



<b>Report To:</b>	Regulatory & Appeals Committee
<b>Date:</b>	17 <sup>th</sup> December 2024
<b>Subject:</b>	Animal Licensing Policy
<b>Purpose:</b>	To consider the adoption of an Animal Licensing Policy for the Borough of Boston
<b>Key Decision:</b>	N/A
<b>Portfolio Holder:</b>	Councillor Dale Broughton, Deputy Leader of the Council
<b>Report Of:</b>	Anna McDowell, Senior Licensing Officer
<b>Report Author:</b>	Anna McDowell, Senior Licensing Officer
<b>Ward(s) Affected:</b>	N/A
<b>Exempt Report:</b>	No

### **Summary**

This report provides information about the proposed implementation of an Animal Welfare Licensing Policy. The policy has been drafted with due regard to all relevant legislation that governs the licensing of premises where relevant activities are carried out.

### **Recommendations**

It is recommended that the Committee consider the adoption of an animal licensing policy for the Borough and approve the proposed policy for consultation with the licensed trade, general public and any relevant stakeholders.

### **Reasons for Recommendations**

To ensure that the Council provides a clear and concise framework of principles that will be applied when accepting applications, inspecting premises, making decisions on applications, and exercising its statutory duty in the monitoring of licensed premises.

## **Other Options Considered**

That the Committee make any alterations that they deem necessary to the proposed policy prior to external consultation commencing.

### **1. Background**

- 1.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on 01 October 2018. The Regulations require a licence to be obtained by any person operating a business of:
  - a) Selling animals as pets
  - b) Providing or arranging for the provision of boarding for cats and dogs (including home boarding for dogs and day care for dogs;
  - c) Hiring out horses;
  - d) Breeding dogs;
  - e) Keeping or training animals for exhibition.
- 1.2 The Council is also the responsible authority for the issue and enforcement of licences under the Dangerous Wild Animals Act 1976, and the Zoo Licensing Act 1981.
- 1.3 The Authority does not currently have a licensing policy in relation to any such applications and licences. Whilst there is no legal requirement for the Authority to adopt an animal welfare licensing policy, it is important that there is a clear narrative in place setting out how the Council will carry out its' statutory responsibilities. This report sets out the proposed policy and underlying principles.

### **2. Report**

- 2.1 The purpose of having a licensing policy is to give clear guidance and advice to applicants and licence holders on factors which will be taken into account by the Council when determining applications and licences for relevant activities. Adoption of such a policy encourages transparency and consistency.
- 2.2 It is requested that the Committee note the content of the draft animal licensing policy document and instruct officers to commence a six-week consultation period on the proposals. A six-week consultation is considered suitable as the councils' approach is strongly determined by statute.
- 2.3 Consultation will be carried out by publishing the draft policy on the Council's website and by direct notification to current licence holders and other interested parties.
- 2.4 It is proposed that consultation comments are presented for consideration at the next meeting of the Regulatory & Appeals Committee 11 March 2025.

### **3. Conclusion**

- 3.1. The proposed policy sets out a clear and concise framework to aid the Council in carrying out its statutory duties as the Licensing Authority in determining applications and regulating licences. It includes clear information for applicants and licensees on how to obtain and comply with licences as well as a range of clarifications on the finer detail of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 3.2. The committee are asked to consider the policy and, subject to any amendments, approve the policy content for consultation with stakeholders.

### **Implications**

#### **South and East Lincolnshire Councils Partnership**

By working together as a partnership, the three sovereign councils benefit from the learning and experience of each other and also the trade benefits from a consistency and uniformity of approach from the Licensing service across the sub-region.

Whilst the policies that Members are seeking to approve are Boston policies, Members can be assured that collaboration with other Council's in the Partnership has taken place to ensure, as far as possible, that there is consistency in the policy proposals.

#### **Corporate Priorities**

None

#### **Staffing**

None

#### **Workforce Capacity Implications**

This process is being undertaken as part of the normal duties carried out by the Licensing Team.

#### **Constitutional and Legal Implications**

There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters.

#### **Data Protection**

None

#### **Financial**

None

## **Risk Management**

There is a risk that the Council's reputation could be damaged if Licensing Policies are not up to date and consistent with national guidance and standards.

## **Stakeholder / Consultation / Timescales**

Consultation is proposed for a six-week period following approval by this Committee.

## **Reputation**

An approved policy will help to reduce the risk of reputational damage arising from inconsistent decisions or a lack of transparency.

## **Contracts**

None

## **Crime and Disorder**

None

## **Equality and Diversity / Human Rights / Safeguarding**

Equality Implications: The Council's policies and procedures must be up to date and into line with the latest equality and diversity standards.

Human Rights: The licensing authority must ensure that its decisions and policies can withstand scrutiny by reference to the principle of proportionality, i.e. is the decision/action/policy proportionate to what it wishes to achieve, or, colloquially do the ends justify the means.

Safeguarding Implications: None.

## **Health and Wellbeing**

None

## **Climate Change and Environmental Implications**

None

## **Acronyms**

DEFRA                      Department for Environment, Fisheries and Rural Affairs

## **Appendices**

Appendices are listed below and attached to the back of the report:

Appendix 1                      Proposed animal licensing policy

## **Background Papers**

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

## **Chronological History of this Report**

A report on this item has not been previously considered by a Council body.

## **Report Approval**

Report author: Anna McDowell, Senior Licensing Officer  
[anna.mcdowell@boston.gov.uk](mailto:anna.mcdowell@boston.gov.uk)

Signed off by: Christian Allen – Assistant Director Regulatory  
[christian.allen@boston.gov.uk](mailto:christian.allen@boston.gov.uk)

Approved for publication: Councillor Dale Broughton Deputy Leader of the Council  
[christian.allen@boston.gov.uk](mailto:christian.allen@boston.gov.uk)