

Extracts from Animal Welfare Licensing Policy

2.0 Policy Objectives

2.1 The policy is designed to ensure that:

- any person who carries on, attempts to carry on or knowingly allows a licensable activity to be carried on, holds a licence in accordance with the Regulations.
- a licence holder is not disqualified from holding a licence in accordance with the requirements of the relevant Regulations.
- that the five overarching principles of animal welfare, (known as the “five needs”) introduced by the Animal Welfare Act 2006 are upheld in any decision.
- the safeguarding of any children or vulnerable persons in contact with a licensable activity is ensured, in accordance with the relevant legislation.
- each licence application is considered on its own merits.
- decisions made by the Council are transparent and consistent.

2.2 In addition, the Council will base its licensing regime on the following principles which arise from the responsibilities arising under the Animal Welfare Act 2006:

- Responsibility to protect the welfare of all fellow creatures.
- Ensuring the welfare of domestic or captive animals by implementing appropriate standards that promote the “five needs”.
- Ensuring that persons responsible for the management of animal welfare observe recognised standards of good practice.
- Ensuring that, so far as it falls within its powers, the requirements of all animal-related legislation will be pro-actively enforced.

3.0 Animal Welfare Act 2006

3.1 The Animal Welfare Act 2006 established that reasonable welfare standards must be maintained whilst unifying all animal legislation, including responsibilities falling to various enforcement agencies.

3.2 The Act introduced five overarching principles of animal welfare, known as the “five needs” which are:

1. The need for a suitable environment - *by providing an appropriate environment, including shelter and a comfortable resting area.*
2. The need for a suitable diet - *by ready access, where appropriate, to fresh water and a diet to maintain full health.*
3. The need to be able to exhibit normal behaviour patterns - *by providing sufficient space, proper facilities and the company of an animal of its own kind, where appropriate.*

4. Any need to be housed with, or apart from, other animals - *by providing the company of an animal of its own kind, where appropriate.*
5. The need to be protected from pain, suffering, injury and disease - *by prevention or rapid diagnosis and treatment, and ensuring conditions and treatment which avoid mental suffering.*

15.0 Variations, Suspensions and Revocations of Licences

15.1 The Regulations allow a Local Authority to vary a licence:

- On the application in writing of the licence holder, or
- On the initiative of the Local Authority, with the consent in writing of the licence holder.

This Authority may charge an administrative fee for the variation of a licence where the licence holder wishes to increase the maximum number of animals stipulated on the licence, add a class of animal to be authorised for sale under a pet vending licence, etc.

15.2 In addition to the above, a Local Authority may suspend, vary or revoke a licence without the consent of the licence holder if:

- The licence conditions are not being complied with.
- There has been a breach of the Regulations.
- Information supplied by the licence holder is false or misleading.
- It is necessary to protect the welfare of an animal.

15.3 A suspension or variation of a licence will normally take effect 7 working days after the decision has been issued to the licence holder unless the reason is to protect the welfare of an animal, in which case the Local Authority may stipulate that the decision has immediate effect.

15.4 A decision to vary or suspend the licence must be notified to the licence holder in writing and the reasons for the decision must be explained. It must also provide information regarding when the suspension or variation comes into effect and the rights of the licence holder to make written representation, as well as any specific changes deemed necessary in order to remedy the situation.

15.5 The decision to vary, suspend or revoke a licence will be dependent on the severity of the situation. If an operator fails to meet administrative conditions or provide information when requested then this could potentially lead to the suspension of a licence. If such a scenario happens repeatedly, the Council may consider revocation appropriate. Revocation of a licence will also occur in an instance where poor welfare conditions are discovered or it would otherwise benefit the welfare of the animals involved to be removed from the activity. Variations can occur if adjustments need to be made, whether that is to the licence itself or to the premises/animals referred to in the licence.

15.6 Following the issuing of the notice of suspension or variation, the licence holder will have 7 working days to make written representation. Upon receipt of this the Council will decide whether to continue with the suspension or variation of the licence or cancel the decision.

15.7 If the licence has been altered with immediate effect to protect the welfare of an animal then the Council must indicate that this is the reason.

15.8 The business will not be able to trade once the suspension of a licence has come into effect and cannot do so until the decision is overturned by the Local Authority, upon, for example, being satisfied that the licence conditions are being met.

15.9 There is no right of appeal against the suspension of a licence. After 28 days of suspension the licence must be revoked or reinstated.

15.10 A licence holder may appeal to a First-tier Tribunal if they do not agree with the decision made by the Local Authority to vary or revoke a licence. This appeal must be made within 28 days of the decision and details on the appeal process will be provided to the licence holder at the relevant time.

17.0 Inspections during the Course of a Licence

17.1 There will be cases where inspections must be carried out during the term of a licence.

17.4 Unannounced inspections will be carried out and may be used in the case of complaints or other information that suggests the licence conditions are not being complied with or that the welfare of the animals involved in a licensed activity is at risk.

20.11 Complaints and Allegations of Unlicensed Premises – The Council will log and investigate, as it considers necessary, all complaints relating to animal establishments which are currently licensed or may require a licence. This Authority will require complainants to provide their name and contact details so as to ensure that a complaint is not malicious in nature, and so that witness evidence may be obtained if required for further action. When investigating complaints, Officers will take care to not reveal the identity of the complainant, unless the complainant has agreed otherwise, or unless it is necessary for the progression of legal proceedings.

20.12 This Council aims to achieve and maintain a consistent approach when we investigate complaints and make our decisions. In reaching any decision we will consider the following criteria:

- seriousness of any offences or breach of conditions.
- operator's past history.
- consequence(s) of non-compliance.
- likely effectiveness of the various enforcement options.
- danger to the welfare of animals and/or public.

22.10 Individual or Joint Licence Applicants – Where the business, subject of the licence application, is a partnership then this Authority will be prepared to accept a licence application and grant a licence in more than one person's name. However, it should be noted that each person, subject of the licence application, will be subject of the fit and proper test.