



Contact Officer:

Sophie Butcher, Democratic Services Officer

15 November 2022

Dear Councillor

Your attendance is requested at a meeting of the **LICENSING COMMITTEE** to be held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on **WEDNESDAY 23 NOVEMBER 2022 at 7.00 pm.**

Yours faithfully

Tom Horwood  
Joint Chief Executive

**MEMBERS OF THE COMMITTEE**

Chairman: Councillor David Goodwin  
Vice-Chairman: Councillor Catherine Young

Councillor Tim Anderson  
The Mayor, Councillor Dennis Booth  
Councillor Gillian Harwood  
Councillor Jan Harwood  
Councillor Ted Mayne, Deputy Older  
Persons' Champion  
Councillor Ann McShee  
Councillor Bob McShee

The Deputy Mayor, Councillor Masuk Miah  
Councillor Marsha Moseley  
Councillor Maddy Redpath  
Councillor James Steel  
Councillor Fiona White  
Councillor Keith Witham

**QUORUM 5**

## THE COUNCIL'S STRATEGIC FRAMEWORK (2021- 2025)

### Our Vision:

A green, thriving town and villages where people have the homes they need, access to quality employment, with strong and safe communities that come together to support those needing help.

### Our Mission:

A trusted, efficient, innovative, and transparent Council that listens and responds quickly to the needs of our community.

### Our Values:

- We will put the interests of our community first.
- We will listen to the views of residents and be open and accountable in our decision-making.
- We will deliver excellent customer service.
- We will spend money carefully and deliver good value for money services.
- We will put the environment at the heart of our actions and decisions to deliver on our commitment to the climate change emergency.
- We will support the most vulnerable members of our community as we believe that every person matters.
- We will support our local economy.
- We will work constructively with other councils, partners, businesses, and communities to achieve the best outcomes for all.
- We will ensure that our councillors and staff uphold the highest standards of conduct.

### Our strategic priorities:

#### Homes and Jobs

- Revive Guildford town centre to unlock its full potential
- Provide and facilitate housing that people can afford
- Create employment opportunities through regeneration
- Support high quality development of strategic sites
- Support our business community and attract new inward investment
- Maximise opportunities for digital infrastructure improvements and smart places technology

#### Environment

- Provide leadership in our own operations by reducing carbon emissions, energy consumption and waste
- Engage with residents and businesses to encourage them to act in more environmentally sustainable ways through their waste, travel, and energy choices
- Work with partners to make travel more sustainable and reduce congestion
- Make every effort to protect and enhance our biodiversity and natural environment.

#### Community

- Tackling inequality in our communities
- Work with communities to support those in need
- Support the unemployed back into the workplace and facilitate opportunities for residents to enhance their skills
- Prevent homelessness and rough-sleeping in the borough

## AGENDA

### **1 APOLOGIES FOR ABSENCE**

### **2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS**

In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

### **3 MINUTES (Pages 5 - 8)**

To confirm the minutes of the meeting of the Licensing Committee held on 28 September 2022.

### **4 ANNOUNCEMENTS**

To receive any announcements from the Chairman of the Committee.

### **5 LICENSING COMMITTEE ITEMS**

#### **5.1 Animal Activity Licensing Policy (Pages 9 - 58)**

The Committee to consider an updated draft Animal Activity Licensing Policy and approve public consultation.

#### **5.2 Purple Flag Update**

The Committee to receive an update in relation to the Purple Flag Update.

### **6 LICENSING COMMITTEE WORK PROGRAMME (Pages 59 - 62)**

**PLEASE CONTACT US TO REQUEST THIS DOCUMENT IN  
AN ALTERNATIVE FORMAT**

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## LICENSING COMMITTEE

Councillor David Goodwin (Chairman)  
\* Councillor Catherine Young (Vice-Chair)

Councillor Tim Anderson	* The Deputy Mayor, Councillor Masuk
* The Mayor, Councillor Dennis Booth	Miah
* Councillor Gillian Harwood	Councillor Marsha Moseley
Councillor Jan Harwood	* Councillor Maddy Redpath
* Councillor Ted Mayne	Councillor James Steel
Councillor Ann McShee	Councillor Fiona White
Councillor Bob McShee	* Councillor Keith Witham

\*Present

### **L1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from the following members; Councillors David Goodwin, Tim Anderson, Ann McShee, Bob McShee, Marsha Moseley and Fiona White. Councillors Jan Harwood and James Steel were absent.

### **L2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS**

There were no disclosures of interest.

### **L3 MINUTES**

The minutes of the Licensing Committee held on 20 July 2022 were approved and signed by the Chairman.

### **L4 ANNOUNCEMENTS**

The Chairman had no announcements.

### **L5 TAXI AND PRIVATE HIRE FEES AND CHARGES 2022-23**

The Committee received a report from the Senior Specialist for Licensing and Community Safety, Mike Smith. On the 25 July 2022, the Committee approved the draft fees and charges for 2022-23 for public consultation. The consultation was carried out as per the statutory requirement that included placing a notice in the local newspaper and in the council offices. The taxi trade were also advised of the proposed fees and charges via the Council's newsletter. The fees and charges would come into effect as of 3 October 2022 unless any objections were received. An objection had been received, which was detailed on page 11 of the report. A number of questions had been raised by Mr Majid, a Private Hire Operator. Licensing officers engaged with Mr Majid regarding his concerns. It was confirmed that the Council had set its fees in order to recover costs and had an approved methodology of setting the fees which was robust and set in a transparent way. There were both increases and decreases proposed in the fees detailed on page 17.

The Committee noted that the objection submitted related to the operator's licence increasing in cost from £970 to £2200, which represented a 100% increase. Notwithstanding the fact that the Council is not permitted to make a profit it was therefore asked why the increase had been so significant.

The Senior Specialist for Licensing and Community Safety, Mike Smith confirmed that when the fees and charges were presented for the Committee's consideration at their meeting in July, it was explained that the setting of fees had three elements to it. These included, the officers time; officers had to maintain a comprehensive time recording system where all activity recorded and coded to the various licence types enabling the Council to set fees based upon cost recovery. The second cost was comprised of the recharges into the private hire operator and other cost centres. The third cost was carrying forward any surplus or deficit. These three cost elements were then divided over a number of applications, resulting in a cost per licence. The increase in costs was reflective of the fact that the Council has had a reduction in the number of operators which meant that less income was coming into the cost centre, but the Council was still being recharged into the cost centre for on-costs. Whilst this represented a need to increase the fee, it had been set according to an adopted methodology.

The Committee requested further clarification with regard to the setting of fees. It was understood by the Committee that because there were fewer applicants with this type of licence that the costs of the Council had to be divided by a smaller number of applicants and that this was the reason for the increase. Given it represented an increase of over 100% it was therefore very significant. If there were fewer applications to be considered why hadn't the officer time therefore reduced so that the increase could be reduced.

The Senior Specialist for Licensing and Community Safety, Mike Smith confirmed that there was not a huge amount of officer time spent on private hire operators, both in terms of processing applications or carrying out other work associated with the function. There had also been a reduction in officer time compared to previous years. The operator fee was broken down into three elements of which staff time accounted for £200 of the cost, with £637 of recharges and an adjustment of £1383 as per the deficit carry forward. The Senior Specialist for Licensing and Community Safety also confirmed that the duration of a licence of this type was 5 years, so this fee was for a 5 year licence.

The Committee requested clarification on the approximate number of applications received for this category type that it was reduced from so to get an idea of the number of operators involved.

The Senior Specialist for Licensing and Community Safety, Mike Smith confirmed that drivers had a 3-year licence and operators had a 5-year licence. The Council had 400 drivers over a 3-year period and had 40 operators over a 5-year period although this number had reduced from 60 operators. In 2016, it was found that the fee of approx. £200 was not covering the costs and therefore in 2018 the methodology was changed to profile the costs over 5 years. In addition, some operators had ceased trading due to Covid-19. The proposed fee of £2,223.10 was based upon the number of applications received the previous year which amounted to x10.

The Committee agreed that officers should write to the 40 operators to explain the history and provide transparency to all regarding the increase in costs. It was confirmed by Mike Smith that all trade members had notified of the consultation via the Trade Newsletter where details of the Committee reports and calculation has been signposted. The Senior Specialist for Licensing and Community Safety confirmed that all members of the trade would be notified of the updated fees in the same way again.

The Committee asked if the fee could be payable by instalments. The Senior Specialist confirmed that fees were payable upfront for the grant of the licence and payment in instalments was not available, as this had been done in the past although resulted in licence holders not honouring this arrangement which created significant work for officers chasing debts and a loss of income as the licence had already been granted.

The Committee having discussed the report;

RESOLVED to approve the Taxi and Private Hire Fees and Charges for 2022-23 to take effect as of 3 October 2022.

#### **L6 LICENSING COMMITTEE WORK PROGRAMME**

The Committee discussed its work programme and noted a request from Councillor Witham to add an item to the agenda for the next Licensing Committee meeting scheduled on 23 November 2022. This was specifically with regard to mobile home site rules and the fact that they could no longer be found on the Guildford Borough Council website which was contrary to the Mobile Homes Act.

The Senior Specialist for Licensing and Community Safety, Mike Smith confirmed that this area of work was looked after by Sean Grady, Private Sector Housing and Pollution Lead Officer. It was therefore difficult to comment and commit to a report being available for the next meeting as Sean was heavily involved in homes for Ukraine and pollution work. Mike Smith confirmed that he would nevertheless raise the issue with the Head of Service and confirmed that given there was a public register for other licence types if this was required he was sure that if the matter had been raised by the Councillor that staff would be investigating.

Councillor Catherine Young commented that she had attended the Climate Change Board meeting that day which included discussion regarding a detailed action plan and a DEFRA funded trial programme for Electric Vehicle Taxi's. The Guildford Borough Council's Air Quality Action Plan would include updated taxi licensing conditions with new emission standards which were approved at the last Policy Review. The Senior Specialist for Licensing and Community Safety, Mike Smith confirmed that a number of Surrey Councils had submitted an Air Quality Bid for funding from DEFRA, and details of this project were being communicated to the trade when known. The Department for Transport would be expected to publish its updated Best Practice Guidance later this year and the Council would in turn be required to update its Taxi Policy following this. The Senior Specialist advised that the current policy specified that all licence vehicles were Euro 6 compliant by 2025, and all vehicles would be required to be Ultra Low Emission Vehicles (ULEV) by 1 January 2030.

Agenda item number: 3

LICENSING COMMITTEE  
28 SEPTEMBER 2022

The meeting finished at 7.40 pm

Signed .....

Date .....

Chairman



Licensing Committee Report

Report of the Joint Strategic Director for Place

Author: Mike Smith

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Lead Councillor responsible: James Steet

Tel: 07971 525298

Email: james.steel@guildford.gov.uk

Date: 23 November 2022

## Licensing Policy for Activities Involving Animals

### Executive Summary

On 1 October 2018 changes to the way in which animal boarding establishments, dog breeding establishments, pet shops and riding establishments are licensed were introduced and the Council commenced responsibility for the licensing of the keeping of animals for exhibition.

On 20 May 2019 the Licensing Committee approved a new Licensing Policy for the Licensing of Activities involving Animals. The Policy was intended to be reviewed after 3 years and this report seeks to present an updated Policy for Licensing Committee to consider and approve a public consultation.

### Recommendation to Licensing Committee

That the Committee approves the draft Animal Welfare Licensing Policy for a 12-week public consultation.

### Reasons for Recommendation:

To obtain the views of interested parties on the proposed policy and use these views to formulate any changes to the policy.

### 1. Purpose of Report

- 1.1 The report informs the Committee of proposed updates to the Council Policy concerning the Licensing of Activities Involving Animals in the Borough and asks the Committee to approve the draft Policy at Appendix 1 for a 12-week public consultation.

### 2. Strategic Framework

- 2.1 The licensing of animals will contribute to the themes in the Council's Corporate Plan 2021-25 as follows:

Homes and Jobs – supporting the business community through well regulated animal establishments.

Environment – protecting the environment through well managed, licensed animal establishments.

Communities – ensuring the impact of establishments on communities is well managed via the licensing process.

### **3. Background**

- 3.1 The Animal Welfare Act 2006 introduced a new licensing power which enabled nationally set regulations to be made for any animal-related activities specified in those regulations. As a result, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 significantly changed the way animal related businesses are inspected and licensed.
- 3.2 The Regulations define the animal-based activities that require licences as follows:
- Selling animals as pets (or with a view to their being later resold as pets) in the course of a business including keeping animals in the course of a business with a view to their being so sold or resold.
  - Providing or arranging for the provision of accommodation for other people's cats or dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business.
  - Hiring out horses in the course of a business for either riding, instruction in riding, or both.
  - Breeding three or more litters of puppies in any 12-month period; or breeding dogs and advertising a business of selling dogs.
  - Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes, either to any audience attending in person, or by the recording of visual images of them by any form of technology.
- 3.3 The Regulations mean that any operator providing one or more of the licensed activities will be encompassed by one 'Animal Activity licence'. If an applicant is running more than one licensable animal related activity, each activity will be assessed separately and set out in one licence. The length of licence will depend on the businesses 'star rating' will may be anything between one- and three-years dependent on the outcome of their inspection.
- 3.4 The Regulations comprise a set of general conditions in respect of matters such as record keeping, types and numbers of animals, staffing, maintaining a suitable environment and diet, monitoring behaviour, handling of the animals, protecting the animals from pain, suffering, injury and disease and dealing with emergencies. Each specific animal activity then has its own set of more detailed conditions, tailored to that particular activity.
- 3.5 If the grant of a licence is refused, or the licence is revoked, the operator will be able to appeal to a First Tier Tribunal, which would comprise a panel with specialist knowledge administered by HM Courts and Tribunal Service.

- 3.6 The regime requires a 'qualified inspector' to carry out the inspections, and in the case of the grant of a dog breeding establishment and at grant and renewal of horse-riding establishments they must either be or be accompanied by a veterinary surgeon. To qualify to inspect premises, a person must hold a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulations which oversees training and assessment of persons inspecting and licensing certain animal activities businesses, and must have passed an independent exam. Their certificate must apply to the specific type of activities they are inspecting. A qualified veterinary surgeon is also a qualified inspector.
- 3.7 The inspection process under the Regulations is comprehensive and built around providing the premises with a 'risk rating'. This process will establish whether the business is 'low risk', or 'higher risk' based on the level to which it meets the standards set out in the regulations and guidance, and will award between one and five stars, thus determining the length of the licence (with the exception of 'Keeping and Training Animals for Exhibition' for which all licences will be issued for 3 years as default). The star rating will be displayed on the licence and included in the Council's public register.
- 3.8 Businesses established as higher risk will attain between one and four stars. If one or two stars are issued, they will be issued a one-year licence, and can expect a minimum of one unannounced visit during that period. If four stars are attained, the licence will be issued for two years, and the licence holder can expect one unannounced visit during the two-year period.
- 3.9 Lower risk businesses can be issued a licence for any period between one and three years. Licence holders can expect a minimum of one unannounced visit at any time during the period specified on the licence.
- 3.10 Any individual who carries on a licensable activity will be designated as the operator of the business, and can apply for a licence providing they: -
- are not disqualified from holding a licence in accordance with Regulation 11 and Schedule 8.
- 3.11 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, on 20 May 2019 the Council adopted an Animal Licensing Policy, which sets out criteria which will ensure that only suitable applicants are granted a licence.
- 3.12 The Policy sets out that upon application the Council: -
- Will require the applicant to provide a basic disclosure (DBS) certificate; and
  - May request information from Surrey Police under our information sharing agreement about any relevant convictions an applicant may hold. This information sharing is possible under Section 17 of the Crime and Disorder

Act 1998, which requires that 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.

3.13 An applicant will be granted a licence if the Council is satisfied that the licence conditions will be met. In considering this, the Council will take into account whether the applicant is a fit and proper person to be the operator of the activity. The term 'fit and proper' is not defined in the legislation or guidance. The draft Policy states that the Council will consider a 'fit and proper person' to be an individual who can demonstrate upon application that they have: -

- the right to work in the UK
- no relevant convictions
- not been disqualified from holding a licence
- the knowledge, experience, compliance history and ability to comply with licence conditions and safeguard the welfare of animals in their care
- made suitable management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licence activity.

#### **4. Changes**

4.1 The Council's Policy was approved on 20 May 2019 for an initial 3-year period. As such the current Policy is due for review.

4.2 Officers have reviewed the current Policy, incorporating a small number of changes. The tracked changes comparing the current version to the draft can be found at Appendix 2.

4.3 The majority of the changes included are intended to allow the Council to achieve the RSPCA Gold Paw Print for Animal Licensing. The Council currently holds the Bronze level award. The award criteria are enclosed as Appendix 3 to the report.

4.4 In addition, a section on the Council's expectation on the 'business test' has been written.

#### **5. Consultation**

5.1 Officers and the Council's Web and Communications Teams have carried out publicity work to highlight the work in this area and Pawprint Award.

5.2 Should the Committee approve the consultation draft; Officers will follow our consultation standards by carrying out a public consultation over a 12-week period by:

- Writing to relevant authorities (for example the Police, Defra)
- Writing to interested parties (for example current licence holders)
- Publicising the consultation on the Council's website
- Using social media to inform the public of the consultation and direct them to the website.

- 5.3 The results of the consultation will be presented to Licensing Committee, likely to be scheduled for May 2023 to consider.

## **6. Equality and Diversity Implications**

- 6.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 6.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 6.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of equality duty.
- 6.4 There are no Equality and/or Diversity issues arising from the new Regulations, or approval of an Animal Welfare Licensing Policy. The Regulations and Policy allow an application to be made and assessed against standard criteria, irrespective of any protected characteristics of the applicant.

## **7. Financial Implications**

- 7.1 The duration of the licences granted will depend on a risk rating, with some licences being granted for a longer period than others.
- 7.2 The animal licensing scheme falls within the definition of 'services', and is subject to the EU Services Directive, incorporated into UK law as the Provision of Services Regulations 2009.
- 7.3 The fees are split into two parts – the application fee, payable at the time of submission to cover the Council's costs in considering and determining the application, and the licence fee, payable by successful applicants which covers ongoing enforcement and compliance requirements.
- 7.4 All fees have been calculated and will be reviewed annually, taking into account the requirements of Regulation 13 with the aim of full cost recovery.

## **8. Legal Implications**

- 8.1 The Regulations and guidance issued by DEFRA under the Regulations, set out the activities which must be licensed, who may apply for a licence and how the Council must determine applications for a licence. The Regulations also set out the conditions which must be applied to any licence granted.

- 8.2 Should the Council refuse to grant or renew a licence, the applicant may appeal to a First-tier Tribunal. This must be done within 28 days of the decision.
- 8.3 Once a licence has been granted, the Council may suspend, vary or revoke the licence if the licence conditions are not complied with, the Regulations have been breached, information supplied is found to be false or misleading or it is necessary to do so to protect the welfare of an animal. There is no right of appeal against a suspension, however the licensee may make written representations to the Council and upon receipt of those representations, the Council must re-consider its decision. A licence may only be suspended for a maximum of 28 days, following which the licence must be reinstated, with or without variation or revoked. When a licence is varied or revoked, the licence holder may appeal to a First-tier Tribunal. This must be done within 28 days of the decision.
- 8.4 The statutory guidance issued by DEFRA requires the Council to provide an appeal process to enable applicants to challenge the initial star rating they are given. The guidance sets out the timescales and the level of officer who should hear the appeal. If a business is still dissatisfied, they can challenge the appeal outcome by way of judicial review. It will also be possible for applicants to pay for a re-inspection following the carrying out of improvements that would lead to a higher star rating.
- 8.5 The adoption of a licensing policy will assist the Council to carry out its functions under the Regulations in a fair and transparent way.

## **9. Human Resource Implications**

- 9.1 The Council currently has 51 licensed establishments. Before the legislative update this number was 25. The number of investigations into unlicensed activities has also significantly increased with the expanding requirements, further increasing the demand on Officer time.
- 9.2 As the Regulations set out specific qualifications which local authority inspectors must hold, Officers have been required to attend training and obtain the relevant qualification.
- 9.3 The consultation exercise can be managed from within the current resource.

## **10. Summary of Options**

- 10.1 The Licensing Committee is asked to consider and approve a draft Animal Licensing Policy for public consultation.
- 10.2 There are three options available after considering the information in this report:
1. Approve the Policy as set out in Appendix 1 for public consultation; or
  2. Approve a modified policy; or
  3. Not to approve a Policy.

**11. Conclusion**

- 11.1 In October 2018, The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into effect replacing all the existing legislation. The new legislation also significantly expands the type of animal activity that requires licensing and introduces a star rating scheme for licensed animal activity businesses.
- 11.2 A Policy concerning the Animal Activity Licensing was initially approved in May 2019, with the current version having been updated in line with the 3-year review cycle.
- 11.3 The draft policy is presented for consideration and for approval for public consultation, with the results of the consultation scheduled to be presented to Licensing Committee prior to final approval of the Policy.

**12. Background Papers**

[Animal Welfare \(Licensing of Activities Involving Animals\) Regulations 2018](#)

[Procedural Guidance Notes for Local Authorities 2018](#)

**13. Appendices**

Appendix 1: Animal Welfare Licensing Policy for Approval

Appendix 2: Animal Welfare Licensing Policy for Approval with changes highlighted

Appendix 3: RSPCA Pawprint Award Criteria

**14. Consultation**

<b>Service</b>	<b>Sign off date</b>
Finance / 151 Officer	
Legal / Governance	
HR	
Equalities	
Lead Councillor	
CMT	
Committee Services	

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# Animal Welfare Licensing Policy

2022 Draft for Consultation

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## **1. Introduction**

- 1.1 This policy sets out how the Council will exercise its functions under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, Dangerous Wild Animals Act 1976 and Zoo Licensing Act 1981.
- 1.2 This policy has been introduced pursuant to the commencement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“the Regulations”) on 1 October 2018. It will be reviewed at least every 3 years following first approval, and at other times where considered necessary, for example, to reflect significant changes in relevant legislation or guidance.
- 1.3 This policy sets out the principles we will use when dealing with applicants and licence holders with whom the Council is responsible for.
- 1.4 This policy provides guidance to any person with an interest in Animal licensing. In particular, but not exclusively:
  - Applicants for licences,
  - Existing licence holders,
  - Licensing Officers,
  - Members of the Licensing Committee, and
  - Courts and Tribunals hearing appeals against local authority decisions.
- 1.5 This policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is suitable to be granted, have renewed or continue to hold a Licence. In addition to criminal convictions the Council will also take into account other factors such as general character, compliance with licence requirements/guidance/conditions, non-criminal behaviour and police or other relevant records or information from reliable sources.

## **2. Policy Objectives**

- 2.1 The Policy is designed to ensure that:-
  - any person who carries on, attempts to carry on or knowingly allows a licensable activity to be carried on holds a licence in accordance with the Regulations,
  - the licence holder is not disqualified from holding a licence in accordance with the requirements of the Regulations,
  - that the five overarching principles of animal welfare, (known as the “five needs”) introduced by the Animal Welfare Act 2006 are upheld in any decision,
  - the safeguarding of any children or vulnerable persons in contact with a licensable activity is ensured
  - each application is considered on its merits
  - decisions made by the Council are transparent and consistent
  - relevant objectives of the Council’s Corporate Business Plan are supported
  - that the obligations of the Council’s Public Sector Equality duty under the Equality Act 2010, section 149 are fulfilled by eliminating discrimination, harassment, victimisation and other conduct prohibited by the Act,

advancing equality of opportunity and fostering good relations between persons who share and those who do not share protected characteristics.

2.2 In addition, the Council will base its licensing regime on the following principles which arise from the responsibilities arising under the Animal Welfare Act 2006:-

- Responsibility to protect the welfare of all fellow creatures;
- Ensuring the welfare of domestic or captive animals by implementing appropriate standards that promote the “five needs”;
- Ensuring that persons responsible for the management of animal welfare observe recognised standards of good practice;
- Ensuring that, so far as it falls within its powers, the requirements of all animal-related legislation will be rigorously and pro-actively enforced.

### **3. Animal Welfare Act**

3.1 The Animal Welfare Act 2006 (the Act) established that reasonable welfare standards must be maintained whilst unifying much animal legislation, including responsibilities falling to other enforcement agencies.

3.2 The Act introduced five overarching principles of animal welfare, known as the “five needs” which are:

**1. The need for a suitable environment;**

(by providing an appropriate environment, including shelter and a comfortable resting area)

**2. The need for a suitable diet;**

(by ready access, where appropriate, to fresh water and a diet to maintain full health)

**3. The need to be able to exhibit normal behaviour patterns;**

(by providing sufficient space, proper facilities and the company of an animal of its own kind, where appropriate)

**4. Any need to be housed with, or apart from, other animals;**

(by providing the company of an animal of its own kind, where appropriate); and

**5. The need to be protected from pain, suffering, injury and disease;**

(by prevention or rapid diagnosis and treatment, and ensuring conditions and treatment which avoid mental suffering).

### **4. Licensable Activities**

4.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on 1<sup>st</sup> October 2018 and will have an impact on establishments licensed under the previous animal health legislation. This includes those previously licensed as pet shops, catteries, kennels, home boarders, dog crèche, riding establishments, dog breeders and performing animals.

- 4.2 A licence is required when any of the licensable activities outlined in Schedule 1 of the regulations are undertaken. These are:
- selling animals as pets (Part 2);
  - providing or arranging for the provision of boarding for cats or dogs (including the provision of boarding for cats; kennels for dogs; home boarding for dogs; or day care for dogs (Part 3);
  - hiring out horses (Part 4);
  - breeding dogs (Part 5);
  - keeping or training animals for exhibition (Part 6).
- 4.3 The Regulations replace previous licensing and registration regimes under the following legislation:
- Pet Animals Act 1951
  - Animal Boarding Establishments Act 1963
  - Riding Establishments Acts 1964 & 1970
  - Breeding of Dogs Act 1973 & Breeding and Sale of Dogs (Welfare) Act 1999
  - Performing Animals (Regulation) Act 1925
- 4.4 The Regulations do not impact on the licensing of Dangerous Wild Animals under the Dangerous Wild Animals Act 1976 and Zoos under the Zoo Licensing Act 1981, which remains unaffected by the legislative changes, however will fall within the scope of this Policy.

## **5. Suitability of Applicants and the Business Test**

### Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 5.1 In accordance with the Regulations any individual, who carries on a licensable activity will be designated as the operator of the business and can apply for a licence providing they are not disqualified from holding a licence in accordance with Regulation 11 and Schedule 8.
- 5.2 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, upon application the Council:-
- Will require the applicant to provide a basic disclosure (DBS) certificate (issued within 3 months of the date of application) showing that they are not disqualified from holding a licence, and/or hold no relevant convictions which may affect whether they are a 'fit and proper' person to hold a licence; and
  - May request information from Surrey Police under our information sharing agreement about any relevant convictions an applicant may hold. This information sharing is possible under Section 17 of the Crime and Disorder Act 1998, which requires that 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.
- 5.3 An applicant will be granted a licence if the Council is satisfied that the licence

conditions will be met. In considering this, the Council will take into account whether the applicant is a fit and proper person to be the operator of the activity. The term 'fit and proper' is not defined in the legislation or guidance. For the purpose of this Policy, the Council will consider a 'fit and proper person' to be an individual who can demonstrate upon application that they have:-

- the right to work in the UK
- no relevant convictions
- not been disqualified from holding a licence
- the knowledge, experience, compliance history and ability to comply with licence conditions and safeguard the welfare of animals in their care
- made suitable management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licence activity.

#### Dangerous Wild Animals and Zoos

5.4 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, upon application the Council:-

- Will require the applicant to provide a basic disclosure (DBS) certificate issued within 3 months of the date of application; and
- May request information from Surrey Police under our information sharing agreement about any relevant convictions an applicant may hold.

#### Relevance of convictions

5.5 The purpose of this section is to offer guidance on how the Council can determine whether an applicant/licence holder suitable to either be granted a licence in the first place or retain such a licence. In all cases, the Council will consider the conviction or behaviour in question, what weight should be attached to it and each and every case will be determined on its own merits, but in light of these guidelines. Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that people do make mistakes, and it is further accepted that many learn from those mistakes and do not continue to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, will not prevent the grant or renewal of a licence.

5.6 The council will not normally grant a licence to a person with one (or more) convictions for any of the following offences:

- Offences involving violence
- Possession of a weapon
- Sex and indecency offences
- Offences involving a minor
- Offences involving dishonesty
- Offences involving drugs
- Licensing offences

- Offences involving Animals, including but not limited to offences involving danger or suffering caused to animals

5.7 Any offences or behaviour not expressly covered by this Policy may still be taken into account.

### Business Test

5.8 The legislation sets out that activities carried out in the course of a business require licensing, with Part 1, Schedule 1 of the Regulations setting out that the circumstances which a local authority must take into account in determining whether an activity is being carried on in the course of a business, which is whether the operator:

- makes any sale by, or otherwise carries on, the activity with a view to making a profit, or
- earns any commission or fee from the activity.

5.9 In considering whether an activity is considered a 'business' the Guidance recommends that states that councils should consider the HMRC 9 badges of trade. The Council will look at these, together with all other factors when considering whether an individual requires licensing.

5.10 The Guidance also suggests considering the Government's trading allowance of £1000. The Council's position is that this should not solely be relied on but is to be considered. This £1000 figure is income and not necessarily a profit. For example some animal species sold are high value and by selling few of these this threshold can be reached with a licence being required.

5.11 In cases where income is received for an activity, the Council will assume that a business is being operated unless the operator can demonstrate otherwise.

## **6. The role of Safeguarding and the Business Test**

### Safeguarding

6.1 The regulations have the aims of maintaining and improving animal welfare standards. However there are other safeguarding considerations arising from licensable activities which the Council has a statutory duty to ensure, in particular surrounding the protection of children and vulnerable persons.

6.2 The Council is aware that some licensable activities may involve unsupervised contact with children and/or vulnerable persons. For example the tuition of a young person provided at a Riding Establishment, or entertaining at a children's party with an exhibition of animals.

6.3 To this extent, the Council would expect applicants and licence holders whose activities involve contact with children or vulnerable persons to:-

- Have a written safeguarding policy and provide training for staff; and
- Have a procedure for vetting staff who have unsupervised contact with young/vulnerable persons.

## **7. Application Process**

7.1 Licence applications must be submitted in writing on the prescribed application form, along with any supporting information (as detailed in the application form and as required under this Policy), together with the appropriate fee. Proof of the planning permission required for the relevant activity on the premises should also be provided.

7.2 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. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

7.3 Payment for vet inspections required either by legislation or by the Council in order to determine the application, will be an additional charge passed on to the applicant/license holder.

7.4 The Guidance stipulates that once a local authority receives an application for the grant or renewal of a licence it must do all of the following before granting or renewing a licence:

- The Council must consider whether the conduct displayed by the applicant indicates that they are a fit and proper person to carry out the licensable activity and meet their licence conditions.
- The Council must inspect the site of the licensable activity and assess if it is likely to meet the licence conditions. The inspection must be completed by a suitably qualified inspector present (as well as a veterinarian for the initial inspection of a dog breeding establishment, or a listed veterinarian for inspections of horse riding establishments). The inspector must prepare a report, in accordance with the requirements of regulation 10, to be submitted to the local authority following their inspection.
- The inspector's report will contain information about the operator, any relevant premises, any relevant records, the condition of any animals and any other relevant matter and state whether or not the inspector considers that the licence conditions will be met.
- Ensure that the appropriate fees have been paid, these can include fees for the consideration of the application, the reasonable anticipated costs of consideration of a licence holder's compliance with the Regulations, the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator and any costs reasonably anticipated in relation to the provision of information to the Secretary of State.

## **8. Rating and Licence duration**

8.1 Licences can be issued for a period of either one, two or three years depending on the risk rating and level of compliance. This also corresponds



with the Star Rating for the establishment.

8.2 The Scoring matrix is below:

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

8.3 Licences for the keeping or training animals for exhibition are issued for three years.

## 9. Standards and Conditions

### Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations

- 9.1 The Regulations include mandatory conditions for each licensable activity and DEFRA has produced associated guidance. The conditions are divided into two categories namely General Conditions (stipulated in Schedule 2) and Specific Conditions from the associated Schedule of the Regulations.
- 9.2 Applicants/licence holders will need to meet all the mandatory conditions, although minor failings may be noted/recorded providing they do not compromise the welfare of the animals (these should be predominantly administrative in nature).
- 9.3 For each activity (except keeping or training animals for exhibition) a number of “higher standards” have been included in the guidance. Meeting the higher standards is optional but is the only way to gain a higher star rating.
- 9.4 The higher standards are classified into two categories – required (mandatory) and optional. These will usually be colour coded into blue and red respectively. To qualify as meeting the higher standards the business must achieve all the required (mandatory) standards as well as a minimum of 50% of the optional higher standards.
- 9.5 The Regulations make provision for Officers to take samples for laboratory testing from any animals on premises occupied by an operator for the purposes of ensuring the licence conditions are being complied with. A Licence holder must comply with any reasonable request of an inspector to facilitate the identification and examination of an animal and the taking of

samples and, in particular, must arrange the suitable restraint of an animal if so requested by an inspector.

- 9.6 Samples should be as non-invasive as possible, however inspectors may deem more invasive samples necessary if there are concerns over the welfare of the animals. The provision for sampling is primarily aimed at veterinarians carrying out inspections and it is not expected that samples be taken by those without the training to properly and safely do so.

#### Additional Expectations of Pet Vendors

- 9.7 The Council recognises the concerns of the RSPCA that primates are not suitable companion animals, as their welfare needs cannot be met in a domestic environment. Consequently, the Policy recommends primates should not be kept or sold by pet vendors within the Guildford Borough area.

#### Additional Expectations of Pet Vendors and Breeders

- 9.8 There is also additional responsibility placed upon all vendors and breeders to ensure animals are sold to good homes. As such the Council would expect all sellers and breeders to have a procedure that enables them to be confident that customers are able to meet an animal's welfare needs, and are fully aware of their responsibilities under the Animal Welfare Act 2006.

#### Dangerous Wild Animals

- 9.7 The Council will usually impose Defra's standard conditions, in addition to any premises/animal specific conditions deemed to be required by the Inspecting Officer/Vet.

#### Zoos

- 9.8 The Council will usually impose Defra's standard conditions, in addition to any premises/animal specific conditions deemed to be required by the Inspecting Officer/Vet.

### **10. Granting an application**

- 10.1 Where a licence is issued the Council will provide the following details:

- the Licence with the Star Rating;
- details of how the business has been rated including a list of the higher standards the business currently fails to meet or a list of the minimum standards the business is failing to meet and resulting in a "minor failing" category;
- a copy of the risk management assessment table;
- details of the appeals process and timescales.

- 10.2 Any fee(s) required upon the grant of the licence must be paid in full prior to the issue of the licence.

## **11. Refusing Applications**

- 11.1 The Council will consider the report from the inspector and any comments made by the applicant when deciding whether to issue a licence.
- 11.2 The Council will refuse to issue a licence if it considers that the applicant cannot meet the licence conditions, for example, if the granting of a licence will have a negative impact on animal welfare or if the level of accommodation, staffing or management is inadequate for the well-being of animals.
- 11.3 The Council will also refuse to issue or renew a licence if the applicant has a history of non-compliance with licensing conditions or requirements, is obstructive towards officers, or if there are safeguarding concerns arising from the licensed activity. The above list is not exhaustive, but indicative of the circumstances where they Council will want to refuse an application.
- 11.4 The Council will also refuse an application if it considers that the applicant does not meet the 'fit and proper person' test.
- 11.5 A licence cannot be issued to an operator who is disqualified.
- 11.6 Any application fees or veterinary inspection fees paid will not be refunded for unsuccessful applications.
- 11.7 If a licence is refused, the applicant will have the right of appeal to a First-tier Tribunal within 28 days of the decision notice.

## **12. Appeals to Star Rating**

- 12.1 To ensure fairness to the business, the Council has an appeals procedure in place for the operator to dispute the star rating given.
- 12.2 The business will be provided with supporting information (the inspection reports) which will highlight the inspecting officer's decision on how the risk rating, compliance level and star rating has been determined. The business is encouraged to discuss the matter initially with the inspecting officer where possible.
- 12.3 A business may appeal if they consider their star rating to be wrong - in other words it does not reflect the standards found at the time of inspection. Any appeal to the rating given must be made in writing within 21 days.
- 12.4 A business may wish to apply for a re-inspection or re-rating on a chargeable basis following completion of works to rectify any non-compliance or improvements to achieve higher standards.
- 12.5 An appeal will be assessed and determined by an appointed manager within the Department, who will conduct a 'desk based' appraisal of the rating given.
- 12.6 The appointed managers for this purpose are the Licensing Team Leader, or Regulatory Services Manager in their absence.

12.7 If the business disagrees with the outcome of the appeal they can only challenge the decision by means of judicial review.

### **13. Variations, Suspensions and Revocations of Licences**

13.1 The Regulations provide for a local authority at any time to vary a licence:

- On the application in writing of the licence holder, or
- On the initiative of the local authority, with the consent in writing of the licence holder.

13.2 In addition to the above a local authority may suspend, vary or revoke a licence without the consent of the licence holder if:

- The licence conditions are not being complied with,
- There has been a breach of the Regulations,
- Information supplied by the licence holder is false or misleading, or
- It is necessary to protect the welfare of an animal.

13.2 A suspension or variation of a licence will normally take effect 7 working days after the decision has been issued to the licence holder unless the reason is to protect the welfare of an animal in which case the local authority may stipulate that the decision has immediate effect.

13.3 A decision to vary or suspend the licence must be notified to the licence holder in writing, explaining the reasons for the decision, and providing information regarding when the suspension or variation comes into effect and the rights of the licence holder to make written representation, as well as any specific changes deemed necessary in order to remedy the situation.

13.4 The decision to vary, suspend or revoke a license will be dependent on the severity of the situation. If an operator fails to meet administrative conditions or provide information when requested then this could potentially lead to the suspension of a licence. If such a scenario happens repeatedly, the Council may consider revocation appropriate. Revocation of a licence will also occur in an instance where poor welfare conditions are discovered or it would otherwise benefit the welfare of the animals involved to be removed from the activity. Variations can occur if adjustments need to be made, whether that is to the licence itself or to the premises/animals referred to in the licence.

13.5 Following the issuing of the notice of suspension or variation, the licence holder will have 7 working days to make written representation. Upon receipt of this the Council will decide whether to continue with the suspension or variation of the licence or cancel the decision.

13.6 If the licence has been altered with immediate effect to protect the welfare of an animal then the Council must indicate that this is the reason.

13.7 The business will not be able to trade once the suspension of a licence has come into effect and cannot do so until the decision is overturned by the local authority upon being satisfied that licence conditions are being met.

13.8 There is no right of appeal against the suspension of a licence. After 28 days of suspension the licence must be revoked or reinstated.

- 13.8 A licence holder may appeal to a First-tier Tribunal if they do not agree with the decision made by the local authority to vary or revoke a licence. This must be done within 28 days of the decision.

**14. Transfer of a licence upon the death of a licence holder**

- 14.1 If a licence holder dies, the procedure in regulation 12 of the Regulations applies. It allows the personal representative of the deceased to take on the licence provided that they inform the local authority within twenty-eight days of the death that they are now the licence holders. The licence will then remain in place for three months from the death of the former holder or for the rest of the time it was due to remain in force if that time period is shorter. The new licence holder should then apply for a new licence one month before the expiry of this new period.
- 14.2 Additionally the local authority can extend the three month period by up to another three months if requested by the personal representative and if they believe this time is needed to wind up the estate of the former licence holder.
- 14.3 If the personal representative does not notify the local authority within 28 days of the death of the licence holder, the licence will cease to have effect after those 28 days.

**15. Inspections During the Course of a licence**

- 15.1 There will be cases where inspections must be carried out during the term of a licence.
- 15.2 For the activity of hiring out horses, there is a requirement for an annual inspection by a listed veterinarian, regardless of the total length of the licence. The local authority must appoint a listed veterinarian to inspect the premises on which the activity is being carried out before the end of the first year after the licence is granted and then each subsequent year.
- 15.3 Unannounced inspections can also be carried out and will be used in the case of complaints or other information that suggests the licence conditions are not being complied with or that the welfare of the animals involved in a licensed activity is at risk.
- 15.4 During the course of an inspection the inspector may choose to take samples for laboratory testing from the animals on the premises occupied by an operator. The operator must comply with any reasonable request of an inspector to facilitate the identification, examination and sampling of an animal including ensuring that suitable restraints are provided if requested.
- 15.5 The Council will use a suitably qualified inspector to carry out inspections. The inspector will be assisted and/or accompanied as necessary by the Council's appointed Vet or any other relevant specialist which may be required depending on the nature of the inspection.

15.6 The Council uses a Licensing database to record all licensing and other regulatory actions. This includes inspections and it allows us to maintain a register of inspections and when interim inspections are due.

## **16. Appointments and Qualifications of Inspectors**

16.1 The Council has appointed Inspectors and Veterinarians to carry out duties under the Licensing Regulations and Animal Welfare Act. Details of this are available on request.

16.2 All inspectors must be suitably qualified. This is defined in the Guidance as:

- Any person holding a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation which oversees the training and assessment of persons in inspecting and licensing certain animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity;
- Any person holding a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons (“RCVS”), together with a relevant RCVS continuing professional development record;

16.3 Further appropriate training for licensing officers on other relevant matters, for example the socialisation and behavioural needs of puppies and dogs at breeding establishments, will be provided where deemed necessary.

## **17. Fee Structure**

17.1 The current level of licence fee will be displayed on the Council’s webpage.

17.2 All fees have been calculated and reviewed annually, taking into account the statutory requirements of Regulation 13, with the aim of full cost recovery.

## **18. Enforcement**

18.1 The Regulations introduce a range of enforcement powers to allow the Council to issue a suspension, variation or revocation notice where licence conditions are not being complied with; there is a breach of the regulations or issues relating to the protection of the welfare of an animal.

18.2 The service of an enforcement notice is subject to a strict process and includes provision for the right to make written representations and/or appeal.

18.3 It is an offence to breach any licence condition. It is also an offence not to comply with an inspector’s request in the process of taking a sample from an animal.

18.4 It is also an offence to obstruct an inspector who has been appointed by a local authority to enforce the Regulations. Committing any of these offences could result in an unlimited fine.

- 18.5 Anyone who carries on any of the licensable activities without a licence is liable to imprisonment for a term of up to six months, a fine or both. Section 30 of the Animal Welfare Act 2006 allows for local authorities to prosecute for any offences under that Act.
- 18.6 The post-conviction power from section 34 of the Animal Welfare Act 2006 is in place whereby a person convicted of an offence under the Act or Regulations may be disqualified from owning, keeping, participating in the keeping of animals and/or from being party to an arrangement under which they can control or influence the way an animal is kept. They may also be disqualified from transporting or dealing in animals. Breaching these disqualifications is an offence.
- 18.7 The post-conviction power from section 42 of the Animal Welfare Act is also in place whereby a court can cancel a currently existing licence and disqualify a person from holding a licence for any period it sees fit when that person is convicted of an offence under the Act or Regulations.
- 18.8 The Council works closely with partners in accordance with a locally established joint enforcement protocol and will aim to promote the welfare of animals and safety of the public.
- 18.9 The main enforcement and compliance role for the Council in terms of the Regulations will be to ensure compliance with the conditions placed upon the licence and investigate and take appropriate action on unlicensed premises.
- 18.10 The Council will log and investigate as it considers necessary all complaints relating to Animal Establishments which are currently licensed or may require a licence. The Council will require complainants to provide their name and contact details so as to ensure that a complaint is not malicious in nature, and so that witness evidence may be obtained if required for further action. When investigating complaints officers will take care to not reveal the identity of the complainant, unless the complainant has agreed otherwise, or unless it is necessary for the progression of legal proceedings.
- 18.11 In addition to the investigation of complaints, the Council will monitor and gather information about unlicensed activities using all available sources of information; for example, unlicensed puppy breeders or pet sellers advertising online, that could fall within the scope, and to proactively approach, and if appropriate licence, those involved in such activities.
- 18.12 We aim to achieve and maintain a consistent approach when we investigate complaints, carry out inspections and make our decisions. In reaching any decision we will consider the following criteria:
- seriousness of any offences or breach of conditions
  - operator's past history
  - consequence(s) of non-compliance
  - likely effectiveness of the various enforcement options
  - danger to the welfare of animals and/or public

18.13 In carrying out its enforcement duties with regards to the inspection of premises, the variation, suspension or revocation of licences, investigation of complaints and the powers to institute criminal proceedings in respect of certain offences under the Act, the Council has adopted an enforcement policy, which is available on [www.guildford.gov.uk](http://www.guildford.gov.uk).





# Animal Welfare Licensing Policy

2022 Draft for Consultation

Deleted: 29 May 2019

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## 1. Introduction

- 1.1 This policy sets out how the Council will exercise its functions under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, Dangerous Wild Animals Act 1976 and Zoo Licensing Act 1981.
- 1.2 This policy has been introduced pursuant to the commencement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“the Regulations”) on 1 October 2018. It will be reviewed at least every 3 years following first approval, and at other times where considered necessary, for example, to reflect significant changes in relevant legislation or guidance.
- 1.3 This policy sets out the principles we will use when dealing with applicants and licence holders with whom the Council is responsible for.
- 1.4 This policy provides guidance to any person with an interest in Animal licensing. In particular, but not exclusively:
- Applicants for ~~licences~~,
  - Existing licence holders,
  - Licensing Officers,
  - Members of the Licensing Committee, and
  - Courts and Tribunals hearing appeals against local authority decisions.
- 1.5 This policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is suitable to be granted, have renewed or continue to hold a Licence. In addition to criminal convictions the Council will also take into account other factors such as general character, compliance with licence requirements/guidance/conditions, non-criminal behaviour and police or other relevant records or information from reliable sources.

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## 2. Policy Objectives

- 2.1 The Policy is designed to ensure that:-
- any person who carries on, attempts to carry on or knowingly allows a licensable activity to be carried on holds a licence in accordance with the Regulations,
  - the licence holder is not disqualified from holding a licence in accordance with the requirements of the Regulations,
  - that the five overarching principles of animal welfare, (known as the “five needs”) introduced by the Animal Welfare Act 2006 are upheld in any decision,
  - the safeguarding of any children or vulnerable persons in contact with a licensable activity is ensured
  - each application is considered on its merits
  - decisions made by the Council are transparent and consistent
  - relevant objectives of the Council’s Corporate Business Plan are supported
  - that the obligations of the Council’s Public Sector Equality duty under the Equality Act 2010, section 149 are fulfilled by eliminating discrimination, harassment, victimisation and other conduct prohibited by the Act,

advancing equality of opportunity and fostering good relations between persons who share and those who do not share protected characteristics.

2.2 In addition, the Council will base its licensing regime on the following principles which arise from the responsibilities arising under the Animal Welfare Act 2006:-

- Responsibility to protect the welfare of all fellow creatures;
- Ensuring the welfare of domestic or captive animals by implementing appropriate standards that promote the “five needs”;
- Ensuring that persons responsible for the management of animal welfare observe recognised standards of good practice;
- Ensuring that, so far as it falls within its powers, the requirements of all animal-related legislation will be rigorously and pro-actively enforced.

### 3. Animal Welfare Act

3.1 The Animal Welfare Act 2006 (the Act) established that reasonable welfare standards must be maintained whilst unifying much animal legislation, including responsibilities falling to other enforcement agencies.

3.2 The Act introduced five overarching principles of animal welfare, known as the “five needs” which are:

**1. The need for a suitable environment;**

(by providing an appropriate environment, including shelter and a comfortable resting area)

**2. The need for a suitable diet;**

(by ready access, where appropriate, to fresh water and a diet to maintain full health)

**3. The need to be able to exhibit normal behaviour patterns;**

(by providing sufficient space, proper facilities and the company of an animal of its own kind, where appropriate)

**4. Any need to be housed with, or apart from, other animals;**

(by providing the company of an animal of its own kind, where appropriate);  
and

**5. The need to be protected from pain, suffering, injury and disease;**

(by prevention or rapid diagnosis and treatment, and ensuring conditions and treatment which avoid mental suffering).

### 4. Licensable Activities

4.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on 1<sup>st</sup> October 2018 and will have an impact on establishments licensed under the previous animal health legislation. This includes those previously licensed as pet shops, catteries, kennels, home boarders, dog crèche, riding establishments, dog breeders and performing animals.

- 4.2 A licence is required when any of the licensable activities outlined in Schedule 1 of the regulations are undertaken. These are:
- selling animals as pets (Part 2);
  - providing or arranging for the provision of boarding for cats or dogs (including the provision of boarding for cats; kennels for dogs; home boarding for dogs; or day care for dogs (Part 3);
  - hiring out horses (Part 4);
  - breeding dogs (Part 5);
  - keeping or training animals for exhibition (Part 6).
- 4.3 The Regulations replace previous licensing and registration regimes under the following legislation:
- Pet Animals Act 1951
  - Animal Boarding Establishments Act 1963
  - Riding Establishments Acts 1964 & 1970
  - Breeding of Dogs Act 1973 & Breeding and Sale of Dogs (Welfare) Act 1999
  - Performing Animals (Regulation) Act 1925
- 4.4 The Regulations do not impact on the licensing of Dangerous Wild Animals under the Dangerous Wild Animals Act 1976 and Zoos under the Zoo Licensing Act 1981, which remains unaffected by the legislative changes, however will fall within the scope of this Policy.

## 5. **Suitability of Applicants and the Business Test**

### Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 5.1 In accordance with the Regulations any individual, who carries on a licensable activity will be designated as the operator of the business and can apply for a licence providing they are not disqualified from holding a licence in accordance with Regulation 11 and Schedule 8.
- 5.2 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, upon application the Council:-
- Will require the applicant to provide a basic disclosure (DBS) certificate (issued within 3 months of the date of application) showing that they are not disqualified from holding a licence, and/or hold no relevant convictions which may affect whether they are a 'fit and proper' person to hold a licence; and
  - May request information from Surrey Police under our information sharing agreement about any relevant convictions an applicant may hold. This information sharing is possible under Section 17 of the Crime and Disorder Act 1998, which requires that 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.
- 5.3 An applicant will be granted a licence if the Council is satisfied that the licence

conditions will be met. In considering this, the Council will take into account whether the applicant is a fit and proper person to be the operator of the activity. The term 'fit and proper' is not defined in the legislation or guidance. For the purpose of this Policy, the Council will consider a 'fit and proper person' to be an individual who can demonstrate upon application that they have:-

- the right to work in the UK
- no relevant convictions
- not been disqualified from holding a licence
- the knowledge, experience, compliance history and ability to comply with licence conditions and safeguard the welfare of animals in their care
- made suitable management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licence activity.

#### Dangerous Wild Animals and Zoos

5.4 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, upon application the Council:-

- Will require the applicant to provide a basic disclosure (DBS) certificate issued within 3 months of the date of application; and
- May request information from Surrey Police under our information sharing agreement about any relevant convictions an applicant may hold.

#### Relevance of convictions

5.5 The purpose of this section is to offer guidance on how the Council can determine whether an applicant/licence holder suitable to either be granted a licence in the first place or retain such a licence. In all cases, the Council will consider the conviction or behaviour in question, what weight should be attached to it and each and every case will be determined on its own merits, but in light of these guidelines. Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that people do make mistakes, and it is further accepted that many learn from those mistakes and do not continue to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, will not prevent the grant or renewal of a licence.

5.6 The council will not normally grant a licence to a person with one (or more) convictions for any of the following offences:

- Offences involving violence
- Possession of a weapon
- Sex and indecency offences
- Offences involving a minor
- Offences involving dishonesty
- Offences involving drugs
- Licensing offences

- Offences involving Animals, including but not limited to offences involving danger or suffering caused to animals

5.7 Any offences or behaviour not expressly covered by this Policy may still be taken into account.

### Business Test

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5.8 The legislation sets out that activities carried out in the course of a business require licensing, with Part 1, Schedule 1 of the Regulations setting out that the circumstances which a local authority must take into account in determining whether an activity is being carried on in the course of a business, which is whether the operator:

- makes any sale by, or otherwise carries on, the activity with a view to making a profit, or
- earns any commission or fee from the activity.

5.9 In considering whether an activity is considered a 'business' the Guidance recommends that states that councils should consider the HMRC 9 badges of trade. The Council will look at these, together with all other factors when considering whether an individual requires licensing.

5.10 The Guidance also suggests considering the Governments trading allowance of £1000. The Council's position is that this should not solely be relied on but is to be considered. This £1000 figure is income and not necessarily a profit. For example some animal species sold are high value and by selling few of these this threshold can be reached with a licence being required.

5.11 In cases where income is received for an activity, the Council will assume that a business is being operated unless the operator can demonstrate otherwise.

## **6. The role of Safeguarding**

### Safeguarding

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- 6.1 The regulations have the aims of maintaining and improving animal welfare standards. However there are other safeguarding considerations arising from licensable activities which the Council has a statutory duty to ensure, in particular surrounding the protection of children and vulnerable persons.
- 6.2 The Council is aware that some licensable activities may involve unsupervised contact with children and/or vulnerable persons. For example the tuition of a young person provided at a Riding Establishment, or entertaining at a children's party with an exhibition of animals.
- 6.3 To this extent, the Council would expect applicants and licence holders whose activities involve contact with children or vulnerable persons to:-
- Have a written safeguarding policy and provide training for staff; and
  - Have a procedure for vetting staff who have unsupervised contact with young/vulnerable persons.

## **7. Application Process**

- 7.1 Licence applications must be submitted in writing on the prescribed application form, along with any supporting information (as detailed in the application form and as required under this Policy), together with the appropriate fee. Proof of the planning permission required for the relevant activity on the premises should also be provided.
- 7.2 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. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.
- 7.3 Payment for vet inspections required either by legislation or by the Council in order to determine the application, will be an additional charge passed on to the applicant/license holder.
- 7.4 The Guidance stipulates that once a local authority receives an application for the grant or renewal of a licence it must do all of the following before granting or renewing a licence:
- The Council must consider whether the conduct displayed by the applicant indicates that they are a fit and proper person to carry out the licensable activity and meet their licence conditions.
  - The Council must inspect the site of the licensable activity and assess if it is likely to meet the licence conditions. The inspection must be completed by a suitably qualified inspector present (as well as a veterinarian for the initial inspection of a dog breeding establishment, or a listed veterinarian for inspections of horse riding establishments). The inspector must prepare a report, in accordance with the requirements of regulation 10, to be submitted to the local authority following their inspection.
  - The inspector's report will contain information about the operator, any relevant premises, any relevant records, the condition of any animals and any other relevant matter and state whether or not the inspector considers that the licence conditions will be met.
  - Ensure that the appropriate fees have been paid, these can include fees for the consideration of the application, the reasonable anticipated costs of consideration of a licence holder's compliance with the Regulations, the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator and any costs reasonably anticipated in relation to the provision of information to the Secretary of State.

## **8. Rating and Licence duration**

- 8.1 Licences can be issued for a period of either one, two or three years depending on the risk rating and level of compliance. This also corresponds



with the Star Rating for the establishment.

8.2 The Scoring matrix is below:

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

8.3 Licences for the keeping or training animals for exhibition are issued for three years.

**9. Standards and Conditions**

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations

9.1 The Regulations include mandatory conditions for each licensable activity and DEFRA has produced associated guidance. The conditions are divided into two categories namely General Conditions (stipulated in Schedule 2) and Specific Conditions from the associated Schedule of the Regulations.

9.2 Applicants/licence holders will need to meet all the mandatory conditions, although minor failings may be noted/recorded providing they do not compromise the welfare of the animals (these should be predominantly administrative in nature).

9.3 For each activity (except keeping or training animals for exhibition) a number of “higher standards” have been included in the guidance. Meeting the higher standards is optional but is the only way to gain a higher star rating.

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9.4 The higher standards are classified into two categories – required (mandatory) and optional. These will usually be colour coded into blue and red respectively. To qualify as meeting the higher standards the business must achieve all the required (mandatory) standards as well as a minimum of 50% of the optional higher standards.

9.5 The Regulations make provision for Officers to take samples for laboratory testing from any animals on premises occupied by an operator for the purposes of ensuring the licence conditions are being complied with. A Licence holder must comply with any reasonable request of an inspector to facilitate the identification and examination of an animal and the taking of

samples and, in particular, must arrange the suitable restraint of an animal if so requested by an inspector.

- 9.6 Samples should be as non-invasive as possible, however inspectors may deem more invasive samples necessary if there are concerns over the welfare of the animals. The provision for sampling is primarily aimed at veterinarians carrying out inspections and it is not expected that samples be taken by those without the training to properly and safely do so.

#### Additional Expectations of Pet Vendors

- 9.7 The Council recognises the concerns of the RSPCA that primates are not suitable companion animals, as their welfare needs cannot be met in a domestic environment. Consequently, the Policy recommends primates should not be kept or sold by pet vendors within the Guildford Borough area.

#### Additional Expectations of Pet Vendors and Breeders

- 9.8 There is also additional responsibility placed upon all vendors and breeders to ensure animals are sold to good homes. As such the Council would expect all sellers and breeders to have a procedure that enables them to be confident that customers are able to meet an animal's welfare needs, and are fully aware of their responsibilities under the Animal Welfare Act 2006.

#### Dangerous Wild Animals

- 9.7 The Council will usually impose Defra's standard conditions, in addition to any premises/animal specific conditions deemed to be required by the Inspecting Officer/Vet.

#### Zoos

- 9.8 The Council will usually impose Defra's standard conditions, in addition to any premises/animal specific conditions deemed to be required by the Inspecting Officer/Vet.

### **10. Granting an application**

- 10.1 Where a licence is issued the Council will provide the following details:

- the Licence with the Star Rating;
- details of how the business has been rated including a list of the higher standards the business currently fails to meet or a list of the minimum standards the business is failing to meet and resulting in a "minor failing" category;
- a copy of the risk management assessment table;
- details of the appeals process and timescales.

- 10.2 Any fee(s) required upon the grant of the licence must be paid in full prior to the issue of the licence.

## **11. Refusing Applications**

- 11.1 The Council will consider the report from the inspector and any comments made by the applicant when deciding whether to issue a licence.
- 11.2 The Council will refuse to issue a licence if it considers that the applicant cannot meet the licence conditions, for example, if the granting of a licence will have a negative impact on animal welfare or if the level of accommodation, staffing or management is inadequate for the well-being of animals.
- 11.3 The Council will also refuse to issue or renew a licence if the applicant has a history of non-compliance with licensing conditions or requirements, is obstructive towards officers, or if there are safeguarding concerns arising from the licensed activity. The above list is not exhaustive, but indicative of the circumstances where they Council will want to refuse an application.
- 11.4 The Council will also refuse an application if it considers that the applicant does not meet the 'fit and proper person' test.
- 11.5 A licence cannot be issued to an operator who is disqualified.
- 11.6 Any application fees or veterinary inspection fees paid will not be refunded for unsuccessful applications.
- 11.7 If a licence is refused, the applicant will have the right of appeal to a First-tier Tribunal within 28 days of the decision notice.

## **12. Appeals to Star Rating**

- 12.1 To ensure fairness to the business, the Council has an appeals procedure in place for the operator to dispute the star rating given.
- 12.2 The business will be provided with supporting information (the inspection reports) which will highlight the inspecting officer's decision on how the risk rating, compliance level and star rating has been determined. The business is encouraged to discuss the matter initially with the inspecting officer where possible.
- 12.3 A business may appeal if they consider their star rating to be wrong - in other words it does not reflect the standards found at the time of inspection. Any appeal to the rating given must be made in writing within 21 days.
- 12.4 A business may wish to apply for a re-inspection or re-rating on a chargeable basis following completion of works to rectify any non-compliance or improvements to achieve higher standards.
- 12.5 An appeal will be assessed and determined by an appointed manager within the Department, who will conduct a 'desk based' appraisal of the rating given.
- 12.6 The appointed managers for this purpose are the Licensing Team Leader, or Regulatory Services Manager in their absence.

12.7 If the business disagrees with the outcome of the appeal they can only challenge the decision by means of judicial review.

### **13. Variations, Suspensions and Revocations of Licences**

- 13.1 The Regulations provide for a local authority at any time to vary a licence:
- On the application in writing of the licence holder, or
  - On the initiative of the local authority, with the consent in writing of the licence holder.
- 13.2 In addition to the above a local authority may suspend, vary or revoke a licence without the consent of the licence holder if:
- The licence conditions are not being complied with,
  - There has been a breach of the Regulations,
  - Information supplied by the licence holder is false or misleading, or
  - It is necessary to protect the welfare of an animal.
- 13.2 A suspension or variation of a licence will normally take effect 7 working days after the decision has been issued to the licence holder unless the reason is to protect the welfare of an animal in which case the local authority may stipulate that the decision has immediate effect.
- 13.3 A decision to vary or suspend the licence must be notified to the licence holder in writing, explaining the reasons for the decision, and providing information regarding when the suspension or variation comes into effect and the rights of the licence holder to make written representation, as well as any specific changes deemed necessary in order to remedy the situation.
- 13.4 The decision to vary, suspend or revoke a license will be dependent on the severity of the situation. If an operator fails to meet administrative conditions or provide information when requested then this could potentially lead to the suspension of a licence. If such a scenario happens repeatedly, the Council may consider revocation appropriate. Revocation of a licence will also occur in an instance where poor welfare conditions are discovered or it would otherwise benefit the welfare of the animals involved to be removed from the activity. Variations can occur if adjustments need to be made, whether that is to the licence itself or to the premises/animals referred to in the licence.
- 13.5 Following the issuing of the notice of suspension or variation, the licence holder will have 7 working days to make written representation. Upon receipt of this the Council will decide whether to continue with the suspension or variation of the licence or cancel the decision.
- 13.6 If the licence has been altered with immediate effect to protect the welfare of an animal then the Council must indicate that this is the reason.
- 13.7 The business will not be able to trade once the suspension of a licence has come into effect and cannot do so until the decision is overturned by the local authority upon being satisfied that licence conditions are being met.
- 13.8 There is no right of appeal against the suspension of a licence. After 28 days of suspension the licence must be revoked or reinstated.

13.8 A licence holder may appeal to a First-tier Tribunal if they do not agree with the decision made by the local authority to vary or revoke a licence. This must be done within 28 days of the decision.

#### 14. Transfer of a licence upon the death of a licence holder

14.1 If a licence holder dies, the procedure in regulation 12 of the Regulations applies. It allows the personal representative of the deceased to take on the licence provided that they inform the local authority within twenty-eight days of the death that they are now the licence holders. The licence will then remain in place for three months from the death of the former holder or for the rest of the time it was due to remain in force if that time period is shorter. The new licence holder should then apply for a new licence one month before the expiry of this new period.

14.2 Additionally the local authority can extend the three month period by up to another three months if requested by the personal representative and if they believe this time is needed to wind up the estate of the former licence holder.

14.3 If the personal representative does not notify the local authority within 28 days of the death of the licence holder, the licence will cease to have effect after those 28 days.

#### 15. Inspections During the Course of a licence

15.1 There will be cases where inspections must be carried out during the term of a licence.

15.2 For the activity of hiring out horses, there is a requirement for an annual inspection by a listed veterinarian, regardless of the total length of the licence. The local authority must appoint a listed veterinarian to inspect the premises on which the activity is being carried out before the end of the first year after the licence is granted and then each subsequent year.

15.3 Unannounced inspections can also be carried out and will be used in the case of complaints or other information that suggests the licence conditions are not being complied with or that the welfare of the animals involved in a licensed activity is at risk.

15.4 During the course of an inspection the inspector may choose to take samples for laboratory testing from the animals on the premises occupied by an operator. The operator must comply with any reasonable request of an inspector to facilitate the identification, examination and sampling of an animal including ensuring that suitable restraints are provided if requested.

15.5 The Council will use a suitably qualified inspector to carry out inspections. The inspector will be assisted and/or accompanied as necessary by the Council's appointed Vet or any other relevant specialist which may be required depending on the nature of the inspection.

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15.6 The Council uses a Licensing database to record all licensing and other regulatory actions. This includes inspections and it allows us to maintain a register of inspections and when interim inspections are due.

## 16. **Appointments and Qualifications of Inspectors**

16.1 The Council has appointed Inspectors and Veterinarians to carry out duties under the Licensing Regulations and Animal Welfare Act. Details of this are available on request.

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16.2 All inspectors must be suitably qualified. This is defined in the Guidance as:

- Any person holding a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation which oversees the training and assessment of persons in inspecting and licensing certain animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity;
- Any person holding a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons ("RCVS"), together with a relevant RCVS continuing professional development record;

16.3 Further appropriate training for licensing officers on other relevant matters, for example the socialisation and behavioural needs of puppies and dogs at breeding establishments, will be provided where deemed necessary.

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Deleted: <#>Until October 2021, any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses. ¶

## 17. **Fee Structure**

17.1 The current level of licence fee will be displayed on the Council's webpage.

17.2 All fees have been calculated and reviewed annually, taking into account the statutory requirements of Regulation 13, with the aim of full cost recovery.

## 18. **Enforcement**

18.1 The Regulations introduce a range of enforcement powers to allow the Council to issue a suspension, variation or revocation notice where licence conditions are not being complied with; there is a breach of the regulations or issues relating to the protection of the welfare of an animal.

18.2 The service of an enforcement notice is subject to a strict process and includes provision for the right to make written representations and/or appeal.

18.3 It is an offence to breach any licence condition. It is also an offence not to comply with an inspector's request in the process of taking a sample from an animal.

18.4 It is also an offence to obstruct an inspector who has been appointed by a local authority to enforce the Regulations. Committing any of these offences could result in an unlimited fine.

- 18.5 Anyone who carries on any of the licensable activities without a licence is liable to imprisonment for a term of up to six months, a fine or both. Section 30 of the Animal Welfare Act 2006 allows for local authorities to prosecute for any offences under that Act.
- 18.6 The post-conviction power from section 34 of the Animal Welfare Act 2006 is in place whereby a person convicted of an offence under the Act or Regulations may be disqualified from owning, keeping, participating in the keeping of animals and/or from being party to an arrangement under which they can control or influence the way an animal is kept. They may also be disqualified from transporting or dealing in animals. Breaching these disqualifications is an offence.
- 18.7 The post-conviction power from section 42 of the Animal Welfare Act is also in place whereby a court can cancel a currently existing licence and disqualify a person from holding a licence for any period it sees fit when that person is convicted of an offence under the Act or Regulations.
- 18.8 The Council works closely with partners in accordance with a locally established joint enforcement protocol and will aim to promote the welfare of animals and safety of the public.
- 18.9 The main enforcement and compliance role for the Council in terms of the Regulations will be to ensure compliance with the conditions placed upon the licence and investigate and take appropriate action on unlicensed premises.
- 18.10 The Council will log and investigate as it considers necessary all complaints relating to Animal Establishments which are currently licensed or may require a licence. The Council will require complainants to provide their name and contact details so as to ensure that a complaint is not malicious in nature, and so that witness evidence may be obtained if required for further action. When investigating complaints officers will take care to not reveal the identity of the complainant, unless the complainant has agreed otherwise, or unless it is necessary for the progression of legal proceedings.
- 18.11 In addition to the investigation of complaints, the Council will monitor and gather information about unlicensed activities using all available sources of information; for example, unlicensed puppy breeders or pet sellers advertising online, that could fall within the scope, and to proactively approach, and if appropriate licence, those involved in such activities.
- 18.12 We aim to achieve and maintain a consistent approach when we investigate complaints, carry out inspections and make our decisions. In reaching any decision we will consider the following criteria:
- seriousness of any offences or breach of conditions
  - operator's past history
  - consequence(s) of non-compliance
  - likely effectiveness of the various enforcement options
  - danger to the welfare of animals and/or public

| 18.13 In carrying out its enforcement duties with regards to the inspection of premises, the variation, suspension or revocation of licences, investigation of complaints and the powers to institute criminal proceedings in respect of certain offences under the Act, the Council has adopted an enforcement policy, which is available on [www.guildford.gov.uk](http://www.guildford.gov.uk).

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# PawPrints 2022

## Criteria

This document contains the criteria and evidence required for the RSPCA's PawPrints awards in 2022. There are five categories; stray dogs, housing, contingency planning, animal activity licensing, and kennelled dogs. Each category has a different set of criteria and evidence required. There are three levels for each category; bronze, silver and gold. The criteria apply to entry submissions from both England and Wales unless otherwise specified. Each category can be accessed by clicking one of the links below. Your submission will be marked and moderated by the RSPCA's Public Affairs team.

**The entry period will open on Friday 24 June and close on Friday 19 August 2022. The winners will be announced by email on Wednesday 28th September.**

When the entry period opens, you will be provided with a link to a form to make your submission. There will be further information on the Political Animal Website (PAW). If you require any further information or assistance, or you have questions, please contact Lee Gingell ([lee.gingell@rspca.org.uk](mailto:lee.gingell@rspca.org.uk)).

[STRAY DOGS](#)

[HOUSING](#)

[CONTINGENCY PLANNING](#)

[ANIMAL ACTIVITY LICENSING](#)

[KENNELLED DOGS](#)

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# STRAY DOGS

Level	Criteria	Evidence req.
Bronze	Dog handling, welfare and behaviour training for all officers responsible for stray dog collection (including holiday and sickness cover). Training should represent an up-to-date understanding of dog welfare, including the use of ethical, reward-based methods.	<i>Proof of completion of relevant training from a reputable training provider and detail of the content. Content should represent an up to date understanding of dog welfare, particularly in reference to ethical and reward-based training.</i>
	Procedure in place to get treatment for injured and sick stray dogs efficiently and humanely, including those found by the public. This should also include clear procedures to ensure cover for staff sickness and holidays, as well as disease outbreaks.	<i>The relevant section of written policy and procedural document.</i>
	Procedure in place to scan (and/or check for other identification) all stray dogs collected or received by the local authority and reunite those that have an up to date microchip (and/or other identification) with their owner.	<i>The relevant section of written policy and procedural document.</i>
	Procedure in place to scan or check dead dogs (and cats and other pets) for microchips and other forms of identification.	<i>The relevant section of written policy and procedural document.</i>
	The council or contractor's stray dog kennels and out-of-hours reception centre have clear facilities, protocols and procedures that meet the five welfare needs, defined under section 9 of the Animal Welfare Act 2006.	<i>Details of relevant facilities, the relevant section of written policy and procedural documents.</i>
	Staffed out-of-hours kennels/reception centre.	<i>Details of out-of-hours facilities, including staffing levels and operating hours.</i>
	Information provided to owners reclaiming strays on how to prevent the animal from straying again and the legal requirement to microchip and that details must be kept up to date.	<i>Examples of information and materials (eg leaflets, web links) provided to reclaiming owners.</i>
	Records kept, and regularly updated, of all strays received and how they were disposed of. These records should include the number of dogs returned, rehomed, euthanased on medical grounds, euthanased on non-medical grounds and if a dog can't be reunited with its owner	<i>Example of records (a blank template is fine).</i>

Agenda item number: 5(1)  
Appendix 3

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	because they weren't chipped or the chip details were inaccurate.	
Silver (all of bronze, plus:)	A clear rehoming policy for kennels to ensure all dogs rehomed are assessed – behaviorally and physically – and permanently identified, and that potential new owners are vetted. The policy should apply to any third-party kennels that the council may use after the statutory seven-day period. Where rehoming is not possible, clear evidence must be provided to demonstrate that efforts have been made to address this.	<i>The relevant section of the written policy.</i>
	Active promotion through the council website and leaflets of the legal requirement for a microchip and that details must be kept up to date, neutering and the duty of care to ensure the five welfare needs under section 9 of the Animal Welfare Act 2006.	<i>Example of leaflet and/or web link.</i>
	Compulsory microchipping of all stray dogs without such identification before being returned to owners or rehomed.	<i>The relevant section of written policy and procedural document.</i>
Gold (all of bronze and silver, plus:) Page 51	Provision of an out of hours service that meets the requirements of the local community to ensure animal welfare. This should include evening and weekend provisions where dogs can be collected or deposited by members of the public.	<i>Details of out-of-hours service provision, the relevant section of written policy and procedural document and an evidence-based explanation of how this level of service meets local needs. (If you have evidence which shows contingency planning in the event that out of hours kennels become full, we would welcome seeing this - although not a requirement yet).</i>
	Regular proactive work to encourage responsible pet ownership, which may include public awareness campaigns and events on a range of issues, e.g. microchipping, neutering, dogs in warm weather, etc.	<i>Example(s) of such work during the past year (because of the impact of COVID-19 restrictions and the changing nature of how we work, we will accept evidence of visits which took place during or scheduled for after this year's entry period, including both in-person and virtual visits).</i>

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Appendix 3

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## HOUSING

Level	Criteria	Evidence req.
Bronze	<p>A clear and positive written policy for all housing controlled or influenced by the local authority or housing associations. The following should be a part of the policy:</p> <ol style="list-style-type: none"> <li>1. Clearly defined guidance, with some flexibility to allow requests to keep pets on a case-by-case basis where the owner can meet the animal's welfare needs.</li> <li>2. Details of the owner's responsibility and a definition of which species of animal and how many are allowed. It should not discourage pet ownership where facilities exist for proper care.</li> <li>3. A clear procedure for managing complaints and the concerns of both pet owners and neighbours regarding nuisance animals, welfare, health or cruelty issues.</li> <li>4. A ban on business activity involving the breeding and/or vending of animals on the premises. The policy should also discourage non-commercial breeding.</li> </ol>	<i>Relevant section(s) of written policy and procedural documents.</i>
	A list of local, reputable animal welfare and veterinary organisations made available to residents, including those which may offer reduced cost or free veterinary treatment and services.	<i>A copy of this list or a link to where it can be found.</i>
Silver (all of bronze, plus:)	Written pet care advice/information by, or approved by, a recognised and reputable animal welfare source made available to residents on registering their pets in the accommodation.	<i>Examples of this advice and information.</i>
	The active promotion of permanent identification and neutering of pets.	<i>Examples of this in practice, including when last carried out (because of the impact of COVID-19 restrictions and the changing nature of how we work, we will accept evidence from during or scheduled for after this year's entry period)</i>
	A register of all animals kept in each dwelling, which is kept and updated as required.	<i>Details of your register with an example record if possible (a blank template is acceptable)</i>

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	A proportionate response to prohibited types of dogs (i.e. those prohibited under the Dangerous Dogs Act 1991) which allows dogs on the Index of Exempted Dogs (IED) who are legally owned to be kept within properties as long as the owner continues to comply with the exemption conditions.	<i>The relevant section of written policy and procedural document.</i>
Gold (all of bronze and silver, plus:)	Provision for the pets of owners in temporary or emergency housing.	<i>The relevant section of written policy and procedural document.</i>
	Provision of discounted permanent ID for pets and a neutering discount to prevent unwanted breeding.	<i>Examples of this work, including when last carried out (because of the impact of COVID-19 restrictions and the changing nature of how we work, we will accept evidence from during or scheduled for after this year's entry period)</i>
	An established link with a recognised and reputable animal welfare organisation that provides residents with advice on pet care on request or by monthly or quarterly visits.	<i>Example of this work and when last carried out (because of the impact of COVID-19 restrictions and the changing nature of how we work, we will accept evidence of visits which took place during or scheduled for after this year's entry period, including both in-person and virtual visits)</i>

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## CONTINGENCY PLANNING

Level	Criteria	Evidence req.
Bronze	Locations identified as temporary animal shelters with a pet evacuation plan.	<i>The relevant section of written policy and procedural document, including details of temporary animal shelters.</i>
	Information on the website for pet owners that promotes preparedness, or a link to another website that does.	<i>A link to this information.</i>
	The establishment of a contact list of reputable animal welfare organisations and local vets who can assist in an emergency situation, and liaison with these.	<i>A copy of this list or a link to where it can be found and a brief explanation of what assistance the organisations will be able to provide in an emergency.</i>
	Companion animal welfare is included in written contingency plans.	<i>The relevant section of written policy and procedural documents.</i>
Silver (all of bronze, plus:) Page 24	The involvement of reputable animal welfare organisations in contingency exercises and planning meetings.	<i>Example(s) of meetings/exercises where a relevant organisation has attended (because of the impact of COVID-19 restrictions and the changing nature of how we work, we will accept evidence of exercises/meetings which took place during or scheduled for after this year's entry period, including both in-person and virtual exercises/meetings)</i>
	Support for establishments involved with large numbers of animals in drawing up their contingency plans.	<i>Example(s) of relevant guidance document or other support offered.</i>
	The running of at least one tabletop exercise every two years specifically involves a companion animal welfare element.	<i>Details and date of exercise (if this has been made impossible due to Covid-19 restrictions please specify this in your evidence. We will accept evidence of exercises which are due to take place during or scheduled for after</i>

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		<i>this year's entry period).</i>
	Evidence that advice is provided, by the local authority, to allotment holders (where applicable) concerning the care of any animals in an emergency scenario.	<i>Example of advice.</i>
Gold (all of bronze and silver, plus:)	The Ownership of, or access to, at least 50 kennel spaces or vari-kennels between members of the LRF, for use in an emergency.	<i>Details of ownership or access to kennel space.</i>
	Proactive work, such as an awareness campaign, to ensure pet owners are prepared should they be evacuated.	<i>Examples of this work, such as a link to online material or details of a relevant event.</i>
	At least one live exercise every three years specifically involving a companion animal welfare element. This will help operational staff to be more flexible when setting up an emergency reception centre.	<i>Details and date of exercise (if this has been made impossible due to Covid-19 restrictions please specify this in your evidence. We will accept evidence of exercises which are due to take place during or scheduled for after this year's entry period).</i>

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## ANIMAL ACTIVITY LICENSING

Level	Criteria	Evidence req.
Page 56	A clear policy on and procedures for how to license animal activities.	<i>Written policy and procedural documents.</i>
	A clear procedure for dealing with complaints from members of the public about licensed animal activities.	<i>The relevant section of written policy and procedural document.</i>
	Clear procedures to ensure inspections are carried out on time, with the required contingent of people.	<i>Relevant section of the procedural document, including information about who attends inspections.</i>
	A list of appropriately qualified experts, for example, vets, behaviour experts and animal welfare organisations that can be consulted for advice on specific requirements, which can be made available to licensing officers.	<i>A copy of this list.</i>
	The recognition that primates are not suitable companion animals, as their welfare needs cannot be met in a domestic environment, in the form of the adoption of a policy that recommends primates should not be kept or sold by pet vendors within the local authority area.	<i>The relevant section of written policy.</i>
	<b>WALES ONLY:</b> A clear training procedure for licensing officers to ensure they can deliver their duties competently and have an understanding of the relevant legal standards as found in The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021 and The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 and best practice, and how they dovetail with the Animal Welfare Act 2006.	<i>Certificates of completion or upcoming bookings for relevant courses. Participation in the Welsh Government's local authority enforcement project.</i>
Silver (all of bronze, plus:)	Active promotion, through the council website and leaflets, of microchipping, neutering and the duty of care to meet the welfare needs under section 9 of the Animal Welfare Act 2006.	<i>A link to the relevant page on the council website.</i>
	Further appropriate training for licensing officers on the socialisation and behavioural needs of puppies and dogs at breeding establishments.	<i>Example of relevant training attended or an upcoming booking.</i>

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Gold (all of bronze and silver, plus:)	<b>PET VENDORS AND DOG BREEDING ESTABLISHMENTS:</b> Clear written protocol for a procedure that enables vendors to be confident that customers are able to meet an animal's welfare needs, and are fully aware of their responsibilities under the Animal Welfare Act 2006.	<i>Example of guidance or information provided to vendors.</i>
	A clear written procedure for taking a prosecution forward, with examples if possible.	<i>The relevant section of written policy and procedural document, examples of any prosecutions taken</i>
	Clear process to monitor and gather information about unlicensed activities, for example, unlicensed puppy breeders, that could fall within the scope, and to proactively approach, and if appropriate licence, those involved in such activities.	<i>The relevant section of written policy and procedural document, an example of licensing or other subsequent enforcement activity as appropriate.</i>

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## KENNELLED DOGS

Required documentation:

[General Points of Good Practice - MUST](#)

[General Points of Good Practice - SHOULD](#)

Level	Criteria	Evidence req.
Bronze	Provisions of Section 9 of the Animal Welfare Act are met and in accordance with the RSPCA guide to good practice - the welfare of seized dogs in kennels	<i>Checklist of all <a href="#">General Points of Good Practice Musts</a> is completed and evidence of how they meet at least two of the musts per welfare need is to be provided.</i>
Silver (all of bronze, plus:)  Page 58	Best practice is being met and in accordance with the RSPCA guide to good practice - the welfare of seized dogs in kennels	<i>Checklist of all <a href="#">General Points of Good Practice Musts</a> and <a href="#">Shoulds</a> is completed and evidence of how they meet at least two of the musts and shoulds per welfare need is to be provided.</i>
	A contract/policy which ensures compliance with provisions of section 9 of the Animal Welfare Act 2006.	<i>Copy of contract or policy document.</i>
	Additional provisions are in place for the management of puppies e.g. use of fosterers or other agencies	<i>Information about the management of puppies.</i>
Gold (all of bronze and silver, plus:)	A working relationship with i.e. regular visits to the kennels by a suitably qualified and experienced behaviour expert.	<i>A document which illustrates the working relationship and regular visits by the behaviour expert</i>
	Other initiatives which have been implemented solely to improve the welfare of kennelled dogs e.g. specific environmental enrichment programmes, provision of reward-based training etc.	<i>Details about initiatives e.g. details about enrichment programme, training provider etc</i>

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Licensing Committee Report

Report of Dawn Hudd, Joint Strategic Director, Place

Author: Mike Smith, Senior Specialist for Licensing and Community Safety  
/Sophie Butcher, Democratic Services Officer

Tel: 01483 444056

Email: mike.smith@guildford.gov.uk/sophie.butcher@guildford.gov.uk

Date: Wednesday 23 November 2022

## Licensing Committee work programme: 2022-23

### Recommendation to Licensing Committee

The Committee is invited to review and approve its current work programme for the remainder of the 2022-23 municipal year.

Reason for Recommendation:

To ensure that the Licensing Committee has an opportunity to review its work programme.

### 1. Purpose of Report

- 1.1 The work programme is presented to enable necessary changes to be made and to provide updated information on items for future meetings. Appendix 1 to this report sets out the Committee's work programme to date, including any items currently unscheduled.

### 2. Financial Implications

- 2.1 There are no specific financial implications arising from this report.

### 3. Human Resource Implications

- 3.1 There are no specific human resources implications arising from this report.

### 4. Legal Implications

- 4.1 There are no specific legal implications arising from this report.

### 5. Background papers

None

### 6. Appendices

Appendix 1: Licensing Committee - Draft Work Programme: 2022-23

## Licensing Committee

### Draft Work Programme 2022-23

<b>November 2022</b>		
<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>
Animal Activity Licensing Policy	The Committee to consider an updated draft Animal Activity Licensing Policy and approve public consultation	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387
Purple Flag Update	The Committee to receive an update in relation to the Purple Flag award.	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387

<b>January 2023</b>		
<b>Item</b>	<b>Details of decision to be taken</b>	<b>Officer</b>
Taxi and Private Hire Fees and Charges 2023-24	The Committee to consider the draft Taxi and Private Hire Fees and Charges 2023-24 and approve public consultation.	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387
Licensing Annual update	The Committee to receive an annual report.	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387

### March 2023

Item	Details of decision to be taken	Officer
Taxi and Private Hire Fees and Charges 2023-24	The Committee to consider the consultation responses and approve the Taxi and Private Hire Fees and Charges 2023-24.	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387
Animal Activity Licensing Policy	The Committee to consider the consultation responses and approve an updated Animal Activity Licensing Policy	

### UNSCHEDULED ITEMS

Item	Details of decision to be taken	Officer
Best Bar None Update	The Committee to receive an update in relation to Best Bar None.	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387
Street Trading Policy	The Committee to consider an updated draft Street Trading Policy and approve public consultation.	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387
Charity Collections Policy	The Committee to consider an updated draft Charitable Collections Policy and approve public consultation.	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387
Pavement Licensing Policy	The Committee to review the Pavement Licensing Policy following legislative changes under the Levelling Up Bill.	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387
Hackney Carriage and Private Hire Licensing Policy	The Committee to review the Hackney Carriage and Private Hire Licensing Policy following updates to the Department for Transport Best Practice Guidance	Mike Smith, Senior Specialist for Licensing and Community Safety 01483 444387

