

# Briefing Note – The Animal Licensing Decision Making and Enforcement Protocol

## 1. Purpose of Briefing Note

The purpose of the briefing note is to advise members of the Licensing Committee regarding the 2023 update to the Animal Licensing Decision Making and Enforcement Protocol.

## 2. Background

As members are aware in 2018 new regulations introduced minimum welfare standards, seeking compliance from all those responsible for boarding, breeding, exhibiting, and recreational use involving animals. They also streamlined previous local authority systems and attempted to provide clarity for both local authorities and business.

The enforcement protocol has recently been updated to remove references to the old legislation repealed by the regulations, and additional information about complaints and the fit and proper test. The protocol endeavours to make it easier for those operating within this industry to understand the Council's decision and enforcement approach.

The Council's Public Protection Service operates a graduated approach to enforcement, and this animal enforcement protocol mirrors the wider public protection enforcement policy where the legislation permits, and it is appropriate to do so.

Under previous legislation breaches of conditions in relation to animal licensing or unlawful trading required local authorities to prosecute and seek the revocation of licence on conviction.

The Animal Activities Regulations allows the local authority to vary, suspend or revoke a licence without the need for legal action, making the process easier to enforce, with the likelihood of an expedited result. The protocol includes these powers.

Licensing Committee members have already given delegated authority to the Head of Service and Licensing Manager to exercise these powers where necessary.

## 3. Inspections

The licensing team has a system to inspect animal premises to ensure they meet the required standards dependant on the relevant legislation.

Zoos and dangerous wild animal premises have different inspection regimes, licensing requirements and sanctions from premises falling under the Animal Activities regulations. They do not require to be risk rated and have their own specific licence periods and inspections regimes set out in their relevant Acts.

#### Animal Activities Regulations

For premises covered by the regulations the length of a licence can vary between one and three years, dependent on the outcome of the inspection, and the type of licence.

Unfortunately, not all premises meet the standards required under the legislation and some operators struggle to understand the importance of recording their standard work practices to demonstrate compliance.

During the licensed period, the operator receives an unannounced visit by an inspecting officer where a further assessment is conducted, and the operator is reassessed to see if they continue to meet the standards. This is a statutory requirement and provides a consistent approach for all operators.

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	<b>1 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>3 Star</b> 2yr licence Min 1 unannounced visit within 24 month period	<b>5 Star</b> 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	<b>1 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>2 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>4 Star</b> 2yr licence Min 1 unannounced visit within 24 month period

#### 4. Complaints

Valid complaints regarding animal premises will be logged, investigated and appropriate action taken in line with the protocol and the relevant legislation.

Other agencies / bodies have different responsibilities and statutory powers in relation to animal welfare and where / if appropriate complainants will be directed to the most relevant agency.

## **5. Impact on the Licensed Trade**

The protocol seeks to support well run establishments offering advice and guidance to proprietors, whilst ensuring those that are failing are encouraged to put matters right or the Council will take the appropriate action to address the concerns.

The licensing team regularly investigates concerns raised by the public and other license holders regarding possible unlicensed animal operators in the county.

## **6. Conclusion**

The expansion of the legislative framework relating to animal licensing requires a consistent approach by officers when addressing issues found at a premise. This protocol sets out guidance to officers, licensed trade and the public of how matters will be addressed.

Enforcement actions will be undertaken in a reasonable and proportionate way ensuring animal welfare is always the main consideration in any decision-making process. Whilst not seeking to burden licence holders unnecessarily compliance with the legislation is the objective for any premises which falls within the scope of the animal licensing laws.

## **7. Summary**

Changes in legislation have had significant impact on our animal licensing regime. These changes have strengthened and supported the welfare elements of animal licensing, and the increased focus on animal activities has increased demand on resources. Further changes to the regulations like (Lucy's Law) underlines the need for an up-to-date clear protocol to ensure transparency of decision making.

The updated Animal Decision and Enforcement Protocol sets out a clear pathway to decision making regarding enforcement for officers. The Licensing Committee is asked to note the update to the Animal Licensing Decision Making and Enforcement Protocol and continue to support the work of the Licensing Team in carrying out this work.

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November 2023