

REPORT OF LEAD LICENSING OFFICER
To: LICENSING COMMITTEE
Subject: ANIMAL LICENSING POLICY
Date: 30 NOVEMBER 2022

Reference:

PURPOSE OF REPORT:

To seek approval from the Licensing Committee to commence a consultation exercise for the introduction of an Animal Licensing Policy

1. INTRODUCTION

The Authority does not currently have an Animal Licensing Policy. It is considered best practice to have a formal policy in place and this report seeks approval to commence a consultation exercise for the introduction of a formal policy.

2. REPORT

The introduction of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 introduced significant change to the previous licensing regime.

The 2018 Regulations consolidated the numerous previous animal licensing regulations, such as the Breeding of Dogs Act 1973 and 1991, and the Animal Boarding Establishments Act 1963, into five animal activity categories, and introduced statutory guidance which all Licensing Authorities are required to follow when considering issuing a licence. The 2018 Regulations also introduced mandatory licence conditions for each category of licence, and accompanying minimum welfare standards that must be met by all applicants before a licence is issued, and a public facing star rating scheme with accompanying optional higher welfare standards applicable to four and five star rated premises.

Whilst the statutory guidance that Licensing Authorities are required to follow, and the welfare standards applicable to licence holders, are both prescriptive, there has been identified some areas that are open to individual authorities to interpret. For example, the legislation requires that licences only be issued to those applicants that are deemed fit and proper, but it is for the Licensing Authority to determine the parameters of fitness and propriety (the attached draft policy at Appendix B includes a section on the suitability of applicants which details Disclosure and Barring Service (DBS) check requirements, and comment on the relevance of certain convictions). Another example would be requests for re-inspection, where the guidance simply states that an Authority may undertake re-inspections to re-evaluate the star rating and may charge a fee for this, but does not comment further on the details of how this should be organised.

The attached draft policy sets out the general principles that the Council will follow in relation to the enforcement of animal welfare legislation (including zoos and dangerous wild animal licensing which retain separate legislative requirements from the other five animal activity categories).

The draft Policy also describes the types of animal licensing matters that are likely to occur and how the Council will deal with them. The draft policy represents guidance on details of the service provided and the general principles that the Council follows in relation to the enforcement of animal licensing legislation.

The draft policy is attached in Appendix B.



3. IMPLICATIONS

Legal Implications

There is no legal requirement to have a policy in place, however, such a policy does provide guidance and good practice for applicants, the Authority, members of the public and, ultimately in the case of enforcement action, guidance for the courts.

Financial Implications

None

Human Resources Implications

None

Sustainability/Biodiversity Implications

None

Equality/Diversity

None

Risk Management

There are possible legal, reputational and financial risks if the Council does not maintain a Policy which reflects current legislation and the latest guidance.

Compliance with Policies and Strategies

All regulatory activity is carried out in accordance with current policy and procedures.

Data Protection (GDPR) Implications

None

Climate Change

None

Lead Member Views

None

4. CONCLUSIONS

It is good practice to have a robust policy to provide guidance and good practice to applicants, the Authority's officers, councillors and members of the public.

5. RECOMMENDATIONS

It is recommended:

1. that Members approve the consultation process;
2. that consultation on the draft policy be carried out over an 8 week period and the responses reported back to this committee at a future date.

SUPPORTING INFORMATION

Consultations: In accordance with the agreed schedule
Contact: Chris Parkhouse
Supporting papers: Licensing data area/files

