



## Licensing Committee

20 February 2023

<b>Title</b>	<b>Amendments to the Animal Welfare Policy</b>
<b>Report of</b>	Executive Director of Assurance
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	Yes
<b>Enclosures</b>	Appendix A – RSPCA Animal Welfare Package, Seasonal Issues Appendix B – Animal Welfare Policy showing proposed addition
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### Summary

This report has been produced at the request of the Committee to highlight the concerns raised by the RSPCA in relation to the giving of pets as prizes in the borough.

### Officers Recommendations

1. That the licensing committee approve suggested amendments to the Animal Welfare Policy to prohibit the giving of live animals as prizes on council-owned land.
2. The committee approve officers to carry out a review of the current policies and the terms and conditions of the licences and hire of Council owned land and premises to ensure that they reflect the Council's position as regards giving of live animals as prizes with a update back to a future meeting of this committee.

3. The Committee request the Chair to write on behalf of the Committee to support the RSPCA with this position and lobby central government for an amendment to the legislation.

## 1. Why this report is needed

- 1.1 The introduction of the Animal Welfare Act 2006 (The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018) brought about new legislation, guidance and a tougher and wider licensing regime for commercial businesses involved with animals in the course of their business
- 1.2 Since October 2018 around twenty-eight licences have been in force within the Borough of Barnet covering regimes including:
  - Sale of pets
  - Hiring our Horses
  - Commercial boarding of Dogs and Cats
  - Animal Exhibitions
  - Breeding of Dogs
  - Home boarding of dogs
- 1.3 The above Regulations set out a system of regulation and enforcement which has been incorporated into local policy together with an inspection regime. Alongside that comes a need to provide a range of business documents and practices. Alternative options considered and not recommended
- 1.4 The policy also deals with applications made under different legislation which covers:
  - Dangerous Wild Animals Act 1976
  - Zoo Licensing Act 1981
- 1.5 The RSPCA has produced a briefing paper to provide an overview of specific animal welfare issues for local authority councillors. It contains facts about seasonal animal welfare issues which in the most recent report includes pets being given as prizes.
- 1.6 In most cases, animals given as prizes do not have their welfare needs met, and many die before their new owners take them home.
- 1.7 Between 2015 and 2020, there were 120 cases reported to the RSPCA of live animals given as prizes in England. While a large proportion of these was goldfish given at fairgrounds, other animals, including dogs, ducklings and horses, were also reported during this period.
- 1.8 Under the Animal Welfare Act 2006, it is an offence to give an animal as a prize to anyone under 16, except within the family context. The RSPCA believes this does not go far enough and despite the current law, many animal prizes are given to individuals under 16, potentially highlighting issues around enforcing existing provisions and the need to rethink.

- 1.9 Local authorities have the opportunity to ban giving live animals as prizes on council-owned land. In doing so, local authorities would ensure the welfare of these animals isn't compromised and raise public awareness of the issue.

## 2. Reasons for recommendations

- 1.1. Cllr Simon Radford has requested that this matter was brought to the attention of all members of the Licensing Committee to consider the suggested recommendations.

## 3. Post decision implementation

- 3.1 If the three recommendations are supported, then the following actions will be implemented

- *To amend the Animal Welfare Policy to ban giving live animals as prizes on council-owned land*

The following sections will be inserted into the Animal Welfare Policy (at section 8) relating to the use of council land for licensable activities and for connection purposes which would read:

8.1 The Council generally does not approve the use of its land for animal licensable activities on its land without **express permission** from the appropriate Council departments. This includes the sale or giving away of animals/pets/fish as prizes. Interested parties are asked to communicate with the animal welfare team to discuss any such requests.

8.2 On land not owned by the Council the Council does not approve of use of such land to be used for animal licensable activities on such land without **express permission** from the appropriate Council departments. This includes the sale or giving away of animals/pets as prizes. Interested parties are asked to communicate with the animal welfare team to discuss any such requests.

- *To write to the UK Government, asking that the Animal Welfare Act 2006 be amended making it an offence to give live animals as prizes much like the Animal Health and Welfare (Scotland) Act 2006.*
- *The Licensing team will draft a letter to be signed and sent from the chair of the Licensing Committee.*

## 4. Implications of decision

### 4.1 Corporate Priorities and Performance

- 4.1.1 The approach taken by the Licensing Authority in relation to applications fully supports objectives contained within the corporate plan.

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

4.2.1 There are very limited resources implications of this report, if any (or all) of the recommendation are adopted the post implementation work can be undertaken within existing resources.

## 4.3 Legal and Constitutional References

4.3.1 Licences issued by the Council must be in accordance with the relevant conditions specified in Schedules 2 to 7 of the Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018.

4.3.2 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.*”

4.3.3 A standard clause is to be inserted in the licences and hiring terms and conditions which sets out clearly that the giving of live animals as prizes in Council owned or managed land and premises is prohibited, and that the prohibition is reasonable.

4.3.4 It should be noted that although many councils have adopted this ban on their land and premises, this position has not been tested in law

## 4.4 Insight

4.4.1 Not relevant to this report.

## 4.5 Social Value

4.5.1 Not relevant to this report.

## 4.6 Risk Management

4.6.1 Not relevant to this report.

## 4.7 Equalities and Diversity

4.7.1 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.

4.7.2 When considering applications for the Council’s express permission, 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.

## 4.8 Corporate Parenting

4.8.1 Not applicable in the context of this report.

#### 4.9 **Consultation and Engagement**

4.9.1 Not applicable in the context of this report.

#### 4.10 **Environmental Impact**

4.10.1 There are no direct environmental implications from noting the recommendations.

### **5. Background papers**

5.1 None.