



North Devon Council

Report Date: 11th October 2022

Topic: Draft Animal Licensing Policy Proposed Amendments

Report by: Katy Nicholls, Public Protection Manager

1. INTRODUCTION

1.1. This report seeks to update Licensing and Community Safety Committee on the results of a consultation exercise undertaken in respect of a new proposed North Devon Council Animal Licensing Policy (the 'policy'). A copy of the proposed amended policy can be found at **Appendix A**.

2. RECOMMENDATIONS

2.1. It is **RECOMMENDED** that Licensing and Community Safety Committee:

- 2.1.1 Consider the representations received in response to the public consultation found at **Appendix B**.
- 2.1.2 Consider any further amendments that it would wish to make to the revised policy found at **Appendix A**.
- 2.1.3 Make recommendation to the Strategy and Resources Committee for the approval of a new policy.

3. REASONS FOR RECOMMENDATIONS

3.1. To bring into effect a policy to aid applicants, licence holders and the Council. The aim being to provide transparency of the expectations for applicants and licence holders and to increase the robustness of the Council's approach and procedures in respect of its animal welfare and animal licensing responsibilities.

4. REPORT

4.1. The Licensing and Community Safety Committee (LCSC) Meeting of 10th May considered and approved a public consultation on a proposed North Devon Council Animal Licensing Policy. The proposed Policy outlined in the 10th March report included in particular:

- Details of how the policy will be enforced including interpretation of legislative requirements;
- How the Licensing Authority will administer the Animal Activity Star Rating Scheme in North Devon, including details of the time period proposed before a licence holder can be re-inspected to re-evaluate their star rating (3-month stand still period), and the procedure for appeals against the star rating awarded; and
- Details on how the suitability of applicants will be determined including DBS check requirements, and guidance on the relevance of criminal convictions;

4.2. The Authority received some 61 responses in relation to the consultation exercise. The responses are reproduced in full in **Appendix B**,

4.3. Officers have carefully considered all of the consultation responses received and have drafted several amendments to the proposed Policy in light of the consultation responses received. The consultation responses are summarised along with Officer comments and recommendations in **Appendix C**.

4.4. The amendments proposed as a result of the consultation responses include:

- Minor amendment to the proposal to appoint an independent Vet to undertake hiring out horses activity inspections who will be independent and not one that is retained by the applicant / licence holder. The proposed amendment is that an independent vet will be used “*wherever reasonably practicable*”, and acknowledges that due to the relatively small number of specialist equine Vets in Devon, it may not always be possible or reasonable, to contract an independent Vet;
- In relation to applicants who disclose relevant convictions the Policy has been amended to direct these applications to a Licensing Sub-Committee for determination. In the case of offences for animal cruelty, Licensing offences, or offences involving sex, indecency, or exploitation, the recommendation to the Licensing Sub-Committee will be to refuse the application, whereas for other relevant offences the recommendation will also be to refuse the application where the offences fall within the timeframes since conviction/ sentencing set out in the draft policy. It is proposed that Officers retain delegated powers to refuse applications where applicants are adjudged to fail to meet minimum welfare standards upon inspection;
- It is proposed that the requirement for applicants for renewal to undertake a basic DBS disclosure as part of their application be delayed until 1st January 2023 to enable adequate notice of the new arrangements to be communicated in good time within renewal documentation;

4.5 The remaining proposals are recommended to be approved as set out in the draft policy put before the Committee on 10th May.

4.6 In addition to the Previously proposed Policy changes and subsequent amendments, a number of other minor policy changes are proposed for approval:

- Amendment to requirement for applicants to provide evidence of a commercial trade waste agreement, to allow for some degree of Officer judgement where an application is from a small-scale operation or is likely to produce very small volumes of waste.

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

6. EQUALITIES ASSESSMENT

- 6.1. The impact of the proposals is considered to be largely neutral. An Equality Impact Assessment has been undertaken.

7. CONSTITUTIONAL CONTEXT

- 7.1. Article of Part 3 Annexe 1 paragraph:4b
- 7.2. Referred or delegated power?: Delegated.

8. STATEMENT OF CONFIDENTIALITY

- 8.1. This report contains no confidential information or exempt 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, Licensing Service Lead
03.10.22