

Executive

26 April 2018

Report of the Director of Economy and Place

Animal Welfare Licensing Policy

Summary

1. In accordance with the requirements of the Council's Constitution, this report seeks the Executive's formal adoption of the new Licensing Policy which relates to animal welfare licensing. It advises of the consultations undertaken, and the amendments made to the draft policy following the consultation. The Licensing Policy was approved by Gambling, Licensing and Regulatory Committee (GLR Committee) on the 6 March 2018.

Recommendations

2. That Members **approve Option 1** of this report and adopt a new Licensing Policy relating to animal welfare licensing (incorporating standard conditions), and that any amendments made to the Licensing Policy following the introduction of new regulations are delegated to an officer decision in consultation with the Executive Members for Culture, Leisure and Tourism and Housing and Safety Neighbourhoods.

Prior to their approval of the proposed Licensing Policy the GLR Committee took into consideration the responses received to the public consultation.

Reason: This will allow the Council to implement a robust Licensing Policy and conditions relating to animal welfare licensing.

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. 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 being determined. The Animal Welfare Licensing Policy will be amended accordingly once the Regulations are in force.

9. 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
10. 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.

Proposed Licensing Policy

11. The proposed Licensing Policy can be found at Annex 1.

Consultation

12. An eight week consultation was carried out on the proposed Licensing Policy, from the 18 September to 13 November 2017.
13. Current licence holders and relevant agencies/organisations were consulted via the Council's website and by direct mailing. The list of consultees can be found at Annex 2.
14. 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 port of the Council's as 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 to effect. The responses can be found at Annex 3.

Options

15. Option 1 – approve and adopt the Licensing Policy (incorporating standard conditions) at Annex 1 to this report, and that any amendments made to the Licensing Policy following the introduction of new regulations are delegated to an officer decision in consultation with the Executive Members for Culture, Leisure and Tourism and Housing and Safety Neighbourhoods. Prior to their approval of the Licensing Policy GLR Committee took into consideration the responses received to the public consultation.
16. Option 2 – make further minor amendments and editing changes to the revised Licensing Policy at Annex 1 to this report which do not alter the substance of the document prior to approval and adoption. That any amendments made to the Licensing Policy following the introduction of new regulations are delegated to an officer decision in consultation with the Executive Members for Culture, Leisure and Tourism and Housing and Safety Neighbourhoods.

Analysis

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

Council Priorities

21. 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

22. 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** – An equalities impact assessment will be undertaken in relation to the new Licensing Policy.
 - (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** – The Licensing Policy introduces requirements to aid the prevention of crime and disorder.
 - (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

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

Contact Details

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	Report Approved	√	Date 03/04/18
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Wards Affected:	All	√
For further information please contact the author of the report		

Background papers

Agenda and minutes of Gambling Licensing and Regulatory Committee on the 6 March 2018.

<http://democracy.york.gov.uk/ieListDocuments.aspx?CId=606&MId=10987&Ver=4>

Annex 1 – Licensing Policy (incorporating standard conditions)

Annex 2 – List of consultees

Annex 3 – Consultation responses