



**Report Reference Number:** E/20/2

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**To:** Executive  
**Date:** 11 June 2020  
**Status:** Non-Key Decision  
**Ward(s) Affected:** All  
**Author:** Sharon Cousins, Licensing Manager  
**Lead Executive Member:** Councillor Chris Pearson, Lead Executive Member for Housing, Health and Culture  
**Lead Officer:** Alison Hartley, Solicitor to the Council

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**Title: Animal Licensing Policy 2020**

**Summary:**

For Members to consider the draft Animal Licensing Policy 2020 (“the Policy”) that consolidates existing procedures and incorporates the Animal Welfare (Licensing Activities Involving Animals) (England) Regulations 2018 (“the Regulations”).

**1. Recommendations:**

**The Executive are recommended to:**

- i. note the draft Animal Licensing Policy 2020 as attached at Appendix 1; and**
- ii. approve the proposed policy for consultation.**

**2. Introduction and background**

**2.1** The Regulations came into effect on 1 October 2018 and are now the primary legislation for the licensing of the following animal activities:

- Animal Boarding (Catteries and Kennels)
- Home Boarding of Dogs
- Dog Day Care
- Dog Breeding
- Hiring out of Horses (formally riding establishments)
- Sales of animals (formally pet shops)
- Training or Exhibiting Animals (formally Performing animals)

**2.2** The Regulations implement a single ‘Animal Activities Licence’ for any of the Activities shown in section 2.1 above.

- 2.3** After the 1<sup>st</sup> October 2018 the star rating will determine the length of the licence, as set out in Appendix 2. Licences will be able to be issued for a one, two- or three-year period based on an assessment of risk.
- 2.4** Standard licensing conditions are prescribed by the Regulations rather than each local authority deciding its own licence conditions for its area. As well as minimum standards, there are higher ones that are designed to incentivise better practice.
- 2.5** There are now powers for licensing authorities to vary, suspend and revoke licences where there is non-compliance, or it is necessary to protect the welfare of the animal.

## **2.6 Delegation and Authorisation**

Delegation of powers and Authorisation is proposed as set out below:

- a) Granting and renewal of licence – Presently delegated to Officers in accordance with the Constitution.
- b) Refusal of a licence – To be determined by full Licensing Committee. Appeal of the Council's decision to be heard by the First Tier Tribunal.
- c) Suspension or Variation of a licence – Delegated to Officers, to be authorised by the Licensing Manager or above.

The guidance issued by DEFRA in regard to the Regulations, Procedural Guidance notes for local authorities at Page 9 (Appendix 3), clearly sets out the grounds for suspension of a licence and the mechanism for suspension dependent upon the offence.

- d) Revocation of a licence – To be determined by full Licensing Committee.
- 2.7** Within the Regulations is a star rating system to allow customers to see how Businesses perform against the Regulation standards. The star rating is issued by the inspecting licensing officer/animal specialist. The applicant will be provided with the supporting information (inspection reports) which will highlight the inspecting officer's decision on how the risk rating, compliance level and star rating has been determined. The business is encouraged to discuss the matter initially with the inspecting officer. Any appeals against the star rating assigned to the business will be dealt with in accordance with the guidance issued by DEFRA and the proposed appeal procedure set out in Appendix 4.
- 2.8** As with all decisions made by the Council there is always an appeal process. If a first-tier appeal was made the Courts would look at the following documents in the following order:

- The relevant legislation

- The Council's Policy
- Guidance

Selby District Council does not currently have a Policy for Animal Licensing. It is therefore recommended that the Council adopts a policy that incorporates the new legislation and shows our basic requirements for such Licenses.

**2.9** 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 is best practice to do so as 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.

**2.10** The proposed policy is based on the Regulations and proposes the following:

- Introduction of a fit and proper test, this includes, the right to work in the UK, no relevant convictions, not being disqualified from holding a licence, the knowledge, experience, compliance history and ability to comply with licence conditions and safeguard the welfare of the animals in their care, made suitable management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licence activity.
- A Basic Disclosure (DBS) certificate (issued within 3 months of the date of application) showing that they are not disqualified from holding a licence, and/or hold no relevant convictions which may affect whether they are a 'fit and proper' person to hold a licence.
- We may request information from North Yorkshire Police under our information sharing agreement about any relevant convictions an applicant may hold.
- Details on conditions placed on a licence for Dangerous Wild Animals.
- Details of conditions placed on a licence for Zoos.
- Requirement of a written safeguarding policy and a procedure for vetting staff, for applicants and licence holders whose activities involve contact with children or vulnerable persons
- A list of offences where the Council will not issue a licence if the applicant has been convicted.

**2.11** If agreed a 6-week consultation will commence on the 29 June 2020 and end on the 10 August 2020. Consultation will be by the following:

- Consultation with existing licence holders
- Published on the Councils website

The results of the consultation will be brought back to the Licensing Committee for comment. The proposed Policy will then go before the Policy Review Committee, the Executive Committee.

The proposed timetable for the Policy is:

<b>Date</b>	<b>Process</b>
3 February 2020	Licensing Committee to Note and provide comments/recommendations.
11 June 2020	Executive Committee to approve consultation and consider comments/recommendations.
29 June 2020 – 10 August 2020	Public/Statutory Consultation
TBC	Licensing Committee to update on Consultation feedback
TBC	Policy Review to update on consultation and responses
TBC	Executive for approval of the Policy

**2.12** On the Monday 3<sup>rd</sup> February 2020 this report and the proposed policy was considered by the Licensing Committee who had no comments to make.

### **3. Implications**

Failure to act appropriately under the legislation will make the Council non-compliant with the legislation and prevent appropriate regulatory action being taken to safeguard the welfare of animals in the Council area.

#### **3.1 Legal Implications**

- a) There is no statutory requirement to adopt an Animal Licensing Policy, however, the Council believes it is best practice to do so.
- b) The Regulations and the statutory guidance issued by DEFRA provides a new licensing regime for activities which must be licensed, who may apply for a licence and how the Council will determine the applications for a licence.
- c) If the Council refuse to grant or renew a licence, the applicant may appeal to the First-Tier Tribunal, which must be done within 28 days of the decision. Once the Licence is granted, the Council may suspend, vary or revoke the licence.
- d) The statutory guidance issued by DEFRA requires that the Council must have an appeal process for applicants to challenge the initial star rating they are given. The Council proposes the procedure as set out in Appendix 4.

#### **3.2 Financial Implications**

There are no financial implications

#### **3.3 Policy and Risk Implications**

Failure to regulate animal welfare activities may result in serious harm to animals and have serious reputational impact on the Council.

### **3.4 Corporate Plan Implications**

The consultation process, although not necessary will help us to achieve our corporate priority of making Selby a great place to make a difference. Through allowing local people and businesses to contribute to the development of the policy we are achieving a key focus of the priority, namely, 'empowering and involving people in decisions about their area and services'.

### **3.5 Resource Implications**

N/A

### **3.6 Other Implications**

N/A

### **3.7 Equalities Impact Assessment**

Equalities impact screening has taken place and no significant negative impacts were identified in the immediate future

## **4. Conclusion**

Adoption of the proposed policy and the measures within it will support the statutory position and help protect public safety.

## **5. Background Documents**

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 – Procedural Guidance notes for Local Authorities, October 2018 (*guidance issued by DEFRA*).

### **Appendices**

Appendix 1 – Proposed Animal Licensing Policy 2020

Appendix 2 – Star Scoring Matrix

Appendix 3 - Procedural Guidance

Appendix 4 – Proposed Animal Welfare Star Rating Appeal procedure

**Contact Officer:** Sharon Cousins, Licensing Manager

[scousins@selby.gov.uk](mailto:scousins@selby.gov.uk)

01757 2942033