

# Public Document Pack



**North East  
Derbyshire  
District Council**

Our Ref:  
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Date: Wednesday, 6 May 2026

To: **Members of the General Licensing Committee**

Please attend a meeting of the General Licensing Committee to be held on **Thursday, 14 May 2026 at 1.30 pm in Meeting Rooms 1 & 2.**

Yours sincerely



Assistant Director of Governance and Monitoring Officer

### **Members of the Committee**

Conservative Group	Labour Group	NED Independent Group	Reform UK Group
Councillor Pam Jones Councillor Martin E Thacker MBE JP Councillor Richard Welton	Councillor Carol Lacey Councillor Clive Fletcher Councillor Pat Kerry Councillor Tony Lacey Councillor Fran Petersen Councillor Mick Smith	Councillor Michael Roe	Councillor Heather Liggett

**For further information about this meeting please contact: Thomas Scott - Governance and Scrutiny Officer 01246 217045**

# AGENDA

1 **Apologies for Absence**

2 **Declarations of Interest**

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

3 **Minutes of Last Meeting** (Pages 3 - 4)

To approve as a correct record and the Chair to sign the Minutes of the meeting of the General Licensing Committee held on 4 March 2025.

4 **Report of the Environmental Health Manager - Animal Welfare Licensing Policy Review** (Pages 5 - 63)

5 **Matters of Urgency**

To consider any other matter which the Chair of the Committee is of the opinion should be considered as a matter of urgency.

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## GENERAL LICENSING COMMITTEE

### MINUTES OF MEETING HELD ON TUESDAY, 4 MARCH 2025

#### **Present:**

Councillor Carol Lacey (Chair) (in the Chair)  
Councillor Clive Fletcher (Vice-Chair)

Councillor Pat Kerry  
Councillor Heather Liggett  
Councillor Mick Smith

Councillor Tony Lacey  
Councillor Fran Petersen  
Councillor Richard Welton

#### **Also Present:**

C Terry  
L Spinks  
T Scott

Environmental Health Team Manager (Licensing)  
Senior Legal Officer  
Governance and Scrutiny Officer

#### **GLC/ Apologies for Absence**

6/24-

25 Apologies were received from Councillors Michael Roe and Martin E Thacker MBE JP.

#### **GLC/ Declarations of Interest**

7/24-

25 None.

#### **GLC/ Minutes of Last Meeting**

8/24-

25 RESOLVED - That the Minutes of the meeting held on 7 November 2024 were approved as a correct record and signed by the Chair.

#### **GLC/ Revision of Taxi Licensing Fees**

9/24-

25 The Environmental Health Team Manager (Licensing) presented a report to consider the consultation responses to the review of the licence fees for Hackney Carriage and Private Hire Vehicles, Drivers, and Operators, and then approve the proposed fees in Appendix 1 with the responses in mind.

The Environmental Health Team Manager (Licensing) explained to the Committee that the fee increases had been proposed because of changes in case law and to prevent the Licensing Service from operating at a loss.

Members referred to the Licensing Service potentially “operating at a loss” and requested a breakdown of the figures involved. The Environmental Health Team Manager (Licensing) agreed to provide this to Members.

Members discussed the consultation responses. The Environmental Health Team Manager (Licensing) explained that the primary objection by drivers had been cost.

Members requested a figure at future meetings of the Committee for the number of drivers since the fees changed (if the changes were approved) to show the impact the increase was having on the number of drivers. The Environmental Health Team Manager (Licensing) agreed to provide this to Members.

Members discussed if all drivers would be made aware of the reasons for the change. The Environmental Health Team Manager (Licensing) explained that the Licensing Service section of the Council website had been revised, so information could be included there.

**RESOLVED –**

- (1) The Committee considered the responses to the consultation and the officer comments and explanations.
- (2) The Committee approved the fees as advertised.

**GLC/** **Matters of Urgency**  
**10/2**  
**4-25** None.

## North East Derbyshire District Council

### General Licensing Committee

14 May 2026

#### Review of the Council's Animal Welfare Licensing Policy

#### Report of the Assistant Director of Communities & Environmental Health

Classification: This report is Public

Report By: Charmaine Terry (Email: [charmaine.terry@ne-derbyshire.gov.uk](mailto:charmaine.terry@ne-derbyshire.gov.uk) Phone: 01246 217228)

Contact Officer: Charmaine Terry (Email: [charmaine.terry@ne-derbyshire.gov.uk](mailto:charmaine.terry@ne-derbyshire.gov.uk) Phone: 01246 217228)

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#### PURPOSE / SUMMARY

To consider the draft Animal Welfare Licensing Policy.

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#### RECOMMENDATIONS

1. The Committee approves the revised draft Animal Welfare Licensing Policy for public consultation.
2. The Committee requires the Assistant Director of Communities & Environmental Health to present the draft Animal Welfare Licensing Policy to the Environment Scrutiny Committee for consideration.
3. The Committee requires the Assistant Director of Communities & Environmental Health to conduct a 12-week public and stakeholder consultation in line with best practice guidance and report the findings back to the Committee for consideration at a later date.

Approved by the Portfolio Holder – Cllr Pickering  
(Delete completely for Scrutiny Reports)

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#### IMPLICATIONS

**Finance and Risk:** Yes  No

**Details:**

There will be a minor cost associated with conducting the consultation. This can be accommodated from existing budgets.

On Behalf of the Section 151 Officer

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**Legal (including Data Protection):**                      **Yes**                       **No**

**Details:**

There is no legal requirement to prepare and publish a Policy every three years; however, it is considered best practice. Having a policy which is up to date, compliant with the legislation, fit for purpose and clear to operators could assist in implementing rules while preventing a legal challenge by way of appeal or judicial review.

On Behalf of the Solicitor to the Council

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**Staffing:**    **Yes**                       **No**

**Details:**

It is not anticipated that the introduction of the new regulations or the revised Policy will have any significant staffing implications. However, this will be kept under review.

On behalf of the Head of Paid Service

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## DECISION INFORMATION

<b>Decision Information</b>	
<p><b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><b>NEDDC:</b>  <b>Revenue - £125,000</b> <input type="checkbox"/> <b>Capital - £310,000</b> <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	No
<b>District Wards Significantly Affected</b>	All
<b>Equality Impact Assessment (EIA) details:</b>	
<p><b>Stage 1 screening undertaken</b></p> <ul style="list-style-type: none"> <li>Completed EIA stage 1 to be appended if not required to do a stage 2</li> </ul>	No, not applicable
<p><b>Stage 2 full assessment undertaken</b></p> <ul style="list-style-type: none"> <li>Completed EIA stage 2 needs to be appended to the report</li> </ul>	Draft EIA stage 2 appended to report
<p><b>Consultation:</b>  <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/>  <b>SMT</b> <input checked="" type="checkbox"/> <b>Relevant Service Manager</b> <input checked="" type="checkbox"/>  <b>Members</b> <input checked="" type="checkbox"/> <b>Public</b> <input checked="" type="checkbox"/> <b>Other</b> <input checked="" type="checkbox"/></p>	<p>Yes</p> <p>Details:  Chair of General Licensing Committee</p> <p>Portfolio Holder for Environment</p>

### Links to Council Plan priorities, including Climate Change, Economic and Health implications.

All

## REPORT DETAILS

### 1 **Background** *(reasons for bringing the report)*

1.1 The Animal Welfare Act 2006 creates an overarching welfare obligation on those who are responsible for animals, to ensure the 'five needs' of animals are met:

- The need for a suitable environment,
- The need for a suitable diet,
- The need to be able to exhibit normal behaviour patterns,
- Any need to be housed with, or apart from, other animals; and
- The need to be protected from pain, suffering, injury, and disease.

1.2 North East Derbyshire District Council ('the Council') is responsible for the licensing and regulation of animal related activities in the district under four separate pieces of legislation. Those include:

- Animal Activity Licences issued under The Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018,
- Primate Licences issued under the Animal Welfare (Primate Licences) (England) Regulations 2024,
- Dangerous Wild Animal Licences issued under the Dangerous Wild Animals Act 1976; and
- Zoo Licences issued under the Zoo Licensing Act 1981.

Although each piece of legislation establishes its own licensing regime, they all share the same core purpose: safeguarding animal welfare. The frameworks are based on shared principles and processes, with consistent standards and expectations applied across each regime.

1.3 Following the introduction of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018; which replaced a previous, fragmented licensing system and introduced a modern licensing framework for commercial activities involving animals; the Council adopted its current Animal Welfare Licensing Policy ('the Policy'). This Policy, in place since 5 September 2019, has remained unchanged since its adoption.

1.4 Whilst the Council is not legally required to adopt a Policy, doing so is recognised as good practice. The Council considers it essential for promoting high standards, ensuring consistent decision making, and safeguarding the welfare of both animals and people across the district.

1.5 Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 the authority to grant or renew animal licences is excluded from the remit of the Executive. In accordance with the Council's Constitution, the General Licensing Committee is responsible for all licensing matters not covered by the Licensing Act 2003 or the Gambling Act 2005, while the responsibility for the final determination of policies is reserved to Council.

## 2. Details of Proposal or Information

- 2.1 The current Policy was approved on 5 September 2019 and has remained unchanged since its adoption.
- 2.2 The joint Environmental Health Service, has undertaken an extensive review of the Policy, resulting in a complete and substantive rewrite of the Policy.
- 2.3 In summary the draft proposals aim to achieve the following:
- Modify the format of the Policy to ensure it is comprehensive and cohesive;
  - Ensure the Policy is consistent with legislation and statutory guidance;
  - Ensure the Council's processes are transparent;
  - Ensure the Council promotes the highest animal welfare standards; and
  - Ensure the Policy adequately safeguards the public.
- 2.4 The fundamental principles of the Policy remain the same; however, upon review it was felt that the Policy would benefit from being rewritten to achieve a more transparent and robust service.
- 2.5 The current Policy is attached as **Appendix 1**, and the revised draft Policy is attached as **Appendix 2**.
- 2.6 An equality impact assessment has been carried out, and a draft copy is attached as **Appendix 3**.

### Animal Activity in the District

- 2.7 **Table 1 and Graph 1** below show how animal activity has changed across the district since the introduction of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and the Council's current Animal Welfare Licensing Policy.

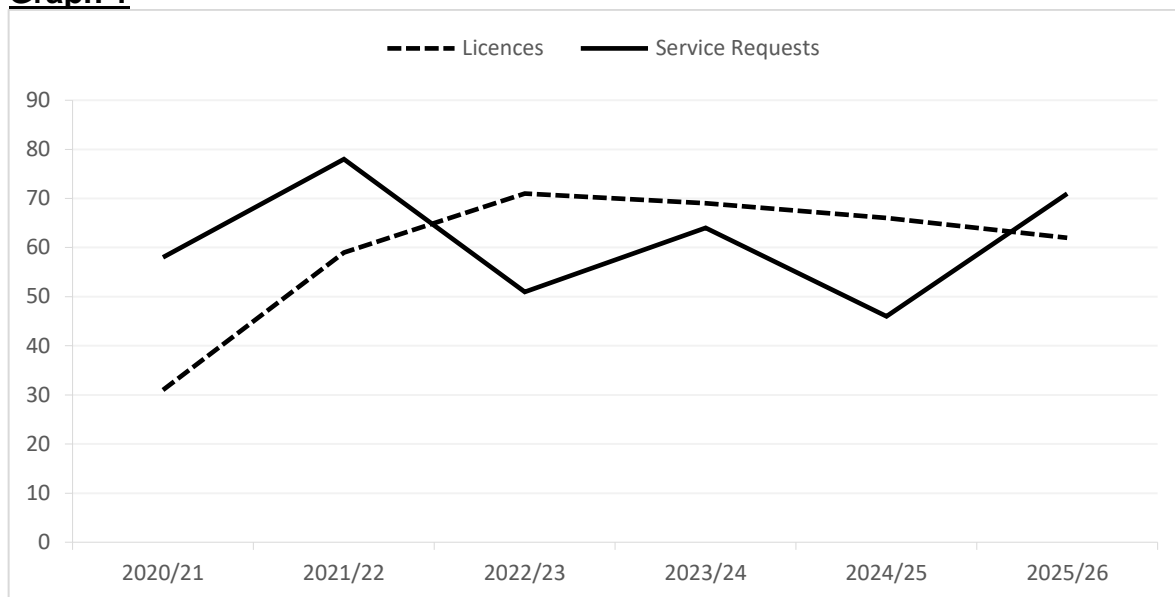
The number of animal licences within the district has doubled since 2021, while service requests relating to animal welfare fluctuate from year to year.

#### **Table 1**

Number of animal licences and service requests recorded annually as of **1 April in each year** shown.

	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>
<b>No of Licences</b>	31	59	71	69	66	62
<b>Service Requests</b>	58	78	51	64	46	71

**Graph 1**



2.8 The increase in animal licences and complaints is likely a consequence of greater awareness of the animal licensing regime among operators and the public. Awareness of the licensing requirements may have increased over time, resulting in more reports of unlicensed activity and more operators obtaining licences. The subsequent plateau of licences may indicate a settling of the market as the regime becomes established.

2.9 To understand more about the requests being received by the Council, a more detailed qualitative analysis of the type of requests being received was conducted. This analysis demonstrated the following recurring themes:

- Reports of unlicensed activity.
- Concerns about animal welfare.
- Nuisance linked to animal activities.
- Requests for advice to start or expand a business.
- Requests for advice on what activities need a licence.
- Requests to verify information on current licences/licensing registers.

### Legislative Updates

2.10 On 06 April 2026 the Animal Welfare (Primate Licences) (England) Regulations 2024 were introduced. These regulations introduce a new regime whereby keepers of primates are required to obtain a licence from the Council. It is currently unknown how many primates are in the district; however, in the [do-you-give-a-monkeys](#) report published by the RSPCA in 2016, it is estimated that the number of primates in the UK is between 4000 and 5000. It is therefore likely that the Council will see some demand for licences, particularly as awareness increases over time.

### Conclusions

2.11 Overall the Council has seen a growth in animal activity in the district and is likely to see more growth as the new Animal Welfare (Primate Licences) (England) Regulations 2024 are introduced. Whilst no evidence has been found

to suggest there are any major areas of concern in the district, data suggests the Council could benefit from enhancing their provision of information to operators and the public through a more detailed and comprehensive Policy.

Next Steps

- 2.12 Following approval at the General Licensing Committee a 12-week public and stakeholder consultation will be carried out. During this time the revised Policy will be presented to the Environment Scrutiny Committee for comment. The results of the consultation will be presented back to the General Licensing Committee for consideration, before a final draft is recommended to Council for adoption.

**3 Reasons for Recommendation**

- 3.1 Adopting an Animal Welfare Licensing Policy is widely considered to be best practice. A clear and up to date Policy enables the Council to set transparent standards, promote consistency in decision-making, and provide clarity to operators and the public. This in turn supports high standards of animal welfare and instils public confidence in the Council.

**4 Alternative Options and Reasons for Rejection**

- 4.1 The Council can choose not to prepare and publish a new Policy; however, this would leave the authority open to potential legal challenge by way of appeal against decisions, or judicial review.

**DOCUMENT INFORMATION**

Appendix No	Title
1	Current Animal Welfare Licensing Policy
2	Draft Animal Welfare Licensing Policy
3	Draft Equality Impact Assessment
<p><b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)</p>	
<p>Statistical information from the Council’s systems.  RSPCA (no date) <i>Do you give a monkeys?</i> Available at:  <a href="https://www.rspca.org.uk/documents/d/rspca/do-you-give-a-monkeys">https://www.rspca.org.uk/documents/d/rspca/do-you-give-a-monkeys</a></p>	



**North East  
Derbyshire**  
District Council

# **Animal Welfare and Licensing Policy**

**September 2019**



North East  
Derbyshire  
District Council

## *We speak your language*

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Polish

*Mówimy Twoim językiem*

---

French

*Nous parlons votre langue*

---

Spanish

*Hablamos su idioma*

---

Slovak

*Rozprávame Vaším jazykom*

---

Chinese

我们会说你的语言

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CONTROL SHEET FOR [policy title here]

<b>Policy Details</b>	<b>Comments / Confirmation (To be updated as the document progresses)</b>
Policy title	Animal Welfare and Licensing Policy
Current status – i.e. first draft, version 2 or final version	Final Version
Policy author (post title only)	Senior /Environmental Health Officer
Location of policy (whilst in development) – i.e. L-drive, shared drive	S Drive
Relevant Cabinet Member (if applicable)	Councillor Charlotte Cupit
Equality Impact Assessment approval date	15.8.19
Partnership involvement (if applicable)	
Final policy approval route i.e. Joint Strategic Alliance Committee, Cabinet/Executive/Council	Scrutiny Committee, Executive
Date policy approved	5.09.19
Date policy due for review (maximum three years)	September 2022
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	16 <sup>th</sup> September 2019

## CONTENTS

ITEM	PAGE
<b>1 Introduction.....</b>	<b>4</b>
1.1 Background .....	4
1.2 Scope .....	4
1.3 Role of Animal Welfare Establishments - (Operators/Licence Holders)	5
1.4 Criminal record checks and safeguarding .....	5
1.5 Best Practice Guidance .....	5
1.6 Departure from Policy.....	6
1.7 Organisational Arrangements.....	6
1.8 Enforcement.....	6
1.9 Delegated Powers and Authorisation .....	7
1.10 Fees .....	7
1.11 Register of Animal Welfare Establishments.....	8
<b>2 Licensable Activities and Legislative Framework .....</b>	<b>8</b>
2.1 The Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 .....	8
2.2 Dangerous Wild Animals Act 1976 .....	8
2.3 Zoo Licensing Act 1981 .....	8
2.4 Licensing Process .....	9
2.5 Risk Scoring, Star Rating and Duration of Licences .....	9
2.6 Competent Officers .....	9
<b>3 Grievance Safeguarding Processes.....</b>	<b>9</b>
3.1 Right to Appeal Star Rating .....	10
3.2 Requesting a Star Rating Re-Score Visit.....	10
3.3 Right to Appeal– Suspensions and Variations.....	10
3.4 Right to Appeal, First-tier Tribunal – Refusal, Suspensions, Variations and Revocations.....	10
3.5 Transfer of Licence in the case of the Death of the Licence Holder ....	11
3.6 Transitional Arrangements .....	11
<b>4 References and Access to Information .....</b>	<b>11</b>
<b>5 Glossory of Terms .....</b>	<b>12</b>
<b>6 Appeals and Complaints .....</b>	<b>12</b>

## **ANIMAL WELFARE AND LICENSING POLICY**

### **1. Introduction**

#### **1.1 Background**

North East Derbyshire District Council (“The Council”) have responsibility for licensing all operators of businesses, also known as licence holders, where the activities of that business, relates to the care, sale, hiring, or exhibition of animals. It also includes the breeding of dogs, the keeping of dangerous wild animals and extends to the licensing of Zoos. These are defined as licensable activities.

When considering the granting of a license relating to a licensable activity, the contents of this policy, the appropriate legislation and guidance notes for conditions applicable to that licensable activity must be considered.

The Council is also the enforcing authority for those activities relating to animal welfare that are subject to the above licence process. Licensing, compliance and enforcement of the legislation will be the responsibility of the Environmental Health Commercial Section.

Legislative changes introduced on the 1<sup>st</sup> October 2018 will impact on how businesses and the Council’s animal welfare licensing process interact in the future. At the heart of the legislation is a drive to raise the standards relating to animal welfare, but it also aims to reduce the legislative burden, and therefore costs, on those businesses meeting the higher standards of animal welfare care.

#### **1.2 Scope**

In setting out its policy the Council seeks to promote the following objectives -

- The protection and promotion of animal welfare standards
- The protection of staff and public safety
- The establishment of a professional and respected animal activities licensing regime.
- Access to a safe and effective service for all activities defined in the legislation involving animals
- The protection of the environment

The licensing of activities involving animals aims to protect the public, to promote animal welfare.

The licensing process includes inspection of establishments. For establishments arranging and / or boarding cat and dogs, selling animals, hiring out of horses, breeding dogs and exhibiting animals, the process also includes allocating a risk-based “Star Rating” to each establishment based on the findings at the inspection visit. This will enable the public to make an informed choice when selecting which establishment to use.

Its purpose therefore, is to ensure the operator is a fit and proper person, that any conditions applicable to the individual activity are being met, that welfare standards and management controls are in place and being maintained, so the animals are protected from harm.

### **1.3 Role of Animal Welfare Establishments – Operators/Licence Holder**

The operators of animal welfare establishments have an important role to play not only in the licensing process, but by maintaining and improving standards at their premises ensuring the highest level of animal welfare protection as possible.

The level of compliance with the relevant licence conditions has a direct effect on the “Star Rating” allocated to the establishment, and therefore, the operator. In turn the “Star Rating” influences the duration of the licence and therefore the overall licensing cost to the operator as fewer licence fees need to be paid for a longer-term licence.

Responsibility for ensuring that the correct licence has been obtained and is kept up to date with the relevant local authority, falls to the licence holder or prospective licence holder.

In addition to the licence application and fee, the applicant is required to provide supporting documents to the Council. Failure to supply such documents may delay the process or may result in the application being refused.

The licence holder must apply to renew their licence at least 10 weeks before their current licence expires if they wish to continue to operate the licensable activity without a break.

### **1.4 Criminal Record Checks & Safeguarding**

Before an application for a licence will be considered, the applicant (or the controlling mind and/or manager in the case of a business) must provide a current (less than 3 months old) Disclosure & Barring Scheme basic criminal disclosure.

Where the applicant is a company, any person with day to day control of that company or partnership (where appropriate) will be required to submit the information above.

If at any time the Council considers it appropriate to require a further DBS disclosure be provided the relevant individual must provide one, at their own expense, as soon as reasonably practical.

### **1.5 Best Practice Guidance**

A number of guidance documents have been produced by DEFRA, aimed at assisting local authority officers and business operators interpret the legislation and what is needed in applying the relevant conditions to their particular licensable activities. They can be used by those who currently have a licence or wish to apply for one.

All guidance documents should be read in conjunction with the relevant legislation such as:

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018  
<https://www.legislation.gov.uk/ukdsi/2018/9780111165485>
- The Dangerous Wild Animals Act 1976 (as amended)  
<http://www.legislation.gov.uk/ukpga/1976/38>
- Zoo Licensing Act 1981  
<http://www.legislation.gov.uk/ukpga/1981/37>
- The Animal Welfare Act 2006  
<http://www.legislation.gov.uk/ukpga/2006/45/contents>

## 1.6 **Departure from policy**

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy.

Notwithstanding the existence of the policy and any other relevant Council policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its policy, it will give the reasons for so doing and retain a record of the decision.

## 1.7 **Organisational arrangements**

The process for the licensing of animal welfare establishments includes not only the administrative process of the licence application and collection of the appropriate fee but also includes a physical inspection of the premises to verify compliance with welfare standards and management controls.

The inspecting officer will complete a relevant inspection pro forma and report.

For licence activities coming under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the inspection also informs the risk score and star rating allocated to the business and therefore the duration of the licence period.

All administration processes will be the responsibility of the Environmental Health Technical Support Section.

All inspections and enforcement will be the responsibility of the Environmental Health Commercial Section.

## 1.8 **Enforcement**

All enforcement activities will have due regard to the Animal Welfare legislative framework, any relevant guidance documents issued by central government (e.g. DEFRA) and the Councils Corporate Enforcement Policy.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 not only introduce new enforcement powers and measures that officers may use to secure compliance of some licensable activities, such as variations and suspensions of licences, but also provide safeguards to applicants and operators if they feel aggrieved by the process or decisions of the Council.

Wherever possible, the Council will adopt a graduated, education approach to enforcement however, where necessary it will take appropriate and proportionate action against non-compliant businesses.

### Special Vet Requirements

Where ever the legislation specifies that a veterinary inspection must be carried out then the charge for this will be the responsibility of the applicant/operator. In certain situations and at the discretion of the Council a veterinary inspector will be used and this will be charged to the licence operator/applicant where applicable. The veterinary inspector used will be at the discretion of the Council who may use an appointed Veterinary or enlist the help of a specialist in certain situations.

## 1.9 **Delegated Powers and Authorisations**

Those Officers of the Council, duly authorised under the Council's Scheme of Delegations, are responsible for the day to day operation of the Council's Animal Welfare Policy, and the enforcement of the legislation and conditions relating to the licensable activities.

In order for the Council to function and to inspect specified licensable activities, a "listed veterinarian" will be duly appointed to undertake such inspections and provide any necessary report as required by the legislation.

## 1.10 **Fees**

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations requires to set any fees and charges on a full cost recovery basis. Regulation 13 explains the criteria that should be considered. The Council has used this guidance in setting the fees and charges for animal licensing but has also ensured that they are consistent with other enforcement activities where we charge for a service.

This reflects current government policy whereby none compliant businesses are required to contribute more towards enforcement cost.

The structure of the new licensing systems allows those businesses who are fully compliant to have a 3-year licence and therefore benefit from a saving over the period.

The setting of fees and charges in relation to animal welfare activities is the subject of delegated authority (see DD/078/18/PC) giving powers to duly authorised officers to determine the fees and charges in respect of that function.

The fees and charges are published on the Animal Welfare pages of the Council's website.

### **1.11 Register of Animal Welfare Establishments**

The Council holds a register of premises licensed under animal welfare legislation which is available on the Council's website.

The register will be amended to include the Star Rating allocated to premises licenced under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

## **2. Licensable Activities and Legislative Framework**

### **2.1 The Animal Welfare (Licensing of Activities involving Animals) Regulations 2018**

The Animal Welfare (Licensing of Activities Involving Animals) Regulations provides the legal framework for the following licensable activities:

- Dog Breeding
- Boarding of Dogs in Kennels
- Home Boarding of Dogs
- Dog Day Care
- Boarding of Cats
- Selling Animals as Pets
- Hiring of Horses
- Keeping or Training of Animals for Exhibition

Along with the regulations, guidance documents for each licensable activity have been published. All of which are available on the Council's website.

### **2.2 Dangerous Wild Animals Act 1976**

The Dangerous Wild Animals Act 1976 defines all the species that require the owner to have a licence to keep such animals. The controls required to keep individual species will vary dependant on that species.

The licensing process will include veterinary inspection of the animals. The contents of the veterinary officer's report will inform the decision-making process when considering such applications.

### **2.3 Zoo Licensing Act 1981**

The Zoo Licensing Act 1981 specifically sets out the licensing process for Zoos. The licensing process will include extensive contributions by veterinary officers including veterinary inspection of the animals. The contents of the veterinary officer's report will inform the decision-making process when considering such applications.

## 2.4 **Licensing Process**

All licence applications include the following:

- Administration of licence and payment of fee
- Processing of licence application and an initial inspection of the premises
- Placing appropriate conditions on licence
- Issue of licence

The duration of the licence may be legislative specific. , however, The Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 requires inspecting officers to produce a risk rating score and a star rating to every licensable activity. The star rating allocated will have a direct impact on the duration of the licence and therefore the costs to the operator and the enforcement burden placed on the licence holder. *See 2.5 below.*

The enforcement of Animal Welfare licences will generally include a secondary inspection of the business during the life of the licence, which may include a visit by the veterinary officer. Officers may also visit where the Council receives information or a complaint raising concern about animal welfare issues.

## 2.5 **Risk Scoring, Star Rating and Duration of Licences**

The officer must access the standards on animal welfare and the management controls in place, including previous compliance. The process includes ascertaining whether the business is meeting the minimum or higher standards and whether some minor failing exists. The officer completes a risk score matrix and the star rating will be determined from those findings. Where a veterinary inspection is required, the contents of the report will have a direct influence on the star rating allocated to that activity.

The star rating allocated will have a direct impact on the business, therefore it is in the interest of the operator to have and maintain the highest possible welfare standards and management controls in place.

Further information is available in the DEFRA document - Procedural guidance notes for local authorities, which is available on the Council's website.

## 2.6 **Competent Officers**

The Council must appoint suitably qualified and competent officers to undertake any inspections and enforcement activities in relation to animal welfare. This duty extends to the Council in respect of the appointment of suitable qualified and "listed" veterinary officers to undertake inspections of specified licensable activities.

## 3. **Grievance Safeguarding Processes**

The Council has in place a customer complaints and comments procedure which allows all users of the Council's services to raise concern about the way they have been treated by the Council.

The business operator has recourse to the complaints procedure (including taking the matter to the Local Government Ombudsman where appropriate) if they consider that a council service has not been properly delivered and in accordance with its policy.

In addition, the Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 contain a number of safeguarding measures where a business operator who is aggrieved by the process can appeal a rating or ask for a re-score, and to ensure business operators are treated appropriately.

### **3.1 Right to Appeal Star Rating**

The business operator has the right to appeal the star rating allocated to their business through the licencing process.

The procedures on the right to appeal the star rating are available on the North East Derbyshire District Council website, along with the appeal form.

### **3.2 Requesting a Star Rating Re-Score Visit**

The business operator can request a re-score visit, where they have completed the work outlined in their inspection report.

There are no limits on the number of re-score visits a business operator can request.

The procedures on the requesting of a re-score visit are available on the North East Derbyshire District Council website, along with the request form.

### **3.3. Right to Appeal– Suspensions and Variations**

Where the business operator is aggrieved by the decision of the Council to vary or suspend an animal welfare licence, they have the right to appeal that decision, in the first instance to the Council and secondly to a first-tier tribunal.

The procedures for varying or suspending a licence are available on the Council's website.

### **3.4 Right to Appeal, First-tier Tribunal – Refusal, Suspensions, Variations and Revocations**

Where the business operator is aggrieved by the decision of the Council to refuse, revoke, suspend or vary an animal welfare licence, they have the right to appeal that decision to a First-tier tribunal.

The procedures for refusing, revoking, varying or suspending a licence are available on the Council's website.

### 3.5 **Transfer of Licence in the case of the Death of the Licence Holder**

If a licence holder dies, the procedure in regulation 12 of the Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 applies. It allows the personal representative of the deceased to take on the licence provided that they inform the Council, within twenty-eight days of the death, that they are now the operators of the licensable activity. The licence will then remain in place for three months from the death of the former holder, or for the rest of the time it was due to remain in force, if that time period is shorter. The new licence holder should then apply for a new licence one month before the expiry of this new period.

Additionally, the Council can extend the three-month period by up to another three months, if requested by the representative and if they believe this time is needed to wind up the estate of the former licence holder.

If the personal representative does not notify the Council within 28 days of the death of the licence holder the licence will cease to have effect after those 28 days.

### 3.6 **Transitional Arrangements**

Any unexpired licences granted under the Pet Animals Act 1951, Animal Boarding Establishments Act 1963, Riding Establishments Act 1964 and Riding Establishments Act 1970 will continue in force for the rest of their terms under the relevant Act.

An unexpired licence granted under the Breeding of Dogs Act 1973 will continue in force for the rest of its term subject to the provisions of that Act, the Breeding of Dogs (Licensing Records) Regulations 1999, the Breeding and Sale of Dogs (Welfare) Act 1999 and the Breeding and Sale of Dogs (Welfare) Act 1999.

Any registration of a person under the Performing Animals (Regulation) Act 1925 will continue in force, for six months from the date on which the Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 came into force, i.e. 1 October 2018, so the previous registration will expire on 1 April 2019.

## 4. **References and Access to Information**

The Animal Welfare list of fees and charges, licence application forms, legislation and guidance documents referred to within this Policy can be found on the Animal Welfare page of the Council's website at;

<https://www.ne-derbyshire.gov.uk/index.php/49-business/licensing-permits/207-business-animal?highlight=WyJhbmltYWwiLCJ3ZWxmYXJlIiwYW5pbWFsIHdibGZhcmlUixQ=>

### **DEFRA Website**

The Animal Welfare legislation and guidance documents referred to within this Policy can be found at;

## 5. **Glossary of terms**

Within the application of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (the “Regulations”) - A “**licensable activity**” means one of five activities involving animals: selling animals as pets, providing for or arranging for the provision of boarding for cats or dogs (includes boarding in kennels or catteries, home boarding for dogs and day care for dogs), hiring out horses, dog breeding and keeping or training animals for exhibition.

For the purposes of this Policy a “**licensable activity**” will also include activities involving animals where such activities are licensable under the Dangerous Wild Animals Act 1976 (as amended) and the Zoo Licensing Act 1981

An “**operator**” means an individual who—

(a) carries on, attempts to carry on or knowingly allows to be carried on a licensable activity, or

(b) where a licence has been granted or renewed, is the licence holder;

“**working day**” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under section 1 of the Banking and Financial Dealings Act 1971(c).

A “**listed veterinarian**” means a veterinarian who for the time being is listed as being authorised to carry out an inspection on the list of veterinarians drawn up by the Royal College of Veterinary Surgeons.

‘**puppy**’ means a dog aged less than 6 months

## 6. **Appeals and Complaints**

Any appeals in relation to enforcement action should be taken in accordance with the statutory appeals process as outlined in the relevant legislation. Where there is a right of appeal, we will ensure individuals/business are made so aware.

The Council has its own Compliments, Comments and Complaints procedure.

We want you to complain if you feel you've been poorly or unfairly treated by any of our services and we will do our best to put things right when things have gone wrong. Please be aware if you are unhappy with a decision, you should follow the appropriate appeal procedure, further information can be found from the appropriate service area. If you are unhappy with the *process* then you can make a complaint about us or any of our services by completing the on-line Compliments, Comments and Complaints form.

You can write to us at, Mill Lane, Wingerworth, Chesterfield, S42 6NG, or call the Contact Centre on 01246 231111.





**North East  
Derbyshire**  
District Council

**DRAFT**

**Animal Welfare  
Licensing Policy  
2026**

## **Equalities Statement**

North East Derbyshire District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

### **Access for All statement**

You can request this document or information in another format such as large print or **language** or contact us by:

- **Phone** - [01246 231111](tel:01246231111)
- **Email** - [connectne@ne-derbyshire.gov.uk](mailto:connectne@ne-derbyshire.gov.uk)
- **Text** - [07800 00 24 25](tel:07800002425)
- **BSL Video Call** – a three way video call with us and a BSL interpreter. It is free to call North East Derbyshire District Council with Sign Solutions, you just need wifi or mobile data to make the video call, or call into the offices at Wingerworth.
- Call with [Relay UK](#) – it is a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real time conversation with us by text.
- **Visiting** our [offices](#) at Wingerworth – 2013 Mill lane, [S42 6NG](#)

## CONTROL SHEET FOR ANIMAL WELFARE LICENSING POLICY

<b>Policy Details</b>	<b>Comments / Confirmation (To be updated as the document progresses)</b>
Policy title	Animal Welfare Licensing Policy
Current status – i.e. first draft, version 2 or final version	First Draft
Policy author (post title only)	Licensing Team Manager
Location of policy (whilst in development) – i.e. L-drive, shared drive	S Drive
Relevant Cabinet Member (if applicable)	Cllr Steve Pickering
Equality Impact Assessment approval date	TBC
Partnership involvement (if applicable)	N/A
Final policy approval route i.e. Joint Strategic Alliance Committee, Cabinet/Executive/Council	Licensing Committee Scrutiny Committee Council
Date policy approved	TBC
Date policy due for review (maximum three years)	TBC
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	TBC

## Contents

PART 1: OVERARCHING PRINCIPLES AND GENERAL FRAMEWORK.....	6
1. Introduction .....	6
1.1 Background.....	6
1.2 Scope.....	6
1.3 Glossary of Terms.....	6
1.4 Contacts.....	7
2. Policy Objectives and Welfare Principles .....	8
2.1 Policy Objectives.....	8
2.2 The Animal Welfare Act 2006 and the Five Animal Welfare Needs .....	8
3. General Administrative Principles .....	9
3.1 Pre-Application Advice .....	9
3.2 Disclosure and Barring Service Checks .....	9
3.3 Animal Licensing Inspectors and Veterinary Inspectors.....	9
3.4 Timescales.....	10
4. Application Processes.....	10
5. Welfare Standards and Conditions.....	10
6. Safeguarding.....	10
7. Planning .....	11
8. Commercial Waste.....	11
9. Fees and Charges.....	11
10. Licensing Registers .....	12
11. Enforcement .....	12
12. Delegations.....	12
13. Policy Reviews .....	13
PART 2: LEGISLATION SPECIFIC PROVISIONS .....	14
14. The Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 .....	14
14.1 Legislation and Guidance .....	14
14.2 Standards and Conditions.....	14
14.3 Application Process .....	16
14.3.1 New.....	16
14.3.2 Variations.....	16
14.3.3 Transfers.....	17

14.3.4	Renewals .....	17
14.3.5	Surrender .....	17
14.4	Determination of Applications .....	17
14.5	Star Ratings and Licence Duration .....	18
14.6	Appeals and Re-Inspections .....	19
14.6.1	Star Rating Appeals .....	19
14.6.2	Re-rating .....	19
14.6.3	Refusal and Revocation Appeals .....	19
14.7	Interim Inspections .....	20
14.8	Death of a Licence Holder .....	20
15.	The Animal Welfare (Primate Licences) (England) Regulations 2024 .....	21
15.1	Legislation and Guidance .....	21
15.2	Standards and Conditions.....	21
15.3	Application Process .....	21
15.3.1	New.....	21
15.3.2	Variation.....	22
15.3.3	Transfers.....	22
15.3.4	Renewals .....	22
15.3.5	Surrender.....	23
15.4	Determination of Applications .....	23
15.5	Star Ratings and Licence Duration .....	24
15.6	Appeals.....	24
15.7	Interim Inspections.....	24
15.8	Death of a Licence Holder .....	24
16.	Dangerous Wild Animals Act 1976 .....	25
16.1	Legislation and Guidance .....	25
16.2	Standards and Conditions.....	25
16.3	Application Process .....	25
16.3.1	New.....	25
16.3.2	Variation.....	26
16.3.3	Transfers.....	26
16.3.4	Renewals .....	26
16.3.5	Surrender.....	26
16.4	Determination of Applications .....	27
16.5	Star Ratings and Licence Duration .....	28

16.6	Appeals.....	28
16.7	Death of a Licence Holder .....	28
17.	Zoo Licensing Act 1981 .....	29
17.1	Legislation and Guidance .....	29
17.2	Standards and Conditions.....	29
17.3	Application Process .....	29
17.3.1	New.....	29
17.3.2	Variation.....	30
17.3.3	Transfers.....	30
17.3.4	Renewal .....	31
17.3.5	Surrender.....	31
17.4	Determination of Applications .....	31
17.5	Star Ratings and Licence Duration .....	32
17.6	Appeals.....	32
17.7	Death of a Licence Holder .....	32
Appendix A - Convictions Policy.....		33
Offences Involving Animal Welfare/Cruelty.....		33
Licensing Offences .....		33
Other Offences .....		33

# PART 1: OVERARCHING PRINCIPLES AND GENERAL FRAMEWORK

## 1. Introduction

### 1.1 Background

North East Derbyshire District Council ('The Council') is responsible for the licensing and regulation of animal activities under the Animal Welfare Act 2006, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, The Animal Welfare (Primate Licences) (England) Regulations 2024, the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981.

The legislation is aimed at protecting the welfare of animals and sets clear, modern expectations for the care and treatment of animals kept or used for certain activities in the district.

There is no legislative requirement for a policy, but it is considered good practice to have a Policy in place.

### 1.2 Scope

This Animal Welfare Licensing Policy ('the Policy') sets out how the Council will exercise its functions under the legislation. It provides a clear framework to assist the Council, operators and the public in understanding how the animal licensing regime is administered within the district.

The Policy deals with licences that are categorised into the following:

- Animal Activity Licences issued under The Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018,
- Primate Licences issued under the Animal Welfare (Primate Licences) (England) Regulations 2024,
- Dangerous Wild Animal Licences issued under the Dangerous Wild Animals Act 1976; and
- Zoo Licences issued under the Zoo Licensing Act 1981.

The Policy does not cover other animal related activities such as; dog walking, dog training classes, pet sitting (in the pets' home), grooming, rescue centres and animal sanctuaries, charities, livery yards, and circuses. This list is not exhaustive.

In carrying out these regulatory functions, the Council will have regard to the Policy, the legislation and any statutory guidance. Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from this Policy, clear and compelling reasons will be given for doing so.

### 1.3 Glossary of Terms

In this Policy:

'the Act' means the Animal Welfare Act 2006.

'DBS' means Disclosure and Barring Service.

'The Council' means North East Derbyshire District Council.

'DEFRA' means the Department for Environment, Food and Rural Affairs or the government department responsible for animal welfare Policy and statutory guidance.

'Inspector' means a Council appointed Animal Licensing Inspector.

'Interim inspection' means any inspection carried out during the term of the licence other than a renewal inspection.

'Licensable activity' means any animal related activity which would require a licence under the legislation outlined in this Policy.

'Operator' means any applicant, licence holder, or person who carries on, attempts to carry on, or proposes to carry on a licensable activity which would require a licence under the legislation specified in this Policy.

'Relevant offence' means any offence detailed in Appendix 1 of the Policy.

'Veterinary Inspector' means any veterinarian appointed by the Council under the relevant legislation.

'the 1976 Act' means the Dangerous Wild Animals Act 1976 and any consequential amendments.

'the 1981 Act' means the Zoo Licensing Act 1981 and any consequential amendments.

'the 2018 Regulations' means the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and any consequential amendments.

'the 2018 Guidance' means the [Animal activity licensing process: statutory guidance for local authorities](#) and any subsequent activity specific guidance details of which can be found in [Paragraph 14.2](#) of the Policy.

'the 2024 Regulations' means the Animal Welfare (Primate Licences) (England) Regulations 2024 and any consequential amendments.

'the 2024 Guidance' means the [Licence conditions for primate keepers \(Schedule 1\) - GOV.UK](#).

## 1.4 Contacts

The Council's Licensing Team is joint with Bolsover District Council. The points of contact for any animal welfare licensing issues or enquiries are:

Licensing Team  
Joint Environmental Health Service

North East Derbyshire District Council  
District Council Offices  
2013 Mill Lane  
Wingerworth  
Chesterfield  
S42 6NG

Telephone: 01246 211111

Email: [licensing@ne-derbyshire.gov.uk](mailto:licensing@ne-derbyshire.gov.uk)

Website: <https://www.ne-derbyshire.gov.uk/>

A copy of this Policy is available on the Council's website.

## 2. Policy Objectives and Welfare Principles

### 2.1 Policy Objectives

In setting out this Policy the Council seeks to:

- Protect and promote animal welfare standards,
- Protect the environment,
- Safeguard public health and safety,
- Provide a clear and consistent regulatory framework; and
- Provide a reliable, fair, transparent, and accessible service.

### 2.2 The Animal Welfare Act 2006 and the Five Animal Welfare Needs

The [Animal Welfare Act 2006](#) ('the Act') was introduced to modernise and consolidate outdated animal protection laws and to provide a clear, consistent framework for safeguarding animal welfare. The Act established a statutory duty of care, requiring anyone responsible for an animal to meet its welfare needs.

The Act introduced five overarching principles of animal welfare, commonly known as the 'five needs' of all animals:

- The need for a suitable environment,
- The need for a suitable diet,
- The need to be able to exhibit normal behaviour patterns,
- Any need to be housed with, or apart from, other animals; and
- The need to be protected from pain, suffering, injury, and disease.

The Act strengthened enforcement powers for local authorities and other agencies and enabled early intervention where standards fall short.

The Act bestowed an overarching welfare obligation on those who hold licences under the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981; and provides the legal basis for subsequent regulations, including the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and the Animal Welfare (Primate Licences) (England) Regulations 2024, which set the licensing requirements for animal related activities. Each of these pieces of legislation are explored more in the Legislation Specific Provisions in Part 2 of this Policy.

## 3. General Administrative Principles

### 3.1 Pre-Application Advice

Detailed guidance is available to operators on the Council's website. Where an operator is not sure of the requirements for their animal activity, they are encouraged to seek advice at an early stage to avoid delays or unnecessary costs. Contact details for the Council's Licensing Team can be found at [Paragraph 1.4](#) of the Policy.

### 3.2 Disclosure and Barring Service Checks

All operators are required to submit a Basic Disclosure and Barring Service ('DBS') certificate with their application. The certificate must be no more than 3 months old when a full and valid application is submitted to the Council.

Where an operator is renewing their licence, they should provide an updated certificate with their renewal application.

Where the Council receives notification that an operator has been convicted of a Relevant Offence in line with the Convictions Policy set out in Appendix A, the operator will be required to provide an updated DBS at their own cost.

Any convictions listed on a certificate will be assessed in line with this Policy and the relevant legislation and/or guidance.

You can [Request a basic DBS check - GOV.UK](#) online.

### 3.3 Animal Licensing Inspectors and Veterinary Inspectors

The Council will appoint a suitably qualified and competent Animal Licensing Inspector ('the Inspector') to carry out assessments under the relevant animal licensing legislation and guidance. Inspectors will be selected based on their qualifications, professional expertise, experience, and ability to assess compliance with welfare standards.

Where a veterinary inspection is required by law, or where the Council determines that specialist veterinary knowledge is necessary to properly evaluate an application or site, a Veterinary Inspector with appropriate species-specific competence will be appointed to undertake the inspection.

Upon completion of an inspection a report will be prepared detailing the findings. Copies of any report will be provided to the operator.

Where a veterinary inspection is required, the operator will be responsible for reimbursing the Council for any costs incurred.

### 3.4 Timescales

The Council will aim to deal with all applications within 10 weeks of receipt of a full and valid application.

Where the application process is likely to take longer than 10 weeks, the operator will be notified of the reason for delay.

## 4. Application Processes

All applications should be submitted to the Licensing Team using the forms and templates available on the Council's website.

Applications will be determined by the Inspector acting under delegated powers. The Inspector will consider each application on its own merits and will have regard to this Policy, the relevant legislation and any relevant guidance when determining applications. Where it is necessary for the Council to depart from this Policy, clear and compelling reasons will be given for doing so.

If an operator is dissatisfied with the outcome of their application, they may appeal the decision in line with the appeal procedures outlined in the Legislation Specific Provisions in Part 2 of this Policy.

Application processes are outlined in more detail on the Council website and in the Legislation Specific Provisions in Part 2 of this Policy.

## 5. Welfare Standards and Conditions

All operators must adhere to a specific set of standards set out in legislation and guidance. These standards form the basis of the conditions which are attached to a licence.

Each type of licence has its own specific set of standards, further details of which can be found in the Legislation-Specific Provisions in Part 2 of this Policy.

Where the legislation allows it, the Council may also require operators to meet additional standards, where they have been recommended by an expert Veterinary Inspector and/or other recognised experts in the relevant field.

## 6. Safeguarding

Animal licensing legislation has the primary aim of maintaining and improving animal welfare standards. However, there are other safeguarding considerations arising from licensable activities, in particular the protection of children and vulnerable persons.

The Council is aware that some licensable activities may involve unsupervised contact with children and/or vulnerable persons (e.g. the tuition of a young person provided at a riding school or entertaining at a children's party with an exhibition of animals).

The Council expects operators whose activities involve contact with children or vulnerable persons to:

- have a written safeguarding policy and provide training for staff; and
- have a procedure for vetting staff who have unsupervised contact with young/vulnerable persons.

## 7. Planning

It is the operator's responsibility to ensure that appropriate planning consent is in place for their proposed activity and site.

Planning control and animal activity licensing operate as two separate regulatory regimes, and meeting the requirements of one does not automatically satisfy the other. A licence issued for any animal activity does not grant, imply, or replace planning permission, nor does it authorise any use of land or buildings that would otherwise require planning approval. Likewise, obtaining planning permission does not guarantee that a licence will be granted.

Applicants must comply with both regimes independently, and the Council may take planning status into account when deciding whether the animal activity can be carried out appropriately and in accordance with any legislation or guidance.

## 8. Commercial Waste

All operators must ensure that any commercial waste arising from their animal related activities is managed and disposed of in accordance with the Environmental Protection Act 1990.

Any person who operates a business must ensure they have measures in place to safely contain and legally dispose of any waste produced by their business. Commercial waste must not be placed in household bins, to do so is an offence.

For more information on commercial waste visit our [website](#).

## 9. Fees and Charges

Any fees or charges payable can be found on the Council's website.

Operators will also be required to pay any third-party fees for veterinary/specialist inspections as required.

Fees are calculated on a cost recovery basis and consist of a primary fee and a secondary fee:

- The primary fee is due on application and covers the costs of processing the application. This fee is non-refundable.
- The secondary fee is payable once a licence has been approved but before it is issued, and covers the costs associated with the regulation and compliance during the term of the licence.

A licence will not be issued until all outstanding fees are paid.

## 10. Licensing Registers

The Council maintains and publishes a register of operators licensed to carry out animal activities, which is available on the Council's website.

Information relating to private operators or businesses operating from a domestic address will not be published, to protect personal data and ensure compliance with the General Data Protection Regulation.

## 11. Enforcement

The main enforcement and compliance role for the Council in terms of animal licensing will be to ensure the welfare of animals. This is done by ensuring compliance with the conditions placed upon any licence and taking action when standards are not met. The Council also investigate and take appropriate action against unlicensed activities.

All enforcement activity will be carried out in line with any relevant legislation, guidance and the Council's own Corporate Enforcement Policy, which is available on the website.

Wherever possible, the Council will adopt a graduated, education approach to enforcement. However, where necessary it will take appropriate and proportionate action against non-compliant operators.

Actions available to the Council include:

- Warnings,
- Informal requests to make improvements,
- Issuing a rectification notice,
- Issuing an improvement notice,
- Varying a licence,
- Suspending a licence,
- Revoking a licence,
- Seizing any affected animals,
- Issuing a formal caution; and
- Prosecution.

## 12. Delegations

Those Officers of the Council, authorised under the Council's Scheme of Delegations, are responsible for the day-to-day operation of the Council's Animal Welfare Policy, and the enforcement of the legislation and conditions relating to licensable activities.

The Council will appoint a suitable Veterinary Inspector to undertake such inspections and provide any necessary report as required by the legislation. The Council will aim to accompany any Veterinary Inspector appointed by them, to the inspection. Where this is not possible the Veterinary Inspector will be provided with confirmation of their authorisation in writing.

### 13. Policy Reviews

This Policy will be reviewed every five years; and will be kept under review and amended as and when necessary to reflect changes in legislation and guidance.

Minor changes to this Policy may be made by officers acting under delegated powers, except where not appropriate to do so.

## PART 2: LEGISLATION SPECIFIC PROVISIONS

### 14. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

#### 14.1 Legislation and Guidance

The [Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#) ('the 2018 Regulations') create a single, modern licensing framework for commercial activities involving animals. The 2018 Regulations cover the following licensable activities:

- Dog Breeding,
- Kennel Boarding for Dogs,
- Home Boarding for Dogs,
- Day Care for Dogs,
- Boarding for Cats,
- Selling Animals as Pets,
- Hiring out Horses; and
- Keeping or Training of Animals for Exhibition.

A licence is required where any of the above activities are being carried on in the course of a business. When establishing if the activity is being carried out in the course of a business, the Council will decide each case on its own merits and consider a range of factors including:

- Whether the activity is being conducted as a commercial business
- Whether the operator makes any sales or carries out the activity to make a profit
- Whether the operator earns any commission or fee from the activity
- [HMRC's 9 Badges of Trade](#)
- HMRC's income threshold (currently £1000), and
- Any other relevant factors specific to the case.

To accompany the 2018 Regulations the Department for Environment, Food and Rural Affairs ('DEFRA') publish the [Animal activity licensing process: statutory guidance for local authorities](#). ('the 2018 Guidance').

The 2018 Regulations and Guidance set out the mandatory welfare standards, inspection requirements, and procedures that the Council must follow when licensing and regulating animal activities.

#### 14.2 Standards and Conditions

All operators are assessed against a set of standards. These standards form the basis for a set of mandatory conditions which are attached to the licence. The current standards are set out in the 2018 Regulations and Guidance.

The conditions are divided into two categories, General Conditions applicable to all licences and Specific Conditions relevant to the activity being licensed.

For all licensable activities except ‘keeping or training animals for exhibition’, a number of higher standards are laid down in the specific guidance for each activity. These higher standards are optional but an operator who can demonstrate that they can suitably meet these higher standards will gain a higher star rating.(an explanation of star ratings can be found at [Paragraph 14.5](#) of this Policy).

The higher standards are split into two categories, required and optional. These are clearly marked and differentiated in the 2018 Guidance. To qualify as meeting the higher standards the operator must achieve all of the required standards as well as a minimum of 50% of the optional higher standards.

A licence will not be granted where an operator fails to meet minimum standards. A licence may be renewed where an operator has minor failings of the minimum standards, provided animal welfare is not compromised. Any minor failings must be addressed immediately.

Links to the 2018 Guidance which contains the relevant conditions can be found in Table 1:

<b>Table 1</b>	
<b>Licence Activity</b>	<b>Link to Guidance/Conditions</b>
<b>Selling Animals as Pets</b>	<a href="#">Selling animals as pets licensing: statutory guidance for local authorities - GOV.UK</a>
<b>Providing Boarding for Cats</b>	<a href="#">Cat boarding licensing: statutory guidance for local authorities - GOV.UK</a>
<b>Providing Boarding for Dogs (Kennels)</b>	<a href="#">Dog kennel boarding licensing: statutory guidance for local authorities - GOV.UK</a>
<b>Home Boarding for Dogs</b>	<a href="#">Home boarding for dogs licensing: statutory guidance for local authorities - GOV.UK</a>
<b>Dog Day Care</b>	<a href="#">Dog day care licensing: statutory guidance for local authorities - GOV.UK</a>
<b>Hiring Out Horses (Riding Establishments)</b>	<a href="#">Hiring out horses licensing: statutory guidance for local authorities - GOV.UK</a>
<b>Dog Breeding</b>	<a href="#">Dog breeding licensing: statutory guidance for local authorities - GOV.UK</a>
<b>Keeping or Training Animals for Exhibition</b>	<a href="#">Keeping or training animals for exhibition licensing: statutory guidance for local authorities - GOV.UK</a>

## 14.3 Application Process

### 14.3.1 New

An application for a licence should be submitted to the Council's Licensing Team using the relevant application form available on the Council's website. The operator should include a Basic Disclosure and Barring Service certificate no more than 3 months old, any supporting information listed on the application form and pay the appropriate fee.

On receipt of a full and valid application, the Inspector and/or Veterinary Inspector (where appropriate) will attend the site to conduct an inspection and produce a report. Prior to the inspection the operator will be sent a pre-inspection checklist to assist them in preparing for their inspection. Copies of these pre-inspection checklists are available on the Council website.

Following the inspection the Council will determine the application. In reaching a decision the Council will consider:

- The application form and any supporting documentation,
- The Inspectors report,
- The Veterinary Inspectors report (where appropriate),
- The relevant legislation and guidance, and
- This Policy

The Council will notify the operator of the decision in writing and outline any rights of appeal.

### 14.3.2 Variations

Where an operator wants to make changes to their business, they must submit an application to the Council to vary their licence. Situations which may require a variation to a licence include, but are not limited to:

- Altering the premises (e.g. altering enclosures, moving facilities)
- Changing the number or type of animals
- Updating operating procedures

Operators should contact the Licensing Team for advice prior to submitting an application to vary their licence.

An application for a variation to a licence should be submitted to the Council's Licensing Team using the relevant application form available on the Council's website. The operator should provide any supporting information requested by the Inspector and pay the relevant fee.

On receipt of a full and valid application, the Inspector will assess the application and where necessary, attend the site to conduct an inspection and produce a report. Depending on the nature of the variation a Veterinary Inspector may need to conduct an inspection. A fee may be payable.

### 14.3.3 Transfers

A licence cannot be transferred from one operator to another. Where a business is to change hands, the new operator must ensure they have applied for, and been granted, a new licence prior to the old operator relinquishing responsibility for the day-to-day operation of the business.

### 14.3.4 Renewals

The Council will aim to provide operators with four months' notice of when their licence is due to expire. Operators must then apply at least 10 weeks before their licence expires and follow the process for a new application at [Paragraph 14.3.1](#).

It is the operator's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

### 14.3.5 Surrender

Where an operator wants to surrender their licence, they must notify the Council. Any notification of surrender should be sent to the Council's Licensing Team in writing. Operators will be expected to return their licence and provide an explanation of why they no longer require it.

## 14.4 Determination of Applications

Under the 2018 Regulations, any individual over the age of 18 who carries on a licensable activity can apply for a licence, provided they are not barred from applying under regulation 11 and Schedule 8. Any application from a person who is barred from making an application will be refused.

To grant an application under the 2018 Regulations the Council must be satisfied that:

- the relevant licence conditions will be met;
- the operator is a 'fit and proper' person to carry out the activity; and
- the appropriate fee has been paid.

### Licence Conditions

Each licensable activity has a unique set of licensing conditions which operators are expected to meet. Detailed information about the standards and conditions operators are expected to meet can be found in [Paragraph 14.2](#) of this Policy.

### Fit and proper Test

Although the term 'fit and proper' is not explicitly defined in the legislation or guidance, for the purposes of this Policy, the Council will consider the application together with the conduct displayed by the operator, and will consider them to be 'fit and proper' if they can demonstrate, that they have:

- the right to work in the UK.

- not been convicted of a Relevant Offence in line with the Convictions Policy set out in Appendix A of this Policy.
- not been disqualified from holding a licence
- the knowledge, experience, compliance history, and capability to adhere to the licence conditions and ensure the welfare of the animals in their care.
- adequate management and training arrangements in place to safeguard staff and/or members of the public affected by the licensed activity.

This Policy does not limit the scope of the ‘fit and proper’ assessment, and the Council may consider any other reasonable factors relevant to the application.

When considering renewal applications, the Council will also consider information received during the previous licence term. The Council expects operators to act with honesty and integrity and demonstrate appropriate professional conduct at all times.

#### 14.5 Star Ratings and Licence Duration

Licences issued under the 2018 Regulations are given a star rating and issued for a period of one, two or three years depending on the operator’s risk rating and their standards of compliance with the licence conditions.

Licences for the keeping or training of animals for exhibition are issued for three years and do not receive a star rating.

When determining the star rating and duration of the licence an operator will receive a:

##### 1. Risk Rating:

Operators will be rated as either low or high risk. This is determined in line with the 2018 Guidance. New operators will always be considered high, unless they can show compliance history with another local authority or are UKAS accredited. Any compliance history with another local authority will only be considered if that history is for the same activity being applied for.

##### 2. Compliance Level:

Operators will be assessed as meeting either the minimum or high standards. Or in the case of renewals, minor failings. This assessment is determined by an operator’s ability to meet the licence conditions and standards discussed at [Paragraph 14.2](#) of this Policy.

The star rating and length of licence are determined using the matrix table below:

	Minor failings	Minimum standards	Higher standards
Low risk	1 star rating, 1 year licence, at least 1 *unannounced visit within 12 months	3-star rating, 2-year licence, at least 1 *unannounced visit within 24 months	5-star rating, 3-year licence, at least 1 *unannounced visit within 36 months
Higher risk	1 star rating, 1 year licence, at least 1	2-star rating, 1 year licence, at least 1	4-star rating, 2-year licence, at least 1

	*unannounced visit within 12 months	*unannounced visit within 12 months	*unannounced visit within 24 months
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\*Subject to the exemptions outlined in [Paragraph 14.7](#) of this Policy.

## 14.6 Appeals and Re-Inspections

### 14.6.1 Star Rating Appeals

To ensure fairness, the Council has an appeals procedure in place to allow an operator to dispute the star rating given.

The operator is encouraged to discuss the matter initially with the inspecting officer prior to submitting their appeal.

An operator may appeal a star rating if they consider it to be wrong i.e. it does not reflect the standards found at the time of the inspection. Any appeal to the rating must be made in writing to the Council within **21 days of the date the licence was issued**. Any appeal will consider the standards observed at the time of inspection. If an operator has made improvements since their inspection, the operator will need to apply and pay for a re-rating.

Appeals will be determined by the Team Manager for Licensing in consultation with another suitably qualified Inspector who was not involved with the original decision.

If the operator disagrees with the outcome of the appeal, they may challenge the decision by means of judicial review. The operator also has recourse to the Council's complaints procedure (taking the matter to the Local Government Ombudsman where appropriate) if they consider that the service has not been properly delivered.

### 14.6.2 Re-rating

An operator can request a re-rating at any time during the term of their licence. There are no limits on the number of re-ratings an operator can request. Any request for a re-rating must be made in writing to the Council and be accompanied by the relevant fee.

Depending on the nature of the re-rating a Veterinary Inspector may need to conduct an inspection. A fee may be payable.

### 14.6.3 Refusal and Revocation Appeals

Where a decision is taken to refuse or revoke a licence, the operator will be issued with a written decision notice outlining their right to appeal.

The operator has the right to appeal to a First-tier Tribunal within 28 days of the decision.

Guidance on how an operator can appeal can be found at [Welfare of animals: appeal to a tribunal - GOV.UK](#).

## 14.7 Interim Inspections

The Council is required to undertake an interim inspection at least once during the term of the licence. These visits will be unannounced, except where the business is run from a private dwelling, in which case 24 hours' notice will be given.

Where an operator is failing to comply with the conditions on their licence, appropriate enforcement action may be taken and/or the star rating may be adjusted.

## 14.8 Death of a Licence Holder

Upon the death of a licence holder, the licence will continue for 28 days as if it had been granted to their personal representative.

Provided the personal representative informs the Council of the death within 28 days of the date of death, the licence will remain in place for three months from the date of death, or for the remainder of the licence period, whichever is shorter. The personal representatives should then apply for a new licence at least one month before the expiry of this new period.

The Council may extend the three-month period by up to a further three months if requested by the personal representative and where they believe this time is required to enable the winding up of the former licence holder's estate.

Where the personal representative does not notify the Council within 28 days of the death of the licence holder, the licence will cease to have effect after the 28-day period.

## 15. The Animal Welfare (Primate Licences) (England) Regulations 2024

### 15.1 Legislation and Guidance

The [Animal Welfare \(Primate Licences\) \(England\) Regulations 2024](#) ('the 2024 Regulations') requires individuals who keep primates to obtain a licence from the Council. A primate is defined as any species, other than homo sapiens, which belong to the order Primates.

To accompany the 2024 Regulations, DEFRA publish [Guidance on Licence conditions for primate keepers](#). ('the 2024 Guidance').

The 2024 Regulations and Guidance set out the mandatory welfare standards, inspection requirements and procedures that the Council must follow when licensing and regulating primate keepers.

Any person who keeps or trains primates for exhibition will also be required to hold a licence under the **Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018**.

Any person who keeps a primate considered a dangerous wild animal will also be required to hold a licence under the **Dangerous Wild Animals Act 1976**.

Any primate kept at a licensed zoo or at an authorised research facility is not required to hold a Primate Licence.

### 15.2 Standards and Conditions

All operators are assessed against a set of standards. These standards form the basis for a set of mandatory conditions which are attached to the licence. The current standards are set out in the 2024 Regulations and Guidance.

The 2024 Guidance which contains the relevant conditions can be found at [Licence conditions for primate keepers \(Schedule 1\) - GOV.UK](#).

### 15.3 Application Process

#### 15.3.1 New

An application for a licence should be submitted to the Council's Licensing Team using the relevant application form available on the Council's website. The operator should include a Basic Disclosure and Barring Service certificate no more than 3 months old, any supporting information listed on the application form and pay the appropriate fee.

On receipt of a full and valid application, the Inspector and/or Veterinary Inspector (where appropriate) will attend the site to conduct an inspection and produce a report. Prior to the inspection the operator will be sent a pre-inspection checklist to assist them in preparing for their inspection. Copies of these pre-inspection checklists are available on the Council website.

Following the inspection the Council will determine the application. In reaching a decision the Council will consider:

- The application form and any supporting documentation,
- The Inspectors report,
- The Veterinary Inspectors report (where appropriate),
- The relevant legislation and guidance, and
- This Policy.

The Council will notify the operator of the decision in writing and outline any rights of appeal.

### 15.3.2 Variation

Where an operator wants to make changes to the way they care for their primates, they must submit an application to the Council to vary their licence. Situations which may require a variation to a licence include, but are not limited to:

- Altering the premises (e.g. altering enclosures, moving facilities)
- Changing the number or type of primates
- Updating operating procedures

Operators should contact the Licensing Team for advice prior to submitting an application to vary their licence.

An application for a variation to a licence should be submitted to the Council's Licensing Team using the relevant application form available on the Council's website. The operators should provide any supporting information requested by the Inspector and pay the relevant fee.

On receipt of a full and valid application, the Inspector will assess the application and where necessary, attend the site to conduct an inspection and produce a report. Depending on the nature of the variation a Veterinary Inspector may need to attend the site to conduct an inspection. A fee may be payable.

### 15.3.3 Transfers

A licence cannot be transferred from one operator to another. Where the care of a primate is to be transferred to another person, the new operator must ensure they have applied for, and been granted, a new licence prior to the old operator relinquishing responsibility for the care of the primate.

### 15.3.4 Renewals

The Council will aim to provide operators with four months' notice of when their licence is due to expire. Operators must then apply at least 10 weeks before their licence expires and follow the process for a new application.

It is the operator's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

### 15.3.5 Surrender

Where an operator wants to surrender their licence, they must notify the Council.

Any notification of surrender should be sent to the Council's Licensing Team in writing. Operators will be expected to return their licence and provide evidence of what will happen or has happened to the primates in their care. If the primate is to be transferred to another person, the operator must ensure that the new operator is appropriately licensed.

The Council reserves the right to refuse a surrender if the operator fails to provide sufficient evidence of the proper transfer or disposal of the primate.

## 15.4 Determination of Applications

Under the 2024 Regulations any individual over the age of 18 who keeps a primate, may apply for a licence, provided they are not barred from applying under regulation 6. Any application from a person who is barred from making an application will be refused.

To grant an application under the 2024 Regulations the Council must be satisfied that:

- the licence conditions will be met;
- the operator is a 'fit and proper' person to keep a primate; and
- the appropriate fee has been paid.

### Licence Conditions

To keep primates there are a specific set of conditions which operators are expected to meet. Detailed information about the standards and conditions keepers are expected to meet can be found in [Paragraph 15.2](#) of this Policy.

### Fit and proper Test

Although the term 'fit and proper' is not explicitly defined in the legislation or guidance, for the purposes of this Policy, the Council will consider the application together with the conduct displayed by the operator, and will consider them to be 'fit and proper' if they can demonstrate, that they have:

- not been convicted of a Relevant Offence in line with the Convictions Policy set out in Appendix A
- not been disqualified from holding a licence
- the knowledge, experience, compliance history, and capability to adhere to the licence conditions and ensure the welfare of the animals in their care.
- adequate arrangements in place to safeguard staff and/or members of the public affected by the licensed activity.

This Policy does not limit the scope of the 'fit and proper' assessment, and the Council may consider any other reasonable factors relevant to the application.

When considering renewal applications, the Council will also consider information received during the previous licence term. The Council expects operators to act with honesty and integrity and demonstrate appropriate professional conduct at all times.

### 15.5 Star Ratings and Licence Duration

Licences issued under the Animal Welfare (Primate Licences) (England) Regulations 2024 are not risk rated and are issued for a period of three years, or upon request, for a shorter period.

### 15.6 Appeals

Where a decision is taken to refuse or revoke a licence, the operator will be issued with a written decision notice outlining their right to appeal.

The operator has the right to appeal to a First-tier Tribunal within 28 days of the decision.

Guidance on how an operator can appeal can be found at [Welfare of animals: appeal to a tribunal - GOV.UK](#).

### 15.7 Interim Inspections

The Council is required to undertake an interim inspection at least once during the term of the licence. These visits will be unannounced, except where the business is run from a private dwelling, in which case 24 hours' notice will be given.

Where an operator is failing to comply with the conditions on their licence, appropriate enforcement action may be taken.

### 15.8 Death of a Licence Holder

Upon the death of a licence holder, the licence will continue for 28 days as if it had been granted to their personal representative.

Provided the personal representative informs the Council of the death within 28 days of the date of death, the licence will remain in place for three months from the date of death, or for the remainder of the licence period, whichever is shorter. The personal representatives should then apply for a new licence at least one month before the expiry of this new period.

The Council may extend the three-month period by up to a further three months if requested by the personal representative and where they believe this time is required to enable the winding up of the former licence holder's estate.

Where the personal representative does not notify the Council within 28 days of the death of the licence holder, the licence will cease to have effect after the 28-day period.

## 16. Dangerous Wild Animals Act 1976

### 16.1 Legislation and Guidance

The [Dangerous Wild Animals Act 1976](#) ('the 1976 Act') requires individuals who keep species of animals, considered hazardous, to obtain a licence from the Council. Animals considered to be hazardous are listed in the Schedule of the 1976 Act.

The legislation requires operators to ensure their hazardous animals are housed securely, cared for appropriately and kept without risk to the public. The requirements vary depending on the species.

A Dangerous Wild Animal licence is not required if a dangerous wild animal is being kept at a zoo.

### 16.2 Standards and Conditions

All licences granted under the [1976 Act](#) are subject to the conditions set out in the legislation. The Council may also impose conditions suggested by DEFRA and/or the Inspector/Veterinary Inspector.

Where the Council places conditions on a licence they will be based, wherever practicable, on existing codes of best practice and industry standards produced by, but not limited to, organisations such as, DEFRA, the British Veterinary Association and National Trade Associations.

### 16.3 Application Process

#### 16.3.1 New

An application for a licence should be submitted to the Council's Licensing Team using the relevant application form available on the Council's website. The operator should include a Basic Disclosure and Barring Service certificate no more than 3 months old, any supporting information listed on the application form and pay the appropriate fee.

On receipt of a full and valid application, the Inspector and Veterinary Inspector will attend the site to conduct an inspection and produce a report. Prior to the inspection the operator will be sent a pre-inspection checklist to assist them in preparing for their inspection. Copies of these pre-inspection checklists are available on the Council website.

Following the inspection the Council will determine the application. In reaching a decision the Council will consider:

- The application form and any supporting documentation,
- The Inspectors report,
- The Veterinary Inspectors report,
- The relevant legislation and guidance, and
- This Policy.

The Council will notify the operator of the decision in writing and outline any rights of appeal.

### 16.3.2 Variation

Where an operator wants to make changes to the way they care for their dangerous wild animal, they must submit an application to the Council to vary their licence. Situations which may require a variation to a licence include, but are not limited to:

- Altering the premises (e.g. altering enclosures, moving facilities)
- Changing the number or type of animals
- Updating operating procedures

Operators should contact the Licensing Team for advice prior to submitting an application to vary their licence.

An application for a variation to a licence should be submitted to the Council's Licensing Team using the relevant application form available on the Council's website. The operators should provide any supporting information requested by the Inspector and pay the relevant fee.

On receipt of a full and valid application, the Inspector will assess the application and where necessary, attend the site to conduct an inspection and produce a report.

Depending on the nature of the variation a Veterinary Inspector may need to attend the site to conduct an inspection. A fee may be payable.

### 16.3.3 Transfers

A licence cannot be transferred from one operator to another. Where the care of an animal is to be transferred to another person, the new operator must ensure they have applied for, and been granted, a new licence prior to the old operator relinquishing responsibility for the care of the animal.

### 16.3.4 Renewals

The Council will aim to provide operators with four months' notice of when their licence is due to expire. Operators must then apply at least 10 weeks before their licence expires and follow the process for a new application.

It is the operator's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

### 16.3.5 Surrender

Where an operator wants to surrender their licence, they must notify the Council.

Any notification of surrender should be sent to the Council's Licensing Team in writing. Operators will be expected to return their licence and provide evidence of what will happen or has happened to the animals in their care. If the animal is to be transferred

to another person, the operator must ensure that the new operator is appropriately licensed.

#### 16.4 Determination of Applications

Under the 1976 Act any individual over the age of 18 who keeps a dangerous wild animal, as specified in the legislation, may apply for a licence, provided they are not disqualified from keeping a dangerous wild animal. Any application from a person who is disqualified from keeping dangerous wild animals will be refused.

To grant an application under the 1976 Act the Council must be satisfied that:

- the operator owns and possesses or proposes to own or possess the animals,
- the granting of the licence will not adversely affect the public due to safety, nuisance or other concerns,
- the animals will be held in accommodation that is suitable for them and adequate to prevent escape,
- the animals are provided with suitable care and are supervised,
- adequate procedures are in place to ensure the safety of the animals in the event of an emergency (e.g. fire),
- adequate controls are in place to prevent and control the spread of infectious diseases,
- adequate insurances are in place,
- adequate provisions are in place for the provision of antivenom (where applicable),
- the operator is registered with a vet capable of providing veterinary care for the animals,
- the operator is a 'fit and proper' person to keep a dangerous wild animal; and
- the appropriate fee has been paid.

#### Fit and proper Test

Although the term 'fit and proper' is not explicitly defined in the legislation or guidance, for the purposes of this Policy, the Council will consider the application together with the conduct displayed by the operator, and will consider them to be 'fit and proper' if they can demonstrate, that they have:

- not been convicted of a Relevant Offence in line with the Convictions Policy set out in Appendix A,
- not been disqualified from keeping dangerous wild animals,
- the knowledge, experience, compliance history, and capability to ensure the welfare of the animals in their care; and
- adequate arrangements in place to safeguard staff and/or members of the public affected by the licensed activity.

This Policy does not limit the scope of the 'fit and proper' assessment, and the Council may consider any other reasonable factors relevant to the application.

When considering renewal applications, the Council will also consider information received during the previous licence term. The Council expects operators to act with honesty and integrity and demonstrate appropriate professional conduct at all times.

## 16.5 Star Ratings and Licence Duration

Licences issued under the 1976 Act are not risk rated and are issued for a period of two years.

## 16.6 Appeals

Where a decision is taken to refuse or revoke a licence, or to add conditions to a licence, the operator will be issued with a written decision notice outlining their right to appeal.

The operator has the right to appeal to the Magistrates Court within 21 days of the decision.

## 16.7 Death of a Licence Holder

Upon the death of a licence holder, the licence will continue for 28 days as if it had been granted to their personal representative. If an application is made for a new licence within this period, the licence will remain in force pending the grant or refusal of the new application.

## 17. Zoo Licensing Act 1981

### 17.1 Legislation and Guidance

The [Zoo Licensing Act 1981](#) ('the 1981 Act') establishes a legal framework for the licensing and regulation of zoos in Great Britain. It requires any establishment exhibiting wild animals to the public on seven or more days a year to be licensed by the Council, unless exempt.

The 1981 Act sets mandatory standards for animal welfare, conservation, public safety, and management practices, and requires regular inspections by local authorities with specialist veterinary input. It also provides enforcement powers, including the ability to issue directions, vary conditions, or revoke a licence where standards are not met.

To accompany the 1981 Act the [Standards of Modern Zoo Practice](#) are issued by the Secretary of State for Environment, Food and Rural Affairs, and are published and maintained by DEFRA. The current standards are in operation until 23 May 2027. From 24 May 2027 the current standards will be superseded by the [Standards of modern zoo practice for Great Britain](#). Any zoos in the district are encouraged to start working towards these standards as soon as possible.

### 17.2 Standards and Conditions

All licences granted under the [1981 Act](#) are subject to the conditions set out in the legislation. The Council may also impose conditions and/or directions suggested by DEFRA or required by the Secretary of State's Inspector/Veterinary Inspector.

All zoos are expected to adhere to the [Standards of modern zoo practice for Great Britain](#).

Where the Council places conditions on a licence they will be based, wherever practicable, on existing codes of best practice and industry standards produced by, but not limited to, organisations such as, DEFRA, the British Veterinary Association and National Trade Associations.

### 17.3 Application Process

#### 17.3.1 New

At least two months prior to submitting an application for a Zoo Licence the operator must give notice of their application. The operator must give notice to the Council using the relevant template on the Council's website. The notice should be published in a local and national newspaper and on the proposed site of the zoo. The Council will also publish a copy of the notice at the Council offices and on our website.

At the expiry of the two month notice period, an application for a licence should be submitted to the Council's Licensing Team using the relevant application form available on the Council's website. The operator should include a Basic DBS certificate no more than 3 months old, any supporting information listed on the application form and pay the appropriate fee.

On receipt of a full and valid application a 28-day consultation period will begin. During this time the Council will consult with any statutory consultees and consider representations from any other interested party. The Inspector and an inspector appointed by the Secretary of State will attend the site to conduct an inspection and produce a report. Prior to the inspection the operator will be given 28 days' notice of the inspection date and sent a pre-inspection checklist to assist them in preparing for their inspection.

Following the inspection the Council will determine the application. In reaching a decision the Council will consider:

- The application form and any supporting documentation,
- The Inspectors inspection report,
- The Secretary of States inspection report,
- The relevant legislation and guidance, and
- This Policy

If the Council proposes to add any conditions to a licence the operator will be consulted prior to reaching a final decision.

The Council will notify the operator of the decision in writing and outline any rights of appeal.

### 17.3.2 Variation

Where an operator wants to make changes to their zoo, they must submit an application to the Council to vary their licence. Situations which require a variation to a licence include, but are not limited to:

- Altering the premises (e.g. altering enclosures, moving facilities)
- Changing the number or type of animals
- Updating operating procedures

Operators should contact the Licensing Team for advice prior to submitting an application to vary their licence.

An application for a variation to a licence should be submitted to the Council's Licensing Team using the relevant application form available on the Council's website. The operators should provide any supporting information requested by the Inspector and pay the relevant fee.

On receipt of a full and valid application, the Inspector will assess the application and where necessary, attend the site to conduct an inspection and produce a report. Depending on the nature of the variation a Veterinary Inspector may be required to attend the site to conduct an inspection. A fee may be payable.

### 17.3.3 Transfers

A licence may be transferred from one operator to another.

Where the responsibility for running the zoo is to be transferred to another person, an application for a transfer should be submitted to the Council's Licensing Team using

the relevant application form available on the Council's website. The operator should include a Basic Disclosure and Barring Service certificate no more than 3 months old, any supporting information listed on the application form and pay the appropriate fee.

The new operator must ensure their transfer application has been granted, prior to the old operator relinquishing responsibility for the operation of the zoo.

#### 17.3.4 Renewal

The Council will aim to provide operators with nine months' notice of when their licence is due to expire.

It is the operator's responsibility to ensure that any renewal application is made at least 6 months before their licence is due to expire, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

An application for a renewal should be submitted to the Council's Licensing Team using the relevant application form available on the Council's website. The operator should include a Basic DBS certificate no more than 3 months old should, provide any supporting information requested by the Inspector and pay the relevant fee.

On receipt of a full and valid application, the Inspector and an inspector appointed by the Secretary of State will attend the site to conduct an inspection and produce a report. The Council will notify the operator of the decision in writing and outline any rights of appeal.

Where there has been a substantial change to the zoo, an applicant will need to apply for a new licence in line with [Paragraph 17.3.1](#).

#### 17.3.5 Surrender

Where an operator wants to surrender their licence, they must notify the Council.

Any notification of surrender should be sent to the Council's Licensing Team in writing. Operators will be expected to return their licence and provide evidence of what will happen or has happened to the animals in their care. If the animal is to be transferred to another person or zoo, the operator must ensure that the new operator is appropriately licensed.

### 17.4 Determination of Applications

Under the Zoo Licensing Act 1981 any individual or organisation over the age of 18 may apply for a Zoo licence,

To grant an application under the 1981 Act the Council must be satisfied that:

- the zoo will not have a harmful effect on the health or safety of people living in the neighbourhood or seriously threaten the preservation of law and order.
- the zoo meets the required [conservation requirements](#).

- The accommodation, staffing and management are adequate for the animal's welfare and running of the zoo.
- The operator has not been convicted of a Relevant Offence in line with the Convictions Policy set out in Appendix A
- the appropriate fee has been paid.

When considering renewal applications, the Council will also consider information received during the previous licence term. The Council expects operators to act with honesty and integrity and demonstrate appropriate professional conduct at all times.

### 17.5 Star Ratings and Licence Duration

Licences issued under the Zoo Licensing Act 1981 are not risk rated and are issued for a period of four years. On renewal, licences are valid for a period of six years.

### 17.6 Appeals

Where the Council makes a decision in relation to any licence application, the operator will be issued with a written decision notice outlining their right to appeal.

The operator has the right to appeal to the Magistrates Court within 28 days of the decision.

### 17.7 Death of a Licence Holder

Upon the death of a licence holder, the licence will continue for three months as if it had been granted to their personal representative.

During this period the personal representatives should make an application to transfer the licence into their name.

The Council may extend the three-month period if requested by the personal representative and there are justifiable reasons to do so.

Where the licence is not transferred within the agreed licence period, the licence will lapse.

## Appendix A - Convictions Policy

This section provides guidance on how the Council will assess cautions and convictions when determining if an operator is a 'fit and proper' person. The Council consider the safety and welfare of animals and the public as its primary consideration.

In assessing whether the operator is a 'fit and proper' person to hold a licence, the Council will have regard to the provisions set out in the relevant legislation and will only take into consideration those matters it is legally entitled to, and only in so far as they are relevant to the application.

The Council will have regard to the individual circumstances of the offence, the seriousness and age of the offence, the operators age at the time of the offence, the sentence imposed by the court and whether the offence is isolated and/or shows any patterns of behaviour. Each case will be considered on its own merits.

### Offences Involving Animal Welfare/Cruelty

The primary purpose of animal licensing legislation is to ensure the welfare of animals. A licence will not normally be granted where the operator has a conviction for an offence or offences similar to those involving animal cruelty or suffering.

### Licensing Offences

The licensing process requires operators to adhere to legislation, processes and conditions. Offences relating to licensing can indicate a reluctance to be regulated and/or work within a regulatory framework. A licence will not normally be granted where the operator has a conviction for an offence relating to licensing.

### Other Offences

The Council has broader responsibilities to prevent crime and disorder and to safeguard children and vulnerable adults, as mandated by the Crime and Disorder Act 1998, the Children Act 2004, and the Care Act 2014.

A licence will not normally be granted where the operator has a conviction for an offence that falls in the following categories:

- Offences involving violence.
- Possession of a weapon.
- Sexual and indecency offences.
- Offences involving dishonesty.
- Offences involving drugs.

Any offences or behaviours not specifically addressed by this Policy may still be considered.



## Equality Impact Assessment

**Carrying out an Equality Impact Assessment (EIA) will help the Council meet its Public Sector Equality Duties (Equality Act 2010).**

The duties which need to be considered when making decisions are to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

Failure to assess the equality impact may increase the risk of making an unfair decision which could potentially be discriminatory. It also prevents us from identifying opportunities to promote equality and therefore leaves the Council open to potential legal challenges.

Using this EIA template will help to ensure that a decision is made in a fair way, based on evidence. It provides a clear and structured method to assess the potential impact on protected groups.

For more information how to complete this form please refer to the Guidance which can be found at [HERE](#)

<b>Title of policy or proposal</b>	Animal Welfare Licensing Policy
<b>Briefly describe the aims of the policy change, decision or proposal, the likely outcomes, and the rationale for it</b>	<p>The Council is responsible for the licensing and regulation of animal activities in the district. It is considered good practice for the Council to prepare and publish an Animal Welfare Licensing Policy which sets out how the regime will be administered. In setting out the policy the Council seeks to do the following:</p> <ul style="list-style-type: none"> <li>• Protect and promote animal welfare standards,</li> <li>• Protect the environment,</li> <li>• Safeguard public health and safety,</li> <li>• Provide a clear and consistent regulatory framework; and</li> <li>• Provide a reliable, fair, transparent, and accessible service.</li> </ul> <p>This licensing regime is largely governed by legislation and this Policy is intended to set out how the Council will put that legislation into practice.</p>

**Consider the potential impact on any member of staff or member of the public with the following protected characteristics:**

Age, Disability, Gender identity/Gender reassignment, Race, Religion or belief, Sex, Sexual orientation, Women who are pregnant or have recently had a baby.

Also, consider employees who are married or in a civil partnership.

<p><b>What information is already held, or have you obtained through consultation or engagement activity?</b> (For each protected characteristic: What do you know about our employees, service users or anyone else who potentially could be affected by the proposal? Who has been consulted? If you have gaps in your evidence or data, you may need to carry out targeted engagement activity and/or consider information from local or national research).</p>	<p>No information relating to the people affected by this Policy is available. At this stage, no formal consultation or engagement activity has been carried out. A full public consultation is planned, which will provide more insight across all protected characteristics.</p> <p>Current information is based primarily on the professional knowledge and experience of animal licensing inspectors, who work directly with operators and members of the public affected by animal licensing processes. This provides some operational understanding of how the proposal may impact different groups, but it is not comprehensive.</p>
<p><b>After considering the information, which protected groups may potentially be affected?</b> (Delete those not likely to be affected)</p>	<p><b>Age</b></p> <p><b>Disability</b></p> <ul style="list-style-type: none"> <li>• Physical/mobility impairment</li> <li>• Sensory: hearing/visual or speech</li> <li>• Mental health</li> <li>• Learning disabilities</li> <li>• Non-visible conditions such as epilepsy/diabetes</li> </ul> <p><b>Sex</b></p> <p><b>Race including gypsies and travellers</b></p> <p><b>Sexual Orientation</b></p> <p><b>Religion/Belief</b></p> <p><b>Gender Reassignment</b></p> <p><b>Pregnancy &amp; Maternity</b></p> <p><b>Marriage &amp; Civil Partnership</b> (for employees only)</p>
<p><b>Using the information you have, give details of any potential positive and negative impacts on protected groups likely to be affected by the policy change, decision, or proposal</b></p> <p>(For each protected characteristic where there could be a potential impact, consider the following: Could people from any protected groups be positively or negatively affected? Could anyone's ability to take part in public life be affected? Could this policy change, decision or proposal affect public attitudes towards any protected group? Could any groups become more</p>	<p><b>Age:</b> Animal Licensing in general may have a more significant adverse impact on children and young people who are more likely to use some of the services provided without adult supervision. E.g. horse-riding tuition. Whilst the Council is limited in their influence over the requirements set out in legislation and guidance, appropriate statutory guidance has been included in the Policy to encourage responsible safeguarding practices, particularly where businesses are likely to offer services to children and young people.</p> <p><b>Disability:</b> Animal Licensing requirements and processes in general are likely to be more difficult for those operators who have some disabilities. Operators may find it difficult to comply fully with the legislation and statutory guidance. Reasonable adjustments will be considered in so far as is practicable whilst still maintaining animal welfare standards.</p> <p><b>Race:</b> Operators for whom English is not their first</p>

<p>or less likely to be at risk of harassment or victimisation because of this policy change, decision, or proposal? Are there opportunities to create positive impacts? <i>(remember that the law permits disabled people to be treated equally or better than other groups to enable reasonable adjustments to be made).</i></p>	<p>language may have difficulty in understanding the policy or complying with the requirements set in legislation and statutory guidance. The Council has interpretation and translation services where necessary.</p> <p><b>Pregnancy and Maternity:</b> Animal Licensing requirements and processes in general are likely to be more difficult for those operators who are pregnant or on maternity leave. Operators may find it difficult to comply fully with the legislation and statutory guidance. Reasonable adjustments will be considered in so far as is practicable whilst still maintaining animal welfare standards.</p> <p><b>General:</b> Animal Licensing in general may have an impact on some people with protected characteristics, who could be considered vulnerable under safeguarding principles. In certain situations, individuals may be left alone with operators without direct supervision, which could increase the risk of harm or reduce their ability to report concerns. Whilst the Council is limited in their influence over the requirements set out in legislation and statutory guidance, appropriate guidance has been included in the Policy to encourage responsible safeguarding practices, particularly where businesses are likely to offer services to people who could be considered vulnerable.</p>
<p><b>Give details of any actions that can be taken to promote equality or to lessen any potential adverse impact on protected groups.</b></p>	<p>The Council is limited in their influence over the requirements which are largely set out in legislation and statutory guidance. The following measures will be put in place:</p> <p>Additional guidance advising that businesses have safeguarding measures in place to protect children and young people is factored into the policy to mitigate the increased risk.</p> <p>Where possible the Council will make reasonable adjustments in so far as is possible whilst still maintaining the principle objective of the Policy, to protect animal welfare.</p>
<p><b>What plans are there to monitor and review the actual impact of the policy change, decision, or proposal on equality of opportunity?</b></p>	<p>The Council will monitor any impact on characteristics by reviewing the policy and conducting any necessary consultation every three years.</p>
<p><b>When will follow up review be done?</b></p>	<p>Three years after the final approval of the policy.</p>

<b>Based on a consideration of all the potential impacts, mark one of the following as an overall summary of the outcome of this assessment:</b>	
	The equality analysis has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.
	The equality analysis has identified risks or opportunities to promote better equality; the change, decision or proposal will be adjusted to avoid risks and ensure that opportunities are taken.
X	The equality analysis has identified risks to equality which will not be eliminated, and/or opportunities to promote better equality which will not be taken. Acceptance of these is reasonable and proportionate, given the objectives of the change, decision or proposal, and its overall financial and policy context.
	The equality analysis shows that the change, decision, or proposal would lead to actual or potential unlawful discrimination or would conflict with the Council's positive duties to an extent which is disproportionate to its objectives. It should not be adopted in its current form.
<b>Explain how the judgement above was reached and action plan what will be taken to reduce any negative or to enhance any positive impacts on equality</b>	Whilst the equality analysis has identified some risks to equality, the Council is limited in ways they can eliminate those risks, due to requirements set out in legislation and statutory guidance. For this reason, the acceptance of those risks is reasonable and proportionate for the aim of the Policy, to protect animal welfare.
<b>Name(s) and job title(s) of person (people involved in) carrying out this assessment</b>	Charmaine Terry (Environmental Health Team Manager (Licensing)) Samantha Crossland (Licensing and Enforcement Officer) Lindsey Delamore (Licensing and Enforcement Officer)
<b>Authorising Director or Assistant Director</b>	Lee Pepper
<b>Date authorised</b>	23/04/2026
<b>The completed equality impact assessment <u>must</u> be attached to the report that will be considered by the decision maker or decision makers to enable them to give due regard to the impact of the policy, decision, or proposal on protected groups. Also send a copy to <a href="mailto:Amar.Bashir@ne-derbyshire.gov.uk">Amar.Bashir@ne-derbyshire.gov.uk</a></b>	