



Licensing Committee

12th July 2021

Title	Animal Welfare Licensing Policy
Report of	Director of Assurance
Wards	All
Status	Public
Urgent	No
Key	Yes
Enclosures	Appendix 1 – Draft Policy
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Summary

This report relates to the outcome of the recent consultation in relation to a new policy for Animal Welfare Licences which is proposed will take effect on 13th July 2021, if approved.

Officers Recommendations

1. For the proposed policy in Appendix 1 to be approved by the Committee

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, scorpions and dangerous spiders.
- 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. The Licensing Authority only took on the responsibility for these applications when The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 was introduced. It was felt at that stage that it would be best practice to have a policy in relation to all animal welfare licence application processes and decisions.
- 1.10 A consultation was undertaken on whether to adopt the Council's Animal Welfare licensing policy from 7th May 2021 until 18th June 2021. Information on this consultation can be found in paragraph 5.9. One response was received and can be found in Appendix 2.
- 1.11 Following consideration of the responses in Appendix 2 it is recommended that the Licensing Committee adopt that proposed Animal Welfare licensing policy.
- 1.12 This policy must be kept under review by the licensing authority and may be changed at any time after adoption (after further consultation).
- 1.13 The Policy must be renewed at intervals of not less than five years.

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 If the Committee approve the policy it will come into effect from 13 July 2021.

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 Legal and Constitutional References

5.3.1 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.

5.3.2 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.*”

5.4 Insight

5.4.1 Not relevant to this report.

5.5 Social Value

5.5.1 Not relevant to this report

5.6 Risk Management

5.6.1 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.

5.7 Equalities and Diversity

5.7.1 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.

5.7.2 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.

5.8 Corporate Parenting

5.8.1 Not relevant to this report.

5.9 Consultation and Engagement

5.9.1 The consultation document was sent to all relevant parties and all ward Councillors. The consultation was also published on the Council's online website.

5.9.2 A selection of licence holders were contacted in writing in relation to the proposed policy.

5.9.3 All replies received have been taken into account

6 BACKGROUND PAPERS

6.1 None

Appendix 1 - Proposed Licensing Policy

Appendix 2 - Consultation responses

The consultation process started on 7th May 2021 and will conclude on 18th June 2021. The below response was received during the consultation period.

Consultee	Comments	Response
Cllr Zinkin	We are very quick to say in many places that incorrect or incomplete applications will be refused. No where do we say where the resident of business can seek help or advice if needed to fill in the application.	The Councils website provides contact details for the licensing service. In addition, any application which has been deemed invalid will receive a letter from the validating officer identifying what needs to be amended with their submission for it be made valid.
Cllr Zinkin	I did not see any consultation or information to ward members nor the right for licensing committee members to ask for a license to be considered by the committee and not decided under delegated powers.	The delegation of powers is not covered by this policy however further information on how powers are delegated can be sought through legal services.