

POLICY AND RESOURCES COMMITTEE - 14 JUNE 2021

REGULATORY SERVICES COMMITTEE – 16 JUNE 2021

PART I – NOT DELEGATED

6. ANIMAL WELFARE ENFORCEMENT POLICY AND ANIMAL WELFARE LICENSING POLICY (DCES)

1 Summary

- 1.1 To agree the Animal Welfare Licensing Policy for Three Rivers.
- 1.2 To agree the Animal Welfare Enforcement Policy for Three Rivers.

2 Details

2.1 The Animal Welfare and Licensing Inspector (AWLI) deals with a range of issues including anti-social behaviour involving animals, nuisance and animal cruelty. The AWLI also deals with the inspection and licensing of animal welfare establishments including dog boarding, cat boarding, home boarding, commercial dog day care, hiring of horses, selling animals as pets, keeping or training animals for exhibition, dangerous wild animals and zoos. All enforcement duties of the AWLI are covered in the proposed policies; Appendix A - Animal Welfare Licensing Policy and Appendix B - Animal Welfare Enforcement Policy which combined cover the Inspector's duties.

2.1.1 The proposed **Animal Welfare Licensing Policy** (Appendix A) has been written to bring together the work involved in the licensing of animal welfare establishments throughout the District and includes the newly introduced Animal Welfare (Licensing of Activities Involving Animals)(England)Regulations 2018. It sets out the general principles that the Council will follow in relation to carrying out its functions under the animal welfare licensing legislation. The details in the policy is work already undertaken by the AWLI.

2.1.2 The proposed **Animal Welfare Enforcement Policy** (Appendix B) has been written to bring together all of the other work of the AWLI and also includes how enforcement will be approached under the licensing regime. It sets out the general principles that the Council will follow in relation to the enforcement of all animal welfare legislation. The details in the policy is work already undertaken by the AWLI.

3 Options and Reasons for Recommendations

3.1 Currently there is no policy in place in respect of animal welfare. With more powers being designated to Local Authorities by the Government and enforcement being taken, it is considered necessary to have an approved enforcement policy in place covering all aspects of the AWLI work.

3.2 Animal welfare licensing received an overhaul in 2018 with DEFRA creating conditions and guidelines for certain areas of animal licensing. The purpose was to ensure national consistency in implementation and operation of the licensing system by local authorities. They broadened the scope of activities covered and clarity was given to offences which could lead to an increase in regulation and enforcement. It is considered necessary to have an approved policy in place outlining how the Council

will approach and deal with applications for all animal welfare licensing enquiries and existing licensed operators.

4 Policy/Budget Reference and Implications

4.1 The recommendations in this report are not within the Council's agreed policy but are within agreed budgets.

5 Financial, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website.

5.1 None specific.

6 Legal Implications

6.1 Legal have been consulted at all stages of creating these proposed policies and their advice has been incorporated into the content of the policies.

7 Equal Opportunities Implications

7.1 Relevance Test

Has a relevance test been completed for Equality Impact?	Yes
Did the relevance test conclude a full impact assessment was required? The enforcement policy will be applied in a way that takes consideration of the age of the offender, and the mental capacity of any disabled adult to understand legislation and enforcement actions.	No

8 Risk and Health & Safety Implications

8.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
The Council may receive challenges on its decisions or the way the decisions are determined	Decisions and their determination may be scrutinised	The policies will be followed to reduce the risk to the Council	Treat	1

People will operate unlicensed	Animal Welfare will be compromised in these premises	Promote the requirement to be licensed and actively seek and take enforcement	Treat	2
People will not take their duty of care towards the welfare of the animals in their care seriously	Animal welfare will be compromised in these premises and may have a reputational impact on the Council	Promote responsible animal ownership. Actively seek and take enforcement	Treat	2

8.2 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- ▼ Remote	Low	High	Very High	Very High
	4	8	12	16
	Low	Medium	High	Very High
	3	6	9	12
	Low	Low	Medium	High
	2	4	6	8
	Low	Low	Low	Low
	1	2	3	4
	Impact			
	Low	-----▶		Unacceptable

Impact Score

4 (Catastrophic)

3 (Critical)

2 (Significant)

1 (Marginal)

Likelihood Score

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Unlikely (6-20%))

1 (Remote (≤5%))

8.3 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore

operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

9 Recommendation

- 9.1 That the Policy and Resources Committee recommends to approve the Animal Welfare Licensing Policy (Appendix A) subject to any comments from the Regulatory Services Committee.
- 9.2 That the Policy and Resources Committee recommends to approve the Animal Welfare Enforcement Policy (Appendix B) subject to any comments from the Regulatory Services Committee.

Report prepared by: Debra Sandling, Animal Welfare and Licensing Inspector

Data Quality

Data checked by: Malcolm Clarke, Waste and Environment Manager

Jennie Probert, Waste and Environment Manager

Data rating:

1	Poor	
2	Sufficient	✓
3	High	

APPENDICES:

Appendix A - Animal Welfare Licensing Policy

Appendix B - Animal Welfare Enforcement Policy