



North Devon Council

Report Date: 12th May 2022

Topic: Report outlining a Proposal to introduce an Animal Licensing Policy

Report by: Katy Nicholls, Public Protection Manager

INTRODUCTION

- 1.1. The purpose of this report is to seek Licensing and Community Safety Committee approval for the Licensing Service to begin a consultation on a proposal to introduce an animal licensing policy in North Devon.
- 1.2. The draft policy if subsequently adopted, will ensure that the Council carries out its animal licensing responsibilities in a fair, equitable and consistent manner.
- 1.3. The introduction of a policy will help ensure that the public, councillors and those engaged in animal licensing activities understand what the law requires and how the Council will approach its animal licensing and enforcement duties.
- 1.4. The Draft Policy proposed to be used as a consultation document can be found at **Appendix A**.

2. RECOMMENDATIONS

- 2.1. That the Licensing and Community Safety Committee considers the report and instructs the Licensing Service to begin a consultation on the proposed Animal Licensing Policy, or rejects the request for consultation on the grounds that the draft policy requires amendment prior to the consultation period beginning.
- 2.2. Approve an eight-week consultation exercise with animal activity licence holders, the general public, and anybody or person with an interest in animal licensing.
- 2.3. Request proposed amendments to the policy resulting from the consultation and review process be presented to this Committee in a further report.

3. REASONS FOR RECOMMENDATIONS

- 3.1. A consolidated Animal Licensing Policy will help ensure that the Council carries out its animal licensing responsibilities in a fair, equitable and consistent manner.
- 3.2. To contribute to the Council's Corporate plan priority to "Becoming focused on delivering the best for our citizens", through improving the delivery of the Council's Animal Licensing Service.

4. REPORT

- 4.1. Animal Licensing changed very considerably following the introduction of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. Prior to the introduction of these Regulations, Animal Licensing was largely left to the interpretation of individual Licensing Authorities who licenced animal activities under numerous individual animal licensing regulations such as the Breeding of Dogs Act 1973 and 1991, and the Animal Boarding Establishments Act 1963. The 2018 Regulations consolidated the numerous previous animal licensing regulations 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.
- 4.2. Whilst the statutory guidance that Licensing Authorities are required to follow, and the welfare standards applicable to licence holders, are both prescriptive, there are numerous areas 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 A** 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 draft policy therefore seeks to give detail on how the Council will conduct its animal licensing activities where the statutory guidance and welfare standards leave room for interpretation locally.
- 4.3. The attached draft policy therefore 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.

4.4. 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 and the discretionary functions it undertakes.

5. RESOURCE IMPLICATIONS

5.1. Any financial costs which are reduced or incurred through the approval of a new policy will be taken into account when calculating fees for animal activity licences.

5.2. Other costs related to the proposed policy amendments will be borne directly by licence applicants and holders.

6. EQUALITIES ASSESSMENT

6.1. There are no equalities implications anticipated as a result of this report. An Equality Impact Assessment has been undertaken which has solely revealed neutral impacts.

7. CONSTITUTIONAL CONTEXT

7.1. Article of Part 3 Annex 1 paragraph:4b

7.2. Referred or delegated power?: Delegated

8. STATEMENT OF CONFIDENTIALITY

8.1. This report contains no confidential information under the provisions of Schedule 12A of 1972 Act.

9. BACKGROUND PAPERS

9.1. The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- Animal activity licensing process: statutory guidance for local authorities

10. STATEMENT OF INTERNAL ADVICE

10.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Katy Nicholls, Public Protection Manager 26.04.22.