

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

29 November 2022

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

Matters for Information

1 ANIMAL LICENSING POLICY CONSULTATION

- 1.1.1 On the 1 October 2018 a new statutory instrument (2018 No.486) came into force, namely The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 1.1.2 This new legislation introduced an updated licensing system in England for five activities involving animals: selling animals as pets, providing for or arranging for the provision of boarding for cats or dogs, hiring out horses, dog breeding and keeping or training animals for exhibition.
- 1.1.3 Tonbridge & Malling Borough Council has produced an Animal Licensing Policy to reflect the updated Regulations.

1.2 Background

- 1.2.1 This policy sets out how the Council will exercise its functions under the Dangerous Wild Animals Act 1976, the Zoo Licensing Act 1981, the Animal Welfare Act 2006, and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 1.2.2 This policy has been introduced pursuant to the commencement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (hereinafter referred to as the "Regulations") on 1 October 2018. Where relevant (and appropriate), specific information has been provided relevant to the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981.
- 1.2.3 The Policy will be reviewed as standard every 5 years following first approval, and at other times where considered necessary (for example, to reflect significant changes in relevant legislation or guidance).
- 1.2.4 Any general reference to 'guidance' in this policy is reference to the '*Animal activities licensing: guidance for local authorities*' produced by DEFRA. This guidance can be viewed in full here: <https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>. If any other guidance is referenced in this policy, specific details will be provided.

1.2.5 This policy sets out the principles the Council will use when dealing with animal related licensing matters. This includes dealing with applications for new licences and issues relating to licensed premises.

1.2.6 A copy of the draft Animal Licensing Policy is show at **Annex 1**.

1.3 Consultation

1.3.1 Process steps to develop this policy –2023 - 2028

Consultation agreed at the Licensing and Appeals Committee	29 November 2022
Public Consultation	5 December 2023 – 31 st January 2023
Licensing and Appeals Committee	28 March 2023
Full Council adopt policy	11 April 2023
New Policy comes into force	17 April 2023

1.3.2 Consultation returns will be captured by Teams forms. We will provide a link which will be published with the consultation details to capture any comments.

1.4 Legal Implications

1.4.1 There is no statutory requirement to have an Animal Licensing Policy.

1.4.2 The policy will run for 5 years from 2003 – 2008. Any Statutory changes will result in the policy being amended and will go out for consultation.

1.4.3 The policy must be approved by Full Council on the recommendation of the Licensing and Appeals Committee.

1.5 Financial and Value for Money Considerations

1.5.1 Current annual licensing fees vary depending on the type of licence. In addition, applicants are also charged for veterinary inspections. Under the new scheme local authorities may continue to charge reasonable fees associated with the grant, renewal or variation of a licence.

1.6 Risk Assessment

1.6.1 The recommended fee levels have been calculated in order to ensure that the consideration and related inspection for a licence does not exceed reasonable costs.

1.7 Equality Impact Assessment

1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Recommendations

1.8.1 Members are RECOMMENDED to approve the draft policy for consultation

Background papers:

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Nil

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Director of Central Services and Deputy Chief Executive