

OADBY & WIGSTON BOROUGH COUNCIL

ANIMAL LICENSING POLICY



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1.0 Introduction

Oadby and Wigston Borough Council (“the Council”) are responsible for licensing a number of activities relating to the welfare of animals under a number of different Acts of Parliament. This legislation is aimed at protecting animals and makes it an offence for any person to possess, own or keep animals in order to carry out certain businesses, or have possession of certain animals within the Borough of Oadby and Wigston, without first being licensed by the Council.

2.0 Licences Issued by the Council

The Council issues the following licences:

- Animal boarding establishment licences
- Horse riding establishment licences
- Pet shop licences
- Dangerous wild animal licences
- Dog breeding establishment licences
- Keeping or training animals for exhibition
- Zoo licences

3.0 The Legislation

The above licences are regulated by the Council under the following Legislation:

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (Amended in 2019 by SI2019 No 1093)
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981

Together, this Legislation and the Animal Welfare Act 2006 provide a comprehensive scheme of animal welfare.

4.0 Animal Welfare Act 2006

The Animal Welfare Act 2006 (“the 2006 Act”) consolidated and updated a range of previous legislation to promote the welfare of animals. The 2006 Act is the primary piece of legislation controlling animal welfare in England and Wales and established set welfare standards that must be maintained by all people who are responsible for an animal. The 2006 Act also places responsibilities on numerous enforcement agencies, including this Council.

The 2006 Act introduced a ‘duty of care’ on any person who is responsible for an animal to ensure that the needs of that animal are met. A person does not have to be the owner of the animal for the ‘duty of care’ to apply.

The 2006 Act creates an offence of failing to provide for the needs of an animal in a person’s care and increased the penalties for animal abuse allowing the courts to disqualify a person from being in charge of animals. Any person disqualified under the 2006 Act will also be disqualified from holding a licence under any of the ‘the Acts’.

5.0 Licensing Considerations

Together the Acts and the Regulations set out individual application requirements and standards that the Council must be satisfied of before it can grant a licence. The Acts and regulations specify both general and specific conditions that must be attached to each type of licence.

The purpose of requiring a licence is primarily to ensure the welfare of the animals.

When considering applications and in undertaking enforcement duties the Council will have regard to its own Animal Licensing Objectives set out in this Policy.

6.0 The Council’s Animal Licensing Objectives

When carrying out its functions under the Acts and Regulations the Council will seek to promote the following objectives:

- Animal Welfare (the five needs)
- Public safety
- Integration with other relevant strategies and legal requirements
- Positive relations with licence holders and proportionate regulation

7.0 Animal Welfare (The Five Needs)

Section 9 of the Animal Welfare Act 2006 creates five overarching principles of animal welfare. The Act refers to these as the 'five needs' of all animals. It is the duty of any person responsible for an animal to ensure that each of these five needs are met.

The 'five needs' are:

- The need for a suitable environment;
- The need for a suitable diet;
- The need to be able to exhibit normal behaviour patterns;
- Any need to be housed with, or apart from, other animals; and
- The need to be protected from pain, suffering, injury and disease.

The 2019 Regulations (SI 2019 NO.1093) (known as Lucy's Law) have now been implemented.

Regulation 2 amends a licence condition relating to the activity of selling animals as pets (or with a view to being resold as pets). The amendment precludes the sale of puppies and kittens bred by anyone other than the licence holder. Regulation 3 makes transitional provision for existing licences to be treated, in relation to sales made on or after 6 April 2020 as subject to a condition in the terms set out in regulation 2.

Defra guidance has been issued in connection with passing the conditions listed in the guidance. As per section 13 of this policy conditions animal health and licensing.

Importation of Dogs, Cats & Ferrets

To see the latest importation advice from Government on the legislation that is applicable to the importation of certain animals, please visit the Gov.uk website. Updated guidance on the isolation requirements (pdf 91kb) is available.

Avian Flu Update 3 May 2022:

H5N1 Highly Pathogenic Avian Influenza needs to be identified when symptoms are detected which will result in a disease control zone being introduced.

Highly Pathogenic Avian Influenza H5N1 when symptoms are detected need to create a disease control zone.

If your livestock show any signs of disease, you must report your suspicions to APHA immediately by telephoning **03000 200 301**

Poultry includes chickens, ducks, turkeys, geese, pigeon (bred for meat), partridge, quail, guinea fowl and pheasants.

Captive birds are any birds kept in captivity, other than poultry, and includes for example – pet birds, birds kept for shows, races, exhibitions, competitions, breeding or sale.

All bird keepers (whether you have pet birds, commercial flocks or just a few birds in a backyard flock) must keep a close watch on them for signs of disease and maintain good biosecurity at all times. If you have any concerns about the health of your birds, seek prompt advice from your vet.

You should register your poultry, even if only kept as pets, so we can contact you during an outbreak. This is a legal requirement if you have 50 or more birds. Poultry includes chickens, ducks, turkeys, geese, pigeon (bred for meat), partridge, quail, guinea fowl and pheasants.

For further information go to Gov.uk.

Importing animals and animal products

Specific guidelines about the trade of animals and animal products have been produced by the Department for Environment, Food and Rural Affairs (DEFRA). Traders must follow detailed guidelines for products of animal origin in addition to the general checks at the point of entry into the UK.

Keeping poultry on a domestic property

Keeping a few hens in the back garden to provide year round eggs is becoming more and more popular. There are no laws preventing you keeping hens, providing they are looked after properly and their welfare is taken seriously. However, it is advisable to check your property deeds or consult your landlord to make sure there are no covenants preventing the keeping of livestock. By law you must register with DEFRA if you are responsible for fifty or more birds. It is also advisable to also register all flocks of birds under 50.

Buying a cat or dog

Animal lovers should take care when buying a new pet. Do not buy a cat or dog from an unknown source and be careful when buying animals advertised on the internet or in a newspaper.

Illegally imported dogs and cats may carry diseases such as rabies and advertising may mislead you on details about the animal's history, breed or pedigree.

DEFRA have produced guidance for the basic checks you should carry out when buying a cat or dog.

Abandonment and fly-grazing

Most abandonment and fly-grazing cases are a civil matters. If you think the animal may be in distress you can report it to the RSPCA on 0300 1234 999. If you believe an animal has been abandoned or is fly-grazing on land managed by the Council, please contact the council directly.

8.0 Public Safety

In addition to the danger to the welfare of animals by unlicensed or irresponsible animal owners there is also a danger that may arise to members of the public. For instance the effect of diseases affecting animals, or harmful bacteria stemming from poor hygiene could spread and affect other members of the public and their animals.

Additionally licence holders that permit members of the public onto their premises have a duty to ensure that they do not put them at risk of illness or injury.

Public safety will therefore be a paramount consideration by the Council at all times.

9.0 Integration with Other Relevant Strategies and Legal Requirements

There are a number of different areas that may affect or be affected by licence holders or potential licence holders under the Acts and where necessary these will be considered by the Council in carrying out its functions under the Animal Welfare Act 2006.

In addition to being licensed to carry out certain activities a licence holder and their premises may need to comply with other legislation such as planning and building regulations. Where the appropriate permissions or consents are not in place, or where they are being breached, the Council may take enforcement action which could lead the closure of such premises. The subsequent effect on the welfare of the animal(s) could be damaging.

Therefore, the Council will not grant a licence where the appropriate planning permissions or building control consents are not in place or may revoke a licence where such legislation, regulation or conditions are breached.

Under Section 17 of the Crime and Disorder Act 1998, local authorities must have regard to the likely effect of the exercise of their functions on, and do all that they can to prevent, crime and disorder in their area. The Council may therefore consider the implication of an application or existing licence in the context of local crime and disorder in the area.

This Policy should be read in conjunction with, and without prejudice to, other existing National and European Union legislation, such as the Human Rights Act 1998 and the Equality Act 2010.

10.0 Positive Relations with Licence Holders and Proportionate Regulation

By developing this policy, the Council have taken a positive step in the control and regulation of activities requiring a licence under the primary licensing Acts.

The Council have consulted widely with existing licence holders, veterinary surgeons, trade bodies and bodies concerned with the welfare of animals. An objective of this policy is to maintain such positive relations with all involved in the welfare of animals and those holding existing licences.

The Council will carry out its regulatory activities in a fair, consistent, transparent and proportionate way based upon actual evidence or risk assessments justifying any action to be taken. This will be in accordance to the Council's other applicable policies on enforcement, complaints and prosecutions that may be adopted and maintained by the Council at any time through the life of this policy.

11.0 Applying for Licences

Each licence type has its own application process and requirements that the Council need to take into consideration before granting a licence. Details on how to apply for a licence can be found on the Council's website.

12.0 Granting or Refusing a Licence

The Acts and regulations clearly state the criteria which must be satisfied before licence is granted. Where the relevant licensing officer is not satisfied that the relevant legal requirements are met, or where an Environmental Health Officer of the Council or veterinary surgeon has raised concerns that the legal requirements or standards are not met or are unlikely to be met, the applicant for the licence will be notified.

The applicant will have the opportunity to address these matters in the hope of satisfying the relevant criteria.

If the relevant Licensing Officer of the Council feels that the application should be refused he will submit a report to the Head Law and Governance to determine the matter. The appeal procedures applicable to each application vary and applicants will be advised of their rights when notified of such refusal.

If the Council are satisfied that the requirements of the Acts and /or Regulations (as amended) are met, and there are no other concerns about the welfare of animals or the objectives of this policy being undermined, a licence will be granted.

13.0 Conditions

The Regulations contain both general and specific conditions (depending on the nature of the licensable activity) which must be imposed on the licence. Those conditions can be found in Schedules 2-7 of the Regulations which can be found at:

<https://www.legislation.gov.uk/ukdsi/2018/9780111165485/contents>.

14.0 Fees and Charges

The Council is entitled to charge such fees as it considers necessary for the consideration of an application for the grant, renewal or variation of a licence including the cost of any inspection. The fees and charges will be reviewed on an annual basis and veterinary fees are not included in the base price.

15.0 Veterinary and Other Inspections

Where the Acts or Regulations require an inspection of the premises by a veterinary surgeon or an Inspector appointed by the Council (who will invariably be a veterinary surgeon) in addition to submitting the application form the applicant is also required to facilitate obtaining that report and is responsible for arranging an inspection from a person on the Council's approved list of vets or approved Inspectors and obtaining a quote for the work.

At the time of making the application the applicant must pay to the Council the application fee and the sum quoted by the vet or approved Inspector. The Council will then instruct that vet or approved Inspector and pay the fee.

The purpose of the Council instructing the vet or approved Inspector and paying the fee is to avoid any conflict of interest that may arise between the vet or approved Inspector and the applicant. In rare instances the Council reserve the right to not use the vet or approved Inspector requested by the applicant if they feel that the vet or approved Inspector will not offer an impartial assessment. In such instances the Council will discuss the matter with the applicant and arrange for an agreed alternative inspection.

Where the licensable activity falls under the Regulations an inspection will be required on first application and every subsequent renewal.

An Environmental Health Officer and Licensing Officer of Oadby and Wigston the Council may also visit the premises, either together, separately or with the vet or approved Inspector to assess the arrangements in place, the suitability of the premises and the individual licence holder.

16.0 Duration of a Licence

Depending upon the nature of the licensable activity, the duration of the licence may be 1, 2, or 3 years.

Appendix 1: Approved Veterinarians and Inspectors

The following veterinarians are approved by the Council to carry out inspections of the premises or individuals who may apply for or hold any of the licences detailed in this policy.

This list may be amended from time to time at the discretion of the Licensing team.

Simon Turner, MRCVS

Chine House Veterinary Hospital, Cossington Road, Sileby Hall, Sileby, Loughborough, LE12 7RS (Riding Establishments only)

Michael Gibson, MCRVS

Gibsons, Southey Lodge, Upton, Peterborough, PE6 7BF (Riding Establishments only)

Bell Brown & Bentley

1 Central Avenue, Wigston, Leicestershire, LE18 2AB

(Pet Shops, Dog Breeding Establishments, Animal Boarding Establishments)