

Bolsover District Council

Healthy, Safe, Clean and Green Communities Scrutiny Committee

2nd August 2019

Animal Welfare Policy

Report of the Environmental Health Manager

This report is public

Purpose of the Report

- The purpose of this report is for Communities Scrutiny Committee to consider and feedback on the proposed Animal Welfare Policy. Committee's comments will be consideration as part of the formal consultation of the Policy.

1 Report Details

- 1.1 Bolsover District Council is responsible for the licensing and inspection of Animal Welfare establishments (Pet Shops, Boarding Kennels and Catteries, Home Boarding of Dogs, Doggy Day Care, Dog Breeding, Riding Establishments and Keeping or training animals for exhibition) across the District.
- 1.2 On 1st October 2018 the **Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018** came into force and replaced the previous legislation applicable to:
- Pet Shops
 - Kennel / Cattery Boarding of Dogs and Cats
 - Home Boarding of Dogs
 - Breeding of Dogs
 - Riding Establishments
 - Keeping or training animals for exhibition
- 1.3 This new legislation is designed to raise standards and promote consistency in Animal Welfare, and to ensure that those who participate in any of the above Trades "**where there is a view to make financial gain; or where a commission or fee is taken**" are licensed and monitored.
- 1.4 Under the new laws, animal boarding businesses (including home boarders and day carers), dog breeders, pet shops riding establishments and keeping or training animals for exhibition will be covered under a single type of licence from that date. This Animal Activity Licence has nationally-set licence conditions for businesses providing animal-related services, and can be granted for periods of 12 months to 3 years.

- 1.5 Those businesses operating under licences issued prior to 1st October 2018 will be able to continue to do so until the expiry date as shown on their licence. All applications to renew licences will be made under the new legislation, and as such deemed to be “**new applications**”.
- 1.6 Applications made by businesses from 1st October 2018 for an Animal Activity Licence will need to comply with the mandatory conditions of the new legislation, and will be assessed by way of an inspection before the new licence is granted, in order to ensure that the businesses are compliant with the mandatory conditions.
- 1.7 The draft policy sets out the legislative framework, the fees and charges which have already been approved in Delegated Decision DD/046/18PC the application process, the inspection process, and how premises with lower star ratings can appeal these decisions.

2 Conclusions and Reasons for Recommendation

- 2.1 It is considered good practice to have a policy which sets out how the Council will inspect and licence establishments under these new regulations.
- 2.2 The proposed policy is fit for purpose, follows the best guidance contained within The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 Procedural guidance notes for local authorities October 2018.

3 Consultation and Equality Impact

- 3.1 The approved draft policies will be subject to a full public consultation. Current licence holders and relevant agencies/organisations will be consulted via the Council’s website and by direct mailing. The list of consultees can be found at Annex 2.

The feedback will be presented to members of the cabinet later this year to approve final versions of the policies.

- 3.2 Similarly an equality impact assessment will be undertaken once feedback has been received, before the matter goes to Cabinet.

4 Alternative Options and Reasons for Rejection

- 4.1 The policy is considered necessary so that members of the public are aware of the standards and how we operate and so that animal licensed premises are aware of what is expected of them.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 There will be a minor cost associated with carrying out the consultation, which can be accommodated from existing budgets.

5.2 Legal Implications including Data Protection

- 5.2.1 Having a policy which is up to date and complaint with the legislation, and fit for purpose and clearer to Applicants could assist in implementing the new regulations.

5.3 Human Resources Implications

- 5.3.1 The introduction of this legislation has had ongoing implications to workloads due to the application and inspection regime. It is essential that staffing levels of suitably qualified inspectors and support staff are provided and then maintained to ensure these regulations are complied with.

6 Recommendations

- 6.1 That Members review the attached policy documents and provide comments for consideration as part of the consultation.

7 Decision Information

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| Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i> | No |
| Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In) | No |
| Has the relevant Portfolio Holder been informed | Yes |
| District Wards Affected | All indirectly |
| Links to Corporate Plan priorities or Policy Framework | All |

8 Document Information

| Appendix No | Title |
|---|---|
| 1. | Bolsover District Council – Animal Welfare Policy |
| 2. | List of consultees |
| <p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p> | |
| <ul style="list-style-type: none"> The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 Procedural guidance notes for local authorities October 2018. | |
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Report Reference –