

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Licensing & Regulatory Committee

15 November 2024

TITLE:	Animal Licensing Policy
PORTFOLIO HOLDER:	Councillor Cawley - Portfolio Holder for Communities
CONTACT OFFICER:	Alicia 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 inform Members of the draft policy that is proposed to be used as a consultation document on the introduction of an Animal Licensing Policy for the Council.
- 1.3 This Policy will ensure that the Council carries out its animal licensing responsibilities in a fair, equitable and consistent manner.
- 1.4 It will 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 approves an 8 week consultation period on the proposed Animal Licensing Policy.

3. **Executive Summary**

- 3.1 The proposed draft Animal Licensing Policy at Appendix 1 has been prepared in pursuance of the Council's obligations under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 ("the Regulations") introduced on 1 October 2018 and associated legislation. If approved, the Council will 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 will be the responsibility of the Council's Environmental Health team. When considering the granting of a licence relating to a licensable activity, the contents of the draft Policy (if 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 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 regime 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 Staffordshire Moorlands

5. **Alternative Options**

5.1 That the Committee does not agree to the proposed Policy or amends the attached draft.

6. **Implications**

6.1	<p><u>Community safety, including safeguarding and prevention of terrorism</u></p> <p>A comprehensive policy regulating Animal Welfare across the district will assist with Community Safety, safeguarding and prevention of crime/fraud</p>
6.2	<p><u>Workforce</u></p> <p>The current SLA agreement which the Council has with Staffordshire County Council, supported by the Council’s own officers, are sufficient to administer this function.</p>
6.3	<p><u>Equality and Diversity/Equality Impact Assessment</u></p> <p>No issues identified at this time.</p>
6.4	<p><u>Financial Considerations</u></p> <p>Potential financial considerations for applicants/licensees in relation to the issue of Fixed Penalty Notices. None specifically for the Council from the proposed Policy.</p>
6.5	<p><u>Legal</u></p> <p>The Council is required to implement and update policies in relation to licensing, and ensure that the same comply with all relevant legislation and guidance.</p>
6.6	<p><u>Climate Change and Sustainability</u></p> <p>With the introduction of a policy the Council can ensure that all businesses are compliant with the current climate change and sustainability aims of the Council.</p>
6.7	<p><u>Conservation and Enhancement of Biodiversity</u></p> <p>Not Applicable</p>

6.8	<u>Consultation</u> An 8 week full consultation exercise is proposed.
6.9	<u>Risk Assessment</u> No issues identified.

Mr Mark Trillo
Executive Director (Governance & Regulatory Services)

**Web Links and
Background Papers**

<https://www.staffs Moorlands.gov.uk/Animal-Licensing>

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

Alicia E Patterson
Head of Environmental Health
alicia.patterson@staffs Moorlands.gov.uk

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 Licensing Section.
- 7.2 Staffordshire Moorlands District Council works together with Staffordshire County Council in relation to animal licensing in the District. Staffordshire Moorlands District 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 either Staffordshire Moorlands District Council or Staffordshire County Council.
- 7.3 All enforcement activities will have due regard to the Animal Welfare legislative

framework, any relevant guidance documents issued by central government (e.g. DEFRA) and the Staffordshire Moorlands District 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, educational approach to enforcement however, where necessary, it will take appropriate and proportionate action against non-compliant businesses.
- 7.6 Fixed Penalty Notices - 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

The 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 Council relating to the enforcement of animal health and welfare legislation, such as warning letters, statutory notices including suspension and revocation of

licenses.

- 7.8 The proposed draft Animal Licensing Policy at Appendix 1 has been prepared in pursuance of the Council's obligations under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 ("the Regulations") introduced on 1 October 2018 and associated legislation. If approved, the Council will review the policy every 3 years or at any other times were considered necessary, to reflect any significant changes in legislation or guidance. The proposed consultation exercise will include members of the Council, existing licence holders/businesses, our partner agencies including the County Council, Police, Fire and others with an interest in the policy.