

Cherwell District Council

Executive

4 September 2017

Joint Animal Licensing Policy

Report of Public Protection Manager

This report is public

Purpose of report

To seek approval for the adoption of a joint Animal Licensing Policy and Animal Licensing Conditions for consultation. The policy will be applied by authorised officers when determining applications for all animal related licences

1.0 Recommendations

The Executive is recommended:

- 1.1 Subject to consultation, to adopt the proposed policy and conditions attached at Appendix A setting out the Council's approach to determining all animal licensing applications and subsequently ensuring compliance with the relevant conditions.
- 1.2 To authorise the Director of Operational Delivery to set all animal licensing fees and to make any changes to the attached policy and conditions should they be required through either changes in legislation or changes in circumstances.
- 1.3 To delegate authority to the Director of Operational Delivery to approve the final policy in consultation with the Lead Member for Public Protection and Community Services following the consideration of any consultation responses.

2.0 Introduction

- 2.1 Cherwell District Council is responsible for granting a number of animal licences under the following legislation:

The Pet Animals Act 1951

The Animal Boarding Establishments Act 1963

The Breeding of Dogs Act 1973/1991 (as amended by the Breeding and Sale of Dogs(Welfare) Act 1999)

The Dangerous Wild Animals Act 1976

The Riding Establishments Act 1964/1970

Zoo Licensing Act 1981

- 2.2 Whilst the Public Protection team have always dealt with applications and granted licences under the above legislation, only Cherwell District Council had a formal policy in place. As the service is now shared it is an opportune time to review the existing policy and adopt a joint policy with South Northamptonshire Council (SNC). SNC's cabinet will consider the same proposed policy on 11 September 2017.
- 2.3 The policy has been drafted to clarify what is required of applicants; what provisions need to be in place to secure the welfare of all animals and what conditions the Council can attach to each licence they grant. There has been a rise in establishments offering day care for dogs in particular. This can either be home boarding where the dogs are looked after as if they were pets in a home situation, or in a more commercial setting where a number of dogs are cared for in a warehouse-type facility. This policy contains specific conditions for businesses of this type.

3.0 Report Details

- 3.1 Cherwell District Council currently has eight licensed Pet Shops, 35 licensed Animal Boarding Establishments, and five licensed Horse Riding Schools. At this time there are no licensed Zoos, Dangerous Wild Animals or Dog Breeders.
- 3.2 The length of time for which a licence can be granted varies depending on the legislation it is being granted under. The time periods are detailed in the policy.
- 3.3 There is no statutory requirement for a local authority to have a formal animal licensing policy. However, it is considered best practice to adopt such a policy. This is for the benefit of business owners as well as reassuring the general public and other public bodies. It also ensures transparency and consistency when dealing with applications.
- 3.4 The full draft of the proposed policy and relevant conditions is attached to this report at Appendix A.

4.0 Conclusion and Reasons for Recommendations

- 4.1 Although a policy is not a statutory requirement it is considered best practice as an aid to clarify what is required of applicants and what conditions are attached to issued licences. It is also recommended that the policy be consulted on prior to implementation.

5.0 Consultation

- 5.1 A four week consultation will be carried out with stakeholders, the police and the fire service. The document will also be posted on both Council websites for the duration of the consultation period.

6.0 Alternative Options and Reasons for Rejection

6.1 The following options have been identified:

Option 1: Adopt the policy and attached conditions

Option 2: Reject the policy and attached conditions for amendment

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising directly from this report.

Comments checked by:

Kelly Wheeler, Principal Accountant for Operational Delivery, Tel. 01327 322230,
kelly.wheeler@cherwellandsouthnorthants.gov.uk

7.2 Legal Implications

The Council is the statutory body responsible for licensing, regulating and enforcing a number of animal establishments and related activities pursuant to the legislation specified above and the overarching Animal Welfare Act 2006. The legislation provides for the attachment to the various licences of mandatory conditions as specified in the relevant statute, and / or additional conditions at the discretion of the Council.

There is no statutory requirement for the Council to have in place an Animal Licensing Policy or to undertake a consultation in respect thereof. However, the implementation of such a policy and prior consultation is to be considered good practice and provides for greater transparency and consistency in the implementation of the policy, and in accordance therewith the issuing of licences and the enforcement of conditions attached thereto.

At the time of review, much of the above detailed 'animal licensing' legislation is subject to 'amendments pending.' As such, the legislation and the policy will need to be kept under review to ensure that the policy remains aligned and compliant with any legislative changes.

Comments checked by

Matt Marsh, Solicitor, 01295 221691

matt.marsh@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met:

Community Impact Threshold Met: Yes

Wards Affected

All Cherwell wards

Links to Corporate Plan and Policy Framework

Not applicable

Lead Councillor

Councillor Kieron Mallon, Lead Member for Public Protection and Community Services.

Document Information

Appendix No	Title
Appendix A	Draft Animal Licensing Policy and conditions
Background Papers	
None	
Report Author	Nicholas Sutcliffe, Licensing Manager
Contact Information	01327 322287 Nicholas.sutcliffe@cherwellandsouthnorthants.gov.uk