



North Devon Council

Report Date: 5th December 2022

Topic: Introduction of an Animal Licensing Policy

Report by: Katy Nicholls, Public Protection Manager

1. INTRODUCTION

1.1. The purpose of this report is to seek to adopt a new Animal Licensing Policy found at **Appendix A**.

2.1 RECOMMENDATIONS

2.1.1 Further to a recommendation made by Licensing and Community Safety Licensing Committee during their meeting of the 11 October 2022, it is RECOMMENDED that Strategy and Resources Committee:

2.1.1.1 Approve the introduction of a new animal licensing Policy in line with **Appendix A** to come into effect on the 1st January 2023.

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 during their meeting of 10th May considered and approved a public consultation on a proposed North Devon Council Animal Licensing Policy.

4.2 This policy set out details pertaining to enforcement and interpretation of legislative requirements and other matters such as:

- 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);
- 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;

4.3 The Authority received some 61 responses in relation to the consultation exercise.

4.4 Officers carefully considered all of the consultation responses received and drafted several amendments to the proposed policy. Amendments to the policy following the consultation 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 judged 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 (suggested now until 1st April 2023 to enable adequate notice of the new arrangements to be communicated in good time within renewal documentation);
- 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.

4.5 During their meeting of the 11 October 2022, Licensing and Community Safety Licensing Committee considered the policy with the above outlined amendments, and made recommendation to Strategy and Resources Committee for its approval and implementation.

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. ENVIRONMENTAL ASSESSMENT

7.1 An environmental assessment has been undertaken and revealed a neutral impact.

8 CONSTITUTIONAL CONTEXT

8.1 Article of Part 3 Annex 1 paragraph:4b

8.2 Referred or delegated power?: Delegated.

9 STATEMENT OF CONFIDENTIALITY

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

10 BACKGROUND PAPERS

10.1 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

11 STATEMENT OF INTERNAL ADVICE

- a. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Katy Nicholls, Public Protection Manager 08.11.22