



Licensing Committee
10 February 2021

| | |
|--------------------------------|---|
| Title | Animal Welfare Licensing Policy |
| Report of | Director for Assurance |
| Wards | All |
| Status | Public |
| Urgent | No |
| Key | No |
| Enclosures | Appendix 1 – Draft Policy |
| Officer Contact Details | Emma Phasey Group Manager, Commercial Premises Emma.phasey@barnet.gov.uk |

Summary

This report seeks approval from Members to consult on the attached policy in relation to Animal Welfare Licences.

Officers Recommendations

- 1. That Committee authorise the Licensing team to commence a 6-week consultation on the draft policy for Animal Welfare Licences**

1. WHY THIS REPORT IS NEEDED

- 1.1 In April 2018 the Government passed the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (hereinafter referred to as “the Regulations”). The Regulations replaced a number of pieces of legislation that governed the licensing of animals. The Regulations came into force on 1 October 2018.
- 1.2 The main purpose of the Regulations is to introduce an updated licensing system in England for five activities involving animals:
- a) selling animals as pets;
 - b) providing for or arranging for the provision of boarding for cats or dogs;
 - c) hiring out horses;
 - d) dog breeding; and,
 - e) keeping or training animals for exhibition.
- 1.3 The Dangerous Wild Animals Act 1976 deal with the licensing of individuals to keep certain species of animals. Its purpose is to ensure that when private individuals kept dangerous wild animals, they do so in circumstances which do not create a risk to the public, and which safeguard the welfare of the animals.
- 1.4 The Act's schedule designates the species covered, such as any primates, carnivores, larger or venomous reptiles, dangerous spiders and scorpions.
- 1.5 Keeping such animals without a licence is unlawful. The Act also requires keepers to have their animals covered by a satisfactory liability insurance policy.
- 1.6 Licences are required for any animal listed on a schedule. These licences will only be granted when the local authority is satisfied that it would not be contrary to public interest, where there are no safety or nuisance concerns and that the animal's accommodation is adequate and secure.
- 1.7 Where the local authority grant a licence it shall impose conditions on the licence covering issues such as: -
- a requirement that the animal be kept only by a person or persons named on the licence;
 - restrictions on the movement of the animal from the premises as specified on the licence; and
 - a requirement that the licence holder has a current insurance policy which ensures both licence holders and others against any liability caused by the animal.
- 1.8 The Zoo Licensing Act 1981 requires the inspection and licensing of all zoos in Great Britain. The Act aims to ensure that, where animals are kept in enclosures, they are provided with a suitable environment to provide an opportunity to express the most normal behaviour possible.
- 1.9 The London Borough of Barnet does not currently have a policy in relation to dealing with applications for these licences as this is a relatively new piece of

legislation . It is best practice to have a policy in relation to licence application processes and decisions.

- 1.10 The proposed new policy in Appendix 1 outlines the application process and gives details on the grounds that the Licensing Team will consider applications for the grant or refusal of a licence or the revocation of a licence. The policy also outlines the appeals process available to an applicant or licence holder.
- 1.11 The Licensing team propose to consult on the draft policy for six weeks. The consultation will be sent to all current licence holders, Ward Councillors, Metropolitan Police, Fire Brigade and any other relevant parties. The proposed policy will also be placed on the London Borough of Barnet's website.

2 REASONS FOR RECOMMENDATIONS

- 2.1 It is best practice to have policies for each different licensing regime in order to ensure consistency of approach. This ensures clarity for traders and other interested parties in both the application and enforcement processes.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 **Do nothing** – However the London Borough of Barnet should ensure that its policies are kept under regular review and remain up to date with current guidance and best practice.

Not implementing a policy for this kind of licensing could lead to an inconsistent approach or decision making, susceptible to legal challenge.

4 POST DECISION IMPLEMENTATION

- 4.1 The Licensing Team will commence a consultation on the policy and report back to the Licensing Committee at the July 2021 meeting.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The approach taken by the Licensing Authority in relation to applications fully supports objectives contained within the corporate plan. In particular it promotes delivering “quality services and striving to continually improve the standard of services”

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 Administration and enforcement is carried out by the Licensing team in Re, together with support from HB Public Law and from Governance Services, when arranging and co-ordinating arrangements for hearings.

5.3 Social Value

5.3.1 Not relevant to this report

5.4 Legal and Constitutional References

5.4.1 The Local Authority has been provided powers under Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 in order to be able to licence persons in relation to animal activities.

5.4.2 Article 7 – Committees, Forums, Working Groups and Partnerships, of the Council’s Constitution states that the Licensing Committee is responsible for, “*all policy matters relating to licensing with licencing hearings concerning all licencing matters delegated to sub-committees.*”

5.5 Risk Management

5.5.1 It is important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to all Licensing. It needs to ensure that the risk of non-compliance and the regulatory burden to both the Local authority and to the trade is minimised.

5.6 Equalities and Diversity

5.6.1 The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.

5.6.2 When considering applications, only issues provided for in the relevant legislation, in addition to the authority’s policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.

5.7 Corporate Parenting

5.7.1 Not relevant to this report.

5.8 Consultation and Engagement

5.8.1 The consultation document will be sent to all relevant parties and all ward Councillors. The consultation will also be published on the Council’s online website.

5.9 Insight

5.9.1 Not relevant to this report.

6 BACKGROUND PAPERS

6.1 None