

**Report for:**

**Regulatory Committee**

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Date of Meeting: 5 December 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: Final Draft Animal Welfare Licensing Policy  
Annex B: Equality Impact Assessment

**Summary:**

On 01 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.” Considering these new requirements, the Licensing Authority adopted an Animal Welfare Licensing Policy in 2020.

On 27 June 2025, the Regulatory Committee received a report proposing that a consultation take place on an updated Animal Welfare Licensing Policy which was agreed. This consultation is now complete, and this report sets out the responses received and the proposed final policy for adoption.

**Recommendation:**

**The Regulatory Committee recommends that Council adopt the final draft Animal Welfare Licensing Policy and Equality Impact Assessment contained in Annex A and B respectively.**

**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:
  - 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 of this [previous report](#).
- 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). Consequently, the Council went through the process of consulting on and adopting a Policy in 2020.

## **2 Proposed changes to the Policy and consultation**

- 2.1 The Licensing Team reviewed the Policy and carried out a six-week consultation, as agreed at the Regulatory Committee meeting on 27 June 2025. The consultation ran from 1 September 2025 to 12 October 2025.
- 2.2 The proposed amendments are relatively minor, including:
  - 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

2.3 The Licensing Team notified the following parties of the consultation:

- All existing animal related licence holders within Mid Devon
- Environmental Health (MDDC)
- Planning (MDDC)
- Police
- RSPCA
- DEFRA
- Trading Standards

2.4 A notice was also placed on the Council's website advertising the consultation to the public.

2.5 One response was received during the consultation period. This was from a licensed cattery and included the following information.

Comments provided	Officer comment
Ref para. 1.1 should the listed regulations include The Animal Welfare (Licensing of Activities Involving Animals) (England) (Amendment) Regulations 2019.	This is a good point, but I do not think it is necessary to include them specifically. The regulations noted amended the 2018 regulations which are themselves listed in the policy. No change recommended.
Is para. 5.11 required as it's now covered in 5.2?	These paragraphs relate to different licensing schemes. No change recommended.
Para. 7.5 and 7.8 appear to be duplicates.	These paragraphs relate to different licensing schemes. No change recommended.
Para. 7.6 and 7.9 appear to be duplicates.	These paragraphs relate to different licensing schemes. No change recommended.
Ref. para. 7.6 suggest an additional sentence, potentially as follows: <i>For any application made more than 10 weeks before expiry and should the Council be unable to meet the renewal timescale a licence variation may be issued to extend the licence for a short period of time.</i>	The point of this is understood and consideration of such an issue should be based on the individual merits of the case. The reasons for delay could vary and where appropriate, the Licensing Team will consider how best to help businesses that are compliant and through no fault of their

	own, have experienced renewal delays. It is not felt necessary to put such an obligation into the Policy but it is something that the Licensing Team will consider as and when required.
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2.6 The Licensing Officer is not recommending any amendments to the Policy that was initially consulted on. The changes incorporated into the consultation that are now incorporated into the final draft policy are tracked within the policy version shown in Annex A.

### **3 Summary of options**

3.1 The Committee have the following options:

- Recommend to Full Council the adoption of the Policy attached as Annex A (complete with tracked changes);
- Recommend to Full Council the adoption of a modified Policy; or
- Make no recommendation to Full Council

### **4 Recommendation**

4.1 The Regulatory Committee recommends that Council adopt the final draft Animal Welfare Licensing Policy and Equality Impact Assessment contained in Annex A and B respectively.

**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 into 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 several 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.

The Equalities Impact Assessment is attached to this report in Annex B which finds no adverse equality impacts arising from this policy update.

**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 theme of Community, People and Equalities within the Corporate Plan.

### **Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett  
Agreed by or on behalf of the Section 151 Officer  
**Date:** 20.11.25

**Statutory Officer:** Maria de Leiburne  
Agreed on behalf of the Monitoring Officer  
**Date:** 20.11.25

**Chief Officer:** Stephen Walford  
Agreed by or on behalf of the Chief Executive/Corporate Director  
**Date:** 20.11.25

**Performance and risk:** Steve Carr  
Agreed on behalf of the Corporate Performance & Improvement Manager  
**Date:** 12 November 2025

**Cabinet member notified:** Yes

### **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>
- Regulatory Committee June 2025 – Review of Animal Welfare Licensing Policy report: <https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=140&MId=2168>