



Cabinet

9 July 2024

ENV885

Report of Councillor Phillip Knowles,
Cabinet Member for Corporate
Governance and Licensing

Animal Welfare Policy

Report Author

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Purpose of Report

To provide Cabinet with the opportunity to approve the new Animal Licensing Policy.

Recommendations

That Cabinet:

1. Approves the updated final draft of the South Kesteven District Council Animal Welfare Policy.
2. Delegates to the Deputy Chief Executive, in consultation with the Cabinet Member for Corporate Governance and Licensing, to make minor amendments to the Policy, such as legislative updates, which may become necessary from time to time to ensure its continued accuracy, but do not affect its direction or intent.

Decision Information	
Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Enabling economic opportunities Effective council
Which wards are impacted?	All Wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance

1.1 There are no direct financial implications associated with the recommendations in this report. The costs associated with delivering the Licensing service are recovered through licensing fees which are reviewed annually by the Council.

Completed by: Richard Wyles, Deputy Chief Executive and s151 Officer

Legal and Governance

1.2 Whilst each individual licensing application or enforcement decision will be judged on its own merits, a Policy ensures a transparent and consistent approach to licensing that will reduce the opportunity for challenge through the Courts. Any departure from the Policy should be based on material evidence and documented giving clear and compelling reasons.

Completed by: Graham Watts, Monitoring Officer

Diversity and Inclusion

1.3 An initial equality impact assessment has been undertaken and is at Appendix 2. This has been reviewed (January 2024) following the consultation and it has not identified any significant negative impacts.

Completed by: Heather Green, Licensing Manager

Community Safety

1.4 The draft Policy outlines conditions and standards for all businesses and relevant individuals seeking a licence under the Animal Welfare legislation outlined in the Policy. Along with the Authority's wider legislative requirements and integration with other guidance, strategies and policies

Completed by: Ayeisha Kirkham Head of Service - Public Protection

2. Background to the Report

2.1 This Policy covers the licensing of activities involving animals and the relevant establishments covered within the legislation referenced within the Policy. It sets out the principles the Council will use when dealing with animal related licensing matters. Currently, the Council issues animal welfare licences, for example for the breeding of dogs, in accordance with the Regulations. However South Kesteven District Council currently does not have a policy providing a framework to support this.

2.2 There is no statutory requirement for a Local Authority to adopt an Animal Welfare Policy. However, the adoption of an Animal Welfare Policy ("the new Policy") will provide clarity to applicants, partner agencies and the public.

2.3 The purpose of animal licensing is to protect animals and ensure their health and wellbeing, as well as providing protection for the public and those using the licensed facility, within the terms of the relevant Acts and legislative Guidance. A Policy provides a framework for Officers and Members to enable consistent decision making and transparency.

2.4 Representations have been received from a public speaker at the Environment Overview and Scrutiny Committee meetings on 13 February 2024. Following this, legal advice was sought from Legal Services Lincolnshire.

2.5 Further representations were received when the updated draft Policy was published prior to the 4 June 2024 Environment Overview and Scrutiny Committee. Any typographical and grammatical errors have been updated, however the Policy is not meant as a recital of the legislation / regulations and no amendments have been made in respect of that feedback.

3. Key Considerations

3.1 To address the concerns outlined during the 13 February 2024 committee meeting, legal advice was received from Legal Services Lincolnshire.

3.2 The draft Policy has been updated to reflect that legal advice.

3.3 The updated final draft Policy is provided at Appendix 1.

4. Other Options Considered

4.1 An Animal Welfare Policy is not necessary and therefore Cabinet can decide that a Policy is not required. The Authority can continue to provide the animal welfare licensing provision in the current manner.

5. Reasons for the Recommendations

5.1 A new Animal Welfare Policy supports the Authority in fulfilling its statutory duties associated with Animal Welfare Licensing, providing guidance to the public and for both Officers and Members when decision making.

6. Consultation

6.1 The new Policy was considered by Environment Overview and Scrutiny Committee on 3 October 2023 who endorsed it for consultation. The Licensing Committee reviewed the draft new policy on 17 November 2023, no amendments were recommended. The Environment Overview and Scrutiny Committee considered the consultation report at its meeting on 13 February 2024.

7. Background Papers

7.1 [Environment Overview and Scrutiny Committee Report and minutes - Tuesday, 3rd October, 2023, 10.00 am | South Kesteven District Council](#)

7.2 [Environment Overview and Scrutiny Committee Report and minutes - Tuesday, 13th February, 2024, 10.00 am | South Kesteven District Council](#)

7.3 [Current Animal welfare licensing information on website \(<https://www.southkesteven.gov.uk/business-trade-and-licensing/licensing/animal-welfare-licensing>\)](#)

7.4 [Environment Overview and Scrutiny Committee on Tuesday, 4th June, 2024, 2.00 pm | South Kesteven District Council](#)

8. Appendices

8.1 Appendix 1 – Animal Welfare Policy

8.2 Appendix 2 – Equality Impact Assessment