

Report from the Assistant Director – Planning and Public Protection

Animal Welfare Licensing Policy

Summary

1. This report seeks Members support for the approval of the council's Licensing Policy which relates to Animal Welfare Licensing. It advises of the consultation undertaken and the amendments made to the draft policy following the consultation.
2. The report seeks a recommendation to the Executive that the policy be approved.

Recommendations

3. That Members **approve Option 1** of this report and recommend to the Executive that the Licensing Policy be adopted.

Reason: This will allow the Council to introduce a more comprehensive Licensing Policy relating to Animal Welfare Licensing.

Background

4. The Council issues licences for the following activities relating to the welfare of animals:
 - Animal boarding establishment licences
 - Dangerous wild animal licences
 - Dog breeding establishment licences
 - Horse riding establishment licences
 - Pet shop licences
 - Zoo licences
5. The exhibit and training of any performing animal must be registered with the Council.

6. These licences are regulated by the Council in accordance with the following Acts:
 - Animal Boarding Establishment Act 1963
 - Dangerous Wild Animals Act 1976
 - Breeding Dogs Act 1973 and 1991
 - Breeding and Sale of Dogs (Welfare) Act 1999
 - Riding Establishment Act 1964 and 1970
 - Pet Animals Act 1951 and Pet Animals Act 1951 (Amendment) Act 1983
 - Zoo Licensing Act 1981
 - Performing Animals (Regulation) Act 1925
7. The Council must also take the Animal Welfare Act 2006 into consideration, as this is the primary piece of legislation controlling the welfare of animals in England and Wales and established set welfare standards that must be maintained by all people who are responsible for an animal.
8. Unlike other licensing regimes, there is no statutory requirement for local authorities to set policies in relation to animal welfare licensing. The Council do, however, consider it best practice to do so as the benefits bring transparency, accountability, certainty, consistency and the promotion of good standards in licensing. Policies are an integral part of the decision-making process. A policy guides, but does not bind, a local authority.
9. In 2017 the Government consulted on Draft Regulations relating to 'The Animal Welfare (Licensing of Activities Involving Animals) Regulations'. It is proposed that Regulations will come into effect at some point during 2018. At this time a date has not been determined. The Animal Welfare Licensing Policy will be amended accordingly once the Regulations are in force.
10. The Draft Regulations include the standard conditions published in guidance by Chartered Institute of Environmental Health which have been included within the Animal Welfare Licensing Policy. These conditions related to
 - Animal Boarding
 - Dog Breeding
 - Pet Shops

11. Through the implementation of the Policy the Council will adopt these conditions. In order to ensure consistent standards across the authority and fair trading, it is proposed that all existing establishments are given three years from the implementation date of this policy to upgrade their facilities if necessary to meet this new requirement. A three year period has being deemed an appropriate timeframe; this may be extended in exceptional circumstances if a written request is made by the licence holder. New applications received after the implementation of this policy will be expected to meet the new requirements.
12. The proposed Licensing Policy can be found at Annex 1.

Consultation

13. An eight week public consultation took place in relation to the draft Animal Welfare Licensing Policy, from the 18 September to 13 November 2017.
14. Current licence holder and relevant agencies/organisation were consulted via the Council's website and by direct mailing. The list of consultees can be found at Annex 2.
15. Six responses were received to the consultation. Consolidating the policy is welcomed by consultees. Some of the responses sought to impose more wide ranging controls that are not within the present legislation or power of the Council's Licensing Authority to require. Other referenced the prospective regulations, and have been reassured that the policy would be updated to reflect any changes when the Regulations take effect. The responses can be found at Annex 3.

Options

16. Option 1 – Approve the proposed Animal Welfare Licensing Policy and the draft standard conditions (attached at Annex 1). Recommend to the Executive that the Licensing Policy be adopted.
17. Option 2 – Amend the proposed Animal Welfare Licensing Policy and draft standard conditions. Recommend to the Executive that the amended Licensing Policy be adopted.

Analysis

18. The Council currently licences the following animal welfare establishments:
 - Animal Boarding – 8
 - Animal Boarding (home boarding) – 26
 - Dangerous Wild Animals – 1
 - Dog Breeding – 1
 - Pet Shops – 8
 - Riding Establishments – 4
 - Zoo – 1
19. The Council also has 8 registered performing animals.
20. Prior to the grant of a licence all establishments are inspected by an authorised officer of the Council and if it is a legal requirement, or deemed appropriate by the authorised officer, by a veterinary surgeon instructed by the Council.
21. Once a licence is granted subsequent inspections are carried out in accordance with legal requirements or on a risk based process.

Council Priorities

22. The implementation of a Licensing Policy will support the Council's plan of a prosperous city for all, where local businesses can thrive and a council that listens to residents.

Implications

23. The direct implications arising from this report are:
 - (a) **Financial** – There are no financial implications for the council.
 - (b) **Human Resources (HR)** - There are no HR implications.
 - (c) **Equalities** – There are no equalities implications.
 - (d) **Legal** – There is no statutory requirement to adopt a Licensing Policy however, the Council believe it is best practice to do so.
 - (e) **Crime and Disorder** – There are no crime and disorder implications.
 - (f) **Information Technology (IT)** - There are no IT implications.

(g) **Property** - There are no property implications.

(h) **Other** - There are no other implications.

Risk Management

24. There are no known risks associated with this report.

Contact Details

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	Report Approved	√	Date 22/02/18
Specialist Implications Officer(s)			
Wards Affected:		All	√
For further information please contact the author of the report			

Background papers

None

Annex 1 – Animal Welfare Licensing Policy

Annex 2 – Consultees

Annex 3 – Consultation Responses