

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 1st 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 7More 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.