

Consultation summary – Introducing an Animal Licensing Policy for North Devon

Consultation from 20th June 2022 until 15th August 2022

60 responses received to the electronic consultation, 1 response by email to the Licensing Team

| Consultation Question | Responses | Additional Consultation Comments | Officer Comments and recommendations |
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| <p>1. North Devon Council proposes to refuse to licence Primates as 'pets' to live in domestic premises under the Dangerous Wild Animals Act 1976</p> | <p>Yes 52 No 2 Maybe 1</p> | <p>Primates are not pets and need specialist care if not in their natural habitat.</p> <p>I think it morally wrong for primates to be used as domestic pets. Very few people will know how to look after them properly</p> <p>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.</p> <p>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.</p> | <p>There appears to be broad agreement in the merits of this proposal and as such it is recommended that it is implemented as proposed.</p> <p>In the event that information was received about a primate being kept in a domestic environment without a licence then Officers would have powers to investigate and undertake enforcement under the Dangerous Wild Animals Act 1976.</p> |
| <p>2. North Devon Council proposes to appoint an independent Vet to undertake hiring out horses activity inspections who will be</p> | <p>Yes 47 No 4 Maybe 4</p> | <p>Not wishing to question the integrity of vets but independence is a requirement in such situations.</p> | <p>There appears to be broad agreement in the merits of this proposal, but Officers recognise that Veterinarians with appropriate equine experience (and who are registered with the RCVS to undertake riding establishment inspections), are</p> |

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| <p>independent and not one that is retained by the applicant / licence holder.</p> | | <p>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.</p> <p>Just because there happens to be a co-incident 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.</p> | <p>relatively limited in Devon. We are also mindful of the potential for significant additional costs resulting from additional travel time for Vets based further away. It is therefore proposed to alter the wording of the draft Policy to say that "It is the Council's policy <i>wherever reasonably practicable</i> to appoint the Veterinarian to undertake the inspection who will be independent and not one that is retained by the applicant / licence holder".</p> |
| <p>3. It is proposed that a minimum period of three months must have elapsed between an inspection 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.</p> | <p>Yes 42 No 3 Maybe 11</p> | <p>This sounds reasonable, provided there are further regular inspections planned in instances where improvements were required.</p> <p>Good idea to make them improve and maintain their standards for a longer period</p> <p>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</p> | <p>There appears to be broad agreement in the merits of this proposal and as such it is recommended that it is implemented as proposed.</p> <p>In cases where Officers believe that animal welfare is being compromised the Licence would be refused (a statutory right of appeal exists for such instances). In other instances where improvements are required but animal welfare standards reach minimum required compliance levels, then Officers would have latitude to revisit prior to the 3-month end, but would not re-rate before this.</p> |
| <p>4. It is proposed that new applicants be required to provide a basic disclosure certificate (DBS) alongside their application, and for</p> | <p>Yes 46 No 3 Maybe 7</p> | <p>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.</p> | <p>There appears to be broad agreement in the merits of this proposal and as such it is recommended that it is implemented as proposed.</p> |

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| <p>existing licence holders to provide this with their renewal applications</p> | | <p>Fair assessment of any previous convictions makes total sense, especially as any animal related convictions should be known about.</p> | <p>For existing licence holders, it is proposed that the implementation of the DBS requirement is delayed until 1st January 2023 to enable adequate notice of the new arrangements to be communicated in good time.</p> |
| <p>5. It is proposed that a fitness and propriety test is introduced for applicants taking into account matters such as right to work in the UK, relevant convictions and disqualifications for animal and other offences, and the knowledge and previous compliance history of the applicant.</p> | <p>Yes 46 No 4 Maybe 6</p> | <p>This sounds reasonable, provided all these separate tests aren't costing the applicant hundreds of pounds.</p> <p>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</p> | <p>There appears to be broad agreement in the merits of this proposal and as such it is recommended that it is implemented as proposed.</p> |
| <p>6. 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).</p> | <p>Yes 55 No 0 Maybe 1</p> | <p>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</p> <p>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.</p> <p>Whilst I agree in principle, it would depend on the circumstances</p> | <p>There appears to be broad agreement in the merits of this proposal. A minor amendment to the draft Policy wording has been suggested from "Where an applicant or licensee has been convicted of any offence that is related to animal cruelty or suffering they will not be licenced" to "Where an applicant or licensee has been convicted of any offence that is related to animal cruelty or suffering the recommendation to the Licensing Sub-Committee will be to refuse the licence". This change in wording would mean that the applicant would have the opportunity to outline their case for approval to the Licensing Sub-Committee, but the Policy wording above would mean that they would be refused in most</p> |

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| | | | circumstances unless they can outline significant reasons to make an exception. |
| 7. 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. | Yes 47 No 1 Maybe 8 | This needs to be assessed on a case-by-case basis. 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. | There appears to be broad agreement in the merits of this proposal. A minor amendment to the draft Policy wording has been suggested to say “In such cases the recommendation to the Licensing Sub-Committee will be to refuse the application for a licence, or in the case of an existing licence holder revoke the licence”. |
| 8. 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. | Yes 42 No 5 Maybe 9 | These offences are unrelated 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. 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. While the offences mentioned may indicate an increased likelihood the applicant is not suitable, it will not always be true and right. | There appears to be broad agreement in the merits of this proposal. A minor amendment to the draft Policy wording has been suggested from “As a result, the Council will not issue a licence to a person with a conviction for Sex and indecency offences or exploitation offences” to “the recommendation to the Licensing Sub-Committee will be to refuse the application for a licence, or in the case of an existing licence holder revoke the licence where an applicant or licence holder has a conviction for Sex and indecency offences or exploitation offences”. This change in wording would mean that the applicant would have the opportunity to outline their case for approval to the Licensing Sub-Committee, but the Policy wording above would mean that they would be refused in most circumstances unless they can outline significant reasons to make an exception. |
| 9. It is proposed to introduce minimum time periods which | Yes 40 No 8 | A step forward to protecting animals and the public from irresponsible owners. | There appears to be broad agreement in the merits of this proposal. A minor amendment to the |

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| <p>should elapse following completion of a sentence before a licence will be granted or renewed for a number of specified offence types.</p> | <p>Maybe 7</p> | <p>I would prefer possession of a weapon to carry a 10-year minimum time period.</p> <p>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.</p> <p>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.</p> | <p>draft Policy wording has been suggested from “In relation to single convictions, the following <u>minimum</u> time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted or renewed” to “In relation to single convictions, the following <u>minimum</u> time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted or renewed without referral to a Licensing Sub-Committee. Where the time period that has elapsed following completion of the sentence (or the date of conviction if a fine was imposed) is less than the time periods listed below, the recommendation to the Licensing Sub-Committee will be to refuse the application”. This change in wording would mean that applicants with a conviction falling within the timeframes set out in the policy would have the opportunity to outline their case for approval to the Licensing Sub-Committee, but the Policy wording above would mean that they would be refused in most circumstances unless they can outline significant reasons to make an exception.</p> |
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