

REPORT TO LICENSING COMMITTEE, EXECUTIVE AND COUNCIL

Date of Meetings: 31 October 2017, 12 December 2017 and 19 December 2017

Report of: Environmental Health and Licensing Manager

Title: Adoption of a new Animal Licensing Policy

Legislation:

- **Animal Welfare Act 2006**
- **Animal Boarding Establishments Act 1963**
- **Pet Animals Act 1951 and Pet Animals Act 1951 (Amendment) Act 1983**
- **Riding Establishments Act 1964 and 1970**
- **Dangerous Wild Animals Act 1976**
- **Breeding of Dogs Act 1973 and 1991**
- **Breeding and Sale of Dogs (Welfare) Act 1999**
- **Zoo Licensing Act 1981**

Is this a Key Decision?

No

* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

Is this an Executive or Council Function?

Council Function

1. What is the report about?

1.1 This report details the responses to the consultation undertaken into the proposed animal licensing policy which was presented to the committee at the meeting on 18 July 2017. A full 12 week consultation period has been undertaken. The Licensing Committee is constituted with formulating new statements of licensing policy with the final Animal Licensing Policy going to Full Council for adoption.

2. Recommendations:

2.1 The Licensing Committee are requested to approve the Animal Licensing Policy in order that it can be progressed through to full Council for adoption in December 2017.

2.2 That Executive supports the introduction of an Animal Licensing Policy.

2.3 That Council formally adopts Animal Licensing Policy.

3. Reasons for the recommendation:

3.1 Recent years have seen several model licence conditions issued, and the launch of a major DEFRA consultation document on the future of animal licensing. In line with this increased focus on the need to maintain and improve standards of animal welfare, it is therefore proposed to introduce an animal licensing policy for Exeter, which consolidates the requirements for the various animal licences issued by the authority, and incorporates the good practise identified in the Chartered Institute of Environmental Health model

licence conditions for pet vending, dog boarding, cat boarding and dog breeding.

3.2 The Licensing Committee resolved on 18 July 2017 that a public consultation should begin on the proposed new policy. Following the Licensing Committee's decision, the Licensing Team undertook a full 12-week consultation with a wide range of stakeholders who may have an interest in this policy, including existing licence holders, numerous animal welfare charities, and local veterinary groups.

3.3 The authority received comments back in relation to the consultation exercise, which are summarised in Appendix A and presented in full in Appendix B.

4. What are the resource implications including non financial resources.

4.1 The legislative changes and proposed changes to policy do not give rise to any additional resource implications or have any revenue impact.

4.2 There are no reductions, restructuring and/or redundancy implications as the key changes identified in this report do not give rise to any additional resource requirements as changes are to existing processes. However, in delivering to the changed requirements there may be some training implications for existing staff.

4.3 Any future costs in relation to the production of the policy will be met by income from fees.

5. Section 151 Officer Comments:

There are no financial implications contained in this report.

6. What are the legal aspects?

6.1 The Council's licensing team are responsible for licensing a number of animal related businesses. These include kennels and catteries, riding establishments, pet shops, businesses involving the breeding of dogs, the keeping of 'dangerous wild animals' and zoos.

6.2 Although each type of licence is determined by its own legislative background there are similarities in the licensing regime for each. Furthermore the Animal Welfare Act 2006 also consolidates a common approach to all animal related businesses.

6.3 Although not a legal requirement in the same way as with alcohol licensing or the licensing of gambling premises, it is considered good practice and helpful to consolidate the current structures and procedures in relation to animal related licences. The opportunity has also been taken to update all standard conditions consistent with current Codes of Practice and industry standards and, of course acknowledge the current and future impact of the Animal Welfare Act 2006

6.4 As with all policies produced by the Council, it is necessary for it to be reasonable and workable in order to avoid any legal challenge by third parties.

7. Monitoring Officer's comments:

The attached draft Animal Licensing Policy consolidates the Council's requirements in relation to the various animal licences issued by the Council. The draft policy has been subject to consultation and changes have been made to the draft policy in light of those comments where they are relevant and add to the policy.

8. Report details:

- 8.1 This proposed policy sets out the general principles that the Council will follow in relation to the enforcement of animal welfare legislation. The policy also describes the types of animal licensing matters that are likely to occur and how the Council will deal with them.
- 8.2 The proposed policy and the conditions included represent guidance on details of the service provided and the general principles that the Council follows in relation to the enforcement of animal licensing legislation and the discretionary functions it undertakes.
- 8.3 The authority embraces the Department for Business Innovation and Skills' "Regulators Code." The authority embraces the principles of better regulation to promote efficient and effective approaches to regulatory activity without imposing unnecessary burdens on business. The Licensing Authority shall have regard to any plan agreed between a company and primary authority.

9. How does the decision contribute to the Council's Corporate Plan?

- 9.1 The proposed Animal Licensing Policy will contribute to improvements in animal welfare, help promote a healthy and safe city, and lend support to a robust, business friendly economy.

10. What risks are there and how can they be reduced?

- 10.1 There are risks that a poorly drafted policy that is neither proportionate nor reasonable, or is inadequately consulted upon, may give rise to legal challenge. These risks have been minimised by ensuring appropriate consultation has taken place.
- 10.2 The responses received to date have been accepted where they add to the policy. Those responses that may give rise to challenge will be rejected primarily because the proposals are not legal. Due regard has been given to the reasonableness and proportionality of policy tools.
- 10.3 As a result of a consultation response received from Rachel Williams (Senior Parliamentary Advisor RSPCA), the following amendments have been made to the policy:
- Section 5 of the policy has an additional line added (5.3): *Appendix C of the Environment Enforcement Policy provides more specific information on the Council's approach to enforcement of licensing legislation. A link to this document is provided below.*

- Section 12 of the policy has an additional line added (12.12): *The Council takes the view that Primates are not suitable companion animals as their welfare needs are unlikely to be met in a domestic environment. The Council's position is therefore to recommend refusal of any applications for licences to keep or sell primates.*

- 11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**
- 11.1 Formulating a licensing policy that recognises the key aims of the council, responsible authorities and other stakeholders will make a positive impact on creating a vibrant city to live, work and visit.

- 12. Are there any other options?**
- 12.1 Members of the Committee may reject the proposed policy on the grounds that the policy requires amendment. However, significant amendment to the proposed policy would likely require a further consultation period.

Environmental Health and Licensing Manager

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

- Draft Animal Licensing Policy
- CIEH Model Licence Conditions and Guidance for Dog Boarding Establishments 2016
- CIEH Model Licence Conditions and Guidance for Cat Boarding Establishments 2013
- CIEH Model Licence Conditions and Guidance for Dog Breeding Establishments 2014
- CIEH Model Conditions for Pet Vending Licensing 2013

Contact for enquires:
Democratic Services (Committees)
Room 2.3
01392 265275

Appendix A - Summary of Responses Received

Ref	Respondent	Comments	Response
01	Mrs A White Exeter	However, having looked through the document I note that dog kennels are only recommended to have appropriate insurance. I would have thought that insurance is absolutely essential and should be checked annually.	The model licence conditions for dog boarding <i>strongly recommends</i> that all proprietors of licenced boarding establishments have appropriate insurance. It is considered that the above wording is sufficient.
02	Ruth Lewin-Titt Exeter	No comments to make as I feel that the policy is kennel related rather than home boarding	This is noted
03	Rachel Williams Senior Parliamentary Advisor RSPCA	<p><u>General comments</u></p> <ul style="list-style-type: none"> - This policy is clear and concise. It is easy for license holders, council officers and the public to understand what the processes and policies around animal licensing activity are. - There are clear policies around inspections, which demonstrate that the policy is enforceable and will be enforced. <ol style="list-style-type: none"> 1. We would like to see a clearer section setting out the procedure by which complaints from members of the public will be addressed, including how these complaints will be assessed in a way which best protects the animals involved and how local authority staff will work with establishments/license holders to make improvements where necessary. 2. This document is perhaps not the most appropriate place to put it, but there needs to be a procedure for training of licensing officers to ensure they can deliver their duties competently and have an understanding of the 	<p>Noted</p> <p>Noted</p> <p>Additional line added to Section 5.3 of the proposed policy (link to Environment Enforcement Policy).</p> <p>Noted – staff competency is dealt with under procedures and is evaluated as part of an annual review process. Annual</p>

		<p>requirements of the Model Licence Conditions (MLCs) and how they dovetail with the Animal Welfare Act 2006. Further training for licensing officers assessing dog breeding establishments should be included on the socialisation and behavioural needs of puppies and dogs. Licensing officers are not expected to be experts in every animal species and behaviour and so a list of experts, for example vets, behaviour experts and animal welfare organisations that can be consulted for advice on specific requirements, should be made available to licensing officers.</p> <p>3. The adoption of the most up to date MLCs, clear procedures for enforcement which include prosecution and the recognition that the authority has the power to set standards above the minimum are all things which you should be congratulated for including. The foregrounding of animal welfare generally in the policy is very heartening to see.</p> <p>4. It would be useful to see a link made within the policy to any work the council is doing to promote other animal welfare services, e.g. neutering and microchipping.</p> <p><u>Specific comments: pet vendors</u></p> <p>5. If possible, the term 'pet vendors' rather than 'pet shops' should be used.</p> <p>6. The policy would be stronger if it made a number of additional specific demands on pet vending licenses, including:</p> <p>a. Ensuring vendors only sell species they are equipped and sufficiently knowledgeable to care for;</p> <p>b. Specifying stocking density;</p> <p>c. Ensuring that new species/groups are not</p>	<p>inspections conducted by officers are in conjunction with an appointed vet who is authorised under delegated powers by the Environmental Health and Licensing Manager.</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>This is assessed in conjunction with our appointed vets</p> <p>As above</p>
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		<p>added without prior consultation and inspection;</p> <p>d. Specifying that vendors must make appropriate care information available free of charge to customers for all species on sale prior to sale;</p> <p>e. Specifying that vendors must have a clear written protocol for a procedure that enables them to be confident that customers are able to meet an animal's welfare needs, and are fully aware of their responsibilities under the Animal Welfare Act 2006.</p> <p>f. Specifying that vendors must have a clear written procedure for ensuring they provide for the needs of animals kept for longer than the expected short, temporary, time-period.</p> <p>g. In addition, we would like to see the policy recognise that primates are not suitable companion animals, as their welfare needs cannot be met in a domestic environment, in the form of the adoption of a policy that recommends primates should not be kept or sold by pet vendors within the local authority area .</p> <p><u>Specific comments: dog breeding establishments</u></p> <p>7. The policy would be stronger if it made a number of additional specific demands on dog breeding establishment licenses, including:</p> <p>a. Specifying that vendors must make appropriate care information available free of charge to customers for all species on sale prior to sale;</p> <p>b. Specifying that vendors must have a clear written protocol for a procedure that enables them to be confident that customers are able to meet an animal's welfare needs, and are fully aware of their responsibilities under the Animal</p>	<p>This is already adequately addressed within the model licence conditions</p> <p>As above</p> <p>This is considered to be outside the scope of the proposed policy.</p> <p>Noted</p> <p>Policy amended in line with comments (see 12.12 of the Policy (outlined above)).</p> <p>This is already covered in the Model Licence Conditions</p> <p>This is considered good practise, and encouraged, but is not within the scope of the proposed</p>
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		Welfare Act 2006.	policy.
04	Paula Boyden Veterinary Director Dogs Trust	Supportive of policy which is welcome groundwork ahead of the repeal of the older legislation governing this area. The remainder of the letter sets out the expected changes to be brought in via proposed new legislation due to be brought forward in October 2018.	Noted

Appendix B - Responses received

From: Angela White [REDACTED]
Sent: 28 July 2017 10:34
To: Licensing Team <licensing.team@exeter.gcsx.gov.uk>
Subject: Draft animal licensing policy

In response to your request for comments about the proposed policy documents, I do not really feel qualified to comment because I only home board a maximum of two dogs at any time.

However, having looked through the document I note that dog kennels are only recommended to have appropriate insurance. I would have thought that insurance is absolutely essential and should be checked annually.

As a matter of interest, when my home is inspected for the annual licence, it seems to be a waste of the inspector's time (& thus the Council's finances) to go through the entire check list as set out for boarding kennels. I don't know how many other homes have to be inspected - is it not possible to have a reduced list of tick boxes, or even visit every 2 years instead of annually?

I hope these comments have been of use.
Angela White

Mrs A White
[REDACTED]

From: Ruth Lewin-Titt [REDACTED]
Sent: 29 August 2017 17:59
To: Licensing Team <licensing.team@exeter.gcsx.gov.uk>
Subject: Consultation on Exeter City Council's Draft Animal Licensing Policy

Dear Simon.

Thank you for your letter dated 19th July 2017 and for including me in your Draft Animal Licensing Policy Consultation. I have no comments to make as I feel that the policy is kennel related rather than home boarding.

Kind regards,

Ruth Lewin-Titt.

From: Rachel Williams [REDACTED]
Sent: 05 October 2017 11:51
To: Licensing Team <licensing.team@exeter.gcsx.gov.uk>
Subject: Response to animal licensing consultation

Dear Sir/Madam,

Thank you for including us in the consultation on your new animal licensing policy. Please find attached our response.

Additionally, I wanted to make you aware that the RSPCA includes an award for animal activity licensing in our annual [Community Animal Welfare Footprint](#) awards for local authorities. The awards for 2017 have closed but will open again for 2018 in the spring. If you are able to make (some of) the amendments suggested in our response to your consultation - particularly the more process driven ones around staff training, complaints and having a list of experts available to officers contained in the 'general comments' section - you would be eligible for at least a bronze award under the scheme. I will add you to my contact list for when the awards open for entries next year in case you do wish to enter.

If there's any more help I can give on this issue please do let me know.

Kind regards,
Rachel

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Rachel Williams
Senior Parliamentary Advisor
RSPCA

General comments

- This policy is clear and concise. It is easy for license holders, council officers and the public to understand what the processes and policies around animal licensing activity are.
- There are clear policies around inspections, which demonstrate that the policy is enforceable and will be enforced.
- We would like to see a clearer section setting out the procedure by which complaints from members of the public will be addressed, including how these complaints will be assessed in a way which best protects the animals involved and how local authority staff will work with establishments/license holders to make improvements where necessary.
- This document is perhaps not the most appropriate place to put it, but there needs to be a procedure for training of licensing officers to ensure they can deliver their duties competently and have an understanding of the requirements of the Model Licence Conditions (MLCs) and how they dovetail with the Animal Welfare Act 2006. Further training for licensing officers assessing dog breeding establishments should be included on the socialisation and behavioural needs of puppies and dogs. Licensing officers are not expected to be experts in every animal species and behaviour and so

a list of experts, for example vets, behaviour experts and animal welfare organisations that can be consulted for advice on specific requirements, should be made available to licensing officers.

- The adoption of the most up to date MLCs, clear procedures for enforcement which include prosecution and the recognition that the authority has the power to set standards above the minimum are all things which you should be congratulated for including. The foregrounding of animal welfare generally in the policy is very heartening to see.
- It would be useful to see a link made within the policy to any work the council is doing to promote other animal welfare services, eg neutering and microchipping.

Specific comments: pet vendors

8. If possible, the term 'pet vendors' rather than 'pet shops' should be used.
9. The policy would be stronger if it made a number of additional specific demands on pet vending licenses, including:
 - a. Ensuring vendors only sell species they are equipped and sufficiently knowledgeable to care for;
 - b. Specifying stocking density;
 - c. Ensuring that new species/groups are not added without prior consultation and inspection;
 - d. Specifying that vendors must make appropriate care information available free of charge to customers for all species on sale prior to sale;
 - e. Specifying that vendors must have a clear written protocol for a procedure that enables them to be confident that customers are able to meet an animal's welfare needs, and are fully aware of their responsibilities under the Animal Welfare Act 2006.
 - f. Specifying that vendors must have a clear written procedure for ensuring they provide for the needs of animals kept for longer than the expected short, temporary, time-period.
10. In addition, we would like to see the policy recognise that primates are not suitable companion animals, as their welfare needs cannot be met in a domestic environment, in the form of the adoption of a policy that recommends primates should not be kept or sold by pet vendors within the local authority area .

Specific comments: dog breeding establishments

11. The policy would be stronger if it made a number of additional specific demands on dog breeding establishment licenses, including:
 - a. Specifying that vendors must make appropriate care information available free of charge to customers for all species on sale prior to sale;
 - b. Specifying that vendors must have a clear written protocol for a procedure that enables them to be confident that customers are able to meet an animal's welfare needs, and are fully aware of their responsibilities under the Animal Welfare Act 2006.