

Consultation on NDC's new Animal Policy ran from 20 June 2022 until 15 August 2022.

60 responses were received the replies are as follows:

Proposal 1 – Refusal by North Devon Council to licence primates as ‘pets’ to live in the domestic premises under the Dangerous Wild Animals Act 1976

In common with an increasing number of other Licensing Authorities and animal welfare groups, North Devon Council does not support the licensing of primates under the Dangerous Wild Animals Act 1976 as ‘pets’ to live in the domestic premises. The Council recognises that primates are highly intelligent and can be potentially dangerous animals with complex needs that are highly unlikely to be met within a domestic environment.

Do you agree with the proposal to refuse to licence primates as ‘pets’ to live in the domestic premises under the Dangerous Wild Animals Act 1976?

- Yes 52
- No 2
- Maybe 1

Comments on proposal 1 above:

They are wild animals and not meant to be dressed up or kept in cages

Primates are not pets and need specialist care if not in their natural habitat.

A primate is not a domestic animal. It should be in the wild or a sanctuary assimilating with it's own kind.

I think it morally wrong for primates to be used as domestic pets. Very few people will know how to look after them properly and will lose interest when the animal is adult and uncontrollable or even dangerous

Monkeys don't belong in this country and people shouldn't contribute to the exploitation, sale and frightening shipping of exotic and foreign animals.

If primates are not in their natural habitat. They should be kept in an environment / habitat that enables them to live in the same way as they would naturally. This would also mean they are kept in groups as they are not solitary.

This is not good vor the primates

Primates live in families in the wild and this natural behaviour is completely taken away from them if they are kept as single 'pets', no matter how well they are looked after.

It is the quality of environment and the commitment and understanding of the individual responsible and their willingness to apply the welfare standards that are licensed and checked by the authority. As an authority you do not have the right to enforce a "concept" on individuals due to pressure from welfare legislation. This is the easy way out and curtails the freedoms of the individual. You can easily obtain "experts" within your catchment to help you ascertain the "appropriateness" of a licensing request - just ask.....

They are not a toy...

People must have specialist knowledge

I am concerned that not considering applicants attempting to licence monkeys will mean more cases of keeping monkeys will go undetected. Applying for a licence would mean there is visibility. A license should not be granted of course in 99.9% of cases.

Primates have no place in homes as pets. Their intelligence and specific requirements make them suitable for care by appropriately experienced groups/organisations and definitely not as household pets.

Primates are wild, not domesticated animals and encouraging their 'ownership' would be reverting to the 1950's where many stressed primates were kept and dressed as humans.

There should be no reason to keep primates in domestic situations

Proposal 2 – Use of an independent Vet for Hiring out horses activity inspections

North Devon Council proposes 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. It is further proposed that any increased costs associated with this, for example increased mileage costs, must be borne by the applicant.

Do you agree with the proposal to use 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?

- Yes 47
- No 4
- Maybe 4

Comments on Proposal 2 above:

Please share any comments you have:

Of course the vet used should be independent!

Not wishing to question the integrity of vets but independence is a requirement in such situations.

No conflict of interests.

This is likely to impose additional costs on the license holder for little benefit to animal welfare.

Independent inspections are a must. Although most people are honest there will always be those who are not

I have no understanding of this topic

An independent vet would be able to act without any pressure from a paying client. But I would seriously hope that a professional vet would not be influenced / pressured by a client anyway and would have the animals welfare as their primary concern.

As a horse owner I think that using an independent vet is a great idea

Most vets are professional and would be looking at establishments within the guidelines of the licensing act even if they are the establishment's usual vet.

It is the responsibility of the activity license holder to do this correctly and pass on the costs of this activity to their clients. If they are not prepared to do this then they should not be licensed as their commitment to today's social welfare standards shows their lack of understanding of society's perception and brings into question their standards,

Just because there happens to be a co-incidence that a third party vet that is used happens to be the one or the practice the stables uses shouldn't mean that stables is penalised with extra costs.

Surely the vets pre-existing knowledge about the stables who uses their practice should be seen as a good thing - its not about being fair it's about doing things right.

Provided the vet is a specialist equine VS

Especially the costs

Proposal 3 – Minimum 3 month period between re-inspections

Licence Holders given a rating between 1-star and 4-stars who have accepted their rating but have made improvements since that time can request a re-inspection for a re-rating, but it is proposed that a minimum period of three months must have elapsed between the rating being issued, and the date of re-inspection. The reasoning for this is that it is considered that if improvements can be sustained for a period of three months or more, then they are more likely to be sustained in the longer term of the licence.

It is further proposed that Licence holders can apply for a re-inspection prior to the three-month standstill period being up, but the re-inspection itself will not be undertaken until at least three months has elapsed.

Do you agree with the proposal to introduce a three-month standstill period between re-inspections?

- Yes 42
- No 3
- Maybe 11

Comments on Proposal 3 above:

Please give us any comments you have

Longer would be better; the re-inspection should also be unannounced.

3 months is a long time. Improvements in care should not need to take that long.

What happens if they are re-inspected and upgraded but standards then fall back to the initial rating? Who will know?

This sounds reasonable, provided there are further regular inspections planned in instances where improvements were required.

Or even 6 months

Seems very reasonable

Good idea to make them improve and maintain their standards for a longer period

At what point is the licence refused? If another visit is required then this should be with a vet who is not the establishments usual vet. if the establishment wants to increase the number of stars they have been awarded then a 3 month wait seems sensible.

Licence holders need the ability to show their improvement and their will to achieve. Too long between inspections removes the drive and encouragement. Three months would seem a good choice of term for those who immediately strive for improvement.

I don't have enough knowledge to make an informed decision

Believe this timescale may need adjusting dependent on situation, i.e. time of year (demand specific), staff involved (and potential turnover of staff) and nature of the improvement.

Impromptu visits might be worth considering to ensure improvements are sustained?

Should be case dependant as if animal welfare is at risk if a change doesn't happen immediately then 3 months may be too late

Proposal 4 – Requirement for applicants to provide a basic disclosure certificate (DBS) alongside their application

In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence it is proposed that new applicants be required to provide a basic disclosure certificate (DBS) alongside their application, and for existing licence holders to provide this with their renewal applications from 1st August 2022. In both cases it is proposed that the Disclosure and Barring Service certificate must be marked with an issue date no more than 3 calendar months before the date of application.

Do you agree with the proposal for applicants to provide a basic disclosure certificate (DBS) alongside their application?

- Yes 46
- No 3
- Maybe 7

Comments to Proposal 4 above:

Please give us any comments you have²

it is not clear what benefit this would bring

I am unsure that this is a good idea

Again, this seems very reasonable

From experience, this unfortunately is a necessity. It is easy for an individual to move areas and reapply without disclosing their past and suitability to work with any livestock!

Sorry uninformed

Albeit this is only as good as the date on the certificate.

Shame its going to cost £18 though.

Fair assessment of any previous convictions makes total sense, especially as any animal related convictions should be known about

Proposal 5 – Fitness and propriety test for applicants

It is proposed that the Council will consider a 'fit and proper person' to be an individual who can demonstrate upon application that they have:

- the right to work in the UK;
- no relevant convictions;
- not been disqualified from holding a licence;
- the knowledge, experience, compliance history and ability to give reasonable confidence that they can comply with licence conditions and safeguard the welfare of animals in their care;

- made suitable management and training arrangements to ensure the safety and welfare of any staff and/or members of the public who may be affected by the licensed activity.

Do you agree with the above proposed fitness and propriety test for applicants?

- Yes 46
- No 4
- Maybe 6

Comments on Proposal 5 above:

Please give us any comments you have³

You need to be specific about relevant convictions. Also someone without the right to work in the uk may need a license.

But how do you propose to confirm the information you've been given is true? Do you have the manpower to check?

Will neighbours be consulted? (Personal experience here)

They may have been disqualified from holding a licence in the past but may have improved their animal welfare capabilities and can demonstrate as such.

This sounds reasonable, provided all these separate tests aren't costing the applicant hundreds of pounds.

If due research is conducted for each application and not just rubber stamped

Many people are told they do not have the right to live in the UK when they really do

I am aware that in the past I have visited dog boarding kennels where the licence for the number of dogs that can be boarded meant that dogs from different owners have been kennels together even though they may not get on and may fight, if this happened overnight the result could be catastrophic. Dogs should be in separate kennels and all with access to a separate outside run.

Again today's welfare perceptions require licensees to prove their suitability. This will help along with inspections and enable you the licensing authority to provide evidence of your informed decision!

The wording above is too open and will lead to inconsistencies of judgement

Not sure why they have to have a right to work in the UK? Otherwise OK

Proposal 6 – Applicants with a conviction related to animal cruelty or suffering shall not be licenced

It is proposed that where an applicant or licensee has been convicted of any offence that is related to animal cruelty or suffering, they shall not be licenced (or in the case of an existing licence the licence shall be revoked). The reason for this is that the main purpose of the Animal Licensing Regulations is to ensure the welfare of animals, and as such these types of offences are highly relevant. A conviction of this type would therefore in the eyes of the Council amount to the individual not being a fit and proper person to hold a licence.

Do you agree with the proposal to refuse to licence applicants who have convictions related to animal cruelty or suffering?

- Yes 55
- No 0
- Maybe 1

Comments on Proposal 6 above:

Please give us any comments you have⁴

Such people can slip through the regulatory net, and should not, as animal welfare should be paramount.

Cruelty to an animal is better justified and shows someone's true nature. Giving someone with a conviction for animal cruelty a licence is dangerous.

Will that include members of the Hunting fraternity by extrapolation?

No one who can misuse or treat badly any animal should be allowed to even own one let alone have a licence to care for other people's animals

Once convicted of cruelty applicants should be excluded forever.

Absolutely

We currently don't do nearly enough to protect animals from cruelty or suffering
barred for life

Obviously to prevent animal cruelty

This should also apply to close family members of the convicted

Whilst I agree in principle, it would depend on the circumstances

Anybody who has been convicted of animal cruelty should not be anywhere near an animal, let alone be licensed to earn money from them. A lifetime ban should be handed out to anybody convicted of animal cruelty to any breed of animal.

This takes a long time to prove and a lot of commitment from welfare associated activity and only happens at the moment in the very worst cases so it should definitely be a policy. End.

Will happen again

This is a no-brainer!

Animal cruelty must be treated with the utmost consideration. The welfare of animals is paramount and, if a person has offended against an animal, they must never work with or own an animal without direct supervision. As a Veterinary Nurse I have seen too many abused animals.

Absolutely. Why would anyone with those kind of convictions be granted licence to work with animals

Proposal 7 – Applicants with a conviction for any offence that is related to licensing shall not normally be licenced

It is proposed that where an applicant or licensee has been convicted of any offence that is related to licensing, that a licence will not normally be granted as these offences demonstrate a disregard for licensing processes and procedures.

Do you agree with the proposal to not normally grant a licence to an applicant who has been convicted of any offence that is related to licensing?

- Yes 47
- No 1
- Maybe 8

Comments on Proposal 7 above:

Please give any comments you have

This needs to be assessed on a case by case basis.

case by case review required on this issue

Sometimes bureaucracy takes over

Depends on the circumstances

Nobody who has been convicted of anything related to licensing should never be allowed to apply for another licence and certainly never granted another one.

As an authority doing the licensing you must be able to accept the integrity of the individual you are licensing. Quite simply they cannot be trusted if they have committed this offence.

Dependant on what the licensing offence was for

Proposal 8 – Applicants with a conviction for Sex and indecency offences or exploitation offences shall not be granted a licence

It is proposed that where an applicant or licensee has been convicted of any offence involving sex and indecency or exploitation (abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children), they shall not be licenced (or in the case of an existing licence the licence shall be revoked). The reasoning for this is that the Council has wider obligations to safeguard both children and vulnerable adults. These obligations arise from the Children Act 2004; and the Care Act 2014

Do you agree with the above proposal to refuse to licence an applicant who has been convicted of any offence involving sex and indecency or exploitation?

- Yes 42
- No 5
- Maybe 9

Comments on Proposal 8 above:

Please give us any comments you have5

These offences are unrelated

Lack of moral fibre. Why should they have any authority over an animal.

Not clear what benefit this would bring.

If you can't respect humans, then what hope for animals? However, the offences could be wide and varied. It needs to be more specific.

Whilst I have strong views on punishment of this kind like neuter the person. It does not necessarily impact on their ability to care for an animal

Obviously safeguarding

If conviction spent then it's spent

We all know that children and young adults love to hang around riding school's and anything else to do with animals. There should never be a person convicted of any sexual offence, of any kind,

allowed to hold a licence for anything related to animals, and that could attract vulnerable people to use that establishment.

This is more difficult and I think it needs to be carefully assessed by the inspectors after the applicant has revealed the crime. Certainly yes if they do not reveal this to the time of the application.....

While the offences mentioned may indicate an increased likelihood the applicant is not suitable, it will not always be true and right. The above when it occurs would require further impartial investigation before a judgement was made.

Irrelevant

Again case dependant- a sex offender can be very different to someone convicted of indecent exposure on a night out for example

Yes but only if it involved animals

Absolutely

Proposal 9 – minimum time periods which should elapse following completion of a sentence before a licence will be granted or renewed

It is proposed to introduce minimum time periods which should elapse following completion of a sentence before a licence will be granted or renewed for a number of specified offence types. This places public safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence. The conviction types to be covered by this proposal are as follows:

- Offences involving violence- 10 years;
- Possession of a weapon- 7 years;
- Offences involving dishonesty- 7 years;
- Offences involving drugs- 10 years.

Do you agree with the proposal to introduce minimum time periods which should elapse following completion of a sentence before a licence will be granted or renewed for a number of specified offence types?

- Yes 40
- No 8
- Maybe 7

Comments on Proposal 9 above:

Please give us any comments you have

A step forward to protecting animals and the public from irresponsible owners

I don't understand the connection

Idea that someone who's been caught smoking weed is more dangerous than someone toting a gun illegally is ridiculous.

Best thing NDC have thought of bringing in. NOW Look other areas not WOKE ones but ones that you should have brought in before and have been put before you by the public that you are supposed to listen to.

I would prefer possession of a weapon to carry a 10 year minimum time period

In principle yes but some of the time lapses may be excessive.

I do not believe in giving people a second chance but they must be regulated

Animal welfare requires a high degree of trust in the carers. Convicted criminals have forfeited their right to be in charge of animal welfare.

I do not really understand the connection with animal welfare and any other criminal offence. Therefore why should any offence not related to animal welfare impact on someone's ability to care for an animal.

The longer the better

Grant them a probationary licence that they can improve on by agreeing to regular unannounced inspections

Not sure what this and the previous question have to do with animal licencing

Any offence as listed above should result in a refusal of a licence for life

There should be some convictions which would automatically mean that person would never be allowed a licence of any kind but for others, if they can show how they have completed their sentence and taken it upon themselves to seek help and training so that they are likely to never re-offend then a licence application should be considered.

You have to respect the rights of individuals and these should be guidelines that could be reviewed against licensee applicants if necessary. Maybe make the licensee pay for their GP or local constabulary assessment

Setting a fixed period is very random and unsuitable given the diversity of individuals and case. The fairest way would be to assess individual cases on their merits or otherwise.

Shame you can't go through the actual home boarding licence and remove the 5 reference to FISH and the 1 reference to HORSES and ENCLOSURES (as if we were kennels) and THE SPECIES as if we could be talking about another type of animal

Any comments on any other part of the draft policy?

Comments:

Please provide any comments on any other part of the draft policy

With the increasing amount of irresponsible dog owners not keeping their animals on leads, and incidents of wild life and farm animal attacks, it's about time that dog licensing was re-implemented.

tougher sentencing on Animal abuse.

Good to see a draft policy being formulated and put out to consultation pre-regulation.

1. As an experienced beekeeper and teacher of beekeeping with North Devon BKA I am continually surprised that beekeepers do not need to be licensed or registered. In terms of public safety and nuisance a hive of bees can be quite dangerous in the wrong circumstances There has been a proliferation of beekeepers in recent years, driven by media encouragement and a mistaken understanding of "saving the world". I have seen hives in wholly unsuitable places (gardens, parks etc with totally unskilled and untrained people in charge. Not good for neighbours and not good for the local wild bee populations. 2. To what extent will neighbours be consulted in the licensing process? (Personal experience again here). 3. Dog groomers and premises? 4. How on earth are you going to monitor and administer all this? You can't keep up or enforce the planning issues around here, let alone the whole district.,

This policy must have teeth and achieve what it sets out to do. Hence those in charge of implementing this policy must themselves be above reproach and seen to be animal welfare

supporters not just pen pushers. If the council can really run this properly they will have the huge thanks of all the people of north Devon who care about animal welfare.

I think I have understood the aims of the proposed licencing. The only section I think needs some more thought is the other offences element. Why would anything outside animal welfare impact upon animal welfare licencing

Quality potential primate inspectors to help with the licensing of the few individuals wanting to retain ownership of their pets are available. The licence applicant will have to pay for their expertise as part of the licensing but if they wish to continue then this is way forward for them to enable the life span of the primate to be with them. There are only so many establishments able to take on these primates and their ability to do so with good welfare standards will be quickly diminished and the problem simply passed on!

I think it's a bit weak generally in its wording, borders on plain prejudice and is inconsistent.

Appendix A Item A2 bullet point 2, does this include dog sitters, and 'borrow my dog' for instance. Believe it should do, although resource intense. Very pleased to see trade waste requirements, however, you might consider the following requirements too: Fire fighting equipment and detection systems (with annual inspection cert); electrical safety annual inspection certs; PAT annual inspections; viewing of insurance cert for licenced number of animals; Pest control measures (albeit in the new Feb 22 Guidance) with a contract; security measures i.e. CCTV motion alarms; trade membership. Clarity over vaccination records, regulations are clear, but vets advise something different, you could also consider requesting all licenced boarding kennels must insist upon kennel cough vaccination.

Page 24; C3: All hiring out horses undertaken as a commercial business should have a trade waste contract, and inspecting Officers will request evidence of this at the time of inspection. Do the council really feel this is a point that needs to be addressed or another way to make money. Most stables waste is produced in the form of dung, which is spread on fields. Companies like Mole Valley have wrap recycling schemes, most feed bags are made from paper which can be burnt. Is this proposal basically forcing stables into contracts which they will pay for but unlikely use? Maybe concentrate on those in the area that refuse to recycle domestic waste?

Very long winded and even more reading for us