

Animal Licensing Policy Consultation
The Licensing Team
Guildford Borough Council
Millmead House
Millmead
Guildford
GU2 4BB

Monday 11th March 2019

Dear Sir/Madam

Re: Animal Welfare Licensing Policy

Dogs Trust is pleased to be able to respond to your consultation on Animal Licensing Policy, which is welcome groundwork following the repeal of the older legislation governing this area and its replacement with new Regulations under the Animal Welfare Act 2006.

Dogs Trust is the UK's largest dog welfare charity. We have twenty rehoming centres across the UK, through which we care for more than 15,000 dogs each year, and invest substantial resources in information services, community outreach programmes, and education on responsible dog ownership. In preparation for the introduction of the new Regulations, in August and September last year we worked with animal health inspectors from the City of London Corporation to deliver a training roadshow to more than 300 Local Authority inspectors across England. The aim of these was to help ensure the officers tasked with enforcing the new Regulations understand the changes being introduced and the part they play in implementing them.

As the UK's largest dog welfare charity, we would like to make some comments on the Animal Welfare Licensing Policy for consideration.

Policy Objectives

The Policy sets out that the Council will base its licensing regime on a number of principles which arise from the responsibilities under the Animal Welfare Act 2006 (AWA), one of which is the responsibility to protect the welfare of all 'fellow creatures'. The AWA defines animal as 'a vertebrate other than man'. Dogs Trust recommends amending the Policy in line with this as 'fellow creatures' could be interpreted as including man.

Animal Welfare Act

Where the Policy notes that the AWA unifies all animal legislation, we would disagree as there are other pieces of legislation relating to animals and that impact on their welfare, for example legislation relating specifically to wildlife.

Suitability of Applicants

Dogs Trust agrees with the criteria the Council sets out for the applicant to be considered a 'fit and proper person'. However, we would also add that the applicant should be aged 16 or over.

We agree that anyone wishing to obtain a licence should also have demonstrable animal welfare knowledge and be able to adequately provide for the welfare of the animals within their care. We encourage the Council to include in their Policy what is required by the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, that:

The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

Relevance of convictions

The Animal Welfare Policy sets out that the council would not normally grant a licence to a person with one (or more) convictions for a number of offences including those involving danger or suffering caused to animals. Dogs Trust strongly argues that, irrespective of the species the offences were against, anyone with a conviction for animal welfare offences or other animal related criminal convictions should not be granted a licence under any circumstances. This should also include convictions under the Pet Animals Act, Non-commercial Movement of Pet Animals Order and the Dangerous Dogs Act.

We recommend extending such a ban to cover any address where a person with one or more of these convictions is residing.

It should also be checked that the licensee has not been involved in domestic abuse cases. Dogs Trust is a member of The Links Group, a multi-agency group that promotes the welfare and safety of vulnerable children, animals and adults so that they can live a life free from violence and abuse. We know through our work on this group that animal abuse is closely linked with domestic abuse.

Application Process

The Policy sets out that the Council will notify licence holders when their existing licence will expire (3 months prior to expiry) and licence holders must make a new application at least 10 weeks before the licence expires to continue the activity without a break. This only gives the licence holders a 2 week window to apply for a new licence after being notified of its impending expiry. Whilst this is per the legislation Dogs Trust recommends the Council considers giving licence holders a bigger window to do this to ensure everyone applies within the timeframe and nobody ends up operating without a licence.

Standards and Conditions

Where minor technical failings are noted/recorded, providing they do not compromise the welfare of the animals, improvement plans should be agreed between the council and licensee along with a timeline for their implementation. The establishment should be very clear about what needs to be done to improve standards, how this can be achieved, and a timeline for the implementation of necessary improvements. This will ensure the maintenance of high welfare standards but also provide necessary support to licence holders striving to improve their establishments.

Variations, Suspensions and Revocations of Licences

Dogs Trust agrees with the points made under this section of the policy but would encourage, where a licence is revoked or suspended, the council ensures there is a contingency plan in place to protect the welfare of the animals at the premises, particularly where they are being kept for breeding and sale. We also believe that a contingency plan is vital for ensuring that the council is not constrained from taking action because it does not have a way of caring for the animals at the establishment.

Inspections during the course of a licence

We strongly urge the council to regularly inspect any premises licenced to keep and care for animals to ensure the highest standard of welfare. Dogs Trust also believes unannounced inspections are essential to protect animal welfare. Although we certainly welcome a shift towards risk-based assessment, we fear that a lack of monitoring of “good” practitioners may result in their complacency and deterioration. Things can change significantly within one year, let alone three, and so we support annual inspections as a minimum and more frequent inspections for some establishments, in particular where concerns have been identified.

According to the scoring matrix included in the Policy, if a licence holder is awarded 4 Stars for welfare standards, they can be given a two year licence with a minimum of one unannounced visit within a 24 month period. Dogs Trust advocates all premises which are licensed for the first time to have an unannounced inspection in the first twelve months irrespective of their star rating.

Appeals to Star Rating

The Policy sets out that a business may wish to apply for re-inspection or re-rating on a chargeable basis following completion of works to rectify any non-compliance or improvements to achieve higher standards. Firstly, Dogs Trust recommends it should be made clear that the cost of re-inspection and re-rating must be borne by the licensee. We also recommend the Council includes a note in the Policy to point out that if an establishment is re-inspected or re-rated, this would not affect the licence period i.e. the licence would still expire on the same day and the licence holder will have to re-apply regardless of whether they have recently been inspected and re-rated.



DogsTrust

Once again we welcome the opportunity to respond to your Animal Welfare Policy and we hope that you will consider the points set out above.

Lastly, Dogs Trust works with local authorities to help improve responsible dog ownership standards within the community. If you would like to find out more about how we can work together, please do not hesitate to contact our Campaigns Team via campaigns@dogstrust.org.uk.

Yours faithfully,

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Dogs Trust

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