

West Suffolk Council Animal Licensing Policy Statement

November 2021

Purpose of document

1. This document summarises West Suffolk Council's approach to licensing animal businesses and activities through animal welfare licences, dangerous wild animal licences and zoo licences. It sets out West Suffolk's licensing principles; explains where further information can be found about the requirements for running licensed animal activities; and describes the application process run by West Suffolk Council.

The role of West Suffolk Council

2. West Suffolk Council is a licensing authority with the power to regulate animal establishments under the following legislation:
 - [Dangerous Wild Animals Act 1976](#)
 - [Zoo Licensing Act 1981](#)
 - [Animal Welfare Act 2006](#)
 - [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#)
3. Under the legislation, it is an offence for any person to possess, own or keep animals in order to carry out certain businesses, or have possession of certain animals within the district without first being licensed by the council.

West Suffolk Council's licensing principles

4. In carrying out its responsibilities as a licensing authority, in accordance with the legislation, West Suffolk Council will act in line with the following principles:
 - Promotion of animal welfare
 - Protection of public safety
 - Prevention of nuisance
 - Support for local businesses, through better regulation.

Promotion of animal welfare

5. Section 9 of the Animal Welfare Act 2006 sets out five overarching principles of animal welfare, known as the '[five needs](#)' or five freedoms. These are:
 - (a) its need for a suitable environment
 - (b) its need for a suitable diet
 - (c) its need to be able to exhibit normal behaviour patterns
 - (d) any need it has to be housed with, or apart from, other animals, and

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(e) its need to be protected from pain, suffering, injury and disease

It is the duty of any person responsible for an animal to ensure that each of these five needs are met, and West Suffolk Council will work through its licensing activities to ensure all businesses are complying with this duty.

Protection of public safety

6. West Suffolk Council will work through its licensing responsibilities to reduce the risks of illness or injury to animal, premises, staff and members of the public associated with contact with animals, and to prevent crime and disorder.
7. There are risks inherent for animals and humans carrying out licensable activities in inappropriate premises. As such, West Suffolk Council will have regard to businesses that may be operating from premises without the relevant planning permission or building regulations approval and will refer these cases through to the relevant department for their consideration, as per additional guidance note from The Department for Environment, Food and Rural Affairs (DEFRA) dated April 2019.

Prevention of nuisance

8. The council will work with applicants and licence holders through the licensing process to minimise any nuisance caused by animal business premises, in the form of noise and odours.

Support for local businesses, through better regulation

9. West Suffolk Council recognises the significant contribution that animal businesses and activities make to the local economy and the role they play in leisure, education and tourism. As such, the council wishes to provide support to these businesses to grow and flourish, while ensuring they operate safely. The council will always seek to work in a positive partnership with licence holders and applicants in a way that minimises the burden and cost of regulation.

Compliance with other relevant legislation

10. West Suffolk Council will also have regard to other relevant legislation, policies and strategies in carrying out its responsibilities as a licensing authority. For example, the council's [Equality Scheme](#).
11. Licensed businesses are advised to ensure that all other necessary permissions and policies are in place in order to operate an animal business. For example, landlord's permissions and policies relating to the safeguarding of children and vulnerable adults.

The licensing process

12. The legislation referred to above sets out the individual requirements and standards that must be satisfied for each type of animal licence. The Department

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for Environment, Food and Rural Affairs (DEFRA) has produced [guidance relating to each type of premises or activity](#) for licences issued under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and these standards must be met. Applicants are advised to read the relevant guidance before applying for a licence.

13. In addition, for licences to be issued under the Dangerous Wild Animals Act 1976 and Zoo Licensing Act 1981, the council is permitted to attach additional conditions to licences in order to ensure the requirements of the legislation are met. These conditions may be added following an inspection by a suitably qualified inspector. Where additional conditions are added, they will be based on existing codes of practice and industry standards.

Making an application

14. Details of how to apply for an animal licence can be found on West Suffolk Council website – [Animal business licences \(westsuffolk.gov.uk\)](http://westsuffolk.gov.uk), along with application forms and details of the relevant licence fees.
15. Once an application has been submitted, West Suffolk Council will assess the application against the relevant legal requirements and may seek advice from a veterinarian where appropriate. Where standards are not met, or are unlikely to be met, the applicant will be notified and will have the opportunity to address these matters in the hope of satisfying the relevant criteria. If this is not possible, the application will be refused.
16. Each application will be considered on its own merits. Where an applicant can demonstrate that a departure from this policy statement, based on their individual circumstances, would still achieve the licensing principles, the council may still issue a licence. These exceptions do not apply to the mandatory elements of the licensing process.

Appeals where an application is refused

17. Under Section 24 of the Regulations, an applicant may appeal to the [First Tier Tribunal](#) when the council has refused to grant a new licence, to renew an existing licence or has taken away an existing licence or conditions attached to it. The appeal must be a written representation to the local authority within 28 days beginning with the date of refusal notification. The First Tier Tribunal will make a decision whether to confirm the local authority's decision, or to overturn the local authority's decision with or without modification.

Applying to renew a licence

18. Applications for licence renewals must be made at least eight weeks before the expiry date.

Roles and responsibilities within West Suffolk Council

19. The West Suffolk Council [scheme of delegation](#) sets out the delegations given to officers to carry out licensing responsibilities. While many of these day-to-day responsibilities are held by all licensing officers, some are reserved to the Service Manager.

Star ratings

20. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 introduced a star rating scheme that all Animal Welfare Licence holders are subject to. The system is risk-based, following an inspection, and determines the length of the licence and the star rating. Details of how the scheme works, including the appeals process and the process for re-inspection are available in this [Defra guidance document](#).

Enforcement

21. Where a licensed animal business falls below the standards set out in the licence conditions, West Suffolk Council may commence formal enforcement action to ensure animal welfare or public safety is not compromised. This could lead to the variation, suspension, revocation or refusal to renew a licence and/or formal prosecution may be commenced. West Suffolk Council will carry out its enforcement role in line with the council's [Enforcement Policy](#).
22. Where West Suffolk Council receives a complaint about one of its licence holders, the matter will be investigated by officers to ensure that animal welfare issues are not being undermined. While the council will not get involved in third party issues, where possible, officers will work with the licence holder to take action to ensure the reason for the complaint is resolved and does not recur. Where an investigation uncovers significant failings, formal action is likely to be taken to remove the licence.