

Gambling, Licensing & Regulatory Committee

11 July 2017

Report from the Assistant Director – Planning and Public Protection

Animal Welfare Licensing Policy

Summary

1. This report seeks Members' approval to formally consult on a proposed Licensing Policy which relates to animal welfare licensing within the authority area.

Recommendations

2. That Members approve Option 1 of this report.

Reason: This will allow the Council to formally consult on the draft Animal Welfare Licensing Policy.

Background

3. 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
4. The exhibit and training of any performing animal must be registered with the Council.
5. 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
6. 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.
 7. 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.
 8. At this time the Council does not have a formal policy document in relation to animal welfare licensing.
 9. Within the draft Licensing Policy it is proposed to introduce new standard conditions to be placed on Animal Boarding Establishments (dogs and cats), Dog Breeding Establishments and Pet Shops. These conditions are in accordance with guidance published by the Chartered Institute of Environmental Health.
 10. The draft Animal Welfare Licensing Policy is attached at Annex 1. The Chartered Institute of Environmental Health has published guidance on standard conditions relating to the following licences:
 - 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 application received after the implementation of this policy will be expected to meet the new requirements.

Consultation

12. This report seeks member's approval to formally consult on the draft Animal Welfare Licensing Policy. Subject to members' approval, the public consultation will run for 8 weeks, and shall accord with the Council's consultation strategy. Current licence holder, relevant agencies/organisation and members of the public shall be informed of the consultation via the Council's website and by direct mailing. The final revised policy taking account of the public consultation responses shall be presented to this committee for approval in due course.

Options

13. Option 1 – Authorise officers to consult on the draft Animal Welfare Licensing Policy and the draft standard conditions (attached at Annex 1).
14. Option 2 – Authorise officers to consult on an alternative draft Animal Welfare Licensing Policy and draft standard conditions.
15. Option 3 – Determine that an Animal Welfare Licensing Policy in this format is not required, with the current informal policy and standard conditions remain in place.

Analysis

16. The Council currently licences the following animal welfare establishments:
 - Animal Boarding – 8
 - Animal Boarding (home boarding) – 26
 - Dangerous Wild Animals – 1
 - Dog Breeding – 0
 - Pet Shops – 8
 - Riding Establishments – 4
 - Zoo – 1

17. The Council also has 8 registered performing animals.
18. 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.
19. Once a licence is granted subsequent inspections are carried out in accordance with legal requirements or on a risk based process.

Council Priorities

20. 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

21. 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

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

Contact Details

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	Report Approved	√	Date 29/06/17
Specialist Implications Officer(s) Alison Hartley Senior Solicitor (01904) 553487			
Wards Affected:		All	√
For further information please contact the author of the report			

Background papers

None

Annexes

Annex 1 – Draft Animal Welfare Licensing Policy