

Public Document Pack

Mid Devon District Council

Regulatory Committee

Friday, 19 June 2020
on the rising of the Licensing Committee
Virtual Meeting

Next ordinary meeting
Friday, 11 December 2020 at 11.00 am

Important - this meeting will be conducted and recorded by Zoom only. Please do not attend Phoenix House. The attached Protocol for Remote Meetings explains how this will work.

To join this meeting, please click the following link:

Join Zoom Meeting

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Meeting ID: 971 0237 9160

Password: 740070

One tap mobile

08000315717,,97102379160#,,1#,740070# United Kingdom Toll-free

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Meeting ID: 971 0237 9160

Password: 740070

Membership

Cllr Mrs E M Andrews

Cllr J Cairney

Cllr R J Chesterton

Cllr Mrs F J Colthorpe

Cllr D R Coren

Cllr J M Downes

Cllr T G Hughes

Cllr D J Knowles

Cllr Miss J Norton

Cllr S J Penny

Cllr L D Taylor

Cllr A Wilce

AGENDA

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **Election of Chairman (Chairman of the Council in the Chair)**
Election of Chairman for the municipal year 2020-2021.
- 2 **Virtual Meetings Protocol** *(Pages 5 - 10)*
Members to note the virtual meetings protocol
- 3 **Election of Vice Chairman**
Election of Vice Chairman for the municipal year 2020-2021.
- 4 **Apologies and substitute members**
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 5 **Declarations of Interest under the Code of Conduct**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
- 6 **Public Question Time**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
- 7 **Minutes of the previous meeting** *(Pages 11 - 16)*
Members to consider whether to approve the minutes as a correct record of the meeting held on 4th July 2019
- 8 **Animal Welfare Policy** *(Pages 17 - 60)*
To receive the Animal Welfare Policy from the Group Manager for Public Health and Regulatory Services
- 9 **Enforcement Update**

Stephen Walford
Chief Executive
Thursday, 11 June 2020

Covid-19 and meetings

The Council will be holding some meetings in the next few weeks, but these will not be in person at Phoenix House until the Covid-19 crisis eases. Instead, the meetings will be held remotely via Zoom and you will be able to join these

meetings via the internet. Please see the instructions on each agenda and read the Protocol on Remote Meetings before you join.

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by **no later than 4pm on the day before the meeting**. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you require any further information please contact Carole Oliphant on:

E-Mail: coliphant@middevon.gov.uk

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Mid Devon District Council - Remote Meetings Protocol

1. Introduction

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations permit remote attendance in Local Authority meetings.

Remote attendance is permitted as long as certain conditions are satisfied. These include that the Member is able to hear and be heard by the other Members in attendance. Also, being able to hear and be heard by any members of the public entitled to attend the meeting (in line with the public participation scheme). A visual solution is preferred, but audio is sufficient.

This also relates to members of the public attending the meeting also being heard. The regulations are clear that a meeting is not limited to those present in the same place, but includes electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers).

2. Zoom

Zoom is the system the Council will be using for the time-being to host remote / virtual meetings. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

3. Access to documents

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a virtual meeting.

If any other Member wishes to have a paper copy, they must notify the Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated. Printed copies will not be available for inspection at the Council's offices and this requirement was removed by the Regulations.

4. Setting up the Meeting

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members will receive a URL link to click on to join the meeting.

5. Public Access

Members of the public will be able to use a weblink and standard internet browser. This will be displayed on the front of the agenda.

6. Joining the Meeting

Councillors must join the meeting early (i.e. at least **five** minutes before the scheduled start time) in order to avoid disrupting or delaying the meeting. Councillors should remember that they may be visible and heard by others, including the public, during this time.

7. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present (viewing the participant list) and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public that **all microphones will be automatically muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use. Members would then need to turn their microphones back on when they wish to speak.

8. Public Participation

Participation by members of the public will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to Committee@middevon.gov.uk. If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will invite the public by name to speak at the appropriate time. At that point, all public microphones will be enabled. This means that, to avoid private conversations being overheard, no member of the public should speak until it is their turn and they should then refrain from speaking until the end of public question time, when all microphones will be muted again. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question.

Unless they have registered, a member of the public will not be called to speak.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance. However, if they do so, it would be helpful if a copy could be sent to Committee@middevon.gov.uk as well.

9. Declaration of Interests

Councillors should declare their interests in the usual way. A councillor with a disclosable pecuniary interest is required to leave the room. For remote meetings, this means that they will be moved to a break-out room for the duration

of this item and will only be invited back into the meeting when discussion on the relevant item has finished.

10. The Meeting and Debate

The Council will not be using the Chat function.

The Chair will call each member of the Committee to speak - the Chair can choose to do this either by calling (i) each member in turn and continuing in this way until no member has anything more to add, or (ii) only those members who indicate a wish to speak using the 'raise hand' function within Zoom. This choice will be left entirely to the Chair's discretion depending on how they wish to manage the meeting and how comfortable they are using the one or the other approach.

Members are discouraged from physically raising their hand in the video to indicate a wish to speak – it can be distracting and easily missed/misinterpreted. No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – the remote management of meetings is intensive and it is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Councillors should refer to the report and page number, so that all Members of the Committee have a clear understanding of what is being discussed at all times.

11. Voting

On a recommendation or motion being put to the vote, the Chair (or the Member Services Officer) will go round the virtual room and ask each member entitled to vote to say whether they are for or against or whether they abstain. The Member Services Officer will announce the numerical result of the vote.

12. Meeting Etiquette Reminder

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

13. Part 2 Reports and Debate

There are times when council meetings are not open to the public, when confidential, or "exempt" issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It is important to ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings.

Any Councillor in remote attendance must ensure that there is no other person present – a failure to do so could be in breach of the Council's Code of Conduct.

If there are members of the public and press listening to the open part of the meeting, then the Member Services Officer will, at the appropriate time, remove them to a break-out room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

14. Interpretation of standing orders

Where the Chair is required to interpret the Council's Constitution and procedural rules in light of the requirements of remote participation, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

15. Disorderly Conduct by Members

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then they will be removed as a participant by the Member Services Officer.

16. Disturbance from Members of the Public

If any member of the public interrupts a meeting the Chair will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chair will ask the Member Services Officer to remove them as a participant from the meeting.

17. After the meeting

Please ensure you leave the meeting promptly by clicking on the red phone button to hang up.

18. Technical issues

In the event that the Chair, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chair should declare a recess while the fault is addressed. If it is not possible to address the fault and the meeting becomes inquorate through this fault, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

For members of the public and press who experience problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be suspended or adjourned.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 4 July 2019
on the rising of the Licensing Committee

Present Councillors

J Cairney, Mrs F J Colthorpe, D R Coren,
J M Downes, S J Penny, L D Taylor and
A Wilce

Apologies Councillor(s)

Mrs E M Andrews, T G Hughes and Miss J Norton

Also Present Officer(s):

Simon Newcombe (Group Manager for Public Health and
Regulatory Services), Sally Gabriel (Member Services
Manager), Philip Langdon (Solicitor), Thomas Keating
(Specialist Lead (Licensing) Officer) and Carole Oliphant
(Member Services Officer)

1 ELECTION OF CHAIRMAN (MEMBER SERVICES MANAGER IN THE CHAIR)(00.04)

Cllr J Cairney was elected Chairman for the municipal year 2019-2020.

(Proposed by Cllr L D Taylor and seconded by Cllr J M Downes)

2 ELECTION OF VICE CHAIRMAN (01.07)

Cllr D Coren was elected Vice Chairman for the municipal year 2019-2020.

(Proposed by Cllr S J Penny and seconded by Cllr J M Downes)

3 APOLOGIES AND SUBSTITUTE MEMBERS (02.47)

Apologies were received from Cllrs Mrs E M Andrews, T G Hughes and Miss J Norton

4 PUBLIC QUESTION TIME (02.56)

There were no members of the public present

5 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (03.06)

There were no declarations made

6 MINUTES OF THE PREVIOUS MEETING (03.25)

The minutes of the previous meeting held on 1st March 2019 were agreed as a true record and signed by the Chairman

7 ENFORCEMENT UPDATE (04.51)

The Specialist Lead Licensing Officer explained that the Regulatory Committee covered the area's that the Licensing Committee did not and the main bulk of the work was Hackney Carriage and Private Hire Licensing.

He informed the group that a new Hackney Carriage and Private Hire Policy had been adopted and introduced on 1st January 2019 and had brought consistency to the processes. He explained that the standards had been increased and although this had caused extra work for officers it was the right thing to do for public safety.

He confirmed that 5 Regulatory Hearings had been deferred to sub committees during the past 12 months.

The Council had 121 licensed vehicles on its register and 51 of those (42% of the total) had been proactively inspected by enforcement officers. He explained that this was in addition to the yearly inspection required that was carried out by authorised garages. Common issues discovered as part of the spot checks included drivers not wearing badges, dirty vehicles and unreported damage to vehicles.

As a direct result of delegated officer decisions 2 licenses, 5 driver licenses and 1 vehicle licence had been revoked.

He explained that from the end of June 2019 all taxi drivers were required to attend safeguarding training and that to date 92% had complied. The remaining drivers would be contacted shortly and may be subject to enforcement action.

In response to questions the Group Manager for Public Health and Regulatory Services informed Members that all garages completing Taxi inspections had to meet DVSA requirements and that agency's external quality control as MoT approved garages. The Council were currently looking at managing the contracts going forward under new joint arrangements with Exeter City Council which may result in a third party provider conducting quality control checks on the taxi testing going forward.

There was a general discussion regarding unlicensed Taxi's in the District and the threat that this caused for public safety.

The Specialist Lead Licensing Officer gave an overview of the remit of the enforcement officers.

8 HACKNEY CARRIAGE AND PRIVATE HIRE POLICY AMENDMENT - INCLUDING MANDATORY SUBSCRIPTION TO THE DISCLOSURE AND BARRING SERVICE (DBS) UPDATE SERVICE (18.05)

The Committee had before it a *report of the Group Manager for Public Health and Regulatory Services outlining revisions to the Hackney Carriage and Private Hire Policy

The Specialist Lead Licensing Officer explained to the Committee that the Hackney Carriage and Private Hire Policy was set to be renewed every 3 years but that it was very much a living document and that amendments and improvements were made much more often than this.

He further explained that as the Licensing Authority the Council was only allowed to have 'fit and proper' drivers but this had not been defined in any statute. The Policy detailed the steps the Council would take to ensure that drivers were 'fit and proper' and included the requirements of a medical test, numeracy and English communication tests.

He gave an overview of the DBS update service and explained how this would assist officers in identifying any changes to a drivers DBS status immediately without relying on the drivers to report them. He explained how the DBS service operated and that it was a current requirement that the driver physically provided a certificate every 3 years.

He further went on to explain the reasoning behind the recommendations to the current policy to Members.

In response to questions the Group Manager for Public Health and Regulatory Services explained that if Members wanted to introduce a requirement for drivers to conduct a walk around of their vehicles every day then the Hackney Carriage and Private Hire Policy would need to be updated. He explained that this could be investigated and be brought back to the Committee for a further update to the Policy.

It was therefore **RESOLVED** that:

1. The implementation of the proposed mandatory subscription to the Disclosure and Barring Service (DBS) Update Service be **AGREED**. Status checks will, as standard practice, be carried out by the Licensing Team every 6 months on all licensed drivers.

(Proposed by Cllr A Wilce and seconded by Cllr D R Coren)

2. The following updates to the policy be **AGREED**:

- Reduce the notification period from 72 hours to 48 hours (i.e. notification of arrests; charges; accidents etc.)
- An additional requirement in the 'Conduct of drivers' section (in Appendix C of the Policy) which states that drivers should not leave a vehicles engine running for longer than necessary when stationary, particularly at hackney carriage ranks/stands
- Add a condition on Combined Hackney Carriage / Private Hire Drivers Licences about the potential requirement to undertake a relevant test (i.e. English language, numeracy and literacy)
- Add a condition on Combined Hackney Carriage / Private Hire Drivers Licences about the requirement to notify the Licensing Authority of any deterioration

to health that may affect driving ability and compliance with Group 2 medical standards.

- Add a requirement to display stickers or notices within a licensed vehicle which contains details of how customers can make compliments, comments or complaints about the driver and / or vehicle

(Proposed by Cllr J M Downes and seconded by Cllr L D Taylor)

3. The introduction of a driver licence 'handbook' which provides a brief overview of licensing requirements for licence holders be **APPROVED**. It was agreed that the specific contents of the document be delegated to Licensing Officers to decide.

(Proposed by Cllr J M Downes and seconded by Cllr L D Taylor)

4. The introduction and use of the National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3) be **APPROVED**. NOTE: This will not be implemented until 2020.

(Proposed by Cllr J M Downes and seconded by Cllr D R Coren)

Note: *Report previously circulated copy attached to the minutes

9 THE SCHEME OF DELEGATIONS FOR FUNCTIONS OF THE REGULATORY COMMITTEE

The Committee had before it a *report of the Group Manager for Public Health and Regulatory Services outlining a proposed scheme of delegations.

The Specialist Lead Licensing Officer outlined the proposal and explained that it would supplement and support the current scheme of delegations set out in the Council's constitution.

He explained the current process for referring licensing applications to sub committee hearings and the proposed changes.

He gave an overview of the revised animal welfare legislation which would be best served by qualified and knowledgeable officers instead of referring to sub committees.

He confirmed that delegated authority to officers would not always be appropriate and that referrals to sub committees for determination by Members would be done on a case by case basis.

The Committee then had a general discussion about past cases and how these had been resolved.

It was therefore:

RECOMMENDED to Full Council –

- (a) That the delegations set out in this report (attached as Annex 1) be approved;
and
- (b) That the Constitution be amended to incorporate the delegations if approved.

(Proposed by Cllr L D Taylor and seconded by Cllr D R Coren)

Note: *Report previously circulated copy attached to the minutes

(The meeting ended at 11.55 am)

CHAIRMAN

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REGULATORY COMMITTEE 19 JUNE 2020

ANIMAL WELFARE LICENSING POLICY

Cabinet Member(s): Cllr Dennis Knowles (Community Well Being)
Responsible Officer: Simon Newcombe, Group Manager for Public Health & Regulatory Services

Reason for the report: on 1 October 2018 changes to the licensing of animal boarding establishments, dog breeding establishments, pet shops and riding establishments were introduced. The Council also took on the responsibility for the licensing of 'keeping animals for exhibition'.

As a result, the Licensing Officers within Public Health and Regulatory Services have drafted and consulted on an Animal Welfare Licensing Policy. This report seeks to inform the Committee of the result of this consultation and puts forward a policy to adopt.

RECOMMENDATION: The Regulatory Committee recommends to Full Council that the draft Animal Welfare Licensing Policy (attached in Annex 1 of this report) be adopted.

Financial Implications: All fees for animal related licences have been set already, calculated on a cost recovery basis and will be reviewed regularly. The fees payable for specific premises are dependent on the length of licence granted, which is, in turn, dependent on the risk rating of the premises. In general, the lower risk the premises is, the longer the licence will be granted for.

The animal licensing scheme falls within the definition of 'services', and is subject to the EU Services Directive, incorporated in to UK law as the Provision of Services Regulations 2009.

The fees are therefore split into two parts; Part A and Part B. Part A is the application fee, which is payable on submission and covers the cost of considering and processing the application. Part B is the licence fee, payable by successful applicants to cover the costs of ongoing enforcement and compliance requirements.

Budget and Policy Framework

There are no direct budget implications of this policy. Indirectly, matters relating to fees for licenses as relevant to the internal budget and external financial regulatory compliance are discussed under Financial Implications above and within the report. The policy implications are as set out under Legal Implications below and also within the body of the policy itself (as determined by the statutory framework).

Legal Implications: The regulations and guidance issued by DEFRA set out the activities which must be licensed, who may apply for a licence and how the Council

must determine applications for a licence. The regulations also set out the conditions which must be applied to any licence granted.

The relevant legislation can be found here:

<https://www.legislation.gov.uk/ukdsi/2018/9780111165485>

The relevant DEFRA guidance can be found here:

<https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>

Should the Council refuse to grant or renew a licence (or revoke or vary an existing license), the applicant may appeal to a First-tier Tribunal. This must be done within 28 days of the decision.

The statutory guidance issued by DEFRA requires the Council to provide an appeal process to enable applicants to challenge the star rating they are given. The guidance sets out the timescales for this and the level of officer who should deal with the appeal. If a business is still dissatisfied, they can challenge the appeal outcome by way of judicial review. Licence holders can also pay for a re-inspection when they have carried out improvements, which could lead to a higher star rating being issued.

The adoption of a specific licensing policy will assist the Council in carrying out its functions under the regulations in a fair and transparent way.

Risk Assessment: It is not a statutory requirement for a Council to have an Animal Welfare Licensing Policy. However, doing so has a number of benefits. For example, some of the decisions that the Council may make will have a right of appeal against them and a Policy will help to ensure consistency and can be used to help justify any action that is taken.

Equality Impact Assessment: The general public sector equality duty within the Equality Act 2010 has overarching application and requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity within and between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

When carrying out any of its functions, the Council will comply with this duty in the general application of all its licensing duties. There are however no direct equality implications arising from the policy itself.

Relationship to Corporate Plan: none

Impact on Climate Change: None directly arising from the report or attached policy.

Consultation: The Council consulted on the draft Policy from 18 November 2019 until 31 January 2020. Further information on this is provided in section 3 of this report.

1.0 Background

1.1 Before 1 October 2018, the Council was responsible for the regulation of a variety of animal related businesses. These were:

- **Animal boarding establishments** - For businesses accommodating dogs or cats e.g. kennels, catteries, home boarders, dog day care.
- **Dog breeding establishments** - Premises used for, or in connection with, the commercial breeding of dogs.
- **Pet shops** - Any business which keeps animals with a view to selling them as pets.
- **Riding establishments** - Premises which keep horses and ponies for hire for riding, or for riding tuition (excluding livery stables).
- **Zoos** - An establishment where wild animals are kept for exhibition to the public (otherwise than for the purposes of a circus and in a pet shop)
- **Dangerous Wild Animals** - A licence which enables the keeping of an animal considered wild, dangerous or exotic. A full list of the animals that need to be covered by such a licence can be seen here: <http://www.legislation.gov.uk/ukxi/2007/2465/schedule/made>

1.2 Before 1 October 2018, numerous pieces of legislation (and secondary legislation) regulated the six licence types set out above. Additionally, Councils were able to adopt and implement their own specific conditions which meant that the process of applying for a licence (and subsequent compliance requirements) varied around the Country. This led to uncertainty and confusion, especially when applicants had businesses in other areas (or experience of running businesses in other areas).

1.3 Additionally, all of the licences were standalone, meaning that if a business wanted to offer two or more of the licensed activities then they would have to apply for two separate licences.

1.4 In addition to the licenses set out in Paragraph 1.1, it should also be noted Devon County Council was previously responsible for the registration of 'performing animals' within Mid Devon.

- 1.5 The Animal Welfare Act 2006 introduced a new licensing power which enabled nationally set regulations to be made for any animal related activities. As a result, the *Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018* were published, which significantly changed the way animal related businesses are inspected and licensed. The regulations came into force on 1 October 2018.
- 1.6 It is important to note that the new regulations do not change anything related to the licensing of dangerous wild animals and zoos. These premises are still licensed by Mid Devon District Council as they have previously been under their respective legislation.
- 1.7 Local Authorities are not required by law to have an Animal Welfare Policy but the Licensing Team believe that, for a number of reasons, it is beneficial to have one. The draft Policy is attached as Annex 1. It contains some proposed amendments (via tracked changes) and more information on this is provided later in this report.

2.0 Changes to animal related licensing

- 2.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 ("the Regulations") define the animal based activities that require licences as follows:
- **Selling animals as pets** (or with a view to their being later resold as pets) in the course of a business i.e. with the intention of making a profit or earning a commission
 - Providing or arranging for the provision of **accommodation for other people's cats or dogs in the course of a business** on any premises where the provision of that accommodation is a purpose of the business
 - **Hiring out horses** in the course of a business for either riding, instruction in riding, or both
 - **Breeding dogs and advertising a business of selling dogs**; or breeding three or more litters of puppies in any 12-month period
 - **Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes**, either to any audience attending in person, or by the recording of visual images of them by any form of technology.
- 2.2 The first significant change is that all four existing types of licence, together with the additional activity of keeping and training animals for exhibition (which is brought over from Devon County Council), will be covered by one new '**Animal**

Activity licence'. If an applicant is running more than one type of activity, each activity will be assessed separately and set out in the one licence. The length of licence (previously one year in most cases) may now be anything between one and three years, and is dependent on the type of licence being applied for and the outcome of the inspection.

- 2.3 Unlike the previous legislation, conditions are no longer set locally. The Regulations include a set of minimum 'general' conditions for a range of issues, including record keeping, types and numbers of animals, staffing, maintaining a suitable environment and diet, monitoring behaviour, handling of the animals, protecting the animals from pain, suffering, injury and disease and dealing with emergencies. Each specific animal activity then has its own set of more detailed conditions, tailored to that particular activity.

Inspection Process

- 2.4 In the past, an inspection of the premises has been carried out by a member of the Council's Licensing Team and there was no requirement for this person to have any particular qualification. However, the new regulations now require a 'qualified inspector' to carry out inspections. Additionally, and specifically for new dog breeding establishments and new (and renewal) horse riding establishments, inspections must be completed by, or include, the involvement of a veterinary surgeon.
- 2.5 To qualify to inspect premises a person must now hold a Level 3 certificate granted by a body recognised and regulated by the Office of Qualifications and Examinations Regulations (Ofqual). It should be noted that a qualified veterinary surgeon is automatically able to carry out inspections.
- 2.6 Transitional powers are in place meaning that up until October 2021, any person that can show evidence of at least one year of experience in animal licensing (and inspecting animal activities businesses) can continue to undertake this work. After that time, the requirements set out in Paragraph 2.5 will need to be met. At the time of writing this report, two Licensing Officers have successfully completed the training and examination for the required Level 3 Certificate. They are currently completing the final stage work-based portfolio which is planned for completion at the end of 2020.
- 2.7 Under the new arrangements, the inspection process will be much more comprehensive, and built around providing the premises with a 'risk rating'. This process will establish whether the business is 'lower risk' or 'higher risk' based on the standards set out in the regulations and guidance. The risk rating will then result in a 'star rating', where the premises will be awarded between one and five stars. This in turn will determine the length of the licence (with the exception of *'Keeping and Training Animals for Exhibition'*, where all licences must be issued for 3 years). The star rating which a premises received will then be displayed on the licence.

- 2.8 As documented in the draft policy, operators of businesses will be able to appeal their risk rating, or request a reassessment if they have made improvements.

Suitable Applicants

- 2.9 Any individual who carries on a licensable activity will be designated as the operator of the business, and can apply for a licence providing they are not disqualified from holding a licence (in accordance with the regulations).
- 2.10 In order to ensure that an individual has not been disqualified from holding a licence, the Council has drafted a policy setting out the criteria which will ensure that only suitable applicants are granted a licence. This includes requiring an applicant to provide a basic disclosure (DBS) certificate.
- 2.11 The draft policy also states that a licence will only be granted if the Council is satisfied that the licence conditions will be met. In considering this, the Council will take into account whether the applicant is a fit and proper person to be the 'operator'. The term 'fit and proper' is not defined in the legislation or guidance but the draft policy states that the Council will consider a 'fit and proper person' to be an individual who can demonstrate upon application that they have:
- the right to work in the UK
 - no relevant convictions
 - not been disqualified from holding a licence
 - the knowledge, experience, compliance history (if applicable) and ability to comply with licence conditions and safeguard the welfare of 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 licensed activity.

3.0 Consultation

- 3.1 The draft Policy originally consulted on is attached as Annex 1. The tracked changes it includes reflect subsequent amendments that are, in part, made in response to comment(s) received during the consultation period.
- 3.2 The Council consulted on the draft Policy from 18 November 2019 until 31 January 2020. Emails and letters providing details of the draft policy were sent to the following parties:
- All existing animal related licence holders within Mid Devon
 - RSPCA
 - DEFRA
 - Trading Standards

- 3.3 A notice advertising the consultation was also placed in the reception area of Phoenix House, Tiverton, on the Council's website and via its social media account. Additionally, an item was placed in the Council's Weekly Information Sheet (WIS) to notify Members.
- 3.4 Five responses were received to the consultation. One was from the RSPCA and four were from establishments that hold animal related licences with the Council already.
- 3.5 The relevant sections of responses, along with Officer Comments to each, is attached as Annex 2.
- 3.6 The proposed Policy for adoption (complete with tracked changes following consultation) is attached as Annex 1.

4.0 Summary of options

- 4.1 The Committee have the following options:
- a) Recommend to Full Council the adoption of the Policy attached as Annex 1;
 - b) Recommend to Full Council the adoption of a modified Policy; or
 - c) Make no recommendation to Full Council

5.0 Recommendation

- 5.1 The Regulatory Committee recommends to Full Council that the draft Animal Welfare Licensing Policy (attached in Annex 1 of this report) be adopted.

Contact for any more information:

Tom Keating, Specialist Lead (Licensing) – 01884 244618 or tkeating@middevon.gov.uk. Simon Newcombe, Group Manager for Public Health and Regulatory Services – 01884 244615 or snewcombe@middevon.gov.uk.

Background papers:

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 - <https://www.legislation.gov.uk/ukdsi/2018/9780111165485>

Animal activities licensing: guidance for local authorities (DEFRA) - <https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>

Animal Welfare Licence Fees - A Practical Guide to Fee Setting (Non Statutory Guidance) - <https://www.local.gov.uk/animal-welfare-licence-fees-practical-guide-fee-setting-non-statutory-guidance>.

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Animal Welfare Licensing Policy

Date of implementation: TBC

**Mid Devon District Council
Phoenix House, Phoenix Lane
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Tel: 01884 255255
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Mid Devon District Council
Animal Welfare Licensing Policy

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1.0 Introduction

- 1.1 This policy sets out how the Council will exercise its functions under the Dangerous Wild Animals Act 1976, the Zoo Licensing Act 1981, the Animal Welfare Act 2006, and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 1.2 This policy has been introduced pursuant to the commencement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (hereinafter referred to as the “Regulations”) on 1 October 2018. Where relevant (and appropriate), specific information has been provided relevant to the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981.
- 1.3 The Policy will be reviewed as standard every 3 years following first approval, and at other times where considered necessary (for example, to reflect significant changes in relevant legislation or guidance).
- 1.4 Any general reference to ‘guidance’ in this policy is reference to the ‘*Animal activities licensing: guidance for local authorities*’ produced by DEFRA. This guidance can be viewed in full here: <https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>. If any other guidance is referenced in this policy, specific details will be provided.
- 1.5 This policy sets out the principles the Council will use when dealing with animal related licensing matters. This includes dealing with applications for new licences and issues relating to licensed premises.
- 1.6 This policy provides guidance to any person with an interest in animal licensing. In particular, but not exclusively:
- Applicants for licenses
 - Existing licence holders whose licences are being reviewed
 - Users of licensed premises
 - Licensing Officers
 - Members of the Licensing Committee, and
 - Magistrates’ hearing appeals against local authority decisions.
- 1.7 This policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is suitable to be granted, have renewed or continue to hold a licence. In addition to criminal convictions the Council will, where permitted under the relevant legislation, also

take into account other factors such as general character, compliance with licence requirements / guidance / conditions, non-criminal behavior, and other relevant records or information from reliable and relevant sources.

2.0 Policy objectives

2.1 The Policy is designed to ensure that:

- any person who carries on, attempts to carry on or knowingly allows a licensable activity to be carried on holds a licence in accordance with the relevant legislation
- the licence holder is not disqualified from holding a licence in accordance with the requirements of the relevant legislation
- the five overarching principles of animal welfare, (known as the “five needs”) introduced by the Animal Welfare Act 2006 are upheld in any decision
- the safeguarding of any children or vulnerable persons in contact with a licensable activity is ensured, in accordance with the relevant legislation
- each application is considered on its own merits
- decisions made by the Council are transparent and consistent

2.2 In addition, the Council will base its licensing regime on the following principles which arise from the responsibilities arising under the Animal Welfare Act 2006:

- Responsibility to protect the welfare of all fellow creatures
- Ensuring the welfare of domestic or captive animals by implementing appropriate standards that promote the “five needs”
- Ensuring that persons responsible for the management of animal welfare observe recognised standards of good practice
- Ensuring that, so far as it falls within its powers, the requirements of all animal-related legislation will be rigorously and pro-actively enforced

3.0 Animal Welfare Act

3.1 The Animal Welfare Act 2006 established that reasonable welfare standards must be maintained whilst unifying all animal legislation, including responsibilities falling to various enforcement agencies.

- 3.2 The Act introduced five overarching principles of animal welfare, known as the “five needs” which are:

1. The need for a suitable environment

- *by providing an appropriate environment, including shelter and a comfortable resting area*

2. The need for a suitable diet

- *by ready access, where appropriate, to fresh water and a diet to maintain full health*

3. The need to be able to exhibit normal behaviour patterns;

- *by providing sufficient space, proper facilities and the company of an animal of its own kind, where appropriate*

4. Any need to be housed with, or apart from, other animals;

- *by providing the company of an animal of its own kind, where appropriate*

5. The need to be protected from pain, suffering, injury and disease;

- *by prevention or rapid diagnosis and treatment, and ensuring conditions and treatment which avoid mental suffering*

4.0 Licensable Activities

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

- 4.1 The Regulations came into force on 1st October 2018 and have an impact on establishments licensed under the previous animal health legislation. This includes those previously licensed as pet shops, catteries, kennels, home boarders, dog crèches, riding establishments, dog breeders and performing animals.
- 4.2 A licence is required when any of the licensable activities outlined in Schedule 1 of the Regulations are undertaken. These are:
- selling animals as pets (Part 2)
 - providing or arranging for the provision of boarding for cats or dogs (including the provision of boarding for cats; kennels for dogs; home boarding for dogs; or day care for dogs (Part 3)

- hiring out horses (Part 4)
- breeding dogs (Part 5)
- keeping or training animals for exhibition (Part 6)

4.3 The Regulations replace previous licensing and registration regimes under the following legislation:

- Pet Animals Act 1951
- Animal Boarding Establishments Act 1963
- Riding Establishments Acts 1964 & 1970
- Breeding of Dogs Act 1973 & Breeding and Sale of Dogs (Welfare) Act 1999
- Performing Animals (Regulation) Act 1925

Dangerous Wild Animals Act 1976

4.4 The Dangerous Wild Animals Act 1976 dictates that a licence is required from the Council to keep certain animals that are considered wild, dangerous or exotic. A full list of animals that need a licence can be seen here:

<http://www.legislation.gov.uk/ukxi/2007/2465/schedule/made>.

4.5 The Council does not support the licensing of primates under the Dangerous Wild Animals Act 1976 as 'pets' to live in the domestic premises. The Council recognises that primates are dangerous and highly intelligent animals with complex needs that cannot be met in a home environment. Consideration will be given to applications for animal sanctuaries where it can be evidenced that there is no intention to breed or allow the primates into the home environment.

Zoo Licensing Act 1981

4.6 The Zoo Licensing Act 1981 dictates that a licence is required from the Council to display wild animals to the public for at least 7 days a year, in a place that is not a circus or a pet shop.

4.7 All relevant legislation set out in this section can be viewed in full at <http://www.legislation.gov.uk/>.

5.0 Suitability of applicants

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

- 5.1 In accordance with the Regulations, any individual who carries on a licensable activity will be designated as the 'operator' of the business and can apply for a licence, providing they are not disqualified from holding a licence in accordance with the Regulations.
- 5.2 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, upon application the Council will require a new applicant (or applicants) to provide a basic disclosure (DBS) certificate, issued within 3 months of the date of application. For any renewal application, the requirement for a DBS will begin in relation to the renewals of licences that take effect from 2021. DBS checks must show that the applicant (or applicants) 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. The DBS check will then be required on a rolling 3 year basis.
- 5.3 An applicant will be granted a licence if the Council is satisfied that the licence conditions will be met. In considering this, the Council will take into account whether the applicant is a 'fit and proper' person to be the operator of the activity. The term 'fit and proper' is not defined in the legislation or guidance. For the purpose of this Policy, the Council will consider a 'fit and proper person' to be an individual who can demonstrate upon application that they have:
- the right to work in the UK
 - no relevant convictions
 - not been disqualified from holding a licence
 - the knowledge, experience, compliance history and ability to comply with licence conditions and safeguard the welfare of 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 licensed activity.

This does not limit the scope of the fit and proper assessment and the Council may take in to account other matters, should they be considered as relevant to the licensing process.

Relevance of convictions

- 5.4 The purpose of this section is to offer guidance on how the Council can determine whether an applicant or licence holder is suitable to either be granted a licence in the first place or retain a licence under the Regulations. In all cases, the Council will consider the conviction or behaviour in question and what weight should be attached to it. Each and every case will be determined on its own merits, but in light of these guidelines.
- 5.5 Most applicants or licensees will have no convictions and that is clearly the ideal situation. It is accepted, however, that people do make mistakes, and it is further accepted that many learn from those mistakes and do not continue to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, will not prevent the grant or renewal of a licence.
- 5.6 The Council will not normally grant a licence to a person with one (or more) conviction(s) for any offence that is related to animal cruelty or suffering. The primary purpose of the Regulations enforced by the Council is to ensure the welfare of animals and as such, these types of offences are highly relevant.
- 5.7 The Council will not normally grant a licence to a person with one (or more) conviction for any offence that is related to licensing as these offences demonstrate a disregard for licensing processes and procedures.
- 5.8 In addition to the above, the Council also has wider obligations to prevent crime and disorder and safeguard both children and vulnerable adults. These obligations arise from the Crime and Disorder Act 1998; the Children Act 2004; and the Care Act 2014. As a result, the Council will not normally grant a licence to a person with one (or more) conviction for any of the following offences:
- Offences involving violence
 - Possession of a weapon
 - Sex and indecency offences
 - Offences involving dishonesty
 - Offences involving drugs
- 5.9 Any offences or behaviour not expressly covered by this Policy may still be taken into account.
- 5.10 The Council must ensure that licence holders remain fit and proper during the life of a licence. For this reason, licence holders must notify the Council, in writing, within

72 hours, if any of the following occurs (in relation to the types of offences highlighted above):

- They have any type of licence suspended or revoked
- They receive any warnings or cautions;
- Are arrested (whether or not charged with an offence);
- Are charged with any criminal offence;
- Are convicted of any criminal offence;
- Allegations are made of their involvement in criminal activity; or
- Any pending charges, to include any notices of intended prosecution

Failing to provide such notification will raise serious questions for the Council as to the honesty of the licence holder.

The Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981

- 5.11 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, upon application the Council will require the applicant to provide a basic disclosure (DBS) certificate issued within 3 months of the date of application. This check will then be required on a rolling 3 year basis.

6.0 Safeguarding

- 6.1 The Regulations have the aims of maintaining and improving animal welfare standards. However, there are other safeguarding considerations arising from licensable activities, in particular surrounding the protection of children and vulnerable persons and the Council must consider these in light of the Children Act 2004 and the Care Act 2014.
- 6.2 The Council is aware that some licensable activities may involve unsupervised contact with children and/or vulnerable persons (e.g. the tuition of a young person provided at a Riding Establishment, or entertaining at a children's party with an exhibition of animals).
- 6.3 To this extent, the Council would expect applicants and licence holders whose activities involve contact with children or vulnerable persons to:
- Have a written safeguarding policy and provide training for staff; and

- Have a procedure for vetting staff who have unsupervised contact with young/vulnerable persons.
- 6.4 The Council are not setting any specific standards in relation to these requirements, but each case will be considered on its own merits. For information purposes, a number of charitable organisations offer advice on safeguarding issues, including policies and staff recruitment, such as the NSPCC, which applicants and licence holders may find helpful.

7.0 Application process

- 7.1 Licence applications must be submitted in writing on the relevant application form and in accordance with the relevant legislation. Additionally, applicants should include any supporting information that is required (as detailed in the form, this Policy and as may be required in any particular case), together with the appropriate fee.
- 7.2 Payment for vet inspections required either by legislation or by the Council in order to determine the application, will be an additional charge that is passed on to the applicant / licence holder.
- 7.3 What follows is a brief overview of the application process for the animal related licences that the Council administers. In all cases, the process prescribed in the relevant legislation will be followed.

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

- 7.4 The relevant Guidance produced by DEFRA for licences issued under these Regulations stipulate that once the Council receives an application for the grant or renewal of a licence it must do all of the following before granting or renewing a licence:
- The Council must consider whether the conduct displayed by the applicant indicates that they are a fit and proper person to carry out the licensable activity and meet the licence conditions.
 - The Council must inspect the site of the licensable activity and assess if it is likely to meet the licence conditions. The inspection must be completed by a suitably qualified inspector (as well as a veterinarian for the initial inspection of a dog breeding establishment, or a listed veterinarian for inspections of horse riding establishments). The inspector must prepare a report, in accordance with the requirements of the Regulations, to be submitted to the Council following their inspection.

- The inspector's report will contain information about the operator, any relevant premises, any relevant records, the condition of any animals and any other relevant matter and state whether or not the inspector considers that the licence conditions will be met.
- Ensure that the appropriate fees have been paid.

7.5 Although not a statutory requirement, the Council will aim to provide licence holders with 3 months' notice of when their licence is due to expire. Licence holders must then submit an application at least 10 weeks before their licence expires to continue the activity without a break. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

Dangerous Wild Animals Act 1976

7.6 Once the Council receives an application for the grant or renewal of a licence it will do the following before granting or renewing a licence:

- The Council will ensure that the applicant has not been disqualified from keeping dangerous wild animals.
- An Officer of the Council will inspect the relevant premises and assess if it is likely to meet the requirements of the legislation. In addition to this, a qualified vet will also be appointed to inspect the premises and produce a report.
- Reports will contain information about the suitability of the accommodation, suitability of the applicant in terms of their handling skill / experience and their views on qualification relating to species. The vet will also consider the animal's ability to express their natural behaviour and knowledge of the owner to promote the animal's welfare. The report will then be sent to the Council for consideration.
- Ensure that the appropriate fees have been paid.

7.7 Although not a statutory requirement, the Council will aim to provide licence holders with 3 months' notice of when their licence is due to expire. Licence holders must then submit an application at least 10 weeks before their licence expires. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

Zoo Licensing Act 1981

- 7.8 Before submitting an application to the Council for a licence under the Zoo Licensing Act 1981, an applicant must, at least two months prior to the application, provide the Council with a notice of an intention to apply, which must contain various pieces of information (in compliance with the Act).
- 7.9 Additionally, a notice must also be published in a local newspaper (circulating the Mid Devon area) and a newspaper that is circulated nationally.
- 7.10 Once the Council receives an application it will do the following before granting or renewing a licence:
- The Council will ensure that the applicant has not been disqualified from keeping dangerous wild animals.
 - An Officer of the Council will inspect the relevant premises and assess if it is likely to meet the requirements of the legislation. In addition to this, a qualified vet will also be appointed to inspect the premises and produce a report. The vet will, in accordance with the legislation, be approved as part of the Secretary of States list of suitably qualified and experienced inspectors.
 - The Council will take into account any representations made by or on behalf of any persons entitled to make them (as per the legislation)
 - The Council will consult the applicant on the conditions that are proposed for the premises licence.
 - Ensure that the appropriate fees have been paid.
- 7.11 The Council will aim to provide licence holders with 9 months' notice of when their licence is due to expire. Licence holders must then submit an application at least 6 months before their licence expires. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

8.0 Rating and licence duration

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

- 8.1 With the exception of '*keeping or training animals for exhibition*', licences can be issued under the Regulations for a period of either one, two or three years

depending on the risk rating and level of compliance. The length of the licence will correspond with the Star Rating for the establishment.

8.2 Licences for the keeping or training animals for exhibition are issued for three years.

8.3 A copy of the Scoring matrix is below:

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	3 Star 2yr licence Min 1 unannounced visit within 24 month period	5 Star 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	2 Star 1yr licence Min 1 unannounced visit within 12 month period	4 Star 2yr licence Min 1 unannounced visit within 24 month period

Dangerous Wild Animals Act 1976

8.4 Premises licensed under the Dangerous Wild Animals Act are not risk rated and licences, if issued, are valid for 2 years.

Zoo Licensing Act 1981

8.5 Premises licensed under the Zoo Licensing Act are not risk rated and any new premises licence, if issued, will be valid for 4 years. On renewal, licences will be valid for 6 years.

9.0 Standards and conditions

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

9.1 The Regulations include mandatory conditions for each licensable activity and DEFRA have produced associated guidance. The conditions are divided into two categories, namely 'General Conditions' and 'Specific Conditions'.

9.2 Applicants and licence holders will need to meet all of the mandatory conditions, although for existing businesses, minor failings may be noted / recorded providing

they do not compromise the welfare of the animals. However, these failings should be predominantly administrative in nature, as highlighted in the relevant guidance.

- 9.3 For each activity (except keeping or training animals for exhibition) a number of “higher standards” have been included in the guidance. Meeting the higher standards is optional but is the only way to gain a higher star rating.
- 9.4 The higher standards are classified into two categories – required (mandatory) and optional. These will typically be colour coded as blue and red respectively or otherwise clearly marked and differentiated. To qualify as meeting the higher standards the business must achieve all of the required (mandatory) standards as well as a minimum of 50% of the optional higher standards.

Dangerous Wild Animals Act 1976

- 9.5 The Council will impose any conditions prescribed in the legislation. In addition, the Council may impose any conditions suggested by DEFRA or required by the Inspecting Officer / Vet.
- 9.6 Where the Council places conditions on a licence they will be based, wherever practicable, on existing codes of best practice and industry standards produced by organisations such as, but not limited to:
- I. DEFRA
 - II. British Veterinary Association
 - III. National Trade Associations

Zoos Licensing Act 1981

- 9.7 The Council will impose any conditions prescribed in the legislation. In addition, the Council may impose any conditions suggested by DEFRA or required by the Inspecting Officer / Vet.
- 9.8 Where the Council places conditions on a licence they will be based, wherever practicable, on existing codes of best practice and industry standards produced by organisations such as, but not limited to:
- I. DEFRA
 - II. British Veterinary Association
 - III. National Trade Associations

10.0 Granting an application

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

10.1 Where a licence is issued the Council will provide the following details (if applicable):

- the Licence with the Star Rating
- details of how the business has been rated, including a list of the higher standards the business currently fails to meet or a list of the minimum standards the business is failing to meet (resulting in a “minor failing” category)
- a copy of the risk management assessment table
- details of the appeals process and timescales

Dangerous Wild Animals Act 1976

10.2 These premises are not risk rated and as a result, only the licence is sent out, along with the relevant conditions.

Zoos Licensing Act 1981

10.3 These premises are not risk rated and as a result, only the licence is sent out, along with the relevant conditions.

11.0 Refusing an application

11.1 The following section provides a brief overview of the powers the Council have to refuse an application. It must be noted that the non-inclusion of information does not prevent the Council from refusing a licence on any other lawful grounds.

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

11.2 Depending on the licence being applied for, the Council will consider the report from the inspector(s) and any comments made by the applicant when deciding whether to issue a licence.

11.3 The Council may refuse to issue a licence if it considers that the applicant cannot meet the licence conditions. The Council may also refuse a licence if the granting of a licence could have a negative impact on animal welfare or if the level of accommodation, staffing or management is inadequate for the well-being of animals.

11.4 The Council may also refuse to issue or renew a licence if the applicant has a history of non-compliance with licensing conditions or requirements, is obstructive towards

officers, or if there are safeguarding concerns arising from the licensed activity. The above list is not exhaustive, but indicative of the circumstances where the Council may want to refuse an application.

- 11.5 The Council may also refuse an application if it considers that the applicant does not meet the 'fit and proper person' test.
- 11.6 A licence cannot be issued to an operator who has been disqualified, as per the relevant Regulations.
- 11.7 If a licence is refused under the Regulations, the applicant will have the right of appeal to a First-tier Tribunal within 28 days of the decision notice.

Dangerous Wild Animals Act 1976

- 11.8 The Council will consider the report from the inspector(s) and any comments made by the applicant when deciding whether to issue a licence.
- 11.9 The Council must not grant a licence unless it is satisfied that:
 - it is not contrary to the public interest on the grounds of safety, nuisance or otherwise to grant the licence;
 - the applicant for the licence is a suitable person to hold a licence under the relevant Act;
 - any animal concerned will at all times of its being kept only under the authority of the licence -
 - (i) be held in accommodation which secures that the animal will not escape, which is suitable as regards construction, size, temperature, lighting, ventilation, drainage and cleanliness and which is suitable for the number of animals proposed to be held in the accommodation, and
 - (ii) be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals;
 - appropriate steps will at all such times be taken for the protection of any animal concerned in case of fire or other emergency;
 - all reasonable precautions will be taken at all such times to prevent and control the spread of infectious diseases;

- while any animal concerned is at the premises where it will normally be held, its accommodation is such that it can take adequate exercise.

11.10 A licence may be refused where an applicant has been convicted of any relevant offence, as per the relevant legislation.

11.11 If a licence is refused under the Dangerous Wild Animals Act 1976, the applicant will have the right of appeal to the magistrates' court within 21 days of the decision notice.

Zoo Licensing Act 1981

11.12 The Council will consider the report from the inspector(s) and any comments made by any relevant party when deciding whether to issue a licence.

11.13 The Council may refuse a licence when:

- it is satisfied that the zoo, or its continuance, would injuriously affect the health or safety of persons living in the neighbourhood of the zoo, or seriously affect the preservation of law and order
- they are not satisfied that it would be able to meet conditions to take forward the relevant conservation measures
- they are not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and well-being of the animals as a whole or for any of them, or otherwise for the proper conduct of the zoo.
- They are not satisfied that planning permission has been granted for a zoo (or the granting of the licence can be suspended until the local planning authority confirm that permission has been, or is deemed to be, granted).

11.14 A licence may also be refused if anyone associated with the zoo has a conviction under the Zoo Licensing Act 1981 or any of the Acts mentioned in the legislation.

11.15 If a licence is refused under the Zoo Licensing Act 1981, the applicant will have the right of appeal to the magistrates' court within 28 days of the decision notice.

12.0 Appeals to Star Rating

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

12.1 To ensure fairness to the business, the Council has an appeals procedure in place for the operator to dispute the star rating given.

- 12.2 The business will be provided with supporting information (the 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 where possible.
- 12.3 A business may appeal if they consider their star rating to be wrong - in other words, if it does not reflect the standards found at the time of inspection. Any appeal to the rating given must be made in writing to the Council within 21 days, from when the star rating is issued. It is important to note that the appeal concerns specifically the standards present at the time of the inspection and will be chargeable, should the original decision be upheld.
- 12.4 DEFRA Guidance states that no officer involved with the initial star rating or inspection should consider an appeal. Accordingly, the Council will ensure that a separate officer determines the appeal in all cases. DEFRA Guidance also states that the appeal should be determined by the head of the Department or a designated deputy and this Council will consider the delegation of such functions to an officer that is considered suitably qualified. Depending on the specific details of the appeal, the relevant officer may or may not visit the premises themselves.
- 12.5 If the business disagrees with the outcome of the appeal they can challenge the decision by means of judicial review. The business also has recourse to the Council's complaints procedure (taking the matter to the Local Government Ombudsman where appropriate) if they consider that the service has not been properly delivered.
- 12.6 Separate to the appeal process highlighted above, a business may wish to apply for a 're-rating' following completion of works to rectify any non-compliance or improvements to achieve higher standards. This re-rating is carried out on a chargeable basis (for more information on fees see section 17 of this Policy).

13.0 Variations, Suspensions and Revocations of Licences

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

- 13.1 The Regulations allow the Council to vary a licence:
- On the application in writing of the licence holder, or
 - On the initiative of the Council, with the consent in writing of the licence holder.
- 13.2 In addition to the above, the Council may suspend, vary or revoke a licence without the consent of the licence holder if:

- The licence conditions are not being complied with
 - There has been a breach of the Regulations
 - Information supplied by the licence holder is false or misleading
 - It is necessary to protect the welfare of an animal
- 13.3 A suspension or variation of a licence will normally take effect 7 working days after the decision has been issued to the licence holder unless the reason is to protect the welfare of an animal, in which case the Council may stipulate that the decision has immediate effect.
- 13.4 A decision to vary or suspend the licence must be notified to the licence holder in writing and the reasons for the decision must be explained. It must also provide information regarding when the suspension or variation comes into effect and the rights of the licence holder to make written representations, as well as any specific changes deemed necessary in order to remedy the situation.
- 13.5 The decision to vary, suspend or revoke a licence will be dependent on the severity of the situation. If an operator fails to meet administrative conditions or provide information when requested then this could potentially lead to the suspension of a licence. If such a scenario happens repeatedly, the Council may consider revocation appropriate. Revocation of a licence will also occur in an instance where poor welfare conditions are discovered or it would otherwise benefit the welfare of the animals involved to be removed from the activity. Variations can occur if adjustments need to be made, whether that is to the licence itself or to the premises/animals referred to in the licence.
- 13.6 Following the issuing of the notice of suspension or variation, the licence holder will have 7 working days to make written representations. Upon receipt of this the Council will decide whether to continue with the suspension or variation of the licence or cancel the decision.
- 13.7 If the licence has been altered with immediate effect to protect the welfare of an animal then the Council must indicate that this is the reason.
- 13.8 The business will not be able to trade once the suspension of a licence has come into effect and cannot do so until the decision is overturned by the Council, upon, for example, being satisfied that the licence conditions are being met.
- 13.9 There is no right of appeal against the suspension of a licence. After 28 days of suspension the licence must be revoked or reinstated.

- 13.10 A licence holder may appeal to a First-tier Tribunal if they do not agree with the decision made by the Council to vary or revoke a licence. This appeal must be made within 28 days of the decision and details on the appeal process will be provided to the licence holder at the relevant time.

Dangerous Wild Animals Act 1976

- 13.11 The Council can, at any time, add conditions, vary conditions or revoke conditions that are on a Dangerous Wild Animal licence (although any conditions prescribed in the legislation cannot be varied or revoked).

Zoo Licensing Act 1981

- 13.12 The Council can, at any time, vary, cancel or attach new conditions to a licence if it is considered necessary or desirable to do so for ensuring the proper conduct of the zoo. Prior to doing so, the licence holder will have an opportunity to make representations. If the change is a significant amendment, then an inspection of the premises must be arranged and the report considered, prior to any alteration being made to the licence.

- 13.13 If a condition is not being complied with the Council can issue a direction requiring compliance, in accordance with the Zoo Licensing Act 1981. The direction will state the steps that the licence holder must take and the period in which they must take them. In addition, the direction can also require the zoo, or part of the zoo, to be closed to the public while the direction is in force. The direction will be revoked once the zoo has complied with its requirements.

- 13.14 In accordance with the Zoo Licensing Act 1981, the Council must permanently close a zoo in certain circumstances (e.g. non-compliance with a direction in relation to a conservation measure). The Council also has a discretionary power to close a zoo which may be used for a number of reasons (e.g. non-compliance with a direction that does not relate to a conservation measure).

14.0 Status of a licence upon the death of a licence holder

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

- 14.1 If a licence holder dies, the Regulations allow the personal representative of the deceased to take on the licence provided that they inform the Council within 28 days of the death that they are now the licence holder. The licence will then remain in place for three months from the death of the former holder or for the rest of the time it was due to remain in force if that time period is shorter. The new licence

holder should then apply for a new licence one month before the expiry of this new period.

- 14.2 Additionally, the Council can extend the three month period by up to another three months if requested by the personal representative and if they believe this time is needed to wind up the estate of the former licence holder.
- 14.3 If the personal representative does not notify the Council within 28 days of the death of the licence holder, the licence will cease to have effect after those 28 days.

Dangerous Wild Animals Act 1976

- 14.4 If a licence holder dies, the licence will continue for 28 days as if it had been granted to their personal representative. If an application is made for a new licence within this period, the licence will be considered as being still in force pending the grant or refusal of the new application.

Zoos Licensing Act 1981

- 14.5 If a licence holder dies, the licence will continue for 3 months as if it had been granted to their personal representative. The Council may extend this period if considers appropriate to do so.

15.0 Inspections during the course of a licence

- 15.1 There will be cases where inspections must be carried out during the term of a licence.
- 15.2 For the activity of hiring out horses, there is a requirement for an annual inspection by a listed veterinarian, regardless of the total length of the licence. The Council must appoint a listed veterinarian to inspect the premises on which the activity is being carried out before the end of the first year after the licence is granted and then each subsequent year.
- 15.3 Depending on the type of zoo, inspections may be required on an annual basis, but the frequency of inspections can be less if an exemption (or 'dispensation') is in place. Inspections will include visits by the Secretary of State's zoo inspectors, in addition to licensing officers
- 15.4 Unannounced inspections can also be carried out and may be used in the case of complaints or other information that suggests the licence conditions are not being complied with or that the welfare of the animals involved in a licensed activity is at risk.

- 15.5 During the course of an inspection of premises licensed under the Regulations, the inspector may choose to take samples for laboratory testing from the animals on the premises occupied by an operator. The operator must comply with any reasonable request of an inspector to facilitate the identification, examination and sampling of an animal, including ensuring that suitable restraints are provided if requested.

16.0 Qualifications of Inspectors

- 16.1 All Licensing Authority inspectors (whether employed by the Council or contracted / appointed) must be suitably qualified. This is defined as:
- Any person holding a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation which oversees the training and assessment of persons in inspecting and licensing certain animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity; OR
 - Any person holding a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons ("RCVS"), together with a relevant RCVS continuing professional development record; OR
 - Until October 2021, any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses.

17.0 Fees

- 17.1 The fees can be viewed on the Council's website (www.middevon.gov.uk).
- 17.2 The fees for each licence are made up of two parts, Part A and Part B. Part A covers the direct costs associated with processing the application and is payable on submission of the application. Part B covers the costs associated with the running of the licensing function. This includes dealing with complaints, enforcement and general administration. This fee is payable once a licence has been granted but must be paid before the licence becomes operational and valid.
- 17.3 It will be a condition of all licences that the licence itself will be inoperable should the Part B fee not be paid.
- 17.4 Any relevant fees paid by an applicant who has not been granted a licence will not be refunded.

18.0 Enforcement

18.1 The main enforcement and compliance role for the Council in terms of animal licensing will be to ensure the welfare of animals. This is done by ensuring compliance with the conditions placed upon the licence and taking action when standards are not met. The Council also investigate and take appropriate action against unlicensed premises.

18.2 In carrying out its enforcement duties, the Council has adopted an enforcement policy, which is available to view here:

<https://www.middevon.gov.uk/residents/health-and-wellbeing/public-health-and-regulatory-services/public-health-enforcement-policy/>

18.3 The Council will log and, if considered necessary, investigate complaints relating to Animal Establishments which are currently licensed or may require a licence. The Council will require complainants to provide their name and contact details so as to ensure that a complaint is not malicious in nature, and so that witness evidence may be obtained if required for further action.

18.4 We aim to achieve and maintain a consistent approach when we investigate complaints and make our decisions. In reaching any decision we will consider, potentially amongst other things, the following criteria:

- Seriousness of any offences or breach of conditions
- Operator's past history
- Consequence(s) of non-compliance
- Likely effectiveness of the various enforcement options
- Danger to the welfare of animals and/or public

18.35 What follows is a brief overview of some of the enforcement options that are available to the Council in relation to the different legislation. The fact that a potential enforcement action is not listed does not prevent the Council from using it.

18.64 In relation to the Animal Welfare Act 2006, Section 30 allows local authorities to prosecute for any offences under that Act.

18.75 The post-conviction power from section 34 of the Animal Welfare Act 2006 is in place, whereby a person convicted of an offence under the Act or any relevant regulations may be disqualified from owning, keeping, participating in the keeping of animals and/or from being party to an arrangement under which they can control or

influence the way an animal is kept. They may also be disqualified from transporting or dealing in animals. Breaching these disqualifications is an offence.

- 18.86 The post-conviction power from section 42 of the Animal Welfare Act is also in place whereby a court can cancel an existing licence and disqualify a person from holding a licence for any period it sees fit when that person is convicted of an offence under the Act or any relevant regulations.

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

- 18.97 The Regulations introduce a range of enforcement powers to allow the Council to issue a suspension, variation or revocation notice where licence conditions are not being complied with; where there is a breach of the regulations; or issues relating to the protection of the welfare of an animal.
- 18.108 Anyone who carries on any of the licensable activities without a licence is committing a criminal offence and is liable to imprisonment for a term of up to six months, a fine or both.
- 18.119 It is a criminal offence to breach any licence condition. It is also a criminal offence not to comply with an inspector's request with regards to taking a sample from an animal.
- 18.120 It is a criminal offence to obstruct an inspector who has been appointed by a local authority to enforce the Regulations. Committing any of these offences could result in an unlimited fine.
- 18.134 The Regulations also make provision for the inspectors to take samples for laboratory testing from any animals on premises occupied by an operator, for the purposes of ensuring the licence conditions are being complied with. A licence holder must comply with any reasonable request of an inspector to facilitate the identification and examination of an animal and the taking of samples and, in particular, must arrange the suitable restraint of an animal if so requested by an inspector.
- 18.142 Samples should be as non-invasive as possible; however inspectors may deem more invasive samples necessary if there are concerns over the welfare of the animals. The provision for sampling is primarily aimed at veterinarians carrying out inspections and it is not expected that samples be taken by those without the training to properly and safely do so.
- 18.153 Additional information about the suspension and revocation of a licence can be found in section 13 of this policy.

Dangerous Wild Animals Act 1976

- 18.1~~64~~ Anyone that keeps a dangerous wild animal without the required licence is committing a criminal offence and is liable for a fine.
- 18.1~~75~~ It is a criminal offence to breach any licence condition. It is also criminal offence to obstruct an inspector who has been appointed by the Council to enforce the Act. Committing any of these offences could result in a fine.

Zoos Licensing Act 1981

- 18.1~~86~~ Anyone who operates a zoo without the required licence is committing a criminal offence and is liable for a fine.
- 18.1~~97~~ It is a criminal offence to breach any licence condition. It is also criminal offence to obstruct an inspector who has been appointed by the Council to enforce the Act. Committing any of these offences could result in a fine.
- 18.~~2018~~ Additional information about the suspension and revocation of a licence can be found in section 13 of this policy.

19.0 Additional information

- 19.1 The Council has additional information available online, including application forms, guidance documents and details on conditions. These can be seen here:
<https://www.middevon.gov.uk/business/licensing/animals/>.

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Name of respondent	Comment	Officer response / comment
RSPCA	<p><i>Overall, the policy is very thorough and shows the council complying fully with your legal obligations under the various Acts and Regulations. There are two things I would suggest you add: a specific section on complaints (how people can make them, how you'll investigate them etc) and a flow chart showing the application process step by step. I think the latter would be useful as your policy is quite long and a simple summary will be useful for applicants and those enforcing it.</i></p> <p><i>Otherwise I think this is a solid policy that is a good basis for animal welfare enforcement in Mid Devon in the future.</i></p>	<p>Information about complaints: A section has been added to the Policy about this (see Paragraphs 18.3 and 18.4). Additional information will be added to the Councils website about how complaints can be made.</p> <p>Flow charts showing the application process: These could be helpful and will be developed by the Licensing Team in the future and published online. However, it is not felt necessary to include this in the Policy at this time. Keeping the guides separate ensure that they can be updated at short notice and without a need to amend the policy.</p>
Jane Whitehead (existing licence holder)	<p><i>I would like to comment on the payment of fees for a licence of more than one year.</i></p> <p><i>The fees have gone up considerably this year and the charge for a two or three year licence is a considerable sum to find, especially for operators doing animal related activities on a small scale and for operators who may not intend to continue their business for more than one year but would like to keep their star rating.</i></p> <p><i>I would prefer to make payment of Part B of the fee on an annual basis.</i></p>	<p>Fees: The fees have been calculated on a cost recovery basis and in line with relevant guidance.</p> <p>It is not considered appropriate to allow the payment of Part B of the fee on an annual basis because the licence has already been granted at that point. The Licensing Team could have problems chasing payments and incur additional costs. This process is in line with how other authorities charge licensing related fees.</p> <p>Reasons for regulations: As the legislation, conditions and Guidance are not set by Mid Devon District Council, it is not considered appropriate to list reasons for each and every condition. Ultimately, they must be complied</p>

	<p><i>It is probably more related to the DEFRA regulations and I don't know whether you have any influence on these.</i></p> <p><i>I think it would be useful if DEFRA gave a reason for each requirement so that each can be implemented in a sensible way. For example no reason is given for the size of the mesh required for fencing - why are the current measurements what they are, could there be different mesh sizes for different sizes of dog?</i></p>	<p>with. In general, most conditions will be based on a welfare requirement and Licensing Officers can discuss details with specific premises where it is relevant.</p>
<p>Vivienne and Gregory Martin (existing licence holders)</p>	<p><i>1. It would be very helpful if an up-to-date list of licensed breeders in our area, and their breeds, could be accessed via the Mid Devon website. This would make it easier for responsible would-be owners to source a properly bred puppy quickly, and would instantly let people know if a breeder they are considering buying from has a licence or not.</i></p> <p><i>2. (Enforcement) There are still many puppies in our area repeatedly being advertised on sites such as Pets4Homes. The puppies still appear to be being successfully sold for quite large sums. Is there provision in the Policy for trawling these sites and taking action against people who advertise without a licence and clearly earn more than £1000 p.a. from their puppies? Many already reputable breeders have applied for and attained their licences, but how does the policy approach those who really should be targeted, ie rogue breeders on puppy farms which may well require a police presence to</i></p>	<p>Licensing register: It is agreed that this would be helpful. However, there does not appear to be any provision in the legislation to publish such a register and as a result, the Council must ensure it complies with its wider data protection requirements. The Licensing Team will follow this up with the data protection officer to consider the legal implications. Until then, it should be noted that if anyone rings the Licensing Team we can (and do) confirm if particular premises hold a licence. Additionally, each premises must display a copy of their licence on the premises and on their website, if they have one.</p> <p>Enforcement: The Policy does briefly cover unlicensed businesses and the Licensing Team does, where necessary, use such websites to gather evidence. Where this is for evidential purposes the information is formally requested under the Data Protection Act. For example, information from such sites was used in the</p>

achieve inspection? The people who are evading the licence seem to be the ones who really need inspecting.

3. I know the administrative costs of the licensing must be high, but £682 plus vet fee is a lot of money for a home breeder to find. Actually, when all the costs of keeping dogs and breeding puppies are taken into account, hardly any real profit is made if everything is done properly. I think a lower cost would make the licence less daunting for many breeders.

4. On a personal level, I found the idea of applying for a licence very challenging and rather intimidating, even though I have had three highly successful inspections already from the Kennel Club Assured Breeder Scheme. I suppose the forced transition from hobby breeder to business status was not something we had ever considered, and certainly not wanted. The paperwork and procedures involved were very demanding. However, I am glad we did it. I feel pleased that I am helping clarify the difference between puppy farms and reputable breeders in the public eye, and I have been amazed by how many people had no idea that the law had changed till we told them about it, so it is good to be part of that education process. Also, despite the whole application system being quite a challenge, I have been so impressed by the helpfulness and professionalism of my inspector, Vicky Limb. She made it clear from the start that I had to get it right, but that she was there to help me

successful prosecution of an unlicensed dog breeder (2017) and the issuing of a simple caution for another (2018). It is not considered necessary to include reference to these specific websites in the policy. Additionally, the Public Health enforcement policy covers investigations in more detail and this can be viewed here:

www.middevon.gov.uk/residents/health-and-wellbeing/public-health-and-regulatory-services/public-health-enforcement-policy/

Fees: The fees reflect the costs to the Council and is in line with relevant guidance. For this reason, it is not considered appropriate to change them at this point but they will be reviewed in the future to ensure they continue to reflect the specific costs of this licensing function.

It should be noted that the fee mentioned (£682) is for a 3 year licence. The previous cost of a licence was £292 (new) and £210 (renewal) with these licences only lasting 1 year. As a result, the cost has not actually changed significantly, and may actually be slightly cheaper than it was. Previously, a business applying for a new licence and then 2 subsequent renewals (3 years overall) would pay £712, compared to the current cost of £682 (not including Vet fees for either).

through as much as possible, and that she was there to guide me rather than to be obstructive. I found this enormously reassuring.

5. On a wider scale, I know that in nearly all breeds, numbers of puppies registered with the Kennel Club have dropped significantly since the introduction of the new law, and a lot of people who have contacted me in search of a puppy have remarked how difficult it has been to find a reputable bred one, and how few seem to be available now. I know that some genuine people have been unable to apply for a licence as they have covenants on their houses which forbid any type of business being run from those properties; however I am just a bit worried that the law will have the effect of forcing buyers into the arms of unlicensed puppy farmers and other disreputable under-the-carpet breeders because they can't find a puppy anywhere else, and that it will find itself focussing on the breeders who actually don't really need inspections, rather than the really awful cruel ones who most certainly do. So I feel that overall the licensing system is working well for those people who have come forward of their own free will, but that a lot more needs to be done to enforce the law when ferreting out those breeders who still advertise puppies for significant sums of money, but have no licence and probably no intention of applying for one either.

Ultimately, the Licensing Team does appreciate that cost is a consideration for businesses but must seek to recover its costs because the general tax payer should not be expected to fund the licensing of these businesses.

Application process: Noted and glad that the Licensing Officer was of assistance.

Enforcement: Noted and it is important that the Licensing Team continue to preserve the integrity of those with a licence by taking action against those either not complying with the relevant conditions, or operating illegally.

<p>Rob and June Furmedge (existing licence holders)</p>	<p><i>In general this document helps to provide clarity to the overall Licensing Policy.</i></p> <p><i>Some detailed feedback for consideration</i></p> <p><i>5.2 DBS - suggest provide a link https://www.gov.uk/request-copy-criminal-record</i></p> <p><i>8.3 Scoring matrix. Whilst this document is only providing a copy of the scoring matrix we wish to reiterate feedback that on the face of it, the way the matrix has defined a Higher Risk category "sounds" that it doesn't have much of a "penalty"/enforcement requirement than the Lower Risk.</i></p> <p><i>Maybe a Higher Risk should have more frequent (may twice a year minimum) unannounced visits ?</i></p> <p><i>14.x Should this also be the same (or similar) for change of business ownership not just death ?</i></p> <p><i>18.3 Sentence ends but appears to be hanging</i></p> <p><i>Should 18.4 to 18.18 be subsections of 18.3 ?</i></p> <p><i>The document after section 4 became difficult to follow due to the headings/section numbering.</i></p> <p><i>4.x The section headings would read better if the heading was part of the numbering, i.e</i></p>	<p>DBS information: When the Licensing Team provide a flow chart (or similar) on how to apply for a licence, the relevant DBS link will be included. It is not felt appropriate to include in the Policy because the link itself may change from time to time.</p> <p>Scoring matrix: The scoring matrix mentioned is produced by DEFRA and used nationally by all licensing authorities. Ultimately, higher risk premises are still licensable so it should not be necessary to take specific enforcement action against them. In general terms, a higher risk rating results in a lower star rating which directly effects the length of the licence issued. Additionally, a lower star rating may potentially have a detrimental commercial impact (although it must still be noted that these premises are still licensed).</p> <p>More frequent inspections are not considered necessary in general terms. If a specific premises warrants more frequent inspections then the Licensing Team will do so, however, if this is a result of non-compliance, then it is likely that enforcement action would be taken.</p> <p>Change of ownership information: This heading should not include reference to a change of ownership. The relevant legislation makes provision for what happens in the event of the death of a licence holder,</p>
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	<p><i>4.1 In relation to The Animal Welfare....</i></p> <p><i>4.1.1 was 4.2</i></p> <p><i>4.1.2 was 4.3</i></p> <p>(The response then goes on to list various numbering amendments)</p>	<p>but it does not do so for a change of ownership and as a result, the relevant licences cannot be 'transferred'.</p> <p>Formatting (18.3): There does not appear to be a formatting error on the consultation document so no change proposed.</p> <p>Formatting (18.5 to 18.18): No change proposed as they were not proposed subsections.</p> <p>Formatting (4x): No change proposed. Main headings have been numbered and sub headings (and the listing of legislation) have not been but this was deliberate. This may be personal preference so if Members find the policy difficult to follow, they can confirm the changes they would like to see.</p> <p>Formatting (general): It should be noted that a couple of numbering issues were found in the draft policy and these have been corrected in the amended version.</p>
<p>Jeff Barber (existing licence holder)</p>	<p><i>Instead of issuing the complete set of requirements every year just issue any changes.</i></p>	<p>Sending out DEFRA guidance documents: This is understood but it is felt that as this legislation is relatively new, it is best to issue the complete set of requirements for now. This has been important because DEFRA has changed the guidance twice already and it would be difficult to notify all licence holders ad-hoc. The Licensing Team will, however, review this later in the year.</p>

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

Application process for NEW premises

This document provide a brief overview the application process for new licences under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

1. The applicant should read the Local Authorities Animal Welfare Policy. This is available here: (link to be inserted)
2. The applicant should read and ensure compliance with relevant DEFRA guidance. This is available here: <https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>
3. The applicant should submit a completed application form, including all relevant supporting documents. This includes: Plan of premises, insurance policy, operating procedures, risk assessments (including fire), infection control procedure, qualification certificates and training records. The applicant must also pay part A of the application fee.
4. A Licensing Officer will review the paperwork and request any additional information that is required.
5. A Licensing Officer will conduct a site inspection to see if the licence conditions will / can be met. The Officer will complete a report which documents all of the findings of the inspection.
6. A veterinarian will inspect any NEW dog breeder or horse riding establishment. The Officer will complete a report which documents all of the findings of the inspection. The applicant is recharged for this vet inspection.
7. A decision is then made on whether or not a licence should be granted.
8. If a licence is refused, the applicant will be notified in writing and will have the right of appeal to the First-tier Tribunal.
9. If a licence is granted, the applicant will receive a licence which must be displayed at the premises. This licence will contain the premises star rating. The applicant must pay Part B of the licence fee.

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