

**NORTH LINCOLNSHIRE COUNCIL**

**LICENSING COMMITTEE**

**ANIMAL WELFARE CHARTER 2017**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To review the Animal Welfare Charter adopted in 1996. A copy of the Charter is at Appendix A to this report.
- 1.2 To update, the said Charter, making sure it is fit for purpose in line with the changes to animal welfare legislation.
- 1.3 That consultation be carried out on the Charter and that a further report be presented to the committee following the said consultation.

**2. BACKGROUND INFORMATION**

- 2.1 North Lincolnshire Council are not statutorily obliged to adopt an Animal Welfare Charter, however it is felt there is a need to review the Charter, adopted in 1996. This will set the standards that the local community will need to ensure they understand the importance of providing a safe environment, free from unnecessary suffering, for all animals within the scope of the Authority.
- 2.2 The Charter, adopted in 1996, needs to be reviewed due to changes in animal welfare legislation.
- 2.3 The implementation of the Animal Welfare Act 2006, has strengthened animal welfare law and is considered to be the most important development in animal protection law for a century. The Act aims to reduce animal cruelty and promote animal welfare by enabling enforcers to take preventative action where those who are considered responsible for animals have failed to fulfil their duty of care. It also aims to simplify legislation for both animal keepers and enforcers by bringing together and modernising previous outdated legislation.

2.4 The Charter will cover every aspect of animal welfare legislation enforced by the Licensing Division, areas such as Dog Breeding Establishments and Pet Shops.

2.5 The Charter will also cover Trading Standards and Environmental Health legislation, areas such as the exhibition or display of animals on any council land or the promotion of sensible dog ownership. The Charter will be an invaluable, up to date, working document, which will embrace the changes to animal welfare legislation.

### **3. OPTIONS FOR CONSIDERATION**

3.1 Option 1 – To revise the Charter prior to consultation with interested parties.

3.2 Option 2 – To maintain the Charter in its current format and reject the changes.

### **4. ANALYSIS OF OPTIONS**

4.1 Option 1 – The Charter has existed unchanged for twenty years and has been reviewed to reflect significant changes that have been deemed necessary. The changes to the Charter will be subject to consultation.

4.2 Option 2 – A rejection of this policy would mean the current Charter remaining in force, and not keeping pace with new legislation.

### **5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

5.1 There are no implications expected.

### **6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**

6.1 Although not a legal requirement, establishing an Animal Welfare Charter complies with animal welfare legislation and supports the aims of the council in that it will empower people to do the most important things better.

### **7. OUTCOMES OF CONSULTATION**

7.1 Consultation will be carried out following approval by the Licensing Committee.

## 8. RECOMMENDATIONS

8.1 That the review of the Animal Welfare Charter be approved.

### DIRECTOR OF PLACES

Civic Centre  
Ashby Road  
Scunthorpe  
North Lincolnshire  
DN16 1AB

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**Date:** 9 March 2017

**Background Papers used in the preparation of this report: -**

North Lincolnshire Animal Welfare Charter 1996

## NORTH LINCOLNSHIRE COUNCIL

### ANIMAL WELFARE CHARTER

North Lincolnshire Council recognises that animals are capable of feeling, capable of enjoying a state of well being and equally capable of suffering.

The Council considers that all animals have the right to enjoy five basic freedoms:

- Freedom from fear and distress
- Freedom from hunger and thirst
- Freedom from pain, disease and injury
- Freedom to express their normal behaviour
- Freedom from physical discomfort

The Council will look at these five freedoms for guidance when exercising its statutory powers in relation to animal health and welfare matters.

Through lawful means the Council will also use its best endeavours to promote improvements in animal welfare by taking full account of animal welfare issues in the Council's day to day operations, in its decision making processes and through influence in association with other local authorities, voluntary welfare groups and government agencies.

In particular:

- The Council strongly opposes the shipment of live animals for slaughter and urges the Government to call on the European Union to ban the export and import of live animals for this trade.
- The Council will continue to fulfil its responsibilities under all relevant legislation relating to pet animals. In particular the Council will continue to undertake and develop its enforcing and educational role in the area of responsible dog ownership. This will include:
  - appropriate action under relevant legislation;
  - the production of advisory leaflets on responsible dog ownership;
  - educational campaigns to promote responsible dog ownership and knowledge of the byelaws.
- The Council resolves to support schemes for teaching responsible pet care and will actively promote the awareness of animal welfare and encourage voluntary organisations to play a part in this area.



## **Animal Welfare Charter**

**(Draft – January 2017)**

## No English?

### For information please call:

08000 193530 (Arabic) للحصول على المزيد من المعلومات اتصل بـ:

তথ্যগুলি বাংলায় জানতে হলে এই নম্বরে ফোন করুন: 08000 193531 (Bengali)

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Para mais informação em português contacte-nos através do telefone 08000 193538 (Portuguese)

ਪੰਜਾਬੀ ਵਿਚ ਜਾਣਕਾਰੀ ਲਈ 08000 193539 'ਤੇ ਫੋਨ ਕਰੋ (Punjabi)

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08000 193541 (Urdu) اردو میں انفارمیشن کے لیے اس ٹیلیفون نمبر پر رابطہ فرمائیں۔

Nie mówisz po angielsku? Po informacji zadzwoń pod numer 08000 195587 (Polish)

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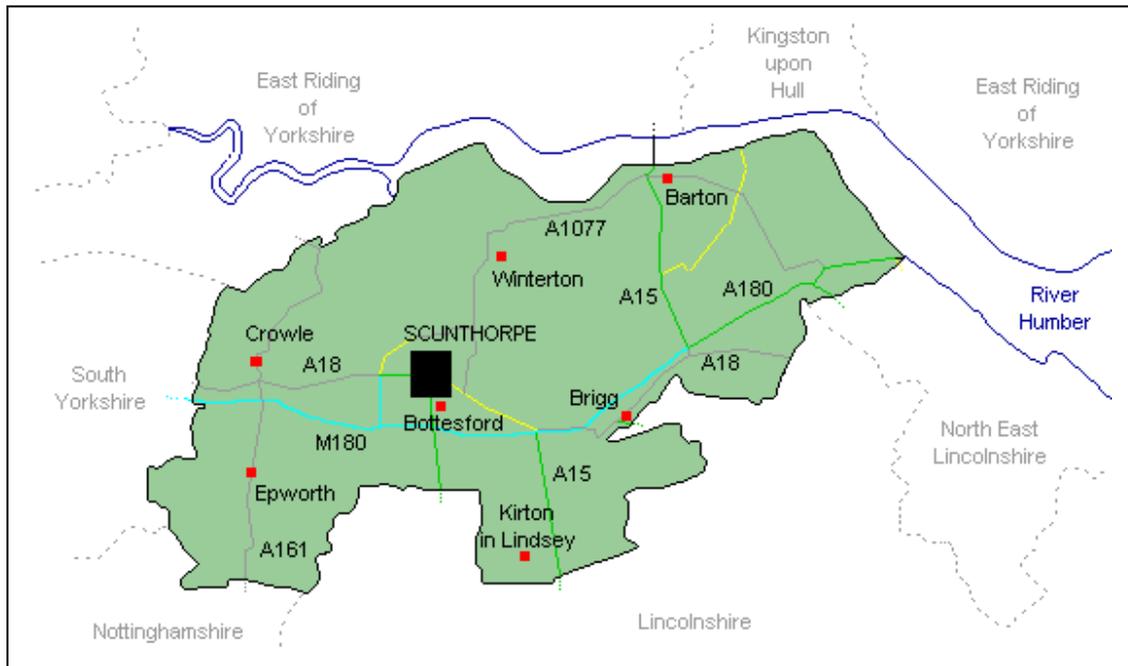
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## **Introduction**

### **1 The Area of North Lincolnshire**

- (1) North Lincolnshire covers a mix of urban and rural areas. It includes the towns of Scunthorpe, Barton upon Humber and Brigg. There are also several other market towns, villages and rural areas. Its total area is 328 square miles.
- (2) The 2011 Census gave the population of North Lincolnshire as 167,446. In addition to English there are over 60 identifiable languages spoken in North Lincolnshire with the most common being Polish, Lithuanian, Bengali and Portuguese. A total of 92.3% of the population consider themselves to be of White British origin, with the remaining percentage of North Lincolnshire residents being from other ethnic backgrounds. More than 53% of the Black and Minority Ethnic (BME) population live in the northern part of Scunthorpe. The area has an aging population, with 19.3% of the population being over 65 years of age- higher than the national average.
- (3) Large concentrations of licensable activities are located in Scunthorpe town centre, in the areas of Doncaster Road, the High Street and Frodingham Road.
- (4) Below is a map of the area.



### **2 General Information**

- (1) This Charter has been adopted by North Lincolnshire Council to reflect the concerns of the people of North Lincolnshire who care about animal welfare. In adopting the Charter it is hoped it will provide a useful working document for individuals, agencies and organisations and that

it will assist in ensuring a safe environment, free from unnecessary suffering, to all animals within the scope of the Authority.

- (2) North Lincolnshire Councils Animal Welfare Charter will guide the licensing authority when it considers applications. The purpose is to monitor and influence the treatment of animals in general, within the guidelines set by legislation and codes of practice, to ensure those responsible for the welfare of animals fulfil their duty of care.
- (3) North Lincolnshire Council recognises that animals are capable of feeling, capable of enjoying a state of well being and equally capable of suffering.
- (4) The Council considers that all animals have the right to enjoy five basic freedoms, which are:
  - Freedom from fear and distress
  - Freedom from hunger and thirst
  - Freedom from pain, disease and injury
  - Freedom to express their normal behaviour
  - Freedom from physical discomfort
- (5) The Council will look at these five freedoms for guidance when exercising its statutory powers in relation to animal health and welfare matters.
- (6) The Animal Welfare Act introduces the five main principles of animal welfare, known as the 'five needs'. The needs are:
  - for a suitable environment
  - for a suitable diet
  - to exhibit normal behaviour patterns
  - to be housed with, or apart from, other animals (where appropriate)
  - to be protected from pain, injury, suffering and disease
- (7) The implementation of the Animal Welfare Act 2006 has strengthened animal welfare law and is considered to be the most important development in animal protection law for a century. The Act aims to reduce animal cruelty and promote animal welfare by enabling authorised enforcers to take preventative action where those who are considered responsible for animals have failed to fulfil their duty of care. It also aims to simplify legislation for both animal keepers and enforcers by bringing together and modernising previous outdated legislation.

### 3 Consultation

(1) In determining this Animal Welfare Charter, the Council has consulted the following people and bodies:

- Chartered Institute of Environmental Health (CIEH)
- Department for Environment, Food and Rural Affairs (DEFRA)
- Chief Constable of Humberside Police
- Town and Parish Councils
- All local Veterinary Surgeons
- Neighbouring Licensing Authorities, including: confirm?
  - East Riding of Yorkshire Council
  - Kingston upon Hull City Council
  - North East Lincolnshire Council
- All (animal related) licence holders within North Lincolnshire
- Training providers, North Lindsey & John Leggott Colleges
- Royal Society for the Prevention of Cruelty to Animals (RSPCA)
- Royal College of Veterinary Surgeons (RCVS)
- British Veterinary Association
- Companion Animal Welfare Council (CAWC)
- **Farm Animal Welfare Council (FAWC)**
- Pet Advisory Committee
- World Horse Welfare (ILPH) International League for the Protection of Horses
- Kennel Club
- Association of Circus Proprietors
- Feline Advisory Bureau (FAB)
- Yorkshire and Humber Animal Health Regional Office

(2) We have also consulted various other bodies/people within the Council. These include:

- Waste Management
- Legal & Democratic Services
- Leader of Conservative Group
- Leader of Labour Group
- Chair of Licensing Committee
- Council Members

(3) We have considered and taken into account the views of all the appropriate bodies and organisations.

### 4 Review of the Animal Welfare Charter

(1) North Lincolnshire Council are not statutorily obliged to adopt an Animal Welfare Charter, however in light of the implementation of the Animal Welfare Act 2006, it was felt there was a need to review the existing Charter, which was adopted in 1996.

- (2) The Council will review this policy every **five** years. At the time of the review all interested parties will again be consulted. In addition to the **five** yearly reviews, this policy will be subject to continuous evaluation and may be updated at anytime.

## **5 Contacts**

- (1) The welfare of animals is covered by a number of departments within the council, including Trading Standards, Environmental Health and Licensing. These functions are the responsibility of the Director of Operations, and can be contacted at::

Church Square House  
PO Box 42  
Scunthorpe  
North Lincolnshire  
DN15 6XQ

- (2) Each section in this charter will state which function takes the lead, therefore any correspondence should be addressed to the appropriate department.
- (3) To ask about any animal welfare issue by telephone, the following numbers should be used:

Environmental Health	(01724) 297000
Licensing	(01724) 297750
Trading Standards	(01724) 297664

We have attached a list of useful contacts in Appendix A.

- (4) This Charter is available on our website at: [www.northlincs.gov.uk](http://www.northlincs.gov.uk), or via email on [licensing@northlincs.gov.uk](mailto:licensing@northlincs.gov.uk).

# **Part 1 – Principles, Process and Delegation**

## **Introduction**

This part of the policy will focus on the principles the Council will follow when dealing with applications, be it for a licence or for another activity such as an animal movement. The delegation will explain who will do what in relation to Animal Welfare, explaining the roles of the Council, Cabinet, Licensing Committee and Officers.

## **Principles, Process and Delegation**

### **6 Animal Welfare Principles**

- (1) North Lincolnshire Council aims to provide a clear consistent service of the service user. We will look to balance the needs of the applicant, business or person against the need to protect the welfare of the animals.
- (2) When considering an application for a licence, each will be determined on its own merits.

### **7 Executive and Non-executive Functions**

- (1) The activities covered by this charter are both executive and non-executive functions. The Executive functions will be considered by the Cabinet Member for Environment, while the non-executive functions will be considered by North Lincolnshire Council's Licensing Committee.

### **8 Cabinet Member**

- (1) The Cabinet Member for Governance and Transformation will deal predominantly with policy issues and fees for the executive functions.

### **9 Licensing Committee & Sub-Committee**

- (1) North Lincolnshire Council's Licensing Committee is made up of 15 members of the council. The Licensing Committee will deal with policy issues, conditions and fees for the non-executive functions, which relate mainly to the licensing of animal welfare establishments. The Licensing (Miscellaneous) Sub-Committee is made up of 5 members who will determine applications for and review licences.

### **10 Delegation of Functions**

- (1) The Council will delegate its function to either the Cabinet Member for Governance and Transformation (executive functions) and to either the Licensing Committee, or the Licensing Sub-Committee (non-executive functions).
- (2) Both executive and non-executive functions will be delegated to authorised officers of the council in accordance with the scheme of delegation, as follows:

<b>Matter to be dealt with</b>	<b>Cabinet Member (Executive functions)</b>	<b>Full Committee (Non-executive functions)</b>	<b>Sub-Committee (Non-executive functions)</b>	<b>Officers</b>
Determination of the Charter	All cases (in consultation with the Licensing Committee)	All cases (in consultation with the Cabinet Member)		
Determination of fees	All cases	All cases		
Determine an application for a licence*				All cases
Revocation of a licence*			All cases	
Refusal of a licence*				Licensing Manager
Include additional conditions to a licence*				Licensing Manager
Application for a Performing Animal(s) Licence				All cases (Trading Standards)
Withhold the issue of a licence (Grant or Renewal)				Licensing Manager where an improvement is needed for animal welfare purposes
Issue an improvement notice				All cases
Review Conditions				Licensing Manager (Adopt CIEH)

- (3) Where an application is referred to the Licensing Sub-Committee, it will be determined on its own merits. Members of the Committee will take into consideration the information contained in the report, and hear the representations of the Applicant.
- (4) The non-executive functions include the licensing of the following premises:
- Animal Boarding
  - Dangerous Wild Animals
  - Dog Breeding
  - Horse Riding Establishments
  - Pet Shops
  - Zoos
- (5) The public must be able to see that the Licensing Committee and Sub-Committee act in a fair and reasonable manner at all times. Therefore, all members must attend in house training before they can sit on the Licensing Committee or Sub-Committee.

## 11 Decisions

- (1) Applications will be determined in accordance with the scheme of delegation detailed in **paragraph 10** of this Charter.
- (2) Where an application is referred to the Licensing (Miscellaneous) Sub Committee, then the applicant will be invited to the hearing. All parties will be given details as to why the application has been referred. The applicant will have an opportunity to speak at the hearing. Each application will be taken on its own merits.
- (3) The Sub-Committee will notify the applicant of the decision and the reasons for the said decision at the end of the hearing. The Licensing Division will then send confirmation in writing, as soon as possible after the decision, or in any case, within seven days of the hearing.
- (4) Applications will be processed within the set tacit periods as detailed in Appendix A??

## 12 Appeals

- (1) Parties aggrieved by a decision of the Licensing Authority have a right of appeal, in most cases to the Magistrates Court. The appeal should be lodged with the Court within 21 days of the notification of a decision.
- (2) Any person aggrieved by any conditions to which a licence is subject may appeal to the appropriate court. The court upon an application to appeal may give such directions as it deems necessary regarding the licence or its conditions to the Council.

## 13 Working in Partnership

- (1) The Council aim to work in partnership when dealing with Animal Welfare issues. Such partnerships will include both national and local organisations with an interest in Animal Welfare and the local licence holders.

## 14 Animal Welfare Forums

- (1) A Forum will be held with representatives from licensed establishments every six months. This meeting will normally be chaired by the chairperson of the Council's Licensing Committee. Representatives will be invited from other organisations to assist in the consultation process. In addition, officers from the relevant areas will attend other forums where appropriate.

## **15 Non-statutory Public Registers**

- (1) The council shall maintain a non-statutory public register for applications for a licence. The register shall contain the name of the licence holder, name of the premises, address of the premises, licence number, the start and expiry date of the licence.

## **Part 2 – Regulated Activities**

### **Introduction**

This part of the Charter will focus on the regulated activities. Such activities will include:

Animal Welfare Act 2006  
Movement of Animals  
Guard Dogs  
Circuses  
Performing Animals  
Stray and Dangerous Dogs  
Pest Control  
Licensable Activities

## **Animal Welfare Act 2006**

### **16 Summary**

- (1) We have a statutory duty to enforce the health and welfare of protected animals throughout North Lincolnshire. To assist authorised Officers in this process, the Animal Welfare Act 2006 has introduced the Improvement Notice.

### **17 Improvement Notice**

- (1) If the owner of a protected animal is found to be neglecting the needs of the animal/s in their care, an Improvement Notice can be issued under the Animal Welfare Act 2006. The notice will set out:
  - how the person is failing to look after the animal's welfare
  - what steps need to be taken to improve the situation
  - a time limit for the owner of the animal/s to comply with the requirements set out in the notice
  - an explanation will be given as to what will happen if the notice is not complied with
- (2) If the owner complies with the Improvement Notice within the set timescale then they cannot be prosecuted for the actions which led to the notice being issued. However, failure to put right the welfare issues which led to the issue of the notice can lead to a prosecution. Future offences can result in a prosecution being taken against the owner, whereby the previous history of an Improvement Notice being issued may be taken in to consideration.

### **18 Codes of Practice**

- (1) To support owners and keepers of animals the Department for Environment Food and Rural Affairs (DEFRA), have produced Codes of Practice. This provides information on how to meet the welfare needs of the animals under the Animal Welfare Act 2006. Guidance covers:
  - Welfare of Companion Animals (Dogs, Cats, Horses, Ponies, etc)
  - Welfare of Non-Companion Animals (Livestock)
- (2) The codes can also be used in court as evidence in cases brought before the owners which relate to poor welfare.
- (3) The codes can be found on DEFRA's website: <http://www.defra.gov.uk>

### **19 Duty of Care**

- (1) Prior to the Animal Welfare Act 2006, people had a duty to ensure that an animal did not suffer unnecessarily. The new Act imposes a

broader 'duty of care' on anyone responsible for an animal to take reasonable steps to ensure the needs of the animal are met.

## **20 Action Taken by Other Organisations**

- (1) The Act gives greater enforcement powers to Local Authority Inspectors and the Police such as the power of entry to certain premises and the power to seize documents. In addition, the legislation is what is known as a 'common informers Act'. This enables anyone to bring a prosecution for an offence.
- (2) The Animal Welfare Act 2006 provides the council with discretionary powers to intervene in situations where an animal is likely to suffer. This can include the seizure of animals where there is a serious concern relating to the welfare of animals.
- (3) In accordance with paragraph 13, we will work in partnership with other organisations. Any decision as to which is the appropriate body to take action will be done so on a case by case basis, in consultation with the appropriate partner.

## **Animal Health**

### **21 Summary**

- (1) North Lincolnshire has a mix of both urban and rural areas. The rural areas are home to numerous farms and agricultural holdings and other businesses such as a slaughterhouse, fur and feather auction and agricultural shows.
- (2) We aim to protect livestock, farm animals and the integrity of the human food chain. In order to achieve this aim we offer advice and assistance to farmers and the livestock industry to enable them to comply with their statutory obligations.

### **22 Non Companion Animals**

- (1) The Council aims to monitor and influence the treatment of animals and the standards of animal health and welfare on farms, in transport, at markets and at slaughter to ensure that all animals are protected against cruelty and avoidable pain.
- (2) The health and welfare of animals will be considered in accordance with the five needs at **paragraph 2(4) & (6)**. The five needs will be better provided if the persons caring for the livestock practice the following:
  - Caring and responsible management of the animals;
  - Skilled, knowledgeable and conscientious stockmanship;
  - Appropriate environmental design;
  - Considerate handling and transport; and

- Humane slaughter.
- (3) The powers covering the movement of animals, at markets and the control of notifiable diseases are covered mainly under the Animal Health Act 1981 (as amended).
  - (4) The Council aims to influence the animal health and welfare of animals by acting in a professional manner in its day to day business, and by supporting and encouraging other organisations. We will continue to liaise with the livestock and farming community and seek to improve communication and education of animal health and welfare issues.
  - (5) Further information can be found by contacting the Trading Standards Division on (01724) 297664, or the Department for Environment, Food and Rural Affairs DEFRA) at <http://www.defra.gov.uk>.

## **Guard Dogs**

### **25 Summary**

- (1) Certain dogs used to guard premises are required to be licensed in accordance with the Guard Dogs Act 1975.

### **26 Definition of a Guard Dog**

- (1) For the purpose of The Guard Dogs Act 1975 a guard dog is defined as a dog used to protect:
  - Premises
  - Property kept at a premises
  - A person guarding premises of such property.
- (2) The legislation states that a person shall not permit the use of a guard dog at any premises unless a person (the handler) who is capable of controlling the dog is present at the premises. The handler must be in control of the guard dog at all times unless the dog is secured and unable to freely roam about the premises, or while another handler has control of the guard dog.
- (3) A person shall not permit or use a guard dog at any premises unless a notice is clearly exhibited at each entrance to the premises stating that a guard dog is present at the premises.

## **Circuses**

### **27 Summary**

- (1) A circus includes any place where animals are kept or introduced wholly or mainly for the purpose of performing tricks or manoeuvres.

## **28 Inspection of Circuses**

- (1) When circuses involving performing animals come to North Lincolnshire, authorised officers of the council will visit to ensure that the welfare needs of the animals are being met.

## **Performing Animals**

### **29 Summary**

- (1) The performance of animals is regulated in accordance with the Performing Animals (Regulation) Act 1925.

### **30 Training and Exhibitors**

- (1) The training and exhibition of performing animals is regulated by the Performing Animals (Regulation) Act 1925. This Act requires trainers and exhibitors of such animals to be registered with the local authority. Under this Act, the police and officers of the Trading Standards Division (who may be accompanied by a veterinary surgeon) have the power to enter premises where animals are being trained and exhibited.
- (2) The welfare of performing animals is provided for in the Animal Welfare Act 2006.
- (3) Further information with regards performing animals can be obtained from North Lincolnshire's Trading Standards Department.

## **Stray Dogs and Dangerous Dogs**

### **31 Summary**

- (1) The council has sole responsibility for dealing with stray dogs. Guidance regarding this can be found by visiting:

<http://www.northlincs.gov.uk/planning-and-environment/environmental-crime/>

### **32 Dangerous Dogs**

- (1) The Council and Humberside Police share responsibility for dealing with dangerous dogs. If a dog is dangerously out of control in a public place and bites a person, the police are the principle authority. In contrast, if the dog is causing fear and/or alarm in a public place, the complaint may be dealt with by either the police or the council.

- (2) The council have adopted specific policies and procedures for dealing with dangerous dogs, which can be found on our website at:

<http://www.northlincs.gov.uk/planning-and-environment/environmental-crime/dog-control/>

## **Pest Control**

### **33 Summary**

- (1) The Pest Control service aims to reduce the level of risk to public health from pests, such as rats, mice, etc. In providing this service, the council aims to provide a safe and humane method to deal with public health pests. The aim is to eradicate public health pests, employing the minimum of rodenticides and pesticides thus reducing the risk to the environment, none target species and the public.

## **Licensable Activities**

### **34 Summary**

- (1) There are a number of licensable activities under the animal welfare umbrella. These activities are:
  - Animal Boarding (including home boarding)
  - Dangerous Wild Animals
  - Dog Breeding
  - Horse Riding Establishments
  - Pet Shops
  - Zoos

## **Animal Boarding**

### **35 Summary**

- (1) The keeping and running of animal boarding establishments (catteries and kennels) is controlled by the Animal Boarding Establishments Act 1963.
- (2) Under the Act, the keeping and running of such kennels is defined as the carrying on at any premises (including a private dwelling) of a business of providing accommodation for other people's cats and dogs.
- (3) The home boarding of dogs is permitted subject to certain conditions, however in line with the guidance from the Department for Environment, Food and Rural Affairs (DEFRA) and the Feline Advisory Bureau (FAB) the home boarding of cats is not permitted.

### **36 Boarding Establishment – General Requirements**

- (1) An application for an Animal Boarding Licence must be made to the Council. A licence will not be issued if the applicant is disqualified from:
  - a) keeping a boarding establishment for animals; or
  - b) keeping a pet shop; or
  - c) keeping a dog
- (2) If any part of the form is incomplete, the applicant will be required to provide all the omitted information. Failure to do so may result in the application being rejected.
- (3) An application for an Animal Boarding Licence can be made online at [www.northlincs.gov.uk](http://www.northlincs.gov.uk). Where such an application is made, the applicant will be required to meet the criteria detailed in paragraph 37(1).
- (4) An application for a new licence may be made at any time during the year, however the licence will be issued to expire on 31 December annually. Therefore, the initial licence may be valid for a period less than 12 months.
- (5) An Animal Boarding Establishment Licence is not transferable. Any person purchasing a licensed premises will be required to submit a new application.

### **37 Application Process**

- (1) On receipt of an application for a licence, the applicant will be required to demonstrate to the Council that;
  - a) the animals will at all times be kept in suitable accommodation, in respect of construction, size of quarters, number of occupants, exercising facilities, temperatures, lighting, ventilation and cleanliness; and
  - b) animals will be adequately supplied with suitable food, drink and bedding materials, adequately exercised, and (so far as is necessary) visited at suitable intervals; and
  - c) all reasonable precautions will be taken to prevent and control the spread of infectious or contagious diseases, including the provision of adequate isolation facilities; and
  - d) appropriate measures will be taken to protect the animals in case of fire or other emergency, including the provision of suitable firefighting equipment; and

- e) a register containing a description of any animal received into the establishment, the date of arrival and departure, and the name and address of the owner will be kept; and
  - f) that the register will be available for inspection at all times by an authorised officer or by a veterinary practitioner authorised by the Council.
- (2) In order to satisfy the provisions contained in paragraph 37(1), an inspection of the premises will be carried out by an authorised officer during the application process. Should the premises be found not to be to the required standards, then the licence may be refused or withheld until compliance is achieved. In such a case, the applicant will be provided with a schedule of works required to bring the premises up to the required standard.
  - (3) Applicants for an Animal Boarding establishment will need to ensure that the premises have the appropriate planning approval. Applications will be processed with the assumption that this has been undertaken.
  - (4) Should the applicant wish to licence part of a premises, for example, five of a possible ten kennels are complete and up to the required standards, this may be possible providing all other provisions are available for the animals that will use the five kennels. A licence may be issued for five kennels only if the authorised officer is satisfied. The remaining kennels can then be completed at a later date, inspected by an authorised officer and then added to an amended licence.
  - (5) Any person aggrieved by the refusal of a local authority to grant such licence may appeal to a magistrates court. The court may give such direction with respect to the issue of a licence, or as the case may be, with respect to the addition of conditions subject to the licence which is to be granted as it thinks fit and proper.

### **38 Notifications on Applications**

- (1) On receipt of an application for a boarding establishment, the Licensing Section shall notify the following of the application:
  - Environmental Health
  - Waste Management
  - Planning
  - Humberside Fire and Rescue
  - Ward Councilors
  - Parish/Town Council

### **39 Application to Renew**

- (1) An application to renew an Animal Boarding Establishment Licence should be made before the expiry date stated on the current licence.

Failure to do so may result in the premises being unable to continue as an Animal Boarding Establishment.

- (2) Authorised Officers shall make every effort to inspect the premises at the time of renewal to ensure compliance before the issue of a further licence.

#### **40 Boarding Establishment Conditions**

- (1) In accordance with the Act conditions will be attached to Animal Boarding Establishments. In addition to the standard conditions, a licence may also contain special conditions that are only applicable to individual premises.
- ~~(2) The conditions attached to the licence are based on the [The Model Licence Conditions and Guidance for Dog & Cat Boarding Establishments](#), issued by The Chartered Institute of Environmental Health. These can be found by visiting [www.cieh.org](http://www.cieh.org). ~~These conditions have been modified to reflect local priorities.~~~~
- (3) Any newly licensed premises will be expected to be compliant with the conditions before a licence will be issued.
- (4) Where a premises is inspected and found to be below the expected standard, the proprietor will be given a “schedule of works”, which will identify the improvements required and the timescale for the works to be completed. The schedule of works will be determined on the findings of the inspection and the likely impact to the welfare of the animals. Priority areas shall include the following, although the list is not exhaustive:
  - Partition walls / Sneeze barriers
  - Outside runs
  - Use of wood
  - Sleeping areas
  - Temperature
  - Sealed flooring
  - Roofing
  - Cleanliness
  - Record keeping
- (5) In addition to the standard conditions, a licence may also contain special conditions that are specific to individual premises.

#### **41 Home Boarding of Dogs**

- (1) Home Boarding of Dogs Establishments are regulated by the Animal Boarding Establishments Act 1963. Each applicant and their premises are assessed individually on their own merit, with the conditions being adapted specifically to suit the premises. Each licence issued is subject to standard conditions. These conditions have been adopted

from model conditions drawn up by the Local Authorities Coordinators of Regulatory Services, (LACORS) and [the Model Licence Conditions and Guidance for Dog Boarding Establishments](#), issued by The Chartered Institute of Environmental Health.

- (2) When determining the conditions for an application for Home Boarding of Dogs, we will pay particular attention to;
  - The layout of the premises. Premises shall have their own entrance and shall not have communal stairs or gardens
  - Dogs must be able to live as family pets, there shall be no external runs or cages
  - A fit and proper person must always be present to exercise supervision and be available to deal with emergencies whenever required
  - No home shall have children under ten years, resident, if they wish to offer home boarding
  - Any pond to which the boarded animal has access to shall be fully covered with a sound structure.

#### **42 Dog Crèche**

- (1) A dog crèche is premises which provides a day care service for dogs while their owners are at work or unable to look after their dogs for short periods during the day.
- (2) Under the Animal Boarding Establishment Act 1963, all premises where boarding facilities for animals are provided as a business must hold the appropriate licence. This includes dog crèches. As with regard to the conditions attached to animal boarding, the business must be located in suitable premises, taking in to account, space, provision of food and water, up to date vaccination checks and efficient records.

#### **43 Boarding of other Animals, such as Rabbits, Budgerigars and Guinea Pigs**

- (1) The boarding of small animals is not considered a licensable activity under the Animal Boarding Establishments Act 1963. The running of this type of business may require compliance with other areas of legislation. Anyone wishing to offer this service would need to ensure they have sound knowledge of each species in their care and that they comply with the duty of care to that animal under the Animal Welfare Act 2006.

## **Breeding of Dogs Establishment**

### **44 Summary**

- (1) Anyone who is in the business of breeding and selling of dogs will require a licence under the Breeding of Dogs Act 1973 and as amended by the Breeding and Sale of Dogs (Welfare) Act 1999.
- (2) The Breeding of Dogs Act 1991 allows local authorities to obtain a warrant to enter any premises, excluding a private dwelling house, in which it is believed that a dog breeding business is being carried out. All outbuildings, garages and sheds are open to inspection.

### **45 Breeding of Dogs – General Requirements**

- (1) The Breeding of Dogs Act 1973 provides that bitches should not be mated if they are less than one year old, that they should not give birth to more than one litter in any 12 month period nor to more than six litters in a lifetime.
- (2) Further to the aforementioned legislation, under the Breeding and Sale of Dogs (Welfare) Act 1999, those breeders breeding five or more litters per year in any 12 month period is presumed to be carrying on a dog breeding business and shall require a Dog Breeder's Licence.
- (3) A breeding establishment is defined as any premises where the breeding of dogs for sale is carried out in the course of a business. An establishment breeding less than five litters in any 12 month period would also require a licence, where the dogs are bred for sale in the course of a business. A decision as to whether a breeder with bitches producing fewer than five litters a year needs to be licensed will depend on whether the breeder concerned is operating a business. A decision will be made taking into consideration the facts of each individual case.
- (4) Qualifying litters include any born to bitches that are:
  - (a) kept by him at any premises during any period of 12 months;
  - (b) kept by any relative of his at the premises at any such time;
  - (c) kept by him elsewhere at any such time; and
  - (d) kept (anywhere) by any person at any such time under a "breeding arrangement" with him."Premises" includes a private dwelling.
- (5) A licence will not be required if a breeder is able to prove that none of the puppies born to bitches at their premises or under a "breeding arrangement" was in fact sold during the 12 month period.
- (6) Accurate breeding records must be maintained by the establishment to ensure tight controls on the sale of dogs to dealers and for identification for traded dogs and their keepers.

## 46 Application Process

- 1) The applicant shall submit to the Council's Licensing Section a completed application together with the appropriate fee. This shall be supported by:
  - a) a detailed plan of the premises, this need not be to scale but does need to show an accurate layout of the kennels their relation to the main house, the provision of an isolation area, any kitchen area or other area used in the business; and
  - b) an inspection report from the Veterinary Surgeon who inspected the animals and premises; and ??
  - c) the premises are compliant with the conditions attached to the licence.
- 2) In order to satisfy the provisions of the Act, an inspection of the premises will be carried out by an authorised officer during the application process. Should the premises be found not to be to the required standards, then the licence may be refused or withheld until compliance is achieved. In such a case, the applicant will be provided with a schedule of works required to bring the premises up to the required standard.
- 3) The application must be determined for grant of licence before the end of the **tacit period (see appendix A)** .
- 4) Applicants for an breeding of dog establishment will need to ensure that the premises have the appropriate planning approval. Applications will be processed with the assumption that this has been undertaken.
- i. Any person aggrieved by the refusal of a local authority to grant such licence may appeal to a magistrate's court. The court may give such direction with respect to the issue of a licence, or as the case may be, with respect to the addition of conditions subject to the licence which is to be granted as it thinks fit and proper.

## 47 Notifications on Applications

- (1) On receipt of an application for a dog breeding establishment, the Licensing Section shall notify the following of the application:
  - Environmental Health
  - Waste Management
  - Planning

## 48 Application to Renew

- (1) An application to renew a Dog Breeding Establishment Licence should be made before the expiry date stated on the current licence. Failure to do so may result in the premises being unable to continue as a Dog Breeding Establishment.
- (2) Authorised Officers shall make every effort to inspect the premises at the time of renewal to ensure compliance before the issue of a further licence.
- (3) A report from a veterinary inspection may not be required at renewal, unless there are concerns about the health and welfare of the animals. Should the matter not be addressed by the licence holder a veterinary inspection shall be requested and the cost of the inspection covered by the licence holder. An inspection may be requested at any time during the period of the licence should the inspecting officer have concerns regarding the health and welfare of the animals.

## 49 Dog Breeding Establishment Conditions

- (1) In accordance with the Act conditions will be attached to Dog Breeding Establishments. In addition to the standard conditions, a licence may also contain special conditions that are only applicable to individual premises.
- (2) The conditions attached to the licence are based on the **Model Licence Conditions and Guidance for Dog Breeding Establishments, issued by The Chartered Institute of Environmental Health. These can be found by visiting [www.cieh.org](http://www.cieh.org)**
- (3) Any newly licensed premises will be expected to be compliant with the conditions before a licence will be issued.

## **Dangerous Wild Animals (DWA)**

### 50 Summary

- (1) The Dangerous Wild Animals Act 1976 was introduced following the interest during the 70's for keeping exotic animals. The Act seeks to protect the public at large by regulating the keeping of such animals.
- (2) The Act does not give a definition for a dangerous wild animal, but it does list in a Schedule those animals that are subject to the provisions of the Act. The list currently includes animals such as lions, tigers, gorillas, chimpanzees, crocodiles, including certain species of monkeys, spider and lizards. The list of included animals can be found at:

- (3) This Schedule may be varied by regulations made by the Secretary of State at any time.

## **51 DWA – General Requirements**

- (1) The primary provision of the Act is to prohibit the keeping of named animals unless in accordance with a Dangerous Wild Animals Licence, granted by the local Authority.
- (2) A person is considered to be a “keeper” of such an animal:
  - if he has it in his possession; or
  - if he owns it; or
  - if he is the head of the household whereby a person under 16 years old owns the animal or possesses it.
- (3) For times when such animal cannot be said to be in the possession of anyone it would be treated as being in the possession of the person who was last known to have it in their possession. A person cannot be treated as the keeper of an animal if it is in his possession, for the purpose of:
  - Preventing it from causing damage
  - Restoring the animal to its owner
  - Undergoing veterinary treatment
  - Being transported on behalf of another person

## **52 Application Process**

- (1) Anyone wishing to keep an animal listed in the Schedule to the Act, must obtain a licence from the Council. A licence will only be granted once the Council is satisfied that it would not be contrary to public interest on the grounds of nuisance or safety, that the applicant is considered to be a suitable person and that the animals accommodation is adequate and secure.
- (2) It is important to note that the Act is a regulatory piece of legislation rather than prohibitive, it does not deny the right for people to keep said animals so long as the appropriate license has been obtained.

## **53 Notifications on Applications**

- (1) On receipt of an application for a boarding establishment, the Licensing Section shall notify the following of the application:
  - Environmental Health
  - Waste Management
  - Planning

- Humberside Fire and Rescue
- Ward Councilors
- Parish/Town Council

#### **54 Application to Renew**

- (1) An application to renew a DWA Licence should be made before the expiry date stated on the current licence. Failure to do so may result in the premises being unable to retain the DWA.
- (2) Authorised Officers shall make every effort to inspect the premises at the time of renewal to ensure compliance before the issue of a further licence.
- (3) A DWA Licence can be issued for a maximum of two years. The licence will come in to force immediately upon it being granted with the exception of a renewal licence applied for before the expiry of the licence they are to replace, in which case the renewal licence shall come in to force from the date of expiry of the licence it is to replace.
- (4) Licence holders must apply for renewal of their licence a minimum of two before expiry.

#### **55 DWA Conditions**

- (1) A DWA licence will be granted subject to a number of conditions. The attached conditions shall include:
  - only the person named on the Licence shall be entitled to keep the animal; and
  - the licensee must hold a current Insurance Policy approved by the Council, which insures against liability for damage caused by the animal; and
  - the animal shall only be kept on the premises named on the Licence; and
  - the animal shall not be moved or may only be moved in accordance with conditions specified in the Licence; and
  - only the species and number of animals listed on the Licence may be kept; and
  - the licensee shall make a copy of the Licence and its contents available to any other person listed on the Licence as being able to look after the animal.
- (2) Before a licence can be issued the premises where any animal is to be kept must be inspected by a veterinary surgeon or veterinary practitioner. The vet shall be appointed by the Licensing Authority. Following the inspection the Licensing Authority will consider the findings contained in the vet's report, which will describe the condition of the premises and the condition of any animal found. The report should also state their opinion on the suitability of the premises to house the DWA.

- (3) Additional conditions may be attached to a licence if it is deemed necessary and proportionate to protect the welfare of the animal(s) and protect the safety of other people.

## **56 Hybrids**

- (1) There are several animals which are not considered to be a true species. Examples of such hybrids are the Bengal Cat, which is a domestic cat crossed with the Asian leopard cat, and the wolf-dog hybrids. These hybrids are several generations removed from their wild ancestors. Such animals may require a licence under the Act, dependant on distance the generation is from the original DWA.
- (2) The Council is responsible for both licensing and enforcement under the Act. Should it be found that the specified animal is several generations removed from the original wild ancestor specified on the Schedule to the Act, then an exception can be made in respect of such hybrids and a licence shall not be required.

## **57 Exceptions from holding a DWA Licence**

- (1) There are certain exceptions under the legislation whereby a DWA Licence is not needed. Such exceptions include zoos, circus, premises registered under the Animals (Scientific Procedures) Act 1986, and premises licensed as a pet shop.

## **Pet Shops**

### **58 Summary**

- (1) The Pet Animals Act 1951 (as amended in 1983) protects the welfare of animals sold as pets. Any person operating a pet shop must be licensed with the Council. The sale of fish, reptiles, amphibians, and mammals all fall within the scope of the legislation.
- (2) The keeping of a pet shop is defined as 'the carrying on at any premises (including a private dwelling) a business of selling animals as pets. This also extends to the keeping of animals in such premises with the view to their being sold in the course of such a business, either by their keeper or other person.
- (3) A person is not treated as keeping a pet shop if they sell or keep pedigree animals either bred by him or the offspring of an animal kept by him as a pet.

### **59 Pet Shops – General Requirements**

- (1) Before granting a licence the Council must be satisfied that the animals are kept in accommodation that is both suitable and clean, that the

animal is supplied with appropriate food and drink and is adequately protected from disease and fire.

- (2) Where mammals are sold the authority need to ensure that they will not be sold at too early an age.
- (3) The Council may wish to appoint a veterinary surgeon or suitably qualified expert to inspect the premises in conjunction with an authorised officer. The cost of which shall be the responsibility of the applicant/licence holder.
- (4) Leaflets of each type of animal stocked must be available. Sound advice must be readily available to a prospective purchaser of any species stocked
- (5) Where a person contravenes a condition of the licence the licence may be cancelled by the authority and the holder may be disqualified by a Court from keeping a pet shop for such period as the Court thinks fit and/or they may be fined and/or imprisoned.

## **60 Application Process**

- (1) On receipt of an application for a licence, the applicant will be required to demonstrate that;
  - a) the animals will at all times be kept in suitable accommodation, in respect of construction, size of quarters, number of occupants, exercising facilities, temperatures, lighting, ventilation and cleanliness; and
  - b) animals will be adequately supplied with suitable food, drink and bedding materials, adequately exercised, and (so far as is necessary) visited at suitable intervals; and
  - d) all reasonable precautions will be taken to prevent and control the spread of infectious or contagious diseases, including the provision of adequate isolation facilities; and
  - d) appropriate measures will be taken to protect the animals in case of fire or other emergency, including the provision of suitable firefighting equipment; and
  - e) a register containing a description of any animal received into the establishment, the date of arrival and departure, and the name and address of the owner will be kept; and
  - f) the register will be available for inspection at all times by an authorised officer or by a veterinary practitioner authorised by the Council.
- (2) In order to satisfy the provisions contained in **paragraph 60(1)**, an inspection of the premises will be carried out by an authorised officer during the application process. Should the premises be found not to be

to the required standards, then the licence may be refused or withheld until compliance is achieved. In such a case, the applicant will be provided with a schedule of works required to bring the premises up to the required standard, however the application must be determined within three months from receipt of the application.

- (3) Applicants for a pet shop will need to ensure that the premises have the appropriate planning approval. Applications will be processed with the assumption that this has been undertaken.
- (4) Any person aggrieved by the refusal of a local authority to grant such licence may appeal to a magistrate's court. The court may give such direction with respect to the issue of a licence, or as the case may be, with respect to the addition of conditions subject to the licence which is to be granted as it thinks fit and proper.

## **61 Notifications on Applications**

- (1) On receipt of an application for a boarding establishment, the Licensing Section shall notify the following of the application:
  - Environmental Health
  - Waste Management
  - Planning
  - Humberside Fire and Rescue
  - Ward Councilors
  - Parish/Town Council

## **62 Application to Renew**

- (1) An application to renew a Pet Shop Licence should be made before the expiry date stated on the current licence. Failure to do so may result in the premises being unable to continue as a Pet Shop.
- (2) Authorised Officers shall make every effort to inspect the premises at the time of renewal to ensure compliance before the issue of a further licence.

## **63 Pet Shop Conditions**

- (1) In accordance with the Act conditions will be attached to Pet Shops. In addition to the standard conditions, a licence may also contain special conditions that are only applicable to individual premises.
- (2) Any newly licensed premises will be expected to be compliant with the conditions before a licence will be issued.
- (3) The conditions attached to the licence are based on the Model Licence Conditions and Guidance for Pet Vending Licensing, issued by The Chartered Institute of Environmental Health. These can be found by visiting [www.cieh.org](http://www.cieh.org)

## Riding Establishments

### 64 Summary

- (1) Riding establishments are licensed in accordance with the Riding Establishments Act 1964. A licence is required if a business carries on the keeping of horses for any of the following purposes:
  - The horse being let out on hire for riding
  - The purpose of the horse being used in providing, instruction in riding in return for payment
  - Payment is received to ride a horse with or without instruction in riding

### 65 Application Process

- (1) On receipt of an application for a licence, the legislation requires that an independent veterinary inspection of the horses is carried. This inspection must be carried out prior to the issuing of a licence. The veterinary surgeon must be a listed as a Riding Establishment Inspector registered with the Royal College of Veterinary Surgeons (RCVS) and the British Veterinary Association (BVS).
- (2) In addition to the inspection by the veterinary surgeon or Veterinary Practitioner, environmental health will be contacted to ensure that appropriate safety standards are in place.

### 66 Conditions

- (1) The authority may impose conditions on the licence which are deemed to be appropriate.
- (2) ~~The conditions attached to the licence are based on the 'Guidelines for Local Authorities and their Riding Establishment Inspectors' guidance issued by the Royal College of Veterinary Surgeons and British Veterinary Association.~~

### 67 Livery Stables/Working Livery

- (1) At present, Livery Yards in the UK are not regulated, unlike many other establishments that look after animals, such as catteries and kennels. ~~DEFRA has said that it may draft secondary legislation around the 2006 Animal Welfare Act to regulate livery yards in the future.~~

- (2) Some Livery Stables may require a licence to operate a riding establishment if they:
- Make any charge for the giving of tuition in riding, on horses which do not belong to them;
  - Make any charge for the use of a horse for the purpose of riding if that horse does not belong to them;
  - The owner of the yard lets out a horse he is not the owner of, which belongs to another person for reward or payment as part of the cost of maintaining the horse at the yard; or
  - The owner of the yard, not being the owner of the horse, offers training in riding on a horse which belongs to another person.

## **Zoo Licensing**

### **68 Summary**

- (1) In accordance with the **Zoo Licensing Act 1981**, any establishment where wild animals are kept for exhibition to the public (other than for the purposes of a circus or a pet shop) requires a licence. The Act applies to any zoo to which members of the public have access, with or without charge for admission, on more than seven days in any period of 12 consecutive months.
- (2) The initial licence will be issued for four years and following an application to renew, then licence will be issued for a period of six years.

### **69 Application Process**

- (1) Before an application can be made, the applicant must provide in writing their intention to make an application. This written notification must be made at least two months before they intend to make an application. This notice is called a Form C notice and it must be submitted to the council.
- (2) The applicant must publish a notice in a locally circulating newspaper and a national newspaper of their intention to apply for the licence. A copy of this notice must also be placed at the site for easy viewing and with the local authority for public comment. This notice is called a Form B notice.
- (3) Following the two month period, an application form can be submitted along with the current licence fee. This called a Form C notice.
- (3) Before granting or refusing to grant a licence for a zoo, the council shall:

- (a) consider inspectors' reports made in pursuance of inspections of the zoo under this Act, or
- (b) if no inspection of the zoo has been made under this Act, consult such persons on the list as the Secretary of State nominates for the purposes of this section.
- (4) The council will refuse to grant a licence for a zoo if they are satisfied that the establishment or continuance of the zoo would injuriously affect the health or safety of persons living in the neighborhood of the zoo, or seriously affect the preservation of law and order.
- (5) The council may refuse to grant a licence for a zoo where we are not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and wellbeing of the animals or any of them or otherwise for the proper conduct of the zoo.

## **70 Consultation and Inspections**

- (1) On receipt of an application for a licence the Council will consult the following bodies:
- Humberside Police
  - Humberside Fire and Rescue
  - A national institution concerned with the operation of a zoo
  - A neighboring authority (if part of the zoo falls within their area)
  - The local planning authority
  - Representations relating to Health and Safety
  - Members of the public
- (2) The zoo will be inspected by an inspector appointed by the Secretary of State. The inspector will produce a report of his findings, which will be considered before granting or refusing a licence. The applicant will receive a written statement of the grounds for refusal.
- (3) Following the grant of the licence, periodic inspections will occur. The minimum level of inspection will be at the renewal of the licence, during the first year of the original licence and during the third year of the six-year period. The council can request a special inspection by an appointed competent person where concerns have arisen. In any calendar year where no other inspection has taken place, an informal inspection is carried out by an authorised officer of the council.

## **71 Planning Requirements**

- (1) The applicant will need to consider whether planning permission is required for the proposed zoo. Applicants are advised to contact the planning department. The council may refuse or defer a decision on an application for a licence until the planning issue has been decided.

## **72 Changes to Licences**

- (1) Changes to the licence can be undertaken at the request of the licence holder, however a charge may be required. A licence can be transferred to another person with the approval of the local authority. On the death of the holder of a licence, the personal representatives of the deceased are deemed to be the holders during a three month period following the death, or longer with our approval.

## **73 Exemptions**

- (1) For small zoos or for a zoo exhibiting only a small number of different kinds of animals the Secretary of State has powers to relax the requirements of the Act. The council can seek a direction that the Act shall not apply at all (Section 14(1) (a)) or that certain category of inspection is not required (Section 14(1) (b)). Alternatively, the zoo operator, on applying to the Secretary of State for a zoo licence, may be granted a dispensation (Section 14(2)) to reduce the number of inspectors to a reasonable level for a small establishment. This does not reduce the zoo's obligation to achieve the levels of animal welfare and public safety set out in the Secretary of State's Standards.

## **74 Conditions**

- (1) The Zoo Licensing Act 1981 specifies conservation measures that must be undertaken by the zoo. The licence will contain appropriate conditions with regard to these measures and the Secretary of State issues model conditions for zoo licences. The local authority also has discretion to attach any condition(s) deemed necessary or desirable for the proper conduct of the zoo. The Secretary of State issues guidance of standards of practice that zoos should meet which apply in England. Copies of the Secretary of State's Standards of Modern Zoo Practice are available from DEFRA or download at:

[Standards of Modern Zoo Practice](#)

## **Part 3 – Enforcement**

### **Introduction**

This section of the Animal Welfare Charter deals with the council's commitment to deal with animal welfare issues and the enforcement action available.

It also highlights the Council's commitment to work in partnership with all enforcement agencies, to provide consistent enforcement on animal welfare and licensing issues.

## **Enforcement**

### **75 General**

- (1) The Authorised Officers will work closely with other regulatory bodies both nationally and locally when dealing with animal welfare issues.
- (2) Inspections of licensed premises, livestock gatherings, auctions and other such activities will be carried out in accordance with the relevant statutory provisions, many of which contain powers of entry and inspection criteria. Inspections shall be carried out subject to the risk posed to the animal welfare, local environment and public safety.
- (3) The movement of livestock will be monitored by random checks carried out at markets, on farms and on vehicles conveying animals.

### **76 Complaints**

- (1) The Council will investigate all complaints. An appointed officer shall carry out an investigation during which the licence holder may be made aware of the complaint in an attempt to resolve the issue.
- (2) The allegation may result in a joint inspection of the premises involving other regulators at both a national and local level..
- (3) We will respond to all emergency complaints immediately and other complaints within 3 working days.
- (4) Complaints will be risked assessed in order to determine their priority and appropriate course of action.

### **77 Prosecutions**

- (1) Offences may result in either prosecution or the serving of a notice. In the case of licensable activities the options available may include the licence being reviewed by the Licensing (Miscellaneous) Sub-Committee.

### **78 Enforcement Protocols**

- (1) We will work very closely with other enforcement agencies. We will apply a consistent enforcement approach when dealing with animal health and welfare issues and will develop enforcement protocols during the period of this policy. The protocols will be referred to the Licensing Committee and appropriate Cabinet Member for approval.
- (2) The Council has adopted the Concordat relating to enforcement. In dealing with enforcement issues the Council will act in a fair consistent manner and will treat all cases and people with consideration and empathy.

## Part 4 - Glossary of Terms

“we”	- means North Lincolnshire Council
‘common informer’s Act’.	- This means that anyone is allowed to bring a prosecution for an offence.
“Consent of the Council”	- means written consent or approval by the Council
“Council”	- means North Lincolnshire Council
“Duty of Care”	- A legal phrase which means that someone has an obligation to do something.
“inspector”	- . ‘Inspectors’ are people appointed by local authorities or, in England, by the Secretary of State (in England) or the National Assembly for Wales (in Wales) with responsibility for animal welfare. In practice this can mean a local authority employee with responsibility for animal welfare, or an Animal Health (formerly State Veterinary Service) Officer.
“Licensing Sub - Committee”	- means a group of 3 members of North Lincolnshire Council who will deal
“Magistrates' Court”	- means Scunthorpe Magistrates' Court
“Statutory Provisions”	- means laws passed by Parliament
“the Act”	- means the
“Local Authority”	- Means the council
“Protected Animal”	- Means any animal that is (a) commonly domesticated in the British Isles; (b) under the control of man whether on a permanent or temporary basis; or (c) it is not living in a wild state.
“Veterinary Practitioner”	- Means a person who is for the time being registered in the Supplementary Veterinary Register
“Veterinary Surgeons”	- Means a person who is for the time being registered in the Register of Veterinary Surgeons
“Circus”	- Includes any place where animals are kept or introduced