

Regulatory Committee

Friday, 27 June 2025 at 11.30 am
Phoenix Chambers, Phoenix House, Tiverton

Next ordinary meeting
Friday, 5 December 2025 at 11.30 am

Please Note: This meeting will take place at Phoenix House and members of the public and press are able to attend via Teams. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

The meeting will be hybrid and an audio recording made and published on the website after the meeting.

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Meeting ID: 354 086 629 203
Passcode: Hq9Eq9y4

Membership

Cllr J Buczkowski
Cllr J Cairney
Cllr A Cuddy
Cllr D Broom
Cllr F J Colthorpe
Cllr L J Cruwys
Cllr J M Downes
Cllr G Duchesne
Cllr M Jenkins
Cllr S Keable

Cabinet Member for Planning and Economic
Regeneration

Cllr L G J Kennedy
Cllr J Lock

A G E N D A

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

- 1 **ELECTION OF CHAIR**
To elect a Chair of the Regulatory Committee for the municipal year 2025/2026.
- 2 **ELECTION OF VICE-CHAIR**
To elect a Vice-Chair of the Regulatory Committee for the municipal year 2025/2026.
- 3 **START TIME OF MEETINGS**
To agree a start time for the Regulatory Committee for the municipal year 2025/2026.
- 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**
To record any interests on agenda matters.
- 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 LAST MEETING** *(Pages 5 - 8)*
To consider whether to approve the minutes as a correct record of the meeting held on 2nd October 2024.
- 8 **REGULATORY UPDATE REPORT** *(Pages 9 - 16)*
To provide the Committee with an update of the regulatory activity as applicable to the Regulatory Committee undertaken by the Licensing Team during 2024/25.
To provide an overview of delegated policy changes made to update the Hackney Carriage and Private Hire Policy 2025 during quarter 4 of 2024/25 and most recently in quarter 1 of 2025/26.
- 9 **REVIEW OF THE ANIMAL WELFARE LICENSING POLICY** *(Pages 17 - 48)*
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'. In light of these new requirements, the Licensing Authority adopted an Animal Welfare Licensing Policy in 2020 (the Policy).

This report presents an updated Policy for the Regulatory Committee to consider and approve for public consultation.

Stephen Walford
Chief Executive
Thursday, 19 June 2025

Guidance notes for meetings of Mid Devon District Council

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Teams.

If the Council experience technology difficulties at a committee meeting the Chairman may make the decision to continue the meeting 'in-person' only to conclude the business on the agenda.

1. Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at Committee@middevon.gov.uk

They can also be accessed via the council's website [Click Here](#)

Printed agendas can also be viewed in reception at the Council offices at Phoenix House, Phoenix Lane, Tiverton, EX16 6PP.

2. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership.

The Code of Conduct can be [viewed here](#):

3. Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting. Minutes of meetings are not verbatim.

4. Public Question Time

Residents, electors or business rate payers of the District wishing to raise a question and/or statement under public question time are asked to provide their written questions to the Democratic Services team by 5pm three clear working days before the meeting to ensure that a response can be provided at the meeting. You will be invited to ask your question and or statement at the meeting and will receive the answer prior to, or as part of, the debate on that item. Alternatively, if you are content to receive an answer after the item has been debated, you can register to speak by emailing your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. You will be invited to speak at the meeting and will receive a written response within 10 clear working days following the meeting. Notification in this way will ensure the meeting runs as smoothly as possible

5. Meeting Etiquette for participants

- Only speak when invited to do so by the Chair.
- If you're referring to a specific page, mention the page number.

For those joining the meeting virtually:

- Mute your microphone when you are not talking.
- Switch off your camera if you are not speaking.
- Speak clearly (if you are not using camera then please state your name)
- Switch off your camera and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called "turn on live captions" which provides subtitles on the screen.

6. Exclusion of Press & Public

When considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act. If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed. They will be invited to return as soon as the meeting returns to open session.

7. Recording of meetings

All media, including radio and TV journalists, and members of the public may attend Council, Cabinet, PDG and Committee meetings (apart from items Media and Social Media Policy - 2023 page 22 where the public is excluded) you can view our Media and Social Media Policy [here](#). They may record, film or use social media before, during or after the meeting, so long as this does not distract from or interfere unduly with the smooth running of the meeting. Anyone proposing to film during the meeting is requested to make this known to the Chairman in advance. The Council also makes audio recordings of meetings which are published on our website [Browse Meetings, 2024 - MIDDEVON.GOV.UK](#).

8. Fire Drill Procedure

If you hear the fire alarm you should leave the building by the marked fire exits, follow the direction signs and assemble at the master point outside the entrance. Do not use the lifts or the main staircase. You must wait there until directed otherwise by a senior officer. If anybody present is likely to need assistance in exiting the building in the event of an emergency, please ensure you have let a member of Democratic Services know before the meeting begins and arrangements will be made should an emergency occur.

9. WIFI

An open, publicly available Wi-Fi network is normally available for meetings held in the Phoenix Chambers at Phoenix House.

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 2 October 2024 at 1.00 pm

Present

Councillors

J Buczkowski, J Cairney, F J Colthorpe,
J M Downes, M Jenkins, S Keable and
L G J Kennedy

Apologies

Councillors

A Cuddy, D Broom and L J Cruwys

Also Present

Officers

Deborah Sharpley (Operations Manager Legal Services and Monitoring), Harriet Said (Team Leader (Commercial), Public Health), Thomas Keating (Specialist Lead (Licensing) Officer) and Angie Howell (Democratic Services Officer)

10 APOLOGIES AND SUBSTITUTE MEMBERS (00:04:24)

Apologies were received from Cllr D Broom, Cllr L Cruwys and Cllr A Cuddy.

11 PUBLIC QUESTION TIME (00:04:48)

There were no public questions.

12 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:04:55)

There were no declarations of interest received.

13 MINUTES OF THE PREVIOUS MEETING (00:05:06)

The minutes of the 28 June 2024 were **APPROVED** and signed by the Chair.

14 HACKNEY CARRIAGE AND PRIVATE HIRE POLICY (00:05:20)

The Committee had before it a report * from the Head of Housing and Health which was presented by the Team Leader, (Commercial) Public Health presenting the Hackney Carriage and Private Hire Policy and the following was highlighted:-

- The report provided an update on the implementation of the Hackney Carriage and Private Hire Policy approved by the Regulatory Committee on 28 June 2024 and adopted by Full Council on 17 July 2024 with the proposed implementation date at the time of adoption being 1 September 2024.
- Delays to the implementation of the new Policy had resulted in this timescale not being met and after seeking advice from the Legal Team a new timeline was proposed.
- The report outlined the proposed implementation timeline which considered key milestones that were required.
- Back office administration updates were needed to bring in the significant changes that were associated with the policy and the guidance documentation for the trade and the new penalty points scheme.
- Work is required in the back office database to ensure that the functionality was there to be able to log when points were issued and to continue to monitor it.
- The revised timeline took into consideration the need to fully engage with the trade in supporting them with the changes and included a workshop which was requested by the trade when the consultation workshops took place.
- Once the associated application forms and guidance had been updated members of the trade would be invited to discuss the changes and to provide advice on the new processes to be followed from January 2025.
- The new Policy brought in additional training requirements for licence holders and for the first 12 months face to face sessions would be held to deliver disability awareness and safeguarding training.
- The first session was planned for December 2024 in readiness to meet the requirements of the new Policy at the point of renewal in order that there would be no disruptions to business and would not put them at a disadvantage when the Policy was implemented.
- A number of more significant changes had also been identified as required in the Policy which were summarised as:-
 - (i) The revised Policy stated that when a driver acquired 6 or more points on their DVLA licence they may be referred to the Regulatory Sub-Committee although the current policy had a trigger value of 7 points. When the policy was reviewed a new template had been purchased from a solicitor who was very prominent in the world of licensing. However, this change had not been identified and consulted on and there was no evidence to say that Mid Devon District Council (the Council) wanted to reduce that threshold. The proposal was to bring that back up to 7 points which would be in line with where the Council were at present.
 - (ii) Within the existing Policy was a requirement for private hire and hackney carriage licenced vehicles to have vehicle tests and that had been maintained in the new Policy. The existing Policy allows tests to be conducted 28 days prior to the due date, whilst still honouring the original due date, similar to the MOT system. It is recommended that this is added into the new policy as this would allow the proprietor of the vehicle to ensure that the test was carried out within proper time and that garages could accommodate their bookings too.
- There were also a number of other minor administrative changes to ensure the Policy was clear and linked with to up to date information at all times. Delegated authority to the Head of Housing and Health make minor changes in future was also being sought.

- The Regulatory Committee would be provided with an update at the next meeting in December 2024.

Discussion took place regarding:-

- The trigger of 7 endorsed points on a drivers DVLA licence and Members sought reassurance that the different offences would potentially trigger reference to a Sub-Committee, without the need to hit the 7 point trigger. Officers confirmed this would be on a case by case basis and dependent on the offence.
- The garages that carry out the vehicle testing and whether they were registered. It was explained that there were currently 4 garages across the District that provided the tests and the Council was in a contractual relationship with them. This meant that they must inform the Council should a vehicle fail. Work was underway to include more garages within the District to carry out the tests. Garages currently located in Tiverton, Cullompton and Crediton.

The Committee **RESOLVED** the following to be recommended to Full Council for approval:

- a) The new proposed timeline for implementation of the Policy at section 2 of the report, and that the existing Policy (implemented 1st January 2019) continue to have effect until such time as the new Policy is fully implemented.
- b) The changes proposed and detailed within section 3 and Annex A of this report.
- c) To delegate authority to make minor amendments to the Policy to the Head of Housing and Health.

(Proposed by the Chair)

Note: * Report previously circulated.

(The meeting ended at 1.20 pm)

CHAIRMAN

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Report for: Regulatory Committee

Date of Meeting:	27 June 2025
Subject:	REGULATORY UPDATE REPORT
Cabinet Member:	Cllr David Wulff Cabinet Member for Quality of Living, Equalities and Public Health
Responsible Officer:	Simon Newcombe Head of Housing and Health
Exempt:	No
Wards Affected:	All wards
Enclosures:	None

Section 1 – Summary and Recommendation(s)

To provide the Committee with an update of the regulatory activity as applicable to the Regulatory Committee undertaken by the Licensing Team during 2024/25.

To provide an overview of delegated policy changes made to update the Hackney Carriage and Private Hire Policy 2025 during quarter 4 of 2024/25 and most recently in quarter 1 of 2025/26.

Recommendation:

- 1. That the Regulatory Committee note the report**

Section 2 – Report

1 Introduction

- 1.1** This report provides an overview of the activity carried out by the Licensing Team during 2024/25 as applicable to the Regulatory Committee. Therefore, in respect of the following: Hackney Carriage and Private Hire licensing; animal

licences such as animal boarding, pet shops, riding establishments, dangerous wild animals; caravan sites; and the registration of acupuncturists and tattooists.

2 Service Delivery

Hackney Carriage and Private Hire

- 2.1 The revised Taxi Policy went live 1st January 2025. An update relating to implementation of the Policy can be found at section 4 of the report.
- 2.2 During 2024/2025 the team dealt with Hackney Carriage and Private Hire licensing applications as detailed below - () shows the variance on past year:

	Total number of licences as 31/03/2025	No. new applications and renewals processed 2024/25	No. cancelled or surrendered licences 2024/25
Hackney Carriage Vehicle licence	53 (-19%)	65	0
Private Hire Vehicle licence	70 (+3%)	80	0
Private Hire Operator licence	22 (+29%)	12	0
Combined Hackney Carriage and Private Hire Driver licence	134 (-8%)	67	2

- 2.3 There has been a significant decrease in the number of Hackney Carriage Vehicle licences. We are aware that some licence holders have changed vehicles at renewal from Hackney Carriage to Private Hire vehicles. It is worth noting that the licence is annual and that under the new policy vehicles being renewed do not need to meet ULEZ compliance until 2027, so it is unlikely these are contributing factors presently.
- 2.4 The significant increase in Private Hire Operators is linked to the change in number of Hackney Carriage vehicles, to Private Hire, as even a single vehicle operator needs a licence for a Private Hire journey to take place.
- 2.5 27 Taxi inspections were undertaken in 2024/25. This is lower than previous years due to resources, as well as a conscious decision to delay inspections during the second half of the year so that vehicles could be inspected under the new policy requirements.

Animal Welfare

- 2.6 The Team are responsible for licencing animal related establishments. This can range from dog breeding through to zoos. There are 48 animal related licenses in total that relate to the following activities - () variance since last report:

Type of activity	Number of licences
Cat/dog boarding	16 (+4)
Home boarding	4 (-2)
Day care	3 (0)
Dog breeding	16 (+1)
Hiring out horses	4 (0)
Pet shops	3 (0)
Exhibition of animals	1 (0)
Dangerous wild animals	1 (+1)
Total	48

- 2.7 In 2024/25 the team processed 28 new and/or renewal applications which included an inspection of the establishment to check animal welfare and adherence to licence conditions.

Specified beauty treatments

- 2.8 These are covered by the Local Government (Miscellaneous Provisions) Act 1982, including tattooing, piercing, electrolysis and acupuncture. Officers from Licensing work closely with officers from the Food and Health and Safety team to administer these licences. This is due to the risks associated with these activities and the need for health and safety and infectious disease considerations.
- 2.9 Total figures for premises and personal registrations in place across the District, including a breakdown for 2024/25.

	Total as 31/03/2025	New for period
Acupuncture premises	19	0
Acupuncture personal	18	1
Piercing premises	17	1
Piercing personal	21	1
Micro needling Premises	1	1
Micro needling Personal	1	0
Electrolysis premises	6	0
Electrolysis personal	2	0
Tattooing premises	38	3
Tattooing personal	38	3
Total	161	9

- 2.10 The wider Public Health team participated in a regional sampling study involving samples from tattoo and piercing premises, to check for general hygiene

standards in relation to infection control measures, and specifically looking for a microorganism *Pseudomonas aeruginosa*, the results are summarised below.

- 2.11 *Pseudomonas aeruginosa* is a common bacterium found in the environment, particularly in soil and water. While it can exist harmlessly on the skin, it can also cause serious infections, especially in individuals with compromised immune systems. It is resistant to many commonly-used antibiotics therefore can be difficult to treat.
- 2.12 Common symptoms of a *Pseudomonas aeruginosa* infection include fever, skin infections and respiratory symptoms.
- 2.13 19 samples were taken from 3 premises.
- 2.14 *Pseudomonas aeruginosa* was found in one of the premises, with 3 of the samples failing.
- 2.15 Officers provided advice and guidance to the operator on cleaning practices and disinfection. Re-sampling was then carried out which came back satisfactory indicating that standards had improved.

Staffing update

- 2.16 The staffing situation within the team remains challenging, with a number of changes throughout the year. During quarter 1, the service manager will review the vacancies as a priority and will seek to address these ongoing recruitment challenges.
- 2.17 Where possible, resources required to provide statutory licensing functions will be met from changes to the licensing fees, however some fees, notably those covered by the Regulatory Committee functions have wider flexibility to be set locally in comparison with Licensing Act 2023 where these are set down in Regulations issued the Secretary of State. Nonetheless, fees can only be set on a cost-recovery basis in order to cover the cost of service delivery and are therefore non-profit rather than wholly discretionary fees.

3 Enforcement and Hearings

Hearings

- 3.1 Three Regulatory Sub-committee hearings were conducted during the 2024/25 year:
 - 1. Consideration of a licenced driver remaining fit and proper to hold said licence. The outcome of the hearing was that the penalty points were issued, along with a warning and a requirement to carryout additional training.

2. Consideration of a licenced driver remaining fit and proper to hold a licence. The outcome was revocation of the licence.
3. Consideration of a new driver application, to determine if the applicant is fit and proper for the purposes of being issued a Hackney Carriage and Private Hire driver licence. The outcome of the hearing was that the licence was not granted.

4 Update on the Hackney Carriage and Private Hire Policy 2025

Training update

- 4.1 The new policy requires Safeguarding and Disability Awareness training is completed every 3 years by licence holders. Face to face sessions have been run from the Council office to assist licence holders to comply with new policy requirements. 65 licence holders have attended so far.

Policy changes

- 4.2 A minor change to the policy was made under delegated authority shortly after the policy came into effect. The change related to the use of a third row of seats in licenced vehicles. An unintended consequence of policy changes made it impossible to licence these seats. This would have had a significant impact on the Taxi trade within Mid Devon, as well as school transport within the County, as a lot of these vehicles are used for this purpose. As a result, as soon as we became aware of this issue, we took swift action to make the necessary change without compromise to passenger safety,
- 4.3 A further change has been made under delegated authority, to remove the detailed tables relating to the use of child restraints and seat belts within licenced vehicles. This will be replaced with links to the gov.uk web pages which contains the primary information and legislation relating to this area.

Specific size requirements for cabs

- 4.4 Since implementation of the new policy and vehicles being inspected against the criteria of the new policy, it has become apparent that a number of vehicles do not meet the exact dimensions that the policy specifies for the size of the cab. This is despite the vehicles meeting the type approval requirements of the UK Vehicle Certification Agency at point of manufacture and first sale.
- 4.5 Furthermore, when considering the history of these vehicles, there has been no complaint against the vehicles from passengers relating to comfort and space within the vehicles.
- 4.6 An enforcement position was agreed in January with Head of Housing and Health, that we would not enforce this element of the policy and use this time to understand the issue we are trying to resolve.
- 4.7 The review has now been completed resulting in further amendment to the policy, to enable the general assessment of the sizing within the cab to be more

of a subjective assessment of space and comfort. We would take the measurements out of the policy as an absolute, but continue to use them as a guide in the event that we receive complaints relating to vehicle comfort. This change is again one which does not compromise passenger safety and has also been made under delegated authority.

Tariff review

- 4.8 A review of the tariff has been requested, and a piece of work will be initiated during 2025/2026 to establish if the wider trade wishes for a review. The review will take place subject to the outcome of the assessment. This is a significant piece of work that will require dedicate resource allocation.

Caravan site Licencing

- 4.9 A project is planned to take place during the 2025/26 year to review the Licencing approach to residential caravan sites. This will be a joint piece of work between Licensing and Environmental Health and will look at introducing an annual inspection of licenced sites, and well as consideration to introduce an annual licence fee from April 2026. Site inspection would be carried out jointly by Licensing and Housing officers.

Financial Implications: All licences for the areas mentioned above have a charge associated with them. As opposed to licensing functions that come under Licensing Act 2003/Gambling Act 2005 (Licensing Committee), these charges are set locally and reviewed on an annual basis. In some cases these are subject to statutory consultation processes. These must all be calculated based on the resource required to meet statutory obligations in issuing the license and regulating the licenced activity on a non-profit basis. The income from the licences is therefore used to offset the running of the Service. The Service is not self-funding overall as some of the fees are set at a national level (Licensing Act 2003 and Gambling Act 2005) and therefore do not fully cover costs but makes a significant contribution towards its costs within the general fund.

Legal Implications: There are various regulations that govern the range of applications administered by the Licensing Team. These detail a range of duties and statutory deadlines, as well as policy and procedural requirements.

Risk Assessment: Provision of the licensing service is statutory obligation. If resources for the Team are not available there is a risk that the Council is unable to meet its statutory duties in relation to licensed activities. This would put the health and safety of residents at risk if they accessed a service that did not meet licensing standards. This is a particular concern in respect of taxis and the beauty industry. Animal welfare is also at risk if the Council was unable to conduct regular checks of these establishments.

Impact on Climate Change: There is no direct impact on climate change as a result of this report.

Equalities Impact Assessment: An equality impact assessment is not required in respect of this update report.

Relationship to Corporate Plan: This report links directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community and licensed service users. It therefore contributes to the priority of Community, People and Equalities within the Corporate Plan.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by or on behalf of the Section 151
Date: 11 June 2025

Statutory Officer: Maria de Leburne
Agreed on behalf of the Monitoring Officer
Date: 11 June 2025

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 11 June 2025

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 09 June 2025

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact:

Name: Harriet Said - Commercial Team Leader, Public Health and Housing Options / Simon Newcombe, Head of Housing and Health
Email: hsaid@middevon.gov.uk / snewcombe@middevon.gov.uk
Telephone: 01884 255255

Background papers: None.

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Report for: Regulatory Committee

Date of Meeting:	27 June 2025
Subject:	REVIEW OF THE ANIMAL WELFARE LICENSING POLICY
Cabinet Member:	Cllr David Wulff Cabinet Member for Quality of Living, Equalities and Public Health
Responsible Officer:	Simon Newcombe, Head of Housing and Health
Enclosures:	Annex A: Proposed Policy update

Summary and Recommendation(s):

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'. In light of these new requirements, the Licensing Authority adopted an Animal Welfare Licensing Policy in 2020 (the Policy).

This report presents an updated Policy for the Regulatory Committee to consider and approve for public consultation.

Recommendation:

- 1. That the Regulatory Committee approve the draft Animal Welfare Licensing Policy attached as Annex A for a 6-week public consultation.**

Section 2 - Report

1 Background

- 1.1** The *Animal Welfare Act 2006* introduced a new licensing power which enabled nationally set regulations to be made for animal related activities. As a result, the *Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018* ("the Regulations") were published, which significantly changed the way animal related businesses are inspected and licensed. The Regulations came into force on 01 October 2018.

- 1.2 The Regulations define the animal based activities that require a licence as follows:
- Selling animals as pets (or with a view to their being later resold as pets) in the course of a business
 - 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.
- 1.3 It is important to note that the Regulations did not change anything related to the licensing of dangerous wild animals and zoos. These premises have continued to be licensed by the Council as they have previously been under their respective legislation.
- 1.4 For specific details about what the Regulations changed from a licensing perspective please refer to section 2 the previous report here: <https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=140&MIId=1239&Ver=4>.
- 1.5 Although there is no statutory requirement for councils to have an Animal Welfare Licensing Policy ("Policy"), it was felt that it would help to ensure compliance with the relevant regulations (and a consistent application of them). With this in mind, the Council went through the process of consulting on and adopting a Policy in 2020.

2 Proposed changes to the Policy

- 2.1 The Licensing Team have now reviewed the Policy and propose a number of minor changes.
- 2.2 The proposed Policy for consultation is attached as Annex A. It contains the proposed amendments as tracked changes.
- 2.3 A brief summary of the main changes is provided below:
- References to the introduction of the Regulations have been amended to reflect the fact they have now been in place for seven years.
 - Inclusion of information about the business test.

- Rewording of the section which sets out what the licence holder must notify the Council of within 72 hours (i.e. cautions and arrests).
- Clarification that if a renewal application is not received in good time, and therefore not processed prior to expiry of the existing licence, the business cannot operate until that renewal has then been processed / issued.
- Clarification that the Council does not believe a 'variation' process can be used to transfer a licence to a new owner. NOTE: This is a general view and the Council will always review each case on its own individual merits.
- Inclusion of information about improvement notices

3 Post Implementation Review of the Regulations

- 3.1 The Department of Environment, Food and Rural Affairs (DEFRA) conducted a review of the Regulations and this was published in 2024. It can be seen here: https://www.legislation.gov.uk/ukia/2024/206/pdfs/ukia_20240206_en.pdf.
- 3.2 This concluded that the *'Regulations are broadly considered to be an improvement on the assorted, often outdated legislation that they replaced. The requirements are clearer, more consistently applied and informed by more up-to-date evidence on the welfare needs of animals'*.
- 3.3 One of the issues raised by stakeholders during this review was in relation to the safety of children, particularly at sites such as riding schools. This could be an issue that the DEFRA Guidance seeks to consider in the future.
- 3.4 The application process adopted by this Council includes requiring a basic DBS from all applicants which is then renewed on a three yearly basis. Although this is not a requirement of the Regulations, it is felt this process helps to ensure those licensed are fit and proper and ensures compliance with the Council's broader responsibilities regarding safeguarding.
- 3.5 We are not proposing to change this but should future DEFRA Guidance contradict or highlight any issues with this approach, the Licensing Team will reconsider the issue.

4 Primate Licensing

- 4.1 *The Animal Welfare (Primate Licences) (England) Regulations 2024* was signed into law on 5 March 2024. This new legislation came into force from 6 April 2025 and all private keepers have until 6 April 2026 to be fully compliant.
- 4.2 The legislation introduces a licensing scheme which sets strict rules to ensure that only private keepers who can provide zoo-level welfare standards will be able to keep primates.
- 4.3 At the time of writing this report, the Licensing Team is not aware of any existing relevant premises in Mid Devon.

- 4.4 The Policy has not yet been updated to reflect this new legislation. This is primarily because we are still waiting for DEFRA to issue guidance. Once this guidance has been released, the Licensing Team will update the Regulatory Committee and consider whether an update to the Policy is required.

5 Proposed consultation

- 5.1 Given the relatively small proposed amendments, the Licensing Team plan to run a 6 week consultation.
- 5.2 The Licensing Team will directly notify:
- All existing animal related licence holders within Mid Devon
 - Environmental Health (MDDC)
 - Planning (MDDC)
 - Police
 - RSPCA
 - DEFRA
 - Trading Standards
- 5.3 A notice will also be placed on the Council's website advertising the consultation to the public.

6 Recommendation(s) and next steps

- 6.1 It is recommended that the proposed policy (attached as Annex A) be consulted on and the results of this consultation be presented to the Regulatory Committee at the next meeting.
- 6.2 In accordance with the Council's constitution, the Regulatory Committee then have the power to recommend the adoption of an updated Policy to Full Council.

Financial Implications: The fees payable for specific premises / licences 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.

Application 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.

Legal Implications: The Council is not legally required to adopt a policy. However, 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.

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 licence), the applicant may be able to appeal to a First-tier Tribunal (General Regulatory Chamber) or to the Magistrates' Court (depending on the licence applied for). 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. Details of the appeal process appear in the Policy.

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.

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.

Impact on Climate Change: There is no direct impact on climate change as a result of this report.

Equalities 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 at this draft (for consultation) stage. Nonetheless, the equality duty considerations will be revisited and an Equality Impact Assessment screening undertaken at point of adoption of the final draft Policy.

Relationship to Corporate Plan: This report links directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community and licensed service users. It therefore contributes to the priority of Community, People & Equalities within the Corporate Plan 2024-2028.

Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 11 June 2025

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 11 June 2025

Chief Officer: Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 11 June 2025

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 09 June 2025

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact:

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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>
- Regulatory Committee June 2020 – Animal Welfare Licensing Policy report: <https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=140&MId=1239&Ver=4>



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 The policy will be reviewed as standard every five years, and / or at other times where considered necessary (for example, to reflect significant changes in relevant legislation or guidance). The Head of Housing & Health is authorised to make minor amendments to the policy.
- 1.3 Any general reference to 'Guidance' in this policy is reference to the '*Animal activities licensing: statutory guidance for local authorities*' produced by DEFRA. This Guidance is available to view online. If any other guidance is referenced in this policy, specific details will be provided.
- 1.4 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.
- 1.5 This policy provides guidance to any person with an interest in animal licensing. In particular, but not exclusively:
- Applicants for licences
 - Existing licence holders whose licences are being reviewed
 - Users of licensed premises
 - Licensing Officers
 - Members of the Licensing Committee, and
 - Magistrates' hearing appeals against the Council's decisions.
- 1.6 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 (hereinafter referred to as the “Act”) 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 Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (hereinafter referred to as the “Regulations”) apply to pet shops, catteries, kennels, home boarders, dog day care , 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 In order to be licensable, a 'business test' applies and the Council will consider a range of issues when deciding if the activity amounts to a business. This includes, but is not limited to, whether or not the operator:

- makes any sale or carries out the activity to make a profit
- earns any commission or fee from the activity

The Council will also consider the HMRC's '9 badges of trade' and trading income allowance.

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 in the legislation.

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 and barring service (DBS) certificate, issued within 3 months of the date of application. Licence holders will then need to provide the Council with a new DBS check every 3 years. . 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. 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 criminal 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 preferred 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(s) 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(s) 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 they have any type of licence suspended or revoked; are convicted of any offence; accept a formal caution for any offence; receive a fixed penalty notice for any offence; are made the subject of a Criminal Behaviour Order or Community Protection Notice; are made the subject on any injunction or restraining order; or are arrested for any matter (irrespective of the outcome following the arrest).

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 and barring service (DBS) certificate issued within 3 months of the date of application. Licence holders will then need to provide the Council with a new DBS check every 3 years.

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 horse 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 may have contact with young/vulnerable persons as required by the DBS.
- 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 for licences issued under these Regulations stipulates 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 at least 3 months' notice of when their licence is due to expire. We strongly recommend that licence holders set their own reminder to renew 3 months before the licence expiry date.
- 7.6 Licence holders must then submit an application to renew 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. The Council failing to give notice in accordance with paragraph 7.5 will not excuse a late application. If an application is not received in good time and the renewal not processed prior to expiry of the existing licence, the business would have to stop operating. Continuing to operate without a licence

would be a criminal offence and could call in to question your suitability to hold a licence.

Dangerous Wild Animals Act 1976

7.7 Once the Council receives an application for the grant or renewal of a licence it will do the following:

- Ensure that the applicant has not been disqualified from keeping dangerous wild animals.
- Get an Officer of the Council to 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.
- Get the vet to provide a report which will contain information about the suitability of the accommodation, suitability of the applicant in terms of their handling skill / experience and the vet's views on qualification relating to species. The vet will also consider the animal's ability to express their natural behaviour and knowledge of the applicant 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.

7.8 Although not a statutory requirement, the Council will aim to provide licence holders with at least 3 months' notice of when their licence is due to expire. We strongly recommend that licence holders set their own reminder to renew 3 months before the licence expiry date.

7.9 Licence holders must then submit an application to renew 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. The Council failing to give notice in accordance with paragraph 7.8 will not excuse a late application. If an application is not received in good time and the renewal not processed prior to expiry of the existing licence, the business would have to stop operating. Continuing to operate without a licence would be a criminal offence and could call in to question your suitability to hold a licence.

Zoo Licensing Act 1981

- 7.10 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 Zoo Licensing Act 1981).
- 7.11 Additionally, a notice must also be published in a local newspaper (circulating the Mid Devon area) and a newspaper that is circulated nationally.
- 7.12 Once the Council receives an application it will do the following before granting or renewing a licence:
- Ensure that the applicant has not been disqualified from keeping dangerous wild animals.
 - Get an Officer of the Council to 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 State's list of suitably qualified and experienced inspectors.
 - Will take into account any representations made by or on behalf of any persons entitled to make them (as per the legislation)
 - Will consult the applicant on the conditions that are proposed for the premises licence.
 - Ensure that the appropriate fees have been paid.
- 7.13 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. The Council failing to give notice in accordance with this paragraph will not excuse a 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 1976 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 1981 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 Conditions and Standards

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

Conditions

9.1 The Regulations apply general and activity-specific conditions that businesses must meet in order to obtain a licence. The general conditions (found in Schedule 2 of the Regulations) apply to all premises and are based on the five welfare needs set out in the Act. Specific licence conditions then apply to the different activities and these can be found in Schedules 3 – 7 of the Regulations._

Standards

- 9.2 The 'minimum' and 'higher' standards are outlined in DEFRA's licensable animal activity guides:
- [Day care for dogs](#)
 - [Dog breeding](#)
 - [Selling animals as pets](#)
 - [Providing home boarding for dogs](#)
 - [Providing boarding in kennels for dogs](#)
 - [Providing boarding for cats](#)
 - [Hiring out horses](#)
- 9.3 Applicants will need to meet the requirements of all the minimum standards, although minor failings may be noted/recorded providing they do not compromise the welfare of the animals (i.e. be predominantly administrative in nature).
- 9.4 For each activity (except keeping or training animals for exhibition), there are also a number of higher standards. Meeting the higher standards is optional but is the only way to gain a 4 or 5-star rating.
- 9.5 If an individual would like to qualify at the higher standard, the business must meet:
- All of the 'required' higher standards
 - At least 50% of the 'optional' higher standards

Dangerous Wild Animals Act 1976

- 9.6 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 Officer / inspector / vet.
- 9.7 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

- 9.8 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 Officer / inspector / vet.
- 9.9 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 (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 scoring table, which is an assessment completed by an Officer of the Council on the likelihood of satisfactory compliance being maintained in the future
 - 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 and non-exhaustive overview of the powers the Council has to refuse an application.

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 Council Officers or inspectors/vets acting on behalf of the Council, 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 (General Regulatory Chamber) within 28 days, beginning with the day following the date of the decision.

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 Dangerous Wild Animals Act 1976;
 - 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
- it is not satisfied that it would be able to meet conditions to take forward the relevant conservation measures
- it is 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.

- it is 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, from the date on which written notification of the authority's decision is received.

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 inspector'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 The 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. The 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 The Council are of the view that the variation process cannot be used to transfer a licence. Should the licence holder need to change, an application for a new licence would be required.
- 13.7 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.
- 13.8 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.
- 13.9 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.
- 13.10 There is no right of appeal against the suspension of a licence. After 28 days of suspension the licence must be revoked or reinstated.
- 13.11 A licence holder may appeal to a First-tier Tribunal (General Regulatory Chamber) 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 Council decision and details on the appeal process will be provided to the licence holder at the relevant time.

Dangerous Wild Animals Act 1976

- 13.12 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

- 13.13 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.
- 13.14 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.

- 13.15 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. It is this Council's general policy that the veterinarian must be independent and not one that is retained by the applicant / licence holder. However, exceptions to this requirement may be made where it is considered reasonable and necessary to do so. For example, where it can be demonstrated that there would be an unreasonable delay in the application process.
- 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 Council 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.

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

General enforcement powers and the Animal Welfare Act 2006

- 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
- 18.5 Should concerns arise with a specific application or premises, the issue may be referred to and determined by the Council's Licensing Committee.
- 18.6 What follows is a brief overview of some of the enforcement options that are available to the Council in relation to the Act. The fact that a potential enforcement action is not listed does not prevent the Council from using it.
- 18.7 In relation to the Act, Section 9 states that a person commits an offence if they do not take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which they are responsible are met to the extent required by good practice. An animals 'needs' include those listed in Section 3 of this policy.
- 18.8 Section 10 of the Act allows an officer to issue an Improvement Notice, if for any reason they are of the opinion that a person is failing to take all reasonable steps to ensure an animals needs are being met.
- 18.9 Section 30 of the Act allows local authorities to prosecute for any offences under that Act.
- 18.10 The post-conviction power in section 34 of the Act whereby a person convicted of an offence under the Act or any relevant regulations may be disqualified by the court 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.
- 18.11 The post-conviction power in section 42 of the Act 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

- 18.12 The Regulations include 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.
- 18.13 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.
- 18.14 It is a criminal offence to breach any licence condition and to obstruct an inspector who has been appointed by a local authority to enforce the Regulations. Committing any of these offences could result in a fine.
- 18.15 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. It is a criminal offence not to comply with an inspector's request with regards to taking a sample from an animal.
- 18.16 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.
- 18.17 Additional information about the suspension and revocation of a licence can be found in section 13 of this policy.

Dangerous Wild Animals Act 1976

- 18.18 Anyone that keeps a dangerous wild animal without the required licence is committing a criminal offence and is liable to a fine.
- 18.19 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 Dangerous Wild Animals Act 1976. Committing any of these offences could result in a fine.

Zoos Licensing Act 1981

- 18.20 Anyone who operates a zoo without the required licence is committing a criminal offence and is liable for a fine.
- 18.21 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 Zoos Licensing Act 1981. Committing any of these offences could result in a fine.
- 18.22 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/>.