Procurement Code of Practice – 83% of respondents agreed with the Councils current procurement code.

8.13. Sky lanterns and balloons – 43% of the organisations that responded disagreed with a ban on the use of sky lanterns on land and premises either owned or managed by the Council. The three respondents to this question were a faith group, a school and user group for green space. However these results do not correlate with the views of individual's that responded. 76% of respondents supported the proposed ban on the use of sky lanterns and 68% of respondents supported the proposed ban on the use balloons on land and premises either owned or managed by the Council.

8.14. Emergency Planning - To minimise the stress caused during emergencies the Animal Welfare Service works alongside the Emergency Planning Service to ensure that such situations are handled compassionately and efficiently. 86% of respondents agreed with the Councils approach to emergency planning.

#### 8.15. *Free Text Comments*

8.16. In total there were 41 free text comments regarding the Animal Welfare Charter. After analysis 35 of them were broken down into the following main categories of the consultation.

- *The charter update* – Four comments were received about the charter update with 75% of those supporting the Councils decision to review and update it.
- *Responsible animal ownership 1* – The twelve comments regarding this expressed opinions on greater enforcement of existing legislation, licensing of pet shops and neutering and microchipping.
- *Responsible animal ownership 2* – There were six comments on the discouragement of keeping animals in the classroom. Five of these expressed concern regarding a ban on keeping animals in the classroom as they felt there was reduced potential for a child's opportunity to be exposed to animals and to learn about animals.
- *Performing Animals* – the two comments received regarding performing animals questioned the specific criteria of the ban and whether there was scope for it to be extended.
- *Procurement* – the comment on procurement suggested that the Council commit to the purchasing of free range eggs and that meat was offered as a choice less frequently at catered events as a cost saving measure.
- *Wildlife and conservation* – there were ten comments regarding wildlife and conservation and included comments in support and in opposition to a ban on sky lanterns and balloons, issues regarding foxes, bees and the creation of wildlife areas. Two individuals also raised concerns regarding the use of fireworks and their impact on wildlife.

#### 8.17. *Young Advisors Meeting*

8.18. During the consultation it was noted that all of the respondents were aged 25 years or older. Therefore a meeting was arranged with the Young Advisors to explain the Charter

and to garner their views. The Young Advisors were encouraged to complete the consultation.

## **9. Amendments to draft Animal Welfare Charter**

9.1. Following analysis of the results there were no amendments to the draft Animal Welfare Charter. However, the Animal Welfare Service will provide additional guidance and assistance to schools, nurseries and community groups regarding the keeping of animals in classrooms if requested.

## **10. Financial Implications**

10.1. There are no direct Financial Implications with regards to this report.

## **11. Legal Implications**

11.1. Pursuant to sections 149 and 150 of the Clean Neighbourhoods and Environment Act 2005 ("2005 Act".) the Council has responsibility for the collection and detention of stray dogs. The Lewisham Dog Control Order (s. 75 of the 2005 Act is currently in force across the Borough. (Dog Control Order will be superseded by Public Space Protection Orders created under the Anti-Social Behaviour, Crime and Policing Act 2014 by the end of 2017.)

11.2. The Council also has numerous and relevant licensing responsibilities pursuant to the Animal Boarding Establishments Act 1963, Breeding of Dogs Acts, (1973 and 1991,) the Breeding and Sale of Dogs (Welfare) Act 1999 and the Pet Animals Act 1951.

11.3 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

11.4 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

11.5 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.

11.6 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially

affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

11.6 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice> and <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>.

11.7 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

11.8 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

## **12. Equalities Implications**

12.1. An Equalities Analysis Assessment has been conducted relating to the proposed changes to the Animal Welfare Charter.

12.2. The protected characteristics that are most affected by the changes to the Animal Welfare Charter are Age and Ethnicity.

12.3. In analysing the data, research and equalities monitoring from the uEngage Survey and having due regard to the Equality Duty, the following plan has been developed. A copy of the Equalities Analysis Assessment is attached as Appendix 4.

Possible Issues	Protected Characteristic Affected	Assessment of Potential Impact (+/-): High, Medium, Low, Neutral	Actions to be Taken	Expected Outcome
Reduced opportunity to learn about animals, their environment and their welfare.	Age	High (+)	<p>Develop and maintain a schools education program with an emphasis on Animal Welfare.</p> <p>Develop and strengthen partnerships with other animal welfare organisations and assist them in the delivery of their outreach programs.</p>	<p>Increased awareness of animals, their environment and their welfare needs by young people.</p> <p>Strengthened links between the Animal Welfare Service and schools and nurseries.</p>
Reduced opportunity to learn about responsible animal ownership	Age	High (+)	<p>Develop and maintain a schools education program with an emphasis on responsible animal ownership.</p> <p>Develop and strengthen partnerships with other animal welfare organisations and assist them in the delivery of their outreach programs.</p> <p>Liaise with schools and nurseries to develop potential wildlife areas and identify areas where schools can keep animals such as bees and chickens.</p> <p>Responsible dog ownership days to be delivered with the assistance of Housing Associations and Animal Welfare partners. These will enable residents the opportunity to participate in free microchipping scheme and learn about how to care for their animals.</p>	<p>Strengthened links between the Animal Welfare Service and schools and nurseries.</p> <p>Increased partnership working with external organisations.</p> <p>Increase in the number of people attending responsible animal ownership days and increase in the number of dogs microchipped.</p>
Ability to access the Animal Welfare Charter may affect the ability to comply with the recommendations set out in it.	Ethnicity and Religion	Medium (-)	<p>Ensure communications are in plain English and use images where possible.</p> <p>Engage with amenity groups and target organisations who</p>	<p>Residents will have the opportunity to be informed about the animal welfare charter.</p>

Possible Issues	Protected Characteristic Affected	Assessment of Potential Impact (+/-): High, Medium, Low, Neutral	Actions to be Taken	Expected Outcome
			can communicate service changes with their communities.	

### 13. Environmental Implications

13.1. There are no direct Environmental Implications relating to this report.

### 14. Crime & Disorder Implications

14.1. There are no direct crime and disorder implications.

### 15. Conclusion

15.1. Although Animal Welfare is a small service area it can be an emotive subject area and have an impact on a significant number of Lewisham residents, business and organisations.

15.2. The aim of the consultation was to find out the views of residents, businesses and organisations, on the proposed changes to the Animal Welfare Charter which outlines the Council's commitment to animal welfare and the way in which the Council delivers the Animal Welfare Service.

15.3. Respondents were supportive of the proposal to update the Charter and of the changes contained within it. The proposal to ban performances of caged or performing animals for the purposes of entertainment was strongly supported as was the ban on the use of both sky lanterns and balloons.

15.4. The proposal to discourage the keeping of animals in classroom also received strong support. However, concerns were raised regarding whether this would limit children's access to animals and therefore affect their ability to learn about animals, their needs and their environment.

15.5. It is therefore recommended to adopt the Animal Welfare Charter, that is both in keeping with the views of the respondents to this survey and with the Council's statutory and legislative obligations.

### 16. Background Papers and Further Information

16.1. For further information relating to the report, please contact Kay Foley, Animal Welfare Officer on 020 8314 3602 or email [kay.foley@lewisham.gov.uk](mailto:kay.foley@lewisham.gov.uk).



## Appendix 1 – Animal Welfare Charter



**Appendix\_1\_Animal  
\_Welfare\_Charter\_20**

## Appendix 2 – List of Consultees



**Appendix\_2\_Consul  
tation\_Activity.pdf**

## Appendix 3 – Consultation Results



**Appendix\_3\_Animal  
\_Welfare\_Charter\_Co**

## Appendix 4 – Equalities Analysis Assessment



**Appendix\_4\_Equalit  
ies\_Analysis\_Assessr**