



REPORT TO:	LICENSING COMMITTEE
DATE:	TUESDAY 10 th SEPTEMBER 2024
SUBJECT:	ANIMAL WELFARE LICENSING POLICY
PURPOSE:	TO CONSIDER THE DRAFT ANIMAL WELFARE LICENSING POLICY FOLLOWING A PERIOD OF CONSULTATION AND APPROVE THE POLICY.
KEY DECISION:	NO
PORTFOLIO HOLDER:	CLLR A CASSON, PORTFOLIO HOLDER PUBLIC PROTECTION
REPORT OF:	CHRISTIAN ALLEN, ASSISTANT DIRECTOR REGULATORY
REPORT AUTHOR:	RICHARD BOOLE, PUBLIC PROTECTION MANAGER
WARD(S) AFFECTED:	ALL
EXEMPT REPORT?	NO

SUMMARY

A new Animal Welfare Licensing Policy has been developed in line with legislation, best practice and statutory guidance, to aid applicants, licence holders and decision makers in the understanding of licensing requirements under the Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018, the Zoo Licensing Act 1981 and the Dangerous Wild Animals Act 1976. Members of the Licensing Committee have previously considered this new policy and a period of public consultation has taken place. The Licensing Committee are now being asked to approve the policy for adoption.

RECOMMENDATIONS

1. That Licensing Committee approve and adopt the revised policy.
2. That the Public Protection Manager and Licensing Team Leader, in conjunction with the Portfolio Holder and Chair of Licensing Committee, be authorised to make detail and layout changes between policy reviews, to ensure that the policy reflects legislative and

statutory guidance changes, as well as ensuring that it reflects any changing corporate standards and accessibility requirements.

REASONS FOR RECOMMENDATIONS

It is recommended that a new Animal Welfare Licensing Policy is adopted to ensure the Council is up to date, transparent and consistent.

OTHER OPTIONS CONSIDERED

Do nothing – there is no statutory requirement to have a policy in place and the Council could continue to regulate relevant animal welfare licensing activities without one.

1. BACKGROUND

- 1.1 As a Licensing Authority we are entitled, but not required, to adopt a policy on animal welfare licensing. A policy is viewed as being an integral part of the decision-making process enabling consistency and transparency. It is there to guide the licensing authority but each case must still be considered on its own merits.
- 1.2 The Council doesn't currently have an adopted policy in place, therefore a new policy has been drafted.
- 1.3 The proposed policy has been drafted taking into account current legislation, statutory guidance and best practice and the outcome of the public consultation
- 1.4 No responses have been received to the consultation and as such no changes have been made to the draft version already considered by the Committee.

2. REPORT

- 2.1 The policy has been developed taking into account current legislation, statutory guidance and best practice, as well as the experience of licensing officers gained since the legislation came into force, in terms of the areas where greater clarity is needed to aid both applicants and decision making by the licensing authority.
- 2.1.1 The Policy is limited in its scope to those licensable activities set out in the Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018, the Zoo Licensing Act 1981 and the Dangerous Wild Animals Act 1976. These licensable activities under the 2018 Regulations are:-

Carrying on the business of:-

- a) Selling animals as pets;
- b) Providing or arranging for the provision of boarding for cats or dogs;
- c) Hiring out horses;
- d) Breeding Dogs;
- e) Keeping or training animals for exhibition.

2.2 The policy includes amongst other things, clarification on the application of the business test, the suitability of applicants, the application process, animal welfare licensing and planning, the determination of standards and star-ratings, refusal of applications, inspections, complaint investigation, enforcement and compliance.

2.3 The full draft Policy can be found at Appendix 1.

3. CONCLUSION

3.1 The policy takes into account the latest national position in regard to animal welfare licensing under the Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018. The Licensing Committee are asked to approve this draft policy for adoption.

EXPECTED BENEFITS TO THE PARTNERSHIP

Consideration has been given to the animal welfare licensing policies of East Lindsey District Council (adopted 2020) and Boston Borough Council (none). Elements of the East Lindsey policy have been adopted within this draft policy, however there have been a number of changes in legislation, guidance and practice since the East Lindsey policy was written, as well as a need to cover complaint handling and resulting investigations in the policy. Longer term there is an opportunity for these policies to be rationalised through the Partnership and through the national drive to harmonise licensing standards.

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP

NONE

CORPORATE PRIORITIES

Partnership Priority – Safe and Resilient Communities

- Ensure licensing policies support crime reduction, community safety, place shaping, economic growth and inclusivity;

Local Deliverable on the Partnership Delivery Plan 2024/25 – Animal Welfare Licensing Policy

STAFFING

None

WORKFORCE CAPACITY IMPLICATIONS

The approval of a policy will help to focus resources, especially around the receipt and investigation of complaints.

CONSTITUTIONAL AND LEGAL IMPLICATIONS

This policy review is within legal and constitutional parameters and the Monitoring Officer has been consulted.

DATA PROTECTION

There are no new data protection implications arising from this policy review.

FINANCIAL

There are no new financial implications.

RISK MANAGEMENT

The adoption of a policy reduces the risk of successful legal challenge.

STAKEHOLDER / CONSULTATION / TIMESCALES

The draft policy has been published in the licensing section on the Council's website for the duration of the 12-week consultation. Current licence holders have been contacted directly regarding the consultation along with other interested parties such as planners, Lincolnshire County Council Trading Standards and our designated veterinary inspector.

REPUTATION

An approved policy will help to reduce the risk of reputational damage arising from inconsistent decisions or a lack of transparency.

CONTRACTS

None

CRIME AND DISORDER

Animal welfare licensing is governed by legislation which includes some criminal offences for illegal activities. Criminal record checks through the Disclosure and Barring Service (DBS) are also carried out as part of the licensing procedure.

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

There are no safeguarding issues arising from the report.

HEALTH AND WELL BEING

None

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

None

ACRONYMS

None

APPENDICES

(If none then insert the word 'None' and delete the below text/boxes).

Appendices are listed below and attached to the back of the report: -

<i>APPENDIX 1</i>	Draft Animal Welfare Licensing Policy 2024

BACKGROUND PAPERS

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

CHRONOLOGICAL HISTORY OF THIS REPORT

- Licensing Committee considered the draft report at its meeting on 28th February 2024.

REPORT APPROVAL

Report author:	Name and full contact details
Signed off by:	Christian Allen Christian.allen@boston.gov.uk
Approved for publication:	CLlr A Casson, Portfolio Holder Public Protection