



**Oversight and Governance**

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Published 11 February 2025

## LICENSING COMMITTEE

Wednesday 19 February 2025

10.00 am

Council House

**Members:**

Councillor Hendy, Chair

Councillor Stephens, Vice Chair

Councillors Allen, Dingle, Holloway, Krizanac, Lawson, Ricketts, Simpson, M.Smith, Tippetts, Tofan and Ms Watkin.

Members are invited to attend the above meeting to consider the items of business overleaf. For further information on attending Council meetings and how to engage in the democratic process please follow this link - [Get Involved](#)

**Tracey Lee**

Chief Executive

# Licensing Committee

## 1. Apologies

To receive apologies for non-attendance submitted by Committee Members.

## 2. Declarations of Interest

Members will be asked to make any declarations of interest in respect of items on this agenda.

## 3. Minutes

**(Pages 1 - 14)**

To confirm the minutes of the Licensing meeting held on

- 2 December 2024.

To confirm the minutes of the Licensing Sub Committee meetings held on

- 11 November 2024
- 19 November 2024
- 11 December 2024

## 4. Chair's Urgent Business

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

## 5. Approval of Animal Licensing Policy:

**(Pages 15 - 64)**

## 6. Exempt Information

To consider passing a resolution under Section 100A(4) of the Local Government Act, 1972 to exclude the press and the public from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information, as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

## 7. Confidential Minutes:

**(Pages 65 - 72)**

**Licensing Committee****Monday 2 December 2024****PRESENT:**

Councillor Hendy, in the Chair.

Councillor Stephens, Vice Chair.

Councillors Dingle, Lawson, Ricketts, Simpson, M. Smith and Ms Watkin.

Apologies for absence: Councillors Allen, Holloway and Tippetts.

Absent: Councillors Krizanac and Tofan.

Also in attendance: Emily Bullimore (BID Street Operations & Trading Manager), Rosie Brookshaw (Democratic Advisor), Kezia Lock (Economic Development Officer), Joshua Longstaff (Democratic Advisor), Marie Price (Senior Enforcement Officer) and Ian Wills (Senior Lawyer).

The meeting started at 10.02 am and finished at 10.19 am.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

**6. Apologies**

Apologies were received from Councillors Allen, Holloway and Tippetts.

**7. Declarations of Interest**

There were no declarations of interest.

**8. Minutes**

The Committee agreed the minutes of the Licensing Committee meeting held on 08 October 2024 as a true and accurate record.

The Committee agreed the minutes of the Licensing Sub Committee meeting held on 04 November 2024.

**9. Chair's Urgent Business**

There were no items of Chair's urgent business.

**10. Annual Street Trading Report 2025 / 2026**

Emily Bullimore (BID Street Operations & Trading Manager) introduced the report, providing a general summary including the purpose and recommendations contained therein.

In response to questions it was explained:

- a) The locations of various street trading areas, which were positioned only within the City Centre and on the Waterfront;
- b) Ice cream venders were usually sole trader, although the existence of an Ice Cream Alliance organising body existed;
- c) Four years previously, fees were levelled across all sites as the quantity of footfall was approximately equally distributed;
- d) Street Traders were only signed to a licence for a single year. As profits needed to be balanced annually, adjustments suggested on a longer term scale would not have directly impacted traders;
- e) Whilst a nil increase in fees had been considered, the fundamental impact of price rises necessitated an increase;
- f) Shared Prosperity Funding had been obtained to fund lighting and traders using power within the Waterfront. Whilst this had commenced during the Summer, as of the time of the meeting only a single trader had been receiving this power.

The Committee agreed:

1. The Consent dates for 2025/2026 were approved as 1 April 2025 – 31 March 2026.
2. The Consent fees for 2025/2026 as set out in Appendix A, were approved.
3. The Service Director for Economic Development had delegated authority to approve, within Committee policy, the issuing of Consents to existing city centre traders seeking to continue trading.
4. The Service Director for Economic Development had delegated authority to approve within Committee policy the issuing of Consents to new traders or contested sites for city centre sites in consultation with the Chair of the Licensing Committee and Lead Opposition member.
5. The Service Director for Economic Development had delegated authority to approve within Committee policy short-term street trading Consents in association with other city centre events and commercial activity.
6. The Service Director for Economic Development had delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy.
7. The Service Director for Economic Development had delegated authority to approve within Committee policy the issuing of Consents to existing ice cream traders seeking to continue trading.

8. The Service Director for Economic Development had delegated authority to approve within Committee policy the issuing of Consents to new traders or contested sites for vacant ice cream sites in consultation with the Chair of the Licensing Committee and Lead Opposition member.
9. The Service Director for Economic Development had delegated authority to approve within Committee policy the issuing of Consents to existing Hoe and Madeira Road Waterfront trading sites seeking to continue trading.
10. The Service Director for Economic Development had delegated authority to approve within Committee policy the issuing of Consents to new traders of contested sites for vacant Waterfront trading sites in consultation with the Chair of the Licencing Committee and Lead Opposition member.
11. To grant the ability to move traders to new/ temporary sites to facilitate the continuation of trading amidst the ongoing public realm works in the city centre. This included changing the classification of Sundial East to general use. The site was allocated for the sale of ice cream, frozen confectionary and cold soft drinks. Changing the classification would bring it in line with other city centre sites and broaden usage opportunities and keep flexibility of sites through the period of change. City Centre delegated authority approval would be followed.

11. **Mediation Report**

Marie Price (Senior Enforcement Officer) introduced the report, providing a summary.

The Committee agreed to note the report.

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## Licensing Sub Committee

**Monday 11 November 2024**

**PRESENT:**

Councillor Hendy in the Chair.  
Councillor Stephens, Vice Chair.  
Councillor Ms Watkin.

Also in attendance: Jonathan Ball (Enforcement Officer), Rosie Brookshaw (Democratic Advisor), and Ian Wills (Senior Lawyer).

The meeting started at 10.01 am and finished at 10.43 am.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

71. **Appointment of Chair and Vice-Chair**

The Committee agreed to appoint Councillor Hendy as Chair and Councillor Stephens as Vice-Chair for this meeting.

72. **Declarations of Interest**

There were no declarations of interest.

73. **Chair's Urgent Business**

The Chair informed the Committee there would be a two minute silence held at 11 am for Armistice Day.

74. **Grant of Premises Licence: No 36 Wine & Cocktail Bar**

The Committee having:

a) Heard from the applicant as follows:

- i) The applicant had managed a carpet shop in Elburton Village for over ten years;
- ii) The applicant wanted to open a wine bar where people could have a quiet drink without loud music, and this had local support;
- iii) The bar would have 20 people maximum. The applicant envisaged the bar being used by locals who wanted a quiet place to drink or a group having somewhere to undertake a past time such as a knitting club whilst enjoying a glass of wine;
- iv) The bar would sell wine, cocktails, beers and water and there would not be any

drink promotions;

v) Planning permission had been granted;

vi) The applicant had spent a considerable amount of money converting the premises;

vii) The applicant accepted the conditions required by the Police and Environmental Health. In particular he understood the importance of Challenge 25 and maintain up to date and accurate records;

viii) The Designated Premises Supervisor (DPS) would be a family member and would be supported by a manager of a neighbouring business who also had a DPS. Both the applicant and his family members were undergoing DPS training;

ix) The applicant confirmed the opening hours and sale of alcohol (if the applicant was granted) would be between 12 noon and 2300 hours, seven days a week;

x) The applicant highlighted that there were a number of licenced premises in the immediate area and the local public houses had longer opening hours than this application;

xi) The applicant outlined that his business would not increase crime in the area because his business model is not to attract 'yobs'. He wanted a premises where patrons could relax, which was not loud and was safe. He would tell people to quieten down if there was too much noise;

xii) There would be music but it would be in the background, and there would be no bands or late-night entertainment;

xiii) Regarding the outside space in front of the premises the number of customers sat outside would be limited and there would be signs with the number of customers who could sit outside displayed as the applicant didn't want to annoy his neighbours;

xiv) Regarding the protection of children, the applicant outlined that he was the father of four children and took the safety of children seriously and couldn't see his premises causing harm to them;

xv) Deliveries could be made at the rear of the premises or if needed in the carpet shop across the road. Alcohol would not be stored on the carpet shop premises;

xvi) The applicant confirmed that he respected the welfare of people in the vicinity of the premises and would manage the premises to ensure there would be no trouble. He was aware that if there were concerns by relevant authorities or the local community, officers would try and resolve matters informally but if this was unsuccessful the licence could be reviewed by the Committee;

b) Taken into account the written representation objecting to the licence;

c) Reminded itself to consider representations in respect of the Public Nuisance, Crime and Disorder and Protection of Children Licensing Objectives.



The Committee disregarded:

- d) The applicant had spent a considerable amount of money on concerting the premises;
- e) There was local support for the wine bar.

The Committee took into account:

- f) There were not objections from relevant authorities or the local primary school;
- g) This was a relatively small premises where alcohol would be served at the table and the applied opening hours were between 12 noon and 2300 hours;
- h) There were other licensed premises in the immediate area with later licensing hours;
- i) The premises was not in a Cumulative Impact Assessment Area;
- j) The applicant accepted and agreed to the suggested conditions by the Police and Environmental Health;
- k) The relevant provisions under the Licensing Act 2003; S182 Licensing Act Guidance (December 2023) and the Plymouth City Council Licensing Policy;
- l) The decision of the Licensing Sub Committee was considered on the facts unique to this application;
- m) The decision needed to be evidence based and appropriate to the promotion of the Licensing Objectives and was proportionate to what was intended to be achieved (9.34 S182 Guidance (December 2023)).

The Committee considered the Prevention of Crime and Disorder Licensing Objective:

- n) The objection had highlighted if a premise licence was granted this would increase crime in the area, cause parking issues and there would be a risk to drivers;
- o) The Committee found that the application did not undermine this Licensing Objective because it was satisfied that the mandatory conditions and the conditions agreed with the Police would address any concerns. The Committee was reassured that the applicant would ensure Challenge 25 measures and recognise the indicators of drunkenness and there was no evidential link that there would be any increase in crime or drink driving;
- p) The Committee noted paragraph 2.1 of the S182 Guidance that the Police were the main source of guidance on Crime and Disorder and they had raised no objection to the application on the basis the conditions they had outlined were agreed.

The Committee considered the Prevention of Public Nuisance Licensing Objective:

- q) The objector had outlined there would be an issue over noise in the area if the application was granted;
- r) The Committee was satisfied this Licensing Objective was not undermined because it was a small bar. The application had outlined to the Committee his intention was to prevent excessive noise and there would be no loud music or bands playing.
- s) An accredited DPS staff member would be employed to manage the premises, and there were a number of other licensed establishments in the area who had later permitted hours and the intention of the application was to work with the local community;
- t) The Licensing Sub Committee noted there were no objections from the Environmental Health Department.

The Committee considered the Prevention of Harm to Children Licensing Objective:

- u) The objector raised the granting of the licence would undermine the Licensing Objective because the premises was situated close to a school and there was 'extra possible harm to children on what was already one of the busiest roads in the area';
- v) The Committee found there were no specific examples for the potential for the alleged undermining of this Licensing Objective;
- w) The local primary school had not opposed to the application, there were a significant number of licensed premises in the area, the proposed application with the maximum customer capacity would not significantly affect any harm to children and the applicant was committed to preventing any underage drinking (Challenge 25) and the opening hours of the premises would ensure there was not additional 'foot flow' along the pavement, increasing the risk of harm to children.

The Committee agreed to grant the Premise Licence in respect of No 36 Wine and Cocktail Bar.

- i) Supply of alcohol for consumption ON and OFF the premises – Monday to Sunday between 12 noon and 2300 hours;
- ii) Hours the premises was open to the public – Monday to Sunday between 12 noon and 2300 hours.

The licence was subject to the mandatory conditions and the conditions agreed between the applicant and Devon and Cornwall Police and Plymouth City Council Environmental Health Department.

## Licensing Sub Committee

**Tuesday 19 November 2024**

### **PRESENT:**

Councillor Hendy, in the Chair.  
Councillor Simpson, Vice Chair.  
Councillors Krizanac and Ricketts.

Also in attendance: Rosie Brookshaw (Democratic Advisor), Graham Hooper (Senior Officer), Cathy Morley (Lawyer) and, Marie Price (Senior Enforcement Officer).

The meeting started at 1.30 pm and finished at 3.03 pm.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### 75. **Appointment of Chair and Vice-Chair**

The Committee agreed to appoint Councillor Hendy as Chair and Councillor Simpson as Vice-Chair for this meeting.

### 76. **Declarations of Interest**

There were no declarations of interest.

### 77. **Chair's Urgent Business**

There were no items of Chair's urgent business.

### 78. **Exempt Business**

The Committee agreed to pass a resolution under Section 100A(4) of the Local Government Act, 1972 to exclude the press and the public from the meeting for the following items of business, on the grounds that they involved the likely disclosure of exempt information, as defined in paragraph 1,2 and 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

### 79. **Review of Premises Licence - Fleet Street**

The Committee having:

- a) Heard representations from the licenced premises;
- b) Heard the Police response;

- c) Considered all of the information contained within the report;
- d) Considered all of the relevant policies referred to in the report.

The Committee agreed:

1. The Licence of Fleet Street would be suspended for three months;
2. The Licence Holder would be removed as Designated Premises Supervisor.

## **Licensing Sub Committee**

**Wednesday 11 December 2024**

### **PRESENT:**

Councillor Stephens, in the Chair.  
Councillor Tofan, Vice Chair.  
Councillor M. Smith.

Also in attendance: David Adam-Leach (Devon and Cornwall Police), Olivia Gifford (Devon and Cornwall Police), Marie Price (Senior Enforcement Officer), Ian Wills (Senior Lawyer) and Joshua Longstaff (Democratic Support)

The meeting started at 9.39 am and finished at 10.19 am.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### 80. **Appointment of Chair and Vice-Chair**

The Committee agreed to appoint Councillor Stephens as Chair and Councillor Tofan as Vice-Chair for this meeting.

### 81. **Declarations of Interest**

There were no declarations of interest.

### 82. **Chair's Urgent Business**

There were no items of Chair's urgent business.

### 83. **Temporary Events Notice: Ernesettle Sports Hall**

Mr Pond nor a representative attended the meeting. The Committee was advised Marie Price (Senior Enforcement Officer) posted the meeting notice on 03 December 2024 and she had made phone calls to the telephone number on the application on 09, 10 and 12 December 2024 but they were not answered nor had Mr Pond called back.

The Police last spoke with Mr Pond's partner on 04 December 2024.

The committee was satisfied that Mr Pond was aware of the meeting date and proceeded in his absence.

The Committee heard:

- a) The report from the Office of the Director of Public Health;

- b) The Devon and Cornwall Police Case Written Summary;
- c) The Event plan submitted by Mr Pond;
- d) The Police made the following submissions:
  - i) It was rare for the Devon and Cornwall Police (“the police”) to object to a Temporary Events Notice (TENs) application. The police take a “light touch approach” and if there were issues then resolution was normally achieved by discussions;
  - ii) There were approximately 9000 TENs application in Devon and Cornwall each year, it was very rare for the police to object;
  - iii) The Police were objecting to the grant of the TENs application for this application because the licensing objectives of preventing crime and disorder and protection of children would be undermined;
  - iv) The proposed event fell within the definition of regulated entertainment and the police regarded it as a “high risk event” because of the risk from disorder and the consumption of illegal drugs;
  - v) Children would be present at the event, therefore the sale of alcohol needed to be managed to prevent it being sold to under 18’s;
  - vi) TENS boxing events did occur in Plymouth but these were run by operators who had experience of managing these events with well drafted management plans;
  - vii) The police confirmed it was Mr Pond who had approached them in October 2024 with the details of the planned bare knuckle boxing event and was advised that he would need to produce an event plan;
  - viii) An event plan was submitted on 02 December 2024 but it was inadequate because it did not address the licensing objectives. There was no detail regarding the organisation/management of the sale of alcohol; procedures for limiting the sale of alcohol to over 18’s; not details of the lay out of the ring/the venue;
  - ix) On 04 December 2024 the police spoke to Mr Pond’s partner to outline that the event plan was inadequate. The police were informed this was Mr Pond ‘s first event and the first Bare Knuckle fight in the South-West;
  - x) The Police advised the committee their role was not to plan the event, that was the applicant’s responsibility. There was plenty of guidance and help for the drafting of the event plan online;
  - xi) The Police had considered whether the event could proceed if the alcohol element of the application was refused but decided the undermining of the

prevention of crime and disorder remained because the inadequate event plan did not address the risks of drugs misuse;

- xii) If the application was refused, there was still sufficient time for Mr Pond to make a further TENs application;
- e) The Committee confirmed that they had read the application, and the event plan attached to the police written report.

The Committee considered:

- a) The representations made by the police were relevant to the Licensing Objectives of the Prevention of Crime and Disorder and the Protection of Children;
- b) At 2.1 of the S182 Licensing Act Guidance that the Police were the main source of advice on Crime and Disorder;
- c) That this was a reasonably large event with potentially 350 spectators in a venue of limited size where their children would attend;
- d) The police categorisation that boxing events were “high risk” because of the use/supply of illegal drugs. This did not prevent such events taking place (they regularly occurred in Plymouth) but a robust event plan was needed to address these concerns;
- e) The event plan was inadequate to address the police concerns in particular:
  - i) Procedures to address potential illegal drug misuse;
  - ii) The lay out of the event -the location of the bars and emergency exits to identify area of friction given there could be 350 people in a relatively small venue;
  - iii) The committee was particularly concerned there was no reference in the event plan to the management for the sale of alcohol, who was going to manage the selling or alcohol, deal with drunk people, procedures for recording incidents and the checks to be made to ensure that under 18 do not purchase alcohol;
- f) The requirements were not excessive and were essential to ensure the licensing objectives were not undermined. The Committee noted that Mr Pond could have used resources on line to assist in the drafting of the event plan;
- g) It was also concerning there had been relatively limited engagement with the Police and the licensing officers which the committee found demonstrated Mr Pond seemed to be unwilling to accept and address the legitimate concerns;
- h) Further Mr Pond did not have the experience in promoting events such as was being proposed therefore highlighting the need for a robust event plan and the

development of a working relation with relevant authorities;

- i) Whether to issue the TEN with conditions attached but determined this was not possible without a basis for compliant event plan; Mr Pond was not present to confirm his position on conditions and it was not the role of the Committee to manage a high risk event.

The Committee agreed having regard to the Police objections that the issuing of the Temporary Events Notice (sale of alcohol and provision of regulated entertainment) would undermine the licensing objective of crime and disorder and protection of children it was necessary, and proportionate, to issue a Counter notice in respect of this application.



# Licensing Committee



Date of meeting:	19 February 2025
Title of Report:	Approval of Animal Licensing Policy
Lead Member:	Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Events, Cemeteries & Crematoria)
Lead Strategic Director:	Professor Steve Maddern (Director of Public Health)
Author:	Nicola Horne
Contact Email:	Nicola.horne@plymouth.gov.uk
Your Reference:	NHO/ALPOLICY/FEB2025
Key Decision:	No
Confidentiality:	Part I - Official

## Purpose of Report

The Council has a legal responsibility for the licensing of several activities relating to the welfare of animals under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. To ensure that the licensing regime is clear and consistent, an Animal Licensing Policy has been written. This report considers the responses to the public consultation and recommends adoption of the Animal Licensing Policy on the 1 April 2025.

## Recommendations and Reasons

1. That the Licensing Committee approves implementation of the proposed Animal Licensing Policy following the public consultation.

*Reason: The proposed animal licensing policy will ensure that Plymouth City Council carries out its animal licensing responsibilities in a consistent and fair manner and to protect the welfare of animals.*

## Alternative options considered and rejected

1. Alternative options considered and rejected

*Do not implement an animal licensing policy. There is no legal requirement to have an animal licensing policy, however a policy sets out how the Council will consider certain matters when determining a licence application.*

## Relevance to the Corporate Plan and/or the Plymouth Plan

N/A

## Implications for the Medium Term Financial Plan and Resource Implications:

No implications identified

**Financial Risks**

No financial risks have been identified

**Carbon Footprint (Environmental) Implications:**

None identified

**Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:**

\* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

[Click here to enter text.](#)

**Appendices**

\*Add rows as required to box below

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Briefing report title	x						
B	Equalities Impact Assessment (if applicable)	x						
C	Climate Impact Assessment (if applicable)							

**Background papers:**

\*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

**Sign off:**

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Originating Senior Leadership Team member: Professor Steve Maddern

Please confirm the Strategic Director(s) has agreed the report? Yes

Date agreed: 04/02/2025

Cabinet Member approval: approved by Councillor Sally Haydon

Date approved: 04/02/2025

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# DRAFT ANIMAL LICENSING POLICY

Public Protection Service



## 1.0 Introduction

Plymouth City Council has statutory responsibilities for the licensing of a number of activities relating to the welfare of animals under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the Dangerous Wild Animals Act 1976, and the Zoo Licensing Act 1981. These pieces of legislation are aimed at protecting the welfare and safety of animals and those that interact with them and make it an offence for any person to possess, own, or keep animals to carry out certain businesses, or have possession of certain animals without first being licensed by the Council.

The Policy will be reviewed as standard every 5 years following first approval, and at other times when necessary (for example, to reflect significant changes in relevant legislation or guidance). Any general reference to 'guidance' in this policy relates to the 'Animal activities licensing: guidance for local authorities' produced by DEFRA. This guidance can be viewed in full here:

[Animal activities licensing: statutory guidance for local authorities - GOV.UK](#)

If any other guidance is referenced in this policy, specific details will be provided.

This policy sets out:

- The principles the Council will use when dealing with animal related licensing matters.
- The criteria taken into account by the Council when determining whether or not to grant or renew a licence.
- What the Council will do when it reviews a licence

This policy provides guidance to any person with an interest in animal licensing, in particular, but not exclusively:

- Applicants for licenses
- Existing licence holders whose licences are being reviewed.
- Users of licensed premises
- Local Authority Officers
- Members of the Licensing Committee, and
- Tribunals/Courts hearing appeals against local authority decisions

## 2.0 Policy Objectives

The Policy is designed to ensure that:

- the licence holder is not disqualified from holding a licence in accordance with the requirements of the relevant legislation.
- the following principles, which arise from general licensing principles and the responsibilities under the Animal Welfare Act 2006 are at the centre of the exercise of all licensing responsibilities. They are:
  - 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" as set out in the Animal Welfare Act 2006.
  - 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 animals related legislation will be rigorously and pro-actively enforced

- public safety
- the safeguarding of any children or vulnerable persons in contact with a licensable activity is insured, in accordance with the relevant legislation
- each application for a licence is considered on its own merits
- decisions made by the Council are transparent

### **3.0 Relevant Legislation**

#### **3.1 Animal Welfare Act 2006**

This Act established that reasonable welfare standards must be maintained whilst unifying all animal legislation, including responsibilities falling to various enforcement agencies. The Act introduced five overarching principles of animal welfare, known as the “five needs” which are:

- The need for a suitable environment - by providing an appropriate environment, including shelter and a comfortable resting area
- The need for a suitable diet - by ready access, where appropriate, to fresh water and a diet to maintain full health
- 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
- Any need to be housed with, or apart from, other animals by providing the company of an animal of its own kind, where appropriate
- 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

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

The Regulations replace previous licensing and registration regimes including:

- 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

They came into force on 1st October 2018 and apply to the following licensable activities:

- 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 in the course (Part 4)
- breeding dogs (Part 5)
- keeping or training animals for exhibition (Part 6)

Links to the relevant DEFRA guidance applicable to each activity below are provided at the end of this policy for a full outline as to the scope of each activity.

### **4.0 The Licensing Process**

Any individual who carries on a licensable activity is designated as the ‘operator’ of the business and must apply for a licence.

The Council cannot grant a licence to anyone listed in Schedule 8 of the Regulations

<https://www.legislation.gov.uk/ukxi/2018/486/schedule/8/made>

The Council can only grant an application where it is satisfied that:

- The licence conditions will be met, taking into account:
  - the applicant’s conduct as the operator of the licensable activity

- whether the applicant is a 'fit and proper' person to be the operator of the activity
  - any other relevant circumstances.
- 
- The appropriate fee has been paid
  - The grant is appropriate having taken into account the report prepared by the inspector

To check their eligibility and suitability for a licence, all applicants listed on an application (including renewals) must provide a basic disclosure (DBS) certificate with their application. This certificate must be issued within 3 months of the date of application.

For any renewal applications, the requirement for a DBS will begin in relation to the renewals of licences received on or after the coming into force of this policy.

DBS checks must show that the applicant (or applicants) is 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.

## **5.0 Application Process**

### **5.1 Steps**

- The individual will send an animal activity licence application, any other documents required and fee to the Council.
- The Council will assess the application and documents to ensure that:
  - the operator comes within the scope of the regulations and requires licensing.
  - all the required documents have been received and are to the standard required.
- On the receipt of a valid application, (see 5.2 below) the Council inspector will visit the animal activity site and produce a report.
- The Council will make a decision to grant or refuse the licence application, considering the application, any comments made by the applicant and the inspectors report (including any vet report, where required) and the statutory guidance.
- The Council will notify the applicant of the decision and any rights of appeal.
- The applicant has a right of appeal to a first-tier tribunal for a refusal.

### **5.2 Timescales**

The Council will aim to deal with an application (including renewals) for a licence within 10 weeks. However, the process can take longer if further information is needed from an applicant, or it is difficult to arrange the inspection.

It should be noted that the Council will not consider an application until:

- the written application is received,
- all the required information has been submitted and is to the required standard, and
- the relevant fee has been paid.

If any elements are deemed incomplete, the application will be returned to the applicant with basic feedback/information about what is missing from the application, or the standards required. Having addressed the points raised, the applicant may then resubmit the application.

### **5.3 Renewal**

The Council will aim to provide licence holders with three months' notice of when their licence is due to expire. Licence holders must then submit an application at least 10 weeks before their 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.

#### **5.4 Fees**

The fees can be viewed on the Council's website [Animal Activities Licence | PLYMOUTH.GOV.UK](https://www.plymouth.gov.uk/animal-activities-licence)

The fees for each licence are made up of two parts, Part A and Part B:-

- Part A covers the direct costs associated with processing the application and is payable on submission of the application.
- Part B covers the costs associated with the running of the licensing function. This includes dealing with complaints, enforcement, and general administration. This fee is payable once a licence has been granted but must be paid before the licence becomes operational and valid. If Part B of the fee is not paid, then the licence will not be granted.

There will be no refunds for any fees paid by an applicant who is not granted a licence.

#### **5.5 Vet fees.**

A vet is required to carry out an inspection as part of the application process for applications for a dog breeding licence or the hiring out of horses.

#### **6.0 Inspection**

Following receipt of the completed application and Part A of the fee (plus vet fee for dog breeding and hiring out horses' applications), the premises will be visited by an inspector.

For applications for either a dog breeding licence or hiring out horses, a vet will need to accompany the inspector. The vet's primary purpose is to inspect and form an opinion on the condition and welfare of the animals.

The inspector and vet (where applicable) will prepare and submit a report to the Council for the consideration as to whether a licence can be granted or renewed.

The report will contain:

- information about the operator, including information relating to the DBS check.
- information about any relevant premises
- any relevant records
- information about the conditions of the animals
- any other relevant matter, such as:-
  - the operator's history of non-compliance with licensing conditions or requirements,
  - the applicant/operator's attitude towards officers (e.g. whether they were obstructive),
  - whether there are safeguarding concerns arising from the licensed activity
  - whether the granting of a licence could have a negative impact on animal welfare
  - whether the accommodation, staffing or management is inadequate for the wellbeing of animals.
- the Inspector's professional opinion on whether or not they think the licence conditions will be met.



## **6.1 Inspectors Qualifications**

All inspectors appointed by the Council will be suitably qualified, in accordance with legislation. At the date of this policy, this means:

- 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, OR
- 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

## **7.0 Determination of Applications**

Applications will be determined by the Environmental Health and Licensing Manager under delegated powers.

The Environmental Health and Licensing Manager can refer any application to the Licensing Sub Committee where they consider that to be the appropriate course of action, for example, where the applicant has recent relevant convictions.

### **7.1 Fit and Proper Person**

The Council cannot grant a licence unless it is satisfied that the licence conditions will be complied with. In assessing this, it must be satisfied that the applicant is a ‘fit and proper’ person.

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:

- no relevant convictions (see further information below)
- 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 licensed activity

This does not limit the scope of the ‘fit and proper’ assessment and the Council may take in to account other matters, should they be considered relevant to the licensing process.

### **7.2 Relevance of Convictions**

The Council will consider the current convictions in question and what weight should be attached to them taking into account the licensable activity applied for when considering if a person is ‘fit and proper’ to be granted a licence (including renewal). Each case will be determined on its own merits, having regard to these guidelines

The Council can only consider convictions which are not spent within the terms of the Rehabilitation of Offenders Act 1974, as amended. As a general guide, the table below shows when convictions are spent:

<b>Rehabilitation Periods for Adult Convictions</b>	
<b>Sentence</b>	<b>Rehabilitation Period</b>
Imprisonment – 4 years or more	Never spent
Imprisonment* – 2 ½ years to <4 years	Sentence + 7 years
Imprisonment* – 6 months to less <2 ½ years	Sentence + 4 years
Imprisonment* – less than 6 months	Sentence + 2 years
Fine	1 year from date of conviction
Community Order	Period specified in order + 1 year
Disqualification, Conditional Discharge, Bind –over	End of period specified in the Order
Absolute Discharge, Simple Caution	Spent immediately

\*Applies even if the sentence was suspended

It should be noted that even if a conviction is spent but the applicant is still subject to a disqualification order as specified under Schedule 8 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 then a licence cannot be granted.

### 9.3 General Approach to Offences

The offences below detail the Council's approach to different types of offences.

Absolute and conditional discharges are a finding of guilt by a court but are not a conviction. However, where these are revealed on a DBS, the Council will take them into account, in so far as they are relevant to the determination of 'fit and proper'. When considering an absolute or conditional discharge the following factors will be considered:

- the nature of the offence
- the circumstances of the offence
- any other current convictions revealed.
- the guidelines set out in this policy had it been a conviction

The Council reserves the right to depart from this policy where the individual circumstances of a case warrant it. Where it does so, the reasons for the departure from policy will be recorded as part of the decision-making process

Any offences or behaviour not expressly covered by this policy may still be taken into account where it is considered relevant to the criteria set out in deciding whether or not the licence conditions will be met.

If an applicant has any convictions revealed on their DBS check, the Council will consider the following when deciding whether or not to grant the licence in light of the conviction:-

- the circumstances of the offence
- the seriousness of the offence
- when the offence was committed
- the date of conviction
- the sentence imposed by the court
- the relevance of the offence to the licensable activity applied for
- whether it was an isolated offence
- whether any pattern of offending behaviour is revealed on the DBS
- how long is left before the conviction is considered 'spent'

#### **9.4 Offences involving Animal Welfare/Cruelty or Suffering (including offences of a similar nature)**

The primary purpose of the Regulations is to ensure the welfare of animals and as such these offences are highly relevant

Examples of offences

- Animal Welfare Act 2006 – Section 4
- Animal Welfare Act 2006 – Section 5
- Animal Welfare Act 2006 – Section 9
- Animal Welfare (Licensing of Activities Involving Animals (England) Regulations 2018 – Regulation 20)
- Animal Welfare Act 2006 – Section 13
- Non animal related licensing offences

A current conviction will normally lead to refusal of an application for grant or renewal.

#### **9.5 Other relevant offences**

The Council can consider any other relevant matter when assessing if the licence conditions will be met. Such matters may relate to the applicant's integrity, honesty and conduct which are important characteristics to provide assurance to the Council that the operator can be appropriately regulated and that a licensee will operate in a manner that both the Council and consumers would expect.

- Offences involving dishonesty

The Council must be satisfied that licence conditions will be complied with and therefore current convictions for dishonesty may cast doubt on the applicant's honesty in dealing with both customers and animals and his ability to keep accurate, honest records.

A current conviction will normally lead to refusal of an application for grant or renewal

- Offences involving violence (including possession of a weapon)

The Council consider whether granting the licence will have a negative effect on animal welfare and therefore a current conviction for violence may raise a concern of the applicant's control in general and attitude towards violence. It may also cast doubt on the applicant's ability to protect the animals in their care from pain, suffering, injury, and disease. It would also potentially raise concerns for risks posed to customers who may visit the operator's home/business

A current conviction will normally lead to refusal of an application for grant or renewal

- Offences involving Sex and Indecency

The granting of a licence puts the operator in a position of trust in respect of both their animals and their customers. A current conviction of this nature would raise safeguarding and safety concerns in respect of vulnerable customers who, depending on the nature of the licensable activity, may visit the applicant's home/business in situations where they are vulnerable due to being alone, for example.

A current conviction will normally lead to refusal of an application for grant or renewal

- Licensing Offences

Convictions of this type are relevant when assessing the conduct of the applicant as the operator of the licensable activity. They may show a disregard for the licensing process and procedures. They indicate a reluctance to be regulated or to work within the regulatory regime. As such, they cast doubt upon an applicant's willingness to work with the Licensing Authority and the applicant's ability to comply with the licensing conditions.

Aggravating Features

- Ignoring warnings/advice prior to prosecution

- Indications of contempt towards the licensing regime

#### Mitigating Features

- A clear change of behaviour since conviction
- Demonstrative commitment to work with the licensing authority and within the licensing regime moving forward

If any of the following occur during the application process, the applicant must notify the Council immediately and supply all relevant information. Failure to do so may lead to the suspension or revocation of any licence granted as it may raise questions as to accuracy of the information supplied by the applicant:

- they have any existing animal activity or other animal related licence suspended or revoked.
- they are arrested for any offence referred to above (whether or not charged with an offence);
- they are charged with any criminal offence referred to above;
- they are convicted of any criminal offence referred to above;
- they have any pending charges relating to any of the offences referred to above, to include any notices of intended prosecution

### **10.0 Other relevant matters**

#### **10.1 Safeguarding**

The Regulations have the aims of maintaining and improving animal welfare standards. However, there are other safeguarding considerations arising from licensable activities, in particular surrounding the protection of children and vulnerable persons.

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

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

The Council has not set specific standards in relation to these requirements, but each case will be considered on its own merits. For information purposes, a number of charitable organisations offer advice on safeguarding issues, including policies and staff recruitment, such as the NSPCC, which applicants and licence holders may find helpful.

#### **10.2 Preventative Health Care Plan**

It is a requirement for all Licence Applicants to submit a preventative health care plan, with every application to comply with minimum conditions. Guidance regarding completing a preventative health care plan is available from the British Veterinary Association at [guidance-aal-preventative-healthcare-plan-guidance-for-private-vets.pdf](#)

#### **10.3 Applications for Dog Breeding Licence**

All breeding bitches must be named on the plan and the applicant's vet must sign to confirm that each of those bitches is suitable to be bred from. This is to protect the health of the bitches.

For breeding bitches living with someone other than the applicant (for example, co breeders or dogs on breeding terms) the Council will need to inspect the premises where the dog is normally kept. This is to ensure that the living environment is suitable, that the person looking after the dog is competent and that suitable measures are in place to protect the dog's welfare.

In addition, a contract between the applicant and the person looking after the dog must be submitted with the licence application. This contract should set out each party's responsibilities in terms of protecting the dog's welfare, for example, who is responsible for taking the dog to the vet, deciding when the dog is mated etc.

### **11.0 Information relating to the Grant of a Licence**

A licence will be granted where the Council is satisfied that the licence conditions will be met, the appropriate fee has been paid and where there is nothing within the inspectors report to suggest that the grant is inappropriate.

Upon granting the licence, the Council will provide the following (if applicable):

- the licence
- how the business has been rated (Star Rating)
- 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 (resulting in a "minor failing" category – applicable to renewals only)
- a copy of the risk scoring assessment table
- details of the star rating appeals process and timescales

All new applicants must be able to demonstrate that they will comply with the minimum conditions and demonstrate that they meet these standards to be able to be granted a licence.

Any licence holder renewing a licence who has minor failings noted/recorded in relation to predominantly administrative conditions which do not compromise the welfare of the animals, may still be granted a licence however, the minor failures will impact upon their star rating.

### **11.1 Licence Period**

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

All other licences can be issued for a period of either one, two or three years depending on the risk rating and level of compliance. The length of the licence will correspond with the Star Rating for the establishment. A copy of the Risk Based Matrix is provided below.

It should be noted that all applicants for a new licence will normally be scored as higher risk unless they have at least one year's compliance history with an authority or have UKAS (proof to be provided by the applicant).

New businesses can only get a two star or four-star licence based on whether they meet minimum or higher standards. It is not possible to get 1, 3 or 5 stars.

### **11.2 Licence Standards and Conditions**

All licences are granted subject to the mandatory conditions set out in the regulations. The conditions are divided into two categories, General Conditions applicable to all licences and Specific Conditions relevant to the activity being licensed.

For all licensable activities except 'keeping or training animals for exhibition', a number of higher standards are laid down in the specific guidance for each activity. Meeting the higher standards is optional but an applicant who can demonstrate that they can meet these higher standards will gain a higher star rating.

The higher standards are split into two categories – mandatory and optional. These are typically colour coded in the guidance as blue and red respectively or otherwise clearly marked and differentiated

To qualify as meeting the higher standards the business must achieve all of the mandatory standards as well as a minimum of 50% of the optional higher standards.

### **Risk Based Matrix**

	<b>Minor failings (existing business only)</b>	<b>Minimum standards</b>	<b>Higher standards</b>
<b>Low risk</b>	<ul style="list-style-type: none"> <li>• 1 star rating</li> <li>• 1 year licence</li> <li>• At least 1 unannounced visit within 12 months</li> </ul>	<ul style="list-style-type: none"> <li>• 3 star rating</li> <li>• 2 year licence</li> <li>• at least 1 unannounced visit within 24 months</li> </ul>	<ul style="list-style-type: none"> <li>• 5 star rating</li> <li>• 3 year licence</li> <li>• at least 1 unannounced visit within 36 months</li> </ul>
<b>Higher risk</b>	<ul style="list-style-type: none"> <li>• 1 star rating</li> <li>• 1 year licence</li> <li>• at least 1 unannounced visit within 12 months</li> </ul>	<ul style="list-style-type: none"> <li>• 2 star rating</li> <li>• 1 year licence</li> <li>• at least 1 unannounced visit within 12 months</li> </ul>	<ul style="list-style-type: none"> <li>• 4 star rating</li> <li>• 2 year licence</li> <li>• at least 1 unannounced visit within 24 months</li> </ul>

### **11.3 Star Rating Appeals**

The Council has an appeals procedure in place for the operator to dispute the star rating given.

The business will be provided with supporting information (the inspection report) 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.

A business may appeal if they consider their star rating to be wrong. Any appeal must be made in writing to the Council within 21 days (including weekends and bank holidays) of the date the licence was issued.

The appeal will be determined by a different officer to the one who carried out the initial inspection within 21 days of receipt, including weekends and bank holidays. Depending on the specific details of the appeal, the relevant officer may or may not visit the premises themselves. It is important to note that the appeal is concerned with the standards present at the time of the original inspection and the cost of any additional inspection related to the appeal will be borne by the applicant unless it results in a higher rating being awarded

The final decision on a rating appeal will be taken by the Environmental health and Licensing Manager, based on the information provided by the officer. The decision will be given in writing.

If the business disagrees with the outcome of the appeal, they can challenge the decision by means of judicial review. The business also has recourse to the Council's complaints procedure, taking the matter to the Local Government Ombudsman where appropriate if they consider that the service has not been properly delivered.

Where the business has made improvements to their business since the initial inspection such as rectifying any non-compliance or improvements to achieve higher standards, the appeals process should not be followed. In this case the business should apply for a re-rating. This is a chargeable service and details of the fees charged can be found here:

<https://www.plymouth.gov.uk/animalsandpests/animallicences/animalactivitieslicence>

### **12.0 Refusing a Licence**

The Council must refuse to grant a licence if it considers that:

- the applicant cannot meet the licence conditions. Refusal on this ground would cover (but is not limited to) things such as the applicant not being fit and proper.
- the fee has not been paid.
- the grant or renewal is not appropriate having taken into account the inspectors report.

Refusal on these grounds would cover (but is not limited to) things such as:

- granting the licence will have a negative impact on animal welfare
- the level of accommodation, staffing or management is inadequate for the well-being of the animals
- safeguarding concerns arising from the licensable activity
- the applicant was obstructive towards officers.

The decision of the Council will be given in writing and will detail the applicant's right of appeal. The right of appeal is to a First-tier Tribunal within 28 days of the decision notice.

### **13.0 Variations, Suspensions and Revocations of Licences**

A licence can be varied at any time by the Council on:

- the application in writing of the licence holder
- the Council's own initiative, with the consent in writing of the licence holder

The Council 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.
- It is necessary to protect the welfare of an animal.

A decision to suspend, vary or revoke of a licence will normally take effect at the end of 7 working days beginning with the date the decision was issued to the licence holder. However, where the reason for suspension, variation or revocation is to protect the welfare of an animal, the Council may stipulate that the decision has immediate effect.

Decisions to suspend, vary or revoke the licence will:

- be notified to the licence holder in writing.
- provide the reasons for the decision.
- state when the suspension or variation comes into effect.
- specify any changes deemed necessary in order to remedy the situation.
- explain the rights and process for the licence holder to make written representations in respect of the decision within 7 working days.
- explain the rights and process for an appeal against the decision (where available)

#### **13.1 Suspensions and variation**

The decision to vary or suspend a licence is dependent on the severity of the situation

Where adjustments need to be made, whether to the licence itself or to the premises/animals referred to in the licence, a variation will usually be considered appropriate.

Suspension can occur where an operator fails to meet administrative conditions or to provide information when requested. 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 Council. (See 'Licence

Holder Representations' below). A suspended licence will be reinstated by way of written notice once the Council is satisfied that the ground specified in the notice has been or will be remedied.

Once a licence has been suspended for 28 days, the Council will, on the next working day, take one of the actions listed below:

- reinstate the licence without varying it.
- vary and reinstate it as varied, or
- revoke it.

The licence will be deemed to be reinstated immediately if one of the above actions is not taken within timescale stated.

### **13.2 Revocation**

Revocation is generally considered appropriate where:

- there are repeated failures to comply with administrative conditions or to provide information and suspension is not considered appropriate.
- there are poor welfare conditions.
- where it would benefit the welfare of the animals to be removed from the activity.
- any other situation where the Council considers that revocation is the appropriate course of action

### **13.3 Licence Holder Representations against a decision**

When issued with a decision to suspend, vary, or revoke a licence, the licence holder can make written representations in respect of that decision to the Council.

The representation must be received by the Council within 7 working days beginning with the date the notice was issued

Upon receipt of the representations, the Council will consider the representations and decide whether the original decision still stands or whether to overturn that decision.

Where the decision is one made with immediate effect to protect the welfare of an animal then the Council, having considered the representation, will indicate that this is the reason for the decision and state whether the decision remains in effect or whether the licence will be reinstated, or the variation cancelled.

The Council will reply within 7 working days from receipt of the licence holder's representation. Failure to reply within this timescale will mean that the original decision is considered to be overturned

Except where the reason for the suspension or variation is to protect the welfare of an animal, where a licence holder makes representations, the decision to suspend or vary the licence does not come into effect until the date of service of the Council's response to the representations.

### **13.4 Right of Appeal**

A licence holder/applicant may appeal to a First-tier Tribunal against a decision to:

- refuse to grant or renew a licence.
- vary a licence.
- revoke a licence.

Any appeal must be brought within 28 days beginning with the day after the date of the decision

The business cannot trade until, either:

- the decision is overturned by the Council upon it being satisfied that the licence conditions are being met, or



- the First-tier tribunal decides that the Council's decision was wrong. However, the First-tier Tribunal may:
- permit a licence holder to continue to carry on a licensable activity or any part of it subject to the licence conditions, or
- suspend a revocation or variation until the appeal is determined or withdrawn,

Details on the appeal process will be provided to the licence holder/applicant in any written decision. There is no right of appeal against a decision to suspend a licence

### **13.5 Death of a Licence Holder**

If a licence holder dies, the personal representative of the deceased may take on the licence provided that they inform the Council within 28 days of the death that they are now the licence holder.

The licence will then remain in place for three months from the date of death or for the remaining time left on the licence, whichever is shorter. The new licence holder should then apply for a new licence one month before the expiry of this new period.

On request of the personal representatives, the Council can extend the three-month period by up to a further three months if the personal representatives believe the additional time is needed to wind up the estate of the former licence holder.

If the personal representatives do not notify the Council within 28 days of the death of the licence holder, the licence will cease to have effect from the 29th day from the date of death.

### **14.0 Inspections During Course of a Licence**

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

For the activity of hiring out horses, there is a requirement for an annual inspection by a veterinarian, regardless of the total length of the licence. The Council will 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. The veterinarian must be independent and not one that is retained by the applicant / licence holder.

Unannounced inspections will be carried out in accordance with the statutory guidance and may also 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.

During the course of an inspection of premises, 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.

Samples will 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.

During visits 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.

#### **14.1 Re-Rating Inspections**

A business can request a re-rating during the term of a licence.

This situation may arise where the business has accepted its star rating of 1 – 4 but have since made improvements to address non compliances found during the previous inspection.

To request a re-rating inspection, a licence holder should contact the Council in writing and:

- outline their case for a re-rating.
- indicate what they have done to improve the level of compliance or welfare since the inspection by making direct reference to the actions recommended at the last inspection.
- include supporting evidence, if appropriate

The request and supporting evidence will be reviewed and, where the evidence supplied supports the request, an inspector will visit and complete another assessment within three months of receipt of the request.

The business must pay the cost of the inspection. Details of the fees charged can be found at: <https://www.plymouth.gov.uk/animalsandpests/animallicences/animalactivitieslicence>.

There is no limit on the number of re-rating visits a licence holder can request however there will be a fee for each request.

Where a re-rating inspection is not considered appropriate on the basis of the information and evidence supplied, the licence holder will receive a response outlining the reason for the decision. The response will re-emphasise what the licence holder must do to improve their rating and outline what evidence the Council needs to see to justify a re-inspection

### **15.0 Enforcement**

The main enforcement and compliance role for the Council in terms of animal licensing will be to ensure the welfare of animals. This is done by ensuring compliance with the conditions placed upon the licence and taking action when standards are not met. The Council also investigate and take appropriate action against unlicensed activities

In carrying out its enforcement duties, the Council has adopted an enforcement policy, which is available to view here:

<https://www.plymouth.gov.uk/tradingstandards/consumeradvice/enforcementandregulations>.

The Council's approach to suspension, variation and revocation of licences is referred to in section 13.

The Council will log and, if considered necessary, investigate complaints relating to animal activities which are currently licensed or may require a licence.

The Council aims to achieve and maintain a consistent approach when investigating complaints and making decisions. In reaching any decision the following criteria, amongst other things, will be considered:

- 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

It is a criminal offence to:

- carry on or attempt to carry on a licensable activity without a licence.
- breach any licence condition.
- fail to comply with an inspector's request with regards to taking a sample from an animal
- obstruct an inspector who has been appointed by a local authority to enforce the Regulations.

Where a person is convicted of an offence under the Animal Welfare Act 2006 or any relevant regulations, they 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.

- have any existing licence cancelled.
- be disqualified from holding a licence for any period of time as the court sees fit.

Section 30 of the Animal Welfare Act 2006 allows local authorities to prosecute for any offences under that Act and regulations made under it.

### **Additional Information**

The Council has additional information available online, including application forms, guidance documents and details of conditions. These can be seen here:

<https://www.plymouth.gov.uk/animalsandpests/animallicences>

Links to DEFRA guidance specific to each animal activity:

<https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>

## **16.0 The Dangerous Wild Animals Act 1976 (“DWA Act”)**

### **16.1 What Animals Require a Licence**

The Dangerous Wild Animals Act 1976 (as amended) dictates that a licence is required where an individual or a business wishes to keep an animal included on the Schedule of Dangerous Wild Animals which form part of the Act. It is an offence for a person to keep a dangerous wild animal without first obtaining a licence from the Council.

The DWA Act applies to business enterprises such as an ostrich farm, however, it does not apply to dangerous wild animals kept in a zoo. The legislation also applies to all individuals that wish to keep a dangerous wild animal at home.

The schedule of animals associated with this Act has been updated on a number of occasions, via secondary legislation. The species of animals currently included on the schedule can be seen here

<https://www.legislation.gov.uk/ukxi/2007/2465/schedule/made>

It is noted that The Wild Animals in Circuses Act 2019 banned the exhibition of wild animals or use of them in travelling circuses in England

### **16.2 Length of Licence**

In accordance with The Legislative Reform (Dangerous Wild Animals) (Licensing) Order 2010, licences may be granted for a maximum two years.

### **16.3 Application Process**

Applications must be made by an individual. A form can be downloaded from the Council's website here:

<https://www.plymouth.gov.uk/animal-activities-licence>

Following receipt of a valid application, consisting of a completed and signed form and the required application fee, an independent veterinary inspection of the animals and premises is required. The vet will normally be accompanied by a Council inspector. The Council will authorise a vet who has suitable experience with dangerous wild animals.

The cost of any veterinary inspection will be the responsibility of the applicant/licence holder and charged in addition to the licence fee. If additional vet inspections are felt to be necessary, they will also be carried out at the applicant/licence holder's expense. This will be discussed with the licence holder prior to any additional inspection taking place.

#### **16.4 Determining an Application**

In accordance with the DWA Act, the Council will not grant a licence unless it is satisfied that the applicant is a suitable person to hold a licence and that other specific criteria are met relating to public safety, animal welfare and public nuisance.

Applicants must demonstrate:

- That they both own and possess or intend to own and possess the animals the licence will relate to (unless the Council has determined that exceptional circumstances apply)
- That they have adequate knowledge and expertise with the species they intend to keep under the licence and can show how they will ensure that the animals needs will be met.
- That they can provide suitable accommodation for the animals kept under the licence, in line with any best practice guidance and recommendations from the inspecting vet's report.
- That they have suitable liability insurance in place, covering the keeper and any other person specified on the licence. This insurance must cover any damage caused by the species of animals specified on the licence.
- That risk assessments have been carried out and procedures put in place to protect animals covered by the licence from fire or any other emergency. This should include how animals would be safely evacuated, and actions taken to recover an animal should it escape from its enclosure, ensuring their safety and the safety of the public.
- That they have reasonable precautions in place to prevent and control the spread of infectious diseases.
- That they have consent from the property freeholder, if not the applicant, to keep the animals specified on the licence.
- That the appropriate planning permission is in place if necessary.
- Where venomous species are kept, that adequate steps have been taken to ensure suitable availability of antivenom (where applicable).
- That they are registered with a vet who can provide suitable veterinary care for the species of animals they intend to keep.
- That they have not been disqualified under this Act from keeping any dangerous wild animal

A licence will not be issued where the veterinary surgeon recommends refusal.

Whilst licences are granted under the Dangerous Wild Animals Act 1976, the Council will also refer to the Animal Welfare Act 2006 and any best practice guidance relating to individual species to ensure compliance and good standards of animal welfare.

#### **16.5 Licence Conditions**

All DWA licences will include standard conditions set by the Council, they may also include specific conditions relating to the premises where the animal(s) are usually kept or species of animals kept, meaning that licence conditions will vary between different premises.

The Council's standard DWA conditions are shown in Appendix I

Offences are committed under the Act if:

- A person keeps any dangerous wild animal without a licence.
- fails to comply with or contravene a licence condition, unless the licence holder can prove that they took all reasonable precautions and exercised all due diligence to avoid this happening.
- wilfully delays or obstructs any person in the exercise of his right of entry or inspection

The offences carry an unlimited fine in the magistrate's court.

### **16.6 Appeals**

Should an applicant wish to appeal the refusal to grant a licence or if they do not agree with a licence condition which has been imposed or varied or removed they may appeal to the magistrates court. Any appeal must be brought within 21 days from the date of service of the decision by the Council

## **17.0 Zoo Licensing Act 1981 (as amended)**

### **17.1 Premises Requiring a Licence**

A licence is required for an establishment where wild animals are kept for exhibition to which members of the public have access, with or without charge for admission, on seven or more days in any period of twelve consecutive months. The wide scope of this definition means that licensed zoos can range from a traditional urban zoo or safari park to a small specialist collection such as an aviary or butterfly collection.

### **17.2 Guidance**

Government guidance on the Act can be found on the Gov.uk website here:

[Zoo licensing act 1981: Guide to the act's provisions - GOV.UK](#). A licensed zoo must be able to demonstrate compliance with a broad range of issues, including but not limited to, feeding, environment, conservation/education, and public safety.

How this can be achieved is set out in detail in the Secretary of States Standards of Modern Zoo practice, also available from the Gov.uk website:

[Secretary of State's standards of modern zoo practice - GOV.UK](#).

### **17.3 Requirements for Holding a Zoo Licence**

The applicant must be able to demonstrate how the zoo will:

- help educate people about biodiversity
- be suitable for the types of animals you're keeping
- have a high standard of animal care
- do as much as possible to stop any animals escaping
- stop pests and vermin getting into the zoo

Applicants will also have to demonstrate how they are doing at least one of the following:

- conservation research or training
- sharing conservation information
- captive animal breeding
- helping repopulate or reintroduce species into the wild

### **17.4 Application Process**

Applications are made via the Gov.uk website which also gives guidance on the application process:

<https://www.gov.uk/zoo-licence>

#### **New Applications**

Before applying for a new licence an applicant must, at least two months prior. to the application, provide the Council with a notice of an intention to apply, providing the following information:

- the location of the zoo
- the types of animals and numbers of animals that will be kept
- how the animals will be housed and cared for
- staff numbers and what they'll be doing
- expected visitor and vehicle numbers
- zoo entrance and exit points
- how conservation conditions will be met

- provide confirmation of that planning permission has been granted for the establishment or continuance of the zoo.

The applicant must also:

- publish notice of intention to apply in at least one local and one national newspaper
- display the notice at the planned zoo site
- send a copy of the notice to the Council

The Council will keep any notice of intention available at the Council offices for public inspection, free of charge at any reasonable hour and on the Council website

The Council will take into account any representations received from any off the following:

- The applicant
- Devon and Cornwall Police
- Animal Plant and Health Agency
- Any other local authority in which part of the zoo may be situated
- any person alleging that the establishment or continuance of the zoo would injuriously affect the health or safety of persons living in the neighbourhood of the zoo.
- Devon and Somerset Fire and Rescue Service
- any other person whose representations might, in the opinion of the local authority, show grounds on which the authority has a power or duty to refuse to grant a licence which may include Environmental Health, and the Local Ward Councillor.

A “licence” inspection must be carried out before a licence is granted or refused. The process for arranging an inspection of a zoo as part of a new application is set out in the Government guidance to the Act.

The inspection will be carried out by one or more inspectors nominated by the Animal and Plant Health Agency. The Council must take into consideration the inspection report and any recommendations for additional conditions to be added to the licence. Applicants are provided with a copy of the report and are given the opportunity to comment on it. Should the Council decide to grant the licence, the applicant will be consulted prior to additional conditions being added and the licence issued.

### **Renewals**

The Council will aim to provide licence holders with 9 months’ notice of when their licence is due to expire but responsibility for applying for a renewal of a licence remains the responsibility of the licence holder. A completed application must be submitted at least 6 months before their licence expires.

Once a zoo licence has been granted, an application can be made to the APHA to issue a direction granting a zoo a dispensation under s.14(1)(b) or 14(2) of the Act if it is a small collection and the types of animals to be kept suggest that it may be eligible. Inspectors can recommend what type of dispensation would be appropriate on their inspection report.

The application process for a dispensation is set out in the guidance to the Act. In the case of a dispensation under s.14(1)(b) of the Act, this application is made by the Council on the zoo’s behalf, in the case of a 14(2) dispensation, the application is made by the zoo itself. In both instances the APHA will require a plan of the zoo, stock list, support in writing from the Council, any other supporting information and in the case of a 14(1)(b), a report from a vet (not used by the zoo) confirming that the zoo appears to be run properly and that the animals properly.

cared for.

These dispensations ensure that inspections are kept at a reasonable level for the size of the establishment, without in any way weakening the establishment's obligation to achieve acceptable standards of animal welfare.

If granted, dispensation status will be reviewed from time to time to ensure it is still suitable. In a small number of cases, the APHA may issue what is known as a 14(1)(a) direction stating that a particular premises is exempt from requiring a zoo licence. In these cases, the Council will apply on behalf of the zoo. The Council's letter will have to be supported by a letter from a vet (that is not used by the zoo) confirming that the zoo is run properly, and the animals appear to be well cared for. The owners of the zoo will be required to pay for any vet inspection carried out in relation to this process.

### **17.5 Grounds for Refusal**

The Council may refuse a licence if:

- An inspector's report recommends that the application be refused
- They are satisfied that the zoo, or its continuance, would injuriously affect the health or safety of persons living in the neighbourhood of the zoo, or seriously affect the preservation of law and order.
- They are not satisfied that zoo operators are able to meet conditions to take forward the relevant conservation measures
- They are not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and well-being of the animals as a whole or for any of them, or otherwise for the proper conduct of the zoo.
- They are not satisfied that planning permission has been granted for a zoo (or the granting of the licence can be suspended until the local planning authority confirm that permission has been, or is deemed to be, granted).
- Anyone associated with the zoo has a conviction under the Zoo Licensing Act 1981 or any of the Acts mentioned in Section 4(5) of the Act.

### **17.6 Length of Licence**

A new zoo licence, if granted, will have a duration period of four years. Upon renewal, the licence will run for a period of six years.

### **17.7 Appeals**

If a licence is refused under the Zoo Licensing Act 1981, the applicant will have the right of appeal to the magistrates' court within 28 days of the decision notice.

### **17.8 Inspections**

Any licensed zoo will be subject to a schedule of annual inspections broken down into periodical and informal inspections. The exact procedures relating to the arrangements of these inspections are set out in the guidance to the Act. Unless a dispensation is in place, the periodical inspections will be carried out by a team of inspectors, consisting of two Secretary of State inspectors and no more than three nominated by the local authority, one of whom must be a vet. Informal inspections are carried out by a Council inspector and must take place in any calendar year when a periodical inspection has not taken place.

Where a 14(1)(b) dispensation is in place, there will either be no requirement for periodical



inspections and only annual informal inspections will take place, or for a 14(2) dispensation they will be carried out by the APHA nominated inspector(s), usually accompanied by a Council officer.

The APHA must select from the list of Secretary of State nominated inspectors to carry out any periodical inspection. The zoo is encouraged to carry out a prescribed audit prior to a periodical inspection which is provided to the nominated inspector. This will often help to reduce the time taken to carry out the inspection.

Applicants/ zoo operators will be given at least 28 days' notice of an inspection taking place. They will be provided with a copy of the inspector's report and are given an opportunity to make comments on the report which will be recorded and returned to the inspector along with the signed report.

As set out in the guidance to the Act, "special" inspections can also be carried out at the discretion of the Council. An example of this might be as a result of an investigation into a complaint, or to check compliance with licence conditions that require improvements to be made within a specified period of time. These inspections can take place at any time, but the Council must notify the zoo of the date and time. The local authority will appoint suitably competent person to complete the inspection.

The cost of any inspection carried out by Secretary of State Inspectors will be the responsibility of the applicant/licence holder.

### **17.9 Licence Conditions**

Any zoo licence issued by this Council will be subject to the licence conditions detailed in the Secretary of State's Standards of Modern Zoo Practice. This is available at:

[Secretary of State's Standards of Modern Zoo Practice \(publishing.service.gov.uk\)](https://publishing.service.gov.uk).

All inspectors of zoos must have regard to these standards. Any licence issued will also contain any additional conditions to be added to the licence contained in the inspector's report as set out in above.

Following a periodical inspection, a Secretary of State nominated inspector may require that additional conditions are attached to the licence. Zoo operators are given an opportunity to comment on these conditions prior to their inclusion on their licence.

### **17.10 Non-compliance with Licence Conditions**

Where it is found that conditions attached to the licence are not being complied with in relation to the zoo or any part of it, the guidance states that, having given a licence holder the opportunity to be heard, the local authority must make a direction setting out the following information:

- Specify which condition(s) have not been met.
- Specify whether this is relation to the whole zoo or a section of the zoo.
- The steps the licence holder must take to comply
- The time period within which this must be done (not exceeding two years).
- Whether the whole zoo or a section must be closed whilst the necessary steps are taken.

Directions issued by the Council can be varied to permit additional time for them to be completed (as set out in the government guidance) and will be revoked once the zoo has complied with the condition or conditions.

If a licence holder fails to complete a direction, the Council is required either to close down the zoo permanently or permanently to close the affected section of the zoo.

## **17.11 Change of Circumstances and Incident Reporting**

### **Change of Circumstances**

The Council has an expectation that licence holders will inform them should there be significant changes to how their business operates or how the animals will be kept. For example, where a licence holder decides to employ a manager who will have responsibility for the day to day operating of the business, where this was not the case at the time of application, or where significant changes are made to the facilities where the animals are kept.

The Council must also ensure that licence holders remain fit and proper during the life of a licence. For this reason, licence holders must notify the Council, in writing, within 72 hours, if any of the following occurs:

- They have any type of animal licence suspended or revoked
- They are convicted or receive warnings or cautions for any animal welfare offence.
- They are disqualified under the Animal Welfare Act 2006, Dangerous Wild Animals Act 1976, or any other legislation as specified in Schedule 8 of the Animal Welfare (Activities Involving Animals) (England) Regulations 2018
- Are subject to bail conditions which may affect the licence holder's ability to operate their business.

### **Incident Reporting**

Licence holders must also notify the Council within 2 working days if any significant incident happens whilst operating their business. Examples of this would be an animal escaping, an animal injuring a member of staff, a dog-on-dog attack or similar.

### **Notify the Council**

Failing to notify the Council will raise serious questions for the Council as to the honesty of the licence holder.

## **17.12 Enforcement**

All enforcement against licensed and unlicensed operators will be carried out in accordance with the Council's enforcement policy:

<https://www.plymouth.gov.uk/sites/default/files/PPSEnforcementPolicyFPNJan22.pdf>

Officers will seek to assist businesses and others in meeting their legal obligations through provision of reasonable assistance and advice, aiming to be clear, open, and helpful in their approach to enforcement. However, officers will take robust action against those who knowingly contravene the law or act irresponsibly. Enforcement resources will be targeted at cases of highest risk to animal welfare and public safety.

### **Partnership Working**

Enforcement may be carried out in conjunction with other agencies such as the RSPCA, Trading Standards or Devon and Cornwall Police. Where appropriate, officers from neighbouring authorities may also be authorised to carry out animal welfare enforcement within the council area and

officers from the Council's Licensing Service may be likewise authorised in other areas.

### **Powers under the Animal Welfare Act 2006 (AWA)**

Officers carrying out inspections relating to animal licensing are also appointed inspectors under section 51 of the AWA. This provides them with additional powers under this Act, for example in relation to seizure of animals, power of entry and applying for warrants.

### **Enforcement Action and Information Sharing**

Any enforcement action carried out will be proportionate and reasonable and will aim to treat all licensees fairly and consistently.

Interviews, whether informal or carried out under caution will normally be recorded to ensure an accurate record of the interview is kept.

Complaints received and warnings issued in relation to licence holders will generally be held on file and taken into consideration during the period of any licence or application or where there is a break in licence history. Where applicants are known to have operated, resided or been licensed by another local authority, officers may request details of any licence and compliance history to be taken into consideration as part of the application process.

### **Right to be heard.**

If the Council is considering suspending or revoking your licence you will usually be given an opportunity to discuss the Council's concerns and to give your views. However, in certain circumstances, the Council is required to act with immediacy, for example where there is considered to be an imminent risk to animal welfare. In such circumstances, the Council must balance the right of an individual to be heard against the need to protect the animal.

### **Seizure of animals**

Where it becomes necessary to take action to remove animals from a premises, as a result of the exercise by officers of their powers under the relevant legislation referred to in paragraph 1.5, (what paragraph 1.5?) in appropriate circumstances, the Council will seek to recover the costs incurred.

## **17.13 Fees**

A list setting out the current animal licensing fees can be found on the Plymouth City Council website.

[Zoo Licence | PLYMOUTH.GOV.UK](https://www.plymouth.gov.uk)

### **Statutory Provisions to recover fees.**

The relevant statutory provisions that enable the Council to set and recover fees for animal licensing activities are set out within the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, made under the Animal Welfare Act 2006, the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981. DEFRA and the Local Government Animal Welfare Group also issue guidance to local authorities to support fee setting. The Council has made reference to the document "Open for business: Local Government Association (LGA) guidance on locally set licence fees". The LGA guidance acknowledges that Councils are free to design their licensing service in a manner that best serves the needs of their community and recover the costs accordingly.

Plymouth City Council will take a reasonable and proportionate approach aiming to set a fee level that is sufficient to cover the cost, but not make a surplus, whilst providing value for money for the applicant. With this in mind vet fees are charged separately to allow for variation in size or complexity of the required inspection. In addition, some fees are listed in a tiered format to ensure fairness to smaller businesses where administration costs and inspection time are less.

**Review of Fees**

Generally, fees are subject to a full review every 3 years, however due to the relatively recent harmonisation of the animal licensing work activities of Plymouth City Council and the anticipated review of the LAIA Regulations at the end of 2023, fees will initially be reviewed annually to ensure these standards of fee setting are met.

## Appendix I - Plymouth City Council's Dangerous Wild Animals Licence Conditions

### **Section 1**

Name of Licensee	
Address of Licensee	
Telephone Number	
Email Address	

### **Section 2**

<b>For what purpose is the inspection to be made (tick appropriate box)</b>	✓
Inspection prior to granting a licence for the first time	
Renewal	
Routine re-inspection	
Inspection to check any specific conditions (please specify)	
Inspection for any other purpose (please specify)	

### **Section 3**

**List of Animals to be kept subject to Licence as specified on the application:**

Species Name	Number	Sex
Eurasian lynx		
Serval		

### **Section 4**

Inspection	
1. Type of structure or enclosure in which animal is kept	
2. Construction	
3. Length Breadth Height	
4. Is the size and construction satisfactory for the well-being and comfort of the animal? If no, state reasons	

5. Are there adequate provisions and furniture to enable the animal to take sufficient exercise? If no, give details	
6. Is the temperature control satisfactory?	
7. Is adequate artificial lighting provided?	
8. Is adequate ventilation provided?	
9. Is the drainage of the structure satisfactory?	
10. Is the standard of cleanliness maintained satisfactory?	
11. Are all the necessary precautions taken to prevent and control the spread of infectious disease? If no, provide details	
12. Are the animals supplied with: a) Suitable food  b) Drink  c) Bedding or substrate	
13. Is storage of food, drink and bedding hygienic and vermin proof?	
14. Are appropriate steps at all times taken to protect the animals in case of fire or other emergency? If no, provide details	
15. Do the precautions taken to ensure that the animal will not escape appear to be satisfactory? If no, provide details	
16. Are the arrangements for the storage and disposal of any refuse and / or waste associated with keeping of the animal satisfactory? If no, provide details	
17. If present are the animals inspected as described in the application in good health and condition? If no, provide details	
18. In your opinion does the applicant demonstrate the relevant knowledge and skills to be a suitable person to hold the licence?	
19. Has the applicant made arrangements for appropriate 24-hour veterinary care for the animals subject to the Licence?  Vet Details – a) Name b) Address	
20. Has the applicant provided evidence current public liability insurance is in place?  Insurance Details – a) Company b) Policy Number	

c) Expiry Date	
21. Has the applicant provided a copy of an electrical certificate?	

**Section 5**

<b>Professional Opinion</b>	
The accommodation at the above premises is suitable to keep	
Are the requirements of the Dangerous Wild Animals Act 1976 being complied with?	
Should a licence be issued subject to the standard conditions imposed by the Act?	
If NO, on what grounds do you consider a licence should not be issued?	
Should any additional conditions be imposed in the licence issued? If so, specify conditions	

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# DRAFT ANIMAL LICENSING POLICY

## Briefing Report



### I. Background

- I.1 The Animal Welfare Act 2006 places a duty of care on people to ensure that they meet the welfare needs of the animals in their care. This includes animals they own and those they care for as part of their business. The Act sets out the legal framework for animal welfare, covering the prevention of harm, promotion of welfare, and the licensing regime for certain activities involving animals.
- I.2 Local Authorities are one of the enforcement agencies that are responsible for preventing animals suffering and improving animal welfare. Local Authorities are responsible for granting licenses to individuals to carry out specific activities that involve animals in their district under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- I.3 There is no requirement for a Local Authority to have a policy on granting licenses to people involved with animal activities. However, many Local Authorities are bringing in their own policy on animal welfare and licensing and it is considered appropriate that Plymouth City Council also introduces an Animal Licensing Policy.
- I.4 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 states that the Local Authority must be satisfied that an applicant for a licensable activity is a 'fit and proper person'. 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:
- 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 licensed activity
- I.5 It is intended that the Policy will set out how the Council will be interpreting the legislation and the statutory guidance. It will be an integral part of the decision-making process and enable consistency and transparency. Each licence application will be considered on its own merits but will also be in line with the agreed Council Policy.
- I.6 In order to bring in an Animal Licensing Policy, the Council was required to undertake a consultation exercise. Approval to conduct the consultation was granted on the 8 October 2024. The results of this consultation have been reviewed, and the final draft Policy will be brought back before the Licensing Committee for approval.
- I.7 The Licensing Committee is being asked to approve the proposed Animal Licensing Policy for implementation from 1<sup>st</sup> April 2025.

## 2. Consultation Exercise

- 2.1 All current licensees and interested parties (60 consultations) were sent a letter by e-mail, explaining the purpose of the proposed animal licensing policy and asking for their feedback via an online questionnaire or printable form (see appendix A for printable form). The consultation was also posted on the Council website.
- 2.2 A total of 9 responses were received. All were made via the online questionnaire. Of the 9 responses received, 6 held an animal licence (2 of each category for boarding, breeding and selling animals as pest) with Plymouth City Council, and 3 did not hold a licence.

## 3. Consultation Responses

All the individual responses to the questions in the consultation have been reviewed, considered and are summarised in sections below.

### 3.1 Question 1 - Do you agree that applicants should provide evidence of a Disclosure and Barring Service (DBS) check to hold a licence?

Currently, the legislation does not require applicants to provide a DBS check as part of their application. Under this proposed policy, applicants will be required to provide evidence of a DBS check (or 'basic disclosure'). This is a check of someone's criminal record. The DBS certificate must be no more than 3 months old at the time of the application. Existing license holders will be required to provide evidence of a DBS check on renewal.

Although there is no explicit legal requirement to provide a DBS check under the legislation, the law stipulates that the Council must ensure an applicant's suitability. Regarding Licensing of Activities Involving Animals (LAIA) licences, applicants are required to submit any information the local authority deems necessary as part of the application process.

Currently, there is no centralised database to track animal welfare offences or disqualifications related to animals. Furthermore, it is acknowledged that other types of offences may also need to be considered if they suggest that an individual may not be suitable to hold a licence, operate such a business, or comply with licence conditions.

Given these considerations, including this requirement in the Policy remains appropriate and is deemed a proportionate measure. This requirement helps the Council ensure that licences are granted only to individuals who are suitable.

Out of the 9 responses, 5 respondents either agreed or strongly agreed with the requirement for a DBS check, whereas 4 strongly disagreed. Feedback against the proposal highlighted concerns about additional costs associated with holding an animal license and a perceived lack of relevance in handling animals as opposed to direct interaction with people.

**3.2 Question 2 - Do you agree that applicants and licence holders whose activities involve contact with children or vulnerable people have a written safeguarding policy and provide training for staff.**

The legislation currently does require applicants to provide a safeguarding policy for children and vulnerable people. The council believes this would be a beneficial additional requirement as it would enhance safety and protection of children and vulnerable people, improve staff training and improve public trust and reputation.

The requirement for a safeguarding policy and provide staff training was strongly supported with 5 respondents agreeing or strongly agreeing with the proposal, whereas 3 respondents disagreed and 1 respondent neither agreed nor disagreed.

**3.3 Question 3 - Do you agree that applicants and licence holders whose activities involve contact with children or vulnerable people have procedures for vetting staff who have unsupervised contact with young/vulnerable persons.**

The legislation does not currently require applicants to provide procedures for vetting staff who have unsupervised contact with young/vulnerable adults. As with the proposed requirement for a safeguarding policy for children, we believe this is important for the protection of children and vulnerable adults, improving professionalism of staff and will enhance business reputation.

The requirement for a vetting procedure for staff was strongly supported with 8 respondents either agreeing or strongly agreeing the proposal. Only 1 respondent disagreed with the proposal.

**3.4 Question 4 - How easy is the draft Plymouth Council Animal Licensing Policy to understand?**

As the proposed policy sets out the Council's animal licensing procedures and our interpretation of what constitutes a fit and proper person, it is essential that it is easily understood by the public. To ensure this, we wanted to know public opinion on the clarity of the proposed policy, and if any feedback arose regarding its clarity, we would explore making the necessary amendments.

The majority of respondents- 7 in total- found the proposed animal licensing policy either very easy or somewhat easy to understand, whereas 2 respondents found it not very easy or not at all easy to understand.

**4. Conclusion and Recommendations**

A public consultation on the proposed Animal Licensing Policy was conducted between 4 November and 16 December 2024. The consultation was promoted via email to all interested parties. While it is disappointing that only 9 responses were received despite the consultation emails being sent to 60 interested parties and published on the Council website.

Officer's opinion is the draft policy does not require amendment because of the broad agreement with the policy, and no adverse comments in the "strongly disagree" category were submitted and the policy reflects the policies of other Local Authorities. Therefore it is recommended that the Policy is implemented in its current form on the 1 April 2025.

**Appendix B – Consultation Questions****ANIMAL LICENSING POLICY 2024**

## Consultation Questions



The Council is consulting on its Draft Animal Licensing Policy between 4 November to 16 December 2024. The policy will set out how the Council will be interpreting the legislation and statutory guidance.

Licensing Committee approval for this consultation was granted on the 8th of October 2024.

View the Draft Animal Licensing Policy <https://www.plymouth.gov.uk/sites/default/files/2024-11/Draft-Animal-Licensing-Policy-V2.pdf>

**Section I**

Proposal - Disclosure and Barring Service (DBS) check for applicants

Under this policy, applicants will be required to provide evidence of a Disclosure and Barring Service (DBS) check (or "basic disclosure"). This is a check of someone's criminal record. The DBS certificate must be no more 3 months old at the time of the application. Existing licence holders will be required to provide evidence of a DBS check on renewal.

1. Do you agree that applicants should provide evidence of a Disclosure and Barring Service (DBS) check to hold a licence?

- Strongly agree
- Agree
- Neither
- Disagree
- Strongly disagree

2. Can you provide a reason or reasons for your answer to question 1.

**Section 2**

Proposal - Safeguarding for activities involving children or vulnerable people

The main aim of animal licensing is to maintain and improve animal welfare standards. We would also expect applicants and licence holders whose activities involve contact with children or vulnerable people to:

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

We are not setting any specific standards in relation to these requirements, but each case will be considered on its own merits.

3. Do you agree that applicants and licence holders whose activities involve contact with children or vulnerable people have a written safeguarding policy and provide training for staff

- Strongly agree
- Agree
- Neither
- Disagree
- Strongly disagree

4. Do you agree that applicants and licence holders whose activities involve contact with children or vulnerable people have procedure for vetting staff who have unsupervised contact with young/vulnerable persons.

- Strongly agree
- Agree
- Neither
- Disagree
- Strongly disagree


5. How easy is the draft Plymouth Council Animal Licensing Policy to understand.

- Very easy
- Somewhat easy
- Not very easy
- Not at all easy

6. Do you have any suggestions about how the Animal Licensing Policy could be easier to understand?



7. Tell us if you have any other comments about our draft Animal Licensing Policy.



**Section 3**

8. Do you currently hold any animal licences

Such as a boarding, dangerous wild animal, dog breeding or licence to sell animals

- Yes
- No

**Section 4**

9. What animal licence(s) do you currently hold? Tick all that apply

- Boarding for cats or dog's licence
- Dangerous wild animal licence
- Dog breeding licence
- Hiring out horse's licence
- Keep or train animals for exhibition licence
- Selling animals as pets licence
- Zoo licence

**Section 5****About you**

We will use the information you provide here only for the purpose of this activity. We will store the information securely in line with data protection laws and will not share or publish any personal details.

10. Are you responding as an individual or on behalf of an organisation (e.g. a business or a voluntary group).

*If you are an organisation/business, proceed to question 11. If you are an individual, proceed to question 12.*

- As an individual
- On behalf of an organisation/business



**Section 6**

11. Name of organisation/business.

**End of survey if answering as an organisation/business**

**Section 7**More about you

We want to hear from as many people as possible to understand the views and needs from different people and communities in Plymouth. The following questions help us see if the communities we serve have had the opportunity to be heard through this consultation.

*All questions are optional. You can skip any questions you do not wish to answer.*

12. What is your age?.

- Under 16
- 16 to 24
- 25 to 34
- 35 to 44
- 45 to 54
- 55 to 64
- 65 to 74
- 75 to 84
- Over 85
- Prefer not to say

13. Are your day-to day activities limited because of a health problem or disability, which has lasted, or is expected to last, at least 12 months?

- Yes, limited a little
- No
- Yes, limited a lot
- Prefer not to say

**14. Are you:**

- Female
- Male
- Prefer not to say

**15. Your ethnicity**


Select the option which best describes your ethnic group or background.

- Asian or Asian British
- Mixed or Multiple ethnic groups
- Different ethnic group
- Black, Black British, Caribbean or African
- White
- Prefer not to say

**16. Are there any other details you would like to provide.**

# EQUALITY IMPACT ASSESSMENT – ANIMAL LICENSING POLICY

## SECTION ONE: INFORMATION ABOUT THE PROPOSAL

<b>Author(s):</b> The person completing the EIA template.	Jamie Davies	<b>Department and service:</b>	Environmental Health and Licensing Office of the Director of Public Health	<b>Date of assessment:</b>	23/01/2025
<b>Lead Officer:</b> Head of Service, Service Director, or Strategic Director.	Nicola Horne Head of Environmental Protection and Taxis	<b>Signature:</b>		<b>Approval date:</b>	03/02/25
<b>Overview:</b>	The Council has a legal responsibility for the licensing of a number of activities relating to the welfare of animals under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, Zoo Licensing Act 1981 and the Dangerous Wild Animals Act 1976.  To ensure that the licensing regime is clear and consistent, an Animal Licensing Policy has been drafted. The Policy will detail how Plymouth City Council carries out its animal licensing responsibilities in a consistent and fair manner. A consultation process has been undertaken, and we seek approval from Licensing Committee to implement the policy.				
<b>Decision required:</b>	I. That the Licensing Committee approves implementation of the proposed Animal Licensing Policy following the public consultation				

## SECTION TWO: EQUALITY IMPACT ASSESSMENT SCREENING TOOL

<b>Potential external impacts:</b> Does the proposal have the potential to negatively impact service users, communities or residents with protected characteristics?	<b>Yes</b>		<b>No</b>	X
<b>Potential internal impacts:</b> Does the proposal have the potential to negatively impact Plymouth City Council employees?	<b>Yes</b>		<b>No</b>	x

Is a full Equality Impact Assessment required? (if you have answered yes to either of the questions above then a full impact assessment is required and you must complete section three)	<b>Yes</b>		<b>No</b>	x
If you do not agree that a full equality impact assessment is required, please set out your justification for why not.				

**SECTION THREE: FULL EQUALITY IMPACT ASSESSMENT**

Protected characteristics (Equality Act, 2010)	Evidence and information (e.g. data and consultation feedback)	Adverse impact	Mitigation activities	Timescale and responsible department
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<p><b>Age</b></p>	<p>Plymouth</p> <ul style="list-style-type: none"> <li>• 16.4 per cent of people in Plymouth are children aged under 15.</li> <li>• 65.1 per cent are adults aged 15 to 64.</li> <li>• 18.5 percent are adults aged 65 and over.</li> <li>• 2.4 percent of the resident population are 85 and over.</li> </ul> <p>South West</p> <ul style="list-style-type: none"> <li>• 15.9 per cent of people are aged 0 to 14, 61.8 per cent are aged 15 to 64.</li> <li>• 22.3 per cent are aged 65 and over.</li> </ul> <p>England</p> <ul style="list-style-type: none"> <li>• 17.4 per cent of people are aged 0 to 14.</li> <li>• 64.2 per cent of people are aged 15 to 64.</li> <li>• 18.4 per cent of people are aged 65 and over.</li> </ul> <p>(2021 Census)</p>		<p>N/A</p>	<p>N/A</p>
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<p><b>Care experienced individuals</b></p> <p>(Note that as per the Independent Review of Children’s Social Care recommendations, Plymouth City Council is treating care experience as though it is a protected characteristic).</p>	<p>It is estimated that 26 per cent of the homeless population in the UK have care experience. In Plymouth there are currently 7 per cent of care leavers open to the service (6 per cent aged 18-20 and 12 per cent of those aged 21+) who are in unsuitable accommodation.</p> <p>The Care Review reported that 41 per cent of 19-21 year old care leavers are not in education, employment or training (NEET) compared to 12 per cent of all other young people in the same age group.</p> <p>In Plymouth there are currently 50 per cent of care leavers aged 18-21 Not in Education Training or Employment (54 per cent of all those care leavers aged 18-24 who are open to the service).</p> <p>There are currently 195 care leavers aged 18 to 20 (statutory service) and 58 aged 21 to 24 (extended offer). There are more care leavers aged 21 to 24 who could return for support from services if they wished to.</p>		N/A	N/A
<p><b>Disability</b></p>	<p>9.4 per cent of residents in Plymouth have their activities limited ‘a lot’ because of a physical or mental health problem.</p> <p>12.2 per cent of residents in Plymouth have their activities limited ‘a little’ because of a physical or mental health problem (2021 Census)</p>		<p>The Council has an Accessible Policy to ensure information is available to everyone.</p> <p><a href="#">Accessibility statement   PLYMOUTH.GOV.UK</a></p>	N/A

<b>Gender reassignment</b>	0.5 per cent of residents in Plymouth have a gender identity that is different from their sex registered at birth. 0.1 per cent of residents identify as a trans man, 0.1 per cent identify as non-binary and, 0.1 per cent identify as a trans women (2021 Census).		N/A	N/A
<b>Marriage and civil partnership</b>	40.1 per cent of residents have never married and never registered a civil partnership. 10 per cent are divorced, 6 percent are widowed, with 2.5 per cent are separated but still married.  0.49 per cent of residents are, or were, married or in a civil partnerships of the same sex. 0.06 per cent of residents are in a civil partnerships with the opposite sex (2021 Census).		N/A	N/A
<b>Pregnancy and maternity</b>	The total fertility rate (TFR) for England was 1.62 children per woman in 2021. The total fertility rate (TFR) for Plymouth in 2021 was 1.5.		N/A	N/A

<b>Race</b>	<p>In 2021, 94.9 per cent of Plymouth's population identified their ethnicity as White, 2.3 per cent as Asian and 1.1 per cent as Black (2021 Census)</p> <p>People with a mixed ethnic background comprised 1.8 per cent of the population. 1 per cent of the population use a different term to describe their ethnicity (2021 Census)</p> <p>92.7 per cent of residents speak English as their main language. 2021 Census data shows that after English, Polish, Romanian, Chinese, Portuguese, and Arabic are the most spoken languages in Plymouth (2021 Census).</p>		<p>The Council has an Accessible Policy to ensure information is available to everyone.</p> <p><a href="#">Accessibility statement   PLYMOUTH.GOV.UK</a></p>	N/A
<b>Religion or belief</b>	<p>48.9 per cent of the Plymouth population stated they had no religion. 42.5 per cent of the population identified as Christian (2021 Census).</p> <p>Those who identified as Muslim account for 1.3 per cent of Plymouth's population while Hindu, Buddhist, Jewish or Sikh combined totalled less than 1 per cent (2021 Census).</p>		N/A	N/A
<b>Sex</b>	<p>51 per cent of our population are women and 49 per cent are men (2021 Census).</p>		N/A	N/A
<b>Sexual orientation</b>	<p>88.95 per cent of residents aged 16 years and over in Plymouth describe their sexual orientation as straight or heterosexual. 2.06 per cent describe their sexuality as bisexual, 1.97 per cent of people describe their sexual orientation as gay or lesbian. 0.42 per cent of residents describe their sexual orientation using a different term (2021 Census).</p>		N/A	N/A



**SECTION FOUR: HUMAN RIGHTS IMPLICATIONS**

Human Rights	Implications	Mitigation Actions	Timescale and responsible department
		N/A	N/A

**SECTION FIVE: OUR EQUALITY OBJECTIVES**

Equality objectives	Implications	Mitigation Actions	Timescale and responsible department
<b>Work together in partnership to:</b> <ul style="list-style-type: none"> <li>▪ promote equality, diversity and inclusion</li> <li>▪ facilitate community cohesion</li> <li>▪ support people with different backgrounds and lived experiences to get on well together</li> </ul>		N/A	N/A
<b>Give specific consideration to care experienced people to improve their life outcomes, including access to training, employment and housing.</b>		N/A	N/A
<b>Build and develop a diverse workforce that represents the community and citizens it serves.</b>	N/A	N/A	N/A
<b>Support diverse communities to feel confident to report crime and anti-social behaviour, including hate crime and hate incidents, and work with partners to ensure Plymouth is a city where everybody feels safe and welcome.</b>	N/A	N/A	N/A

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The following relates to exempt or confidential matters (Para(s) 1, 2, 3 of Part 1, Schedule 12A of the Local Govt Act 1972). A breach of confidentiality could prejudice the Council/person/body concerned & might amount to a breach of the councillors /employees codes of conduct.

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