

REPORT TO LICENSING COMMITTEE

Date of Meeting: 28 May 2019
Executive Meeting: 11 June 2019
Council Meeting: 23 July 2019
Report of: Environmental Health and Licensing Manager

Title: Report outlining a Proposal to adopt an updated Animal Licensing Policy

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?

1. What is the report about?

This report details, and seeks approval for, the changes that are being proposed to the Animal Licensing Policy. The Licensing Committee is constituted with formulating new statements of licensing policy and, if approved, will be put forward to Executive and Full Council for adoption.

2. Recommendations:

- 2.1 That the Committee approves the updated Animal Licensing Policy, so that it can be referred onto the Executive on 11th June 2019 and Full Council for adoption on 23rd July 2019.
- 2.2 That the Executive supports the changes to the Animal Licensing Policy.
- 2.2 That Council formally adopts the updated Animal Licensing Policy.

3. Reasons for the recommendation:

- 3.1 Members may be familiar with the previous Policy that was introduced, following approval by the Committee on 31 October 2017. This document was formulated in anticipation of the, then, forthcoming changes in animal welfare due be introduced by DEFRA and modelled on conditions based on industry best practice. The original policy is contained in Appendix B.
- 3.2 On 5 October 2018, the Council received a silver award from the RSPCA for its policies and procedures in regard to animal licensing and this is contained in Appendix C.
- 3.3 On 1 October 2018, however, DEFRA released Guidance associated with the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. The Government's Press release is contained in Appendix D and the link to the Guidance for Members' reference is as follows:

<https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>.

- 3.4 The Guidance presents the following changes to the existing Policy:

- Changes to the conditions for animal boarding (cats and dogs), dog breeding, riding establishment, dangerous wild animal and pet shop establishments.
- The addition of conditions for dog day care establishments and keeping animals for training or exhibition.
- The introduction of a more robust scoring and risk matrix for grading establishments and determining the length of licences (licences can now last from one to three years).
- The introduction of a minimum and higher standard for establishments to aspire to.

3.5 This proposed Policy contained in Appendix A 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. An Equalities Impact Assessment is contained in this report.

3.6 The primary purpose of the Regulations is to introduce a minimum standard to which all establishments must adhere to. With the exception of dangerous wild animals and keeping or training animals for exhibition, any establishment can attain a higher standard, provided they obtain all of the 'required higher standards' and 50% of the 'optional higher standards'.

3.7 Section 15 (pages 15 to 17) of the proposed Policy highlights how Council Officers are empowered to grade establishments and assess risk.

3.8 It is the expectation of Officers that all of the Council's currently licensed establishments will be graded under the new Regulations by 30 June 2019. It is fully appreciated that some establishments may wish to attain the higher standard and this may take some time for them to achieve this. Therefore, Officers shall be extending the invitation to those establishments for further inspections and re-grading to take place, at no extra cost, up to 31 December 2019.

3.9 Officers are asked to provide the following information to DEFRA on an annual basis by 31 May each year (for the period 1 April to 31 March):

- The number of licences in force for each licensable activity in its area on 1 April each year (essential).
- The average level of fees it has charged for licences it has granted or renewed for each licensable activity between 1 April and 31 March (essential).
- The average star rating given out for each establishment type or other pieces of information which could be useful for informing policy or the progress on implementation (optional).

4. What are the equality and diversity impacts of this decision?

An Equalities Impact Assessment is contained as part of the report.

5. What are the resource implications including non-financial resources:

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

5.2 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.

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

6. Section 151 Officer comments:

- 6.1 The policy is self-financing and therefore creates no issues for the section 151 Officer to consider.

7. What are the legal aspects?

The Animal Welfare Act 2006 provides for the Secretary of State to make Regulations in accordance with section 13 of the Act. Regulation 14 of The Animal Welfare (Licensing of Activities Involving Animals (England) Regulations 2018 states that 'A local authority must have regard in the carrying out of its functions under these Regulations to such guidance as may be issued by the Secretary of State'. The Council's revised policy incorporates the Animals Activity Star Rating System as set out in the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 procedural guidance notes for Local Authorities (October 2018). The procedural guidance states at paragraphs 61 and 62:

'This guidance describes the risk-based system that must be used when issuing animal activities licences under the Regulations with the exception of "keeping or Training Animals for Exhibition" where all licences are issued for three years. This system should be used to determine both the length of the licence and the star rating to award. Local authorities in England are expected to follow it in full.

The purpose is to ensure consistency in implementation and operation of the licensing system by local authorities, and to ensure that consumers can be confident that the star rating applied to businesses is an accurate reflection of both their risk level and the animal welfare standards that they adopt.'

The procedural guidance states that the Animal Activity Star Rating System '...should be used every time a licence is granted or renewed.'

Accordingly, these provisions have been incorporated into the Council's Animal Licensing Policy.

8. Monitoring Officer Comments:

The Monitoring Officer has no comments in relation to this report.

9. Report details:

- 9.1 Members may be familiar with the previous Policy that was introduced, following approval by the Committee on 31 October 2017. This document was formulated in anticipation of the, then, forthcoming changes in animal welfare due to be introduced by DEFRA and modelled on conditions based on industry best practice. The original policy is contained in Appendix B.

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9.5 This proposed Policy contained in Appendix A 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.

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

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

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

11.1 The introduction of minimum standards for establishments can only be described as a positive step for members of the public and prospective consumers in particular looking to determine if an establishment is registered and legally compliant, or not. However, since there are different routes that establishments can pursue in which to achieve a higher standard, members of the public should still satisfy themselves that any prospective establishment suits their aims, needs and expectations. This advice has been, and will continue to be, relayed by Council Officers to members of the public that make direct enquiries about the reputation of establishments.

11.2 There is a risk (albeit slight) that some existing establishments may not wish to comply with the minimum standards, which disqualifies them from being renewed going forward. Whilst this reduces consumer choice within the district, and this is something we have no control over, as a Council, we do not wish to have any non-compliant establishments in our district. There is also the possibility that a number of premises may not wish to attain the higher

standards, which may present less choice at the upper end of the market. Where possible, Council Officers are trying to mitigate this by openly engaging with licence holders at the moment and allowing establishments up to 31 December 2019 to attain the higher standard without incurring additional inspection fees (as mentioned in Section 3.6 above).

12. What is the impact of the decision on health and wellbeing; safeguarding children, young people and adults with care and support needs, economy, safety and the environment?

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.

13. What other options are there, and why have they been dismissed?

Whilst Members may choose to reject the proposed Policy, doing so will put the Council in a position where it is not legally compliant with the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

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

Contact for enquiries:

Democratic Services (Committees)

Room 2.3

01392 265115

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
- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018



Equality Impact Assessment - To be completed using the checklist of questions at the end of the table

Title of work being assessed: Proposed Amendment to Animal Licensing Policy

Introduction

The Licensing Committee report outlines a series of proposed changes to the Animal Licensing Policy originally agreed in October 2017 (Appendix B), in anticipation of forthcoming DEFRA Regulations and Guidance. We have since received that new Guidance on 1 October 2018 and, as a result, the Policy needs to be changed to ensure that the council is meeting its legal obligations.

Since the proposed Policy amendments are merely a reflection of new Government Regulations, the content, but the overall aim of the original Policy (namely how we will licence establishments) has not changed.

Lead officer: Simon Lane, Environmental Health and Licensing Manager

Service Manager: Simon Lane, Environmental Health and Licensing Manager

Stakeholders:

Residents (and Prospective Consumers), Elected Members, Visitors to the City, and Current Animal Establishment Licence Holders.

For each of the areas below, an assessment has been made on whether the policy has a **positive, negative or neutral impact**, and brief details of why this decision was made and notes of any mitigation are included. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

High impact – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

Medium impact –some potential impact exists, some mitigating measures are in place, poor evidence

Low impact – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

	Neutral	Positive	Negative
Protected characteristic/ area of interest Race and ethnicity (including Gypsies and Travellers; migrant workers asylum seekers etc.)	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
Disability (as defined by the Equality Act - a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities)	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
Sex/Gender	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
Gender reassignment	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic		
Religion and belief	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
Sexual orientation (including heterosexual, lesbian, gay, bisexual)	There is no evidence to suggest that the proposed policy amendment would have a potential impact on		

	this characteristic.		
Age (children and young people aged 0 – 24, adults aged 25 – 50, younger older people aged 51 – 75/80; older people 81+. The age categories are for illustration only as overriding consideration should be given to needs).	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
Community relations	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
Human Rights	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
Actions identified as a result of the impact assessment	N/A		
Action	Lead	By when	

Equality Impact Assessment Report Questions checklist	
1.	Describe the piece of work you are assessing and the reason it is being carried out. Are you: <ul style="list-style-type: none"> ○ Making a strategic budget proposal ○ Developing a new policy, strategy or project ○ Reviewing and revising a policy, strategy or project ○ Reviewing a function or a service ○ Restructuring a service. Include any options appraisal and if you have a preferred option explain why.
2.	What are the timescales for completing the work? What committee deadlines do you have to meet?
3.	What are the aims and objectives of the work? How do these link to wider council or strategic objectives.
4.	Who will be the main beneficiaries of the piece of work and in what way? All people in Exeter? Council staff? A specific stakeholder group? A combination of these?
5.	What data do you have on how different groups would be affected by the work?
6.	What research studies or reports have been carried out in other areas of the country or nationally that provide information about the likely impact of your work on equality groups?
7.	What consultation has taken place or is planned with customers (individuals and groups) from equality groups?
8.	What does the consultation indicate about any differential positive or negative impact(s) of this piece of work?
9.	If there are gaps in your previous or planned consultation and research are there any experts/relevant groups that can be contacted to get further views or evidence on the issues? If so please explain who they are and how you will obtain their views.
10.	If you have indicated there is a negative impact on any group, is that impact Legal; Intended; of high or low impact?
11.	If you identified any negative impact that is of low significance, can you minimise or remove it? If so how?
12.	Could you improve the strategy/policy/project's positive impact and if so how?

13.	How do you intend to continue monitoring the impact of this strategy/policy/project?
14.	If there are gaps in your evidence base, do you need to carry out any further research about the likely impact of your work on equality groups?
	There might be a time delay here as you will need to get the results of your consultation before you can continue working your way through the questions.
15.	As a result of this assessment and available evidence collected, including consultation, what if any changes do you need to make to the strategy/policy/project?
16.	Will the changes planned ensure that the negative impact is: Legal; Intended; of low impact?
17.	What monitoring/evaluation/review process have you set up to check the successful implementation of the strategy/policy/project?
18.	How will this monitoring/evaluation further assess the impact on the equality groups/ensure the strategy/policy/project is non-discriminatory?
19.	Please provide an action plan showing any recommendations that have arisen from the assessment and how you plan to take them forward. Are your actions SMART (specific, measurable, achievable, relevant and time-based).
20.	When will you next review this work and the impact assessment?