

Licensing Committee

Amendment to Animal Welfare Licensing Policy

Report of Executive Member for Neighbourhoods & Culture

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Executive Summary

This report requests that Members approve an amendment to the Council's animal welfare licensing policy in terms of application procedures.

Recommendations

That Members:

- 1) Note the report; and
 - 2) Approve the policy amendment as outlined in the report.
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Amendment to Animal Welfare Licensing Policy

1. Purpose of the report

- 1.1 The purpose of this report is to request that Members approve an amendment to the Council's Animal Welfare Licensing Policy.

2. Introduction

- 2.1 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.

- 2.2 Since October 2018 around fifty licences have been in force within the Borough of Oldham covering regimes including:

- Sale of pets
- Hiring our Horses
- Commercial boarding of Dogs and Cats
- Animal Exhibitions
- Breeding of Dogs
- Home boarding of dogs

- 2.3 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.

- 2.4 The policy also deals with applications made under different legislation which covers:

- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981

3. Proposed Amendments

3.1 Upon reviewing current practices against the policy Officers wish to request that Members approve the following amendments/additions to the policy to it covers all eventualities and scenarios in relation to dealing with an application.

- That applications to renew Dangerous Wild Animals licences are submitted at least two months prior to expiry;
- That any application submitted that upon review is without the appropriate supporting documentation be rejected;
- That any fee submitted for an application that is rejected or withdrawn be refunded minus any costs incurred by the Council in reviewing the application. Such costs will be based on the published hourly Officer rate (currently £50) for business advice/assistance;
- There will be no refunds or partial refunds in the case of applications rejected or withdrawn after an inspection has been carried out.

4 Legal Services Comments

4.1 Under Regulation 13 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the Council may charge such fees as it considers necessary for the consideration of an application for a grant, renewal or variation of a licence. The fee charged for consideration of the application must not exceed the reasonable costs of that consideration. Under S15 of the Zoo Licensing Act 1981, the Council may charge such reasonable fees as it may determine in respect of applications for the grant, renewal or transfer of licences under the Act. Under S1 of the Dangerous Wild Animals Act 1976, the Council may charge a fee for an application for a licence under the Act which is in the Council's opinion sufficient to meet the direct and indirect fees which it may incur as a result of the application. (A Evans)

5 Co-operative Agenda

6.1 The licensing process is in place not only to protect the public but also to support and where necessary regulate businesses within the Borough.

6 Environmental and Health & Safety Implications

6.1 None

7 Equality, community cohesion and crime implications

8.1 None

8 Equality Impact Assessment Completed?

8.1 No

9 Key Decision

9.1 No

10 Key Decision Reference

10.1 N/A

11 Background Papers

12.1 None

13.0 Appendices

13.1 Appendix 1 - Animal Welfare Licensing Policy

