

HIGH PEAK BOROUGH COUNCIL

Licensing Committee

24 October 2024

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| TITLE: | Animal Licensing Policy (Consultation) |
| EXECUTIVE COUNCILLOR: | Councillor Fiona Sloman - Executive Councillor for Housing and Licensing |
| CONTACT OFFICER: | Alicia E Patterson Head of Environmental Health |
| WARDS INVOLVED: | All |

Appendix 1 – Draft Animal Licensing Policy

1. Reason for the Report

- 1.1 Animal Welfare requirements in the UK are spread over numerous pieces of legislation as listed in the proposed policy. The Council's responsibilities under animal welfare legislation are currently discharged via licences issued for various activities, and through the conditions applied to each individual licence
- 1.2 The purpose of this report is to seek approval from the Committee to consult on the introduction of an Animal Licensing Policy for the Council.
- 1.3 This Policy will assist in ensuring ensure that the Council carries out its animal licensing responsibilities in a fair, equitable and consistent manner.
- 1.4 It will also help ensure that the public, councillors and those engaged in animal licensing activities understand what the law requires and how the Council will approach its enforcement duties.

2. **Recommendation**

- 2.1 That the Committee agrees to an 8 week consultation period, starting in November and running until the end of December the consultation will include members of the Council, existing licence holders/businesses, our partner agencies including County Council, Police, Fire and others with an interest in the policy

3. **Executive Summary**

- 3.1 A draft Animal Licensing Policy for the Council (attached at Appendix 1) has been prepared in pursuance of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“the Regulations”) introduced on 1 October 2018. This report recommends that the Council consult on the terms of the Policy. Once approved, the Council will then review the Policy every 3 years, or at any other times were considered necessary, to reflect any significant changes in legislation or guidance.
- 3.2 The Council is the enforcing authority for activities relating to animal welfare that are subject to the above legislation. Licensing, compliance and enforcement of the relevant legislation are the responsibility of the Council’s Environmental Health Team. When considering the granting of a licence relating to a licensable activity, the contents of this Policy (when approved), the current legislation and guidance notes must be considered. This information is freely available on Gov.uk website and is available on the Council’s Animal Licensing website pages.
- 3.3 The licensing of activities involving animals aims to protect the public and to promote animal welfare.
- 3.4 The licensing process includes the inspection of boarding establishments for cats and dogs, breeding dogs, selling animals as pets, hiring out of horses, and exhibiting animals. A risk-based process is applied and a “Star Rating” is given to each establishment based on the findings at the inspection visit. This will enable the public to make an informed choice when selecting which establishment to use.
- 3.5 The purpose of the risk-based inspection is to ensure that the operator is a fit and proper person; ensuring that any conditions applicable to the individual activity are being met; and that welfare standards and management controls are in place, and being maintained to ensure animals are protected from harm.
- 3.6 Guidance documents have been produced by DEFRA, to assist local authority officers and business operators to interpret the legislation and what is required when applying the relevant conditions to their particular licensable activities. The guidance can be used by current licence holders or prospective licence holders.

4. **How this report links to Corporate Priorities**

4.1 Aim 1 – Supporting our communities to create a healthier and safer High Peak

5. **Alternative Options**

5.1 That members do not agree to a consultation on the basis proposed and/or agree to revise the terms of the proposed Policy.

6. **Implications**

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| 6.1 | <u>Community safety, including safeguarding and prevention of terrorism</u> A comprehensive policy regulating Animal Welfare across the Borough will assist with Community Safety, safeguarding and prevention of crime/fraud |
| 6.2 | <u>Workforce</u> The current SLA agreement which the Council has with Staffordshire County Council, supported by the Council's own officers, is sufficient to administer this function. |
| 6.3 | <u>Equality and Diversity/Equality Impact Assessment</u> Not required at consultation |
| 6.4 | <u>Financial Considerations</u> The Policy has potential financial considerations in relation to the issue of Fixed Penalty Notices. |
| 6.5 | <u>Legal</u> The Council is required to implement and update policies in relation to licensing and in accordance with relevant legislation and guidance. |
| 6.6 | <u>Climate Change and Sustainability</u> With the introduction of the proposed Policy the Council can ensure that all businesses are compliant with the current climate change and sustainability aims. |
| 6.7 | <u>Conservation and Enhancement of Biodiversity</u> Not Applicable |

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| 6.8 | <u>Consultation</u> An 8 week public consultation exercise is proposed. |
| 6.9 | <u>Risk Assessment</u> No Issues |

Mr Mark Trillo
Executive Director (Governance & Regulatory Services)

**Web Links and
Background Papers**

[High Peak Borough Council Animal Licensing Pages](#)

All guidance documents should be read in conjunction with the relevant legislation such as:

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
<https://www.legislation.gov.uk/uksi/2018/486/contents>
- The Dangerous Wild Animals Act 1976 (as amended)
<https://www.legislation.gov.uk/ukpga/1976/38>
- Zoo Licensing Act 1981
<https://www.legislation.gov.uk/ukpga/1981/37>
- The Animal Welfare Act 2006
<https://www.legislation.gov.uk/ukpga/2006/45/contents>

Contact details

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7. Detail

- 7.1 The process for the licensing of animal welfare establishments includes not only the administrative process of the licence application and collection of the appropriate fee but also includes a physical inspection of the premises to verify compliance with welfare standards and management controls. The inspecting officer will complete a relevant inspection proforma and report. Following the inspection, a risk score and star rating will be allocated to the business and the duration of the licence period. All administration processes will be the responsibility of the Council's Licensing Section.
- 7.2 High Peak Borough Council work in conjunction with Staffordshire County Council regarding animal welfare. High Peak Borough Council remains the issuing Authority for all licenses issued under the LAIA Regulations, Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981. Physical inspections and the provision of reports and recommendations for those establishments may be provided by Authorised officers of High Peak Borough Council or Staffordshire County Council.

- 7.3 All enforcement activities have due regard to the Animal Welfare legislative framework, any relevant guidance documents issued by central government (e.g. DEFRA) and the High Peak Borough Council Corporate Enforcement Policy.
- 7.4 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 introduced enforcement powers and measures that officers may use to secure compliance of some licensable activities, such as variations and suspensions of licences, but also provide safeguards to applicants and operators if they feel aggrieved by the process or decisions of the Council.
- 7.5 Wherever possible, the Council will adopt a graduated, education based approach to enforcement, however, where necessary, it will take appropriate and proportionate action against non-compliant businesses.
- 7.6 The Animals (Penalty Notices) (England) Regulations 2023 came in to force from 1st January 2024 following the passing of the Animal Penalty (Notices Act) 2022 in April 2022. It provides for the use of Fixed Penalty notices for operators who are in breach of:

- Animal Welfare Act 2006 and any associated Regulations.
- Animal Health Act 1981
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981
- Wild Animals in Circuses Act 2019
- Retained European Union law relating to animals or animal products
- Dangerous Dogs Act 1991

As a lower tier authority High Peak Borough Council would only seek to use these notices in relation to those areas where it has enforcement powers and authorised officers. Namely:

- Animal Welfare Act 2006 and any associated Regulations.
- Animal Health Act 1981
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981
- Dangerous Dogs Act 1991
- The Trade in Animals and Related Products Regulations 2011 (TARP)
- Animal By Products (Enforcement) (England) Regulations 2013

- 7.7 The Act does not create new offences. The introduction of Penalty Notices adds to the existing portfolio of enforcement measures available to the Authority relating to the enforcement of animal health and welfare legislation, such as warning letters, statutory notices including suspension and revocation of licenses.
- 7.7 A draft Animal Licensing Policy for the Council (attached at Appendix 1) has been prepared in pursuance of the relevant legislation and guidance. This report recommends that the Council consult on the terms of the Policy. Once approved, the Council will then review the Policy every 3 years, or at any other times were considered necessary, to reflect any significant changes in legislation or guidance. This Policy will assist in ensuring ensure that the Council carries out its animal licensing responsibilities in a fair, equitable and consistent manner. It will also help ensure that the public, councillors and those engaged in animal licensing activities understand what the law requires and how the Council will approach its enforcement duties.