

Report to: Cabinet

Date of Meeting: 4th March 2019

Report Title: Adoption of new Animal Welfare Licensing Policy

Report By: Mike Hepworth Assistant Director Environment and Place.

Purpose of Report

To consider the adoption of the council's first Animal Welfare Licensing Policy relating to the administration and enforcement of the new animal welfare licensing regime, arising from the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

Recommendation(s)

- 1. Cabinet endorses the draft Animal Welfare Licensing Policy attached at appendix A; and recommends that it is adopted by Full Council.**

Reasons for Recommendations

To ensure applicants for licences and members of the Environment and Safety Committee determining licence applications, have a clear understanding of the council's policy regarding the new animal licensing regime. It should also enable the authority to defend any legal challenges to committee decisions.

Background

1. Animal licensing is a statutory duty for all local authorities and has been so for many years, it covers six different areas of work, dangerous wild animals, zoos, riding stables, animal boarding, animal breeding and pet shops. Each governed by different pieces of legislation.
2. In October 2018 the new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force. These regulations replaced and revoked much of the old animal licensing legislation, bringing them within the remit of one set of regulations. However, it does not cover the licensing of dangerous wild animals or zoos, which remain under their existing legislation.
3. In addition, the regulations introduced new licensing categories such as doggy day care and the keeping or training of animals for exhibition, the latter was previously the responsibility of the County Council. A transitional period was introduced by the regulations; this lasted to 31st December 2018 to allow existing licence holders under the old legislation to register their applications under the new regulations.
4. The regulations have also introduced a new risk based inspection system similar to the “scores on the doors” system for rating food premises. Officers are required to carry out inspections of premises under the new regulations, they must have had at least 1 year of experience operating the old animal licensing regime. However, they also need to become Authorised Inspectors under the new regulations by 2021, and will be required to attend a week long inspector’s course with a recognised national trainer.
5. Officers have used the transitional period to attend government briefings, inform existing licence holders of the changes and prepare all new forms, letters and licences ready for the implementation date. All existing licence holders and new applicants are currently undergoing comprehensive inspections.

Animal Welfare Licensing Policies

6. The animal welfare licensing legislation does not require Licensing Authorities to have a specific policy, but it is considered best practice. It will ensure applicants for licences and members of the Environment and Safety Committee determining licence applications, have a clear understanding of the council's policy regarding the new animal welfare licensing regime.
7. From a corporate risk management perspective it should also enable the authority to successfully defend any legal challenges to committee decisions about animal welfare licensing.
8. The licensing manager has attended a pan Sussex licensing officer’s working group established to consider the introduction of the regulations. To ensure consistency they have developed a draft policy that can be tailored to meet the individual needs of each authority. In developing this template they took account of statutory guidance and the views of organisations such as the RSPCA.

9. The Licensing manager has adapted the Sussex template and reviewed it with colleagues from Legal Services. It is attached at appendix A.

Consultation

10. The Sussex Licensing Officer Working Group consulted widely during the development of their policy template. For example with the RSPCA, the Department EFRA, and the vet assoc. The Regulations do not require Licensing Authorities to have a policy, and do not require them to consult with stakeholders if they choose to adopt such a policy.
11. In addition to this the policy takes account of statutory guidance. Therefore it is not considered necessary to consult with local stakeholders such as licensees, on the adoption of this local version of the policy template developed by the Sussex Licensing Officer Working Group.

Animal Welfare Charter

12. The council already has an Animal Welfare Charter, which was adopted in about 2001. However, the charter covers a much wider range of animal welfare issues than just licensing. One of the five key action points of the charter is that the council will “fully implement existing laws and bylaws when introduced”, and it references the existing areas of animal licensing such as for pet shops, dangerous wild animals, etc.
13. Therefore the proposal for the council to adopt a separate Animal Welfare Licensing Policy neither duplicates nor contradicts the existing Animal Welfare Charter. The animal welfare charter will be reviewed and updated shortly to reflect changes to national policies on animal welfare. The draft updated version will then be reported to Cabinet and Full Council for their consideration and adoption.

Financial Implications

14. Statutory guidance allows for the Council to recover the cost of operating the animal welfare licensing regime through the fees charged for the licences, the fees have been calculated on this basis.

Wards Affected

All Wards.

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No

Risk Management	Yes
Environmental Issues	No
Economic/Financial Implications	Yes
Human Rights Act	No
Organisational Consequences	No
Local People's Views	No
Anti-Poverty	No

Additional Information

Appendix A. Draft Animal Welfare Licensing Policy.

Officer to Contact

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