



Crawley Borough Council

Licensing Committee

Agenda for the **Licensing Committee** which will be held in **Committee Rooms A & B - Town Hall**, on **11 November 2024** at **7.00 pm**

Nightline Telephone No. 07881 500 227

A handwritten signature in black ink, appearing to be 'J. Ashraf'.

Chief Executive

Membership: Councillors I Ashraf (Chair), K L Jaggard (Vice-Chair), M L Ayling, T G Belben, B J Burgess, C M Burke, D Crow, J Hart, N Hilton, I T Irvine, M G Jones, Y Khan, T Lunnon, A Nawaz and B Noyce

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RH10 1UZ

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The order of business may change at the Chair's discretion

Part A Business (Open to the Public)

	Pages
1. Apologies for Absence	
2. Disclosures of Interest	
In accordance with the Council's Code of Conduct, councillors are reminded that it is a requirement to declare interests where appropriate.	
3. Minutes	3 - 6
To approve as a correct record the minutes of the Licensing Committee held on 5 August 2024.	
4. Public Question Time	
To answer any questions asked by the public which relate to an item on this agenda and which are in line with the Council's Constitution.	
Public Question Time will be concluded by the Chair when all questions have been answered or on the expiry of a period of 15 minutes, whichever is the earlier.	
5. Animal Licensing Policy	7 - 38
To consider report HCS/083 of the Head of Community Services.	
6. Supplemental Agenda	
Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.	

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Crawley Borough Council

Minutes of Licensing Committee

Monday, 5 August 2024 at 7.00 pm

Councillors Present:

I Ashraf (Chair)

K L Jaggard (Vice-Chair)

M L Ayling, T G Belben, B J Burgess, C M Burke, S Bushnell, D Crow, J Hart, N Hilton, I T Irvine,
M G Jones, Y Khan, A Nawaz and B Noyce

Officers Present:

Georgina Bouette Head of Community Services

Kareen Plympton Health, Safety and Licensing Manager

Jess Tamplin Democratic Services Officer

Astrid Williams Senior Lawyer (Solicitor)

1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor Nawaz	Pavement Licence Policy (minute 6)	Personal Interest – has an interest in a business in Crawley town centre.

2. Minutes

The minutes of the meeting of the Licensing Committee held on 18 June 2024 were approved as a correct record and signed by the Chair.

3. Licensing Sub-Committee Minutes

The minutes of the Licensing Sub-Committee held on 12 February 2024 (applications for the review and variation of the premises licence at Mon Ami, 20 Broad Walk, Northgate, Crawley, RH10 1HQ) were approved as a correct record and signed by the Chair.

4. Licensing Sub-Committee Minutes

The minutes of the Licensing Sub-Committee held on 24 April 2024 (application for the review of the premises licence at Best One, 4 The Broadway, Northgate, Crawley, RH10 1DS) were approved as a correct record and signed by the Chair.

5. Public Question Time

There were no questions from members of the public.

6. Pavement Licence Policy

The Committee considered report [HCS/081](#) of the Head of Community Services. The Health, Safety and Licensing Manager presented the report which set out the draft policy for the determination of pavement licences, which would allow local businesses to provide street furniture outside their premises. Local authorities had been temporarily responsible for the provision of this function since 2020, but in March 2024, the Business and Planning Act 2020 (as amended by the Levelling Up and Regeneration Act 2023) had transferred this power to local authorities permanently. The implementation of a permanent policy was now required, including the fees to be charged for the application process. The Committee was asked to consider and approve the proposed policy and associated fee structure set out in the report.

The Committee then discussed the matter. There was general support expressed for the policy itself and for the implementing of a two-year licence term, but mixed views were offered about the fees proposed. Some Committee members believed that the fee structure should be stepped, with businesses paying different rates based on certain criteria (for example, the size of the outside space to be licensed or the rateable value of the premises) rather than the proposed 'one size fits all' approach. It was agreed that this alternative proposal may be more complicated to implement, but some felt that the priority was to create a fairer fee structure that did not penalise small businesses by charging them the same rates as larger businesses – smaller businesses were more likely to have less space and fewer outside tables, meaning fewer customers and less income as a result of their pavement licence – but they would pay the same as a larger business which would see greater benefit from the licence. It was considered important that smaller businesses not be put off from applying due to fees which they may deem unfair or excessive.

Some Committee members highlighted the importance of the licensing service being cost-neutral. If the fees were to be reduced (via a stepped approach), and an applicant's fee was lower than the cost of administering their licence, the Council would take on the shortfall and this would create a deficit within the service. The proposed fees set out in the report ensured that the actual costs were covered. The Licensing Manager also explained that businesses had reported how vital outside areas were to their success – the increase in covers/footfall due to the provision of street furniture generated substantial income. The proposed fees reflected this.

Officers were asked to further explain how the proposed fees were calculated. It was explained that Appendix B to the report gave a breakdown of the costs of providing the service and the proposed fees covered these costs. The fees charged by neighbouring

Agenda Item 3

Licensing Committee (8)

5 August 2024

local authorities, which were set out at Appendix C, had also been taken into account. It was noted that the proposed initial fee equated to less than £21 per month – some Committee members believed this was good value to allow a business to utilise an outside area to increase business, while others believed it may be a more substantial cost for smaller businesses. It was estimated that approximately 14 officer hours would be required for the processing and maintaining of one new pavement licence application, which would be the same regardless of the size of the business. The rate at which the calculations were based on included the hours of a number of officers at various levels of seniority.

The following matters were also discussed:

- The proposed fees were at the maximum rate set by the Government, but were chargeable for a two year licence period rather than a one year period. This therefore equated to a monthly cost of half of the maximum possible fee.
- Officers were asked whether any consultation on the proposed fees had been carried out. It was confirmed that there was no statutory requirement to go to consultation before setting the fees, but the matter had been raised at a recent Pubwatch meeting at which many local businesses were in attendance. No feedback was offered.
- A Committee member asked whether a payment plan could be established for applicants who were not able to pay the entire fee on application. The Licensing Manager explained that managing monthly repayment plans would create a much greater administrative burden on the Licensing team and therefore would lead to higher costs. As well as this, the legislation set out that any application should be accompanied by the fee, paid in full.
- A concern was raised that if an application was refused by the Council, the accompanying fee would not then be refunded to the premises. Officers confirmed this was the case but assured the Committee that they worked closely with businesses in the pre-application period to ensure their application would be compliant as far as possible.
- It was confirmed that licences are not transferable – if a business was sold, an application for a new licence would be required.
- A Committee member highlighted that the equality impact assessment stated that no complaints had been received about the street furniture currently licensed at premises throughout the town, in terms of the impact on people with disabilities. A concern was raised that a lack of complaints was not an accurate means of concluding that the policy did not impact those with disabilities. The Licensing Manager confirmed that the policy complied with the national mandatory conditions set out in Government guidance, which included requirements on minimum footway widths and clear routes of access to assist those with reduced mobility. The policy was a continuation of the existing regime and the disability standards had not been changed or removed. If complaints were received, these would be responded to and investigated.
- The Committee discussed the previous financing of the policy, which had in part, since 2020, come under the Government's 'new burdens' doctrine. Local authorities had provided feedback that the previous £100 fee had not covered the costs of fulfilling the service, which had led to the Government amending the maximum fees to £500/350 for a new licence/renewal respectively.
- Officers and Committee members agreed that there could be further promotion of the pavement licence regime in order to inform and attract more businesses to apply for a pavement licence and to secure compliance. The Licensing team was now fully staffed so there was more capacity to action this.

Agenda Item 3

Licensing Committee (9)

5 August 2024

It was then proposed by Councillor Jones that the recommendations be amended – that recommendation (a) be removed and recommendation (c) be amended as follows:

- c) That the Licensing Committee amends the Pavement Licence Policy as included at Appendix A to report HCS/081 **(with the exception of the figures in paragraph 3.2), subject to delegating the final decision on the fees outlined in the policy to the Head of Community Services (in consultation with the relevant Portfolio Holder and the Chair of the Licensing Committee), subject to the considerations raised at the Committee meeting on 5 August 2024, such as the size of the business and the benefit derived from the licence to be issued.**

The Licensing Manager requested further details about this amendment, to which Councillor Jones suggested that the differential rates could be based on the size of the outside area that the business sought to use. Legal and procedural advice was provided by the officers present in order to ensure the amended recommendations were in line with legislation and the Council's Constitution. The amendments were seconded by Councillor Noyce and the Committee moved to a vote on the amendments, which were agreed.

The Committee then moved to a vote on the full recommendations (as amended).

RESOLVED

That the Committee:

- a) Agrees that where it is appropriate to grant a Pavement Licence, that it is ordinarily granted for a period of two years.
- b) Amends the Pavement Licence Policy as included at Appendix A to report HCS/081 (with the exception of the figures in paragraph 3.2), subject to delegating the final decision on the fees outlined in the policy to the Head of Community Services (in consultation with the relevant Portfolio Holder and the Chair of the Licensing Committee), subject to the considerations raised at the Committee meeting on 5 August 2024, such as the size of the business and the benefit derived from the licence to be issued.

Closure of Meeting

With the business of the Licensing Committee concluded, the Chair declared the meeting closed at 8.33 pm.

I Ashraf (Chair)

Agenda Item 5

Crawley Borough Council

Report to Licensing Committee

11 November 2024

Animal Licensing Policy - The Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018

Report of the Head of Community Services - **HCS/083**

1. Purpose

- 1.1. To seek the Licensing Committee's views on the content of the draft Animal Licensing Policy, compiled in connection with the Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 attached at Appendix A before it goes out to public consultation in December 2024 for a six-week period.

2. Recommendations

- 2.1 That the Licensing Committee:

- a) Endorses the draft Animal Licensing Policy (included at Appendix A to report HCS/083) and requests that a public consultation commences.
- b) Agrees to adopt the Animal Licensing Policy from 1 February 2025 (with the inclusion of any minor amendments arising from the consultation made by the Head of Community Services as required), unless the Head of Community Services, in conjunction with the Chair of the Licensing Committee, determines that the consultation responses propose significant changes to the policy and that its re-consideration by the Licensing Committee is required.

3. Reasons for the Recommendations

- 3.1 Whilst it is not a statutory requirement for the Council as Licensing Authority to have an Animal Licensing Policy, it is considered good governance to have such guidance. It has been produced to assist the Council and provides a framework for decision making and provides current and potential licence holders as well as the public information as to the Council's policy on how the animal licensing regime is administered and regulated within the borough. It is proposed that the Policy will be reviewed and republished, following consultation, every five years or as appropriate if there are changes to legislation, Regulations and/or Guidance.

Agenda Item 5

4. Background

- 4.1. On the 1 October 2018, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 replaced a range of other animal licensing legislation previously used by local authorities to administer and regulate the regime. It provides a single licensing regime for animal licensing activities. Those undertaking the following activities need to be licensed under the regime:
- Selling animals as pets.
 - Providing or arranging for the provision of boarding for cats or dogs (including daycare).
 - Hiring out horses.
 - Breeding dogs.
 - Keeping or training animals for exhibition.
- 4.2. The Regulations replaced the previous licensing and registration regimes:
- Pet Animals Act 1951
 - Animal Boarding Establishments Act 1963
 - Riding Establishments Acts 1964 & 1970
 - Breeding of Dogs Act 1973 & Breeding and Sale of Dogs (Welfare) 1999
 - Performing Animals (Regulation) Act 1925
- 4.3. The Animal Welfare (Licensing of Activities involving Animals Activities Involving Animals) (England) Regulations 2018 works in conjunction with the Animal Welfare Act 2006. and are comprehensive and defines the activities specified above in paragraph 4.1 as ‘licensable activities’. Licence conditions, previously an area where local authorities had to adopt their own, are now prescribed in the regulations. There are several standard conditions applicable to every licence and specific conditions depending upon the licensable activity authorised. The local authority does not have discretion to impose its own conditions.
- 4.4. Before a licence is issued the premises must be inspected, a report compiled, and a ‘star’ rating awarded to the premises. The star rating varies from 1 to 5 and determines the length of the licence (1 to 3 years). There is an appeal procedure for the refusal outright of a licence to the First Tier Tribunal. Outside of this, operators can internally appeal the ‘star rating.’
- 4.5. Operators can request a re-inspection; this is different from an appeal against the star rating and is generally asked for if suggested remedial work and/or qualifications have been completed since the original inspection and assessment. The method by which this can be achieved is detailed in the draft Policy.
- 4.6. Every premises must be inspected at least once during the term of its licence. Inspections can also take place (both announced and unannounced) if there is a complaint, variation and/or material change to the operation which requires the case to be revisited.

Agenda Item 5

- 4.7. The legislation, Regulations and Statutory Guidance is very prescriptive covering all of the licensable activities. It focusses on the standards and documentation expected of operators, both in terms of the premises and animal welfare to make sure species needs are met. It is far more demanding than previous statutes and all licensable activities are the subject of lengthy Statutory Guidance from DEFRA. Statutory Guidance has also been issued to local authorities to assist with the processing, assessment, and determination of applications.
- 4.8. An area that has attracted a lot of discussion is home boarding for dogs' franchises. These involve a franchise sourcing several addresses operated by households to 'host' dog boarding. Some franchises take the view that the 'host' families do not need to be licensed as they consider that remuneration for their services are below a threshold of £1000 which the government considers not reportable to HMRC i.e. not a business. However, there are 9 other HMRC "badges of trade," the Business Test and other factors that need to be considered when assessing whether a premises requires licensing along with the "business test" (Schedule 1 Part 1 of the Regulations).
- 4.9. It should be noted this draft Policy only deals with the licensable activities described in in paragraph 4.1 above as prescribed in the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 4.10. For clarity, it does not deal with dog walkers who currently fall outside of this licensing regime at this time. However, there is a raft of other legislation that deals with the issues of dog fouling, keeping dogs on leads and proper control of dogs.
- 4.11. The following organisations will be specifically consulted upon as part of the process of adopting the policy:
- Licence Holders for Animal Welfare Licences within the area
 - RSPCA
 - British Veterinary Association
 - Royal College of Veterinary Surgeons
 - DEFRA
 - Elected Members
 - Sussex Police

5. Fixed Penalty Notices – Animal Welfare Offences

- 5.1. From 1st January 2024, the Council as the Enforcement Authority or a Police Constable can use penalty notices for animal health and welfare offences under the Animals (Penalty Notices) Act 2022 ('the Act'). A penalty notice under the Act for specific matters as listed by the Act, gives an individual or body the opportunity to avoid prosecution for a criminal offence by paying a financial penalty. Payment of a penalty does not require an admission of guilt and will not result in a criminal record. There is government guidance published regarding the use of penalty notices of animal health and welfare offences, which is accessible via this link:
<https://www.gov.uk/government/publications/penalty-notices-for-animal-health->

Agenda Item 5

[and-welfare-offences/statutory-guidance-on-the-use-of-penalty-notices-for-animal-health-and-welfare-offences](#)

- 5.2. Penalty notices will add to and complement the current suite of enforcement and regulatory options, such as:
- advice and guidance
 - warning letters or statutory notices
 - movement restrictions
 - cautions and prosecutions
- 5.3. This new enforcement route is to support early redirection through behaviour change, to promote compliance with animal health and welfare rules. Penalty notices are not designed for serious offences, nor for minor breaches where advice and guidance in the first instance would be sufficient in rectifying the issue. Advice and guidance should usually be our primary enforcement action to promote compliance in most cases followed by warning letters or statutory notices. Issuing a penalty notice will usually supplement these actions or be the next enforcement steps.
- 5.4. Consideration is also given as to whether prosecution would be the most appropriate enforcement action in the first instance where there is evidence of:
- a serious animal welfare offence.
 - a significant threat to the human food chain or national biosecurity.

6. Policy and Regulation

- 6.1. There is no legislative requirement to produce a policy for The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, however, it is considered good governance to have such guidance and a framework for decision making.

7. Staffing, Equalities, Financial and Legal Implications

- 7.1. There are no specific financial implications other than the administrative, inspection and regulatory requirements of the regime, including the development, review, and adoption of this draft Policy. Qualified Inspectors within the Licensing Team will be responsible for the administration and enforcement of the various provisions.
- 7.2. However, depending on the level of demand, resourcing will therefore need to be kept under review and may need adjustment dependent upon how many applications or enforcement issues arise. Significant work has already been undertaken by the Licensing Team to secure compliance amongst eligible operators, but work continues to identify illegal animal activities. The costs are generally covered by the licence fees, without recourse to the General Fund.
- 7.3. The details of all current licensed animal activity premises are available via the Council's website: [Animal Activity Licence Register \(crawley.gov.uk\)](http://crawley.gov.uk)

Agenda Item 5

8. Staffing, Equalities, Financial, and Legal Implications

- 8.1. It is likely that there will be increased demand on the Licensing Service as a result of the regulatory and enforcement requirements brought about by the Animal Activities Licence regime. The Service is self-financing, and activities should be cost neutral. The fees charged in relation to animal activity licensing are determined locally and comprise of Part A, application fee and Part B, grant fee.
- 8.2. Councillors must ensure that they exercise their decision-making powers in a manner which is compliant with the Human Rights Act 1998, and the principles of natural justice.
- 8.3. The Crime and Disorder Act 1998 (CDA) established that the responsibility of reducing crime does not fall solely to the police. Section 17 of the CDA requires local authorities to consider the crime and disorder implications of all their activities and functions and do all that they reasonably can to reduce these problems. It states as follows:
 1. *Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent.*
 - a. *Crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment, and*
 - b. *The misuse of drugs, alcohol, and other substances in its area, and*
 - c. *Re-offending in its area.*
 - 1A) *The duty imposed on an authority by subsection (1) to do all it reasonably can to prevent serious violence in its area is a duty on the authority to do all it reasonably can to—*
 - (a) *prevent people from becoming involved in serious violence in its area, and*
 - (b) *reduce instances of serious violence in its area.*
- 8.4. Pursuant to Section 149 of the Equality Act 2010, the Council when making decisions must have regard to the 'Public Sector equality duty'. In summary, this means that the Council must, in the exercise of its functions, have due regard to the need to-
 - a) Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act.
 - b) Advance equality of opportunity between persons who have a relevant protected characteristic and persons who do not share it.
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Agenda Item 5

8.5. The characteristics protected by the Equality Act are:

- age
- disability
- gender reassignment
- marriage/civil partnership
- pregnancy/maternity
- race
- religion/belief
- sex
- sexual orientation

An Equality Impact Assessment is included at Appendix B.

Are there any implications for the following?		
	Yes	No
Crime and Disorder	✓ As the Council has an enforcement responsibility in respect of persons operating without the required licence, a number of enforcement cases might now be referred to us which will need to be appropriately dealt with so as to ensure compliance with legal requirements	
Biodiversity and Climate Change Mitigation		✓
Human Rights and Equality Impact.	✓ See Equalities Impact Assessment	
Safeguarding and Early Help	✓ See Equalities Impact Assessment	
General Data Protection Regulations (GDPR)	✓ See Equalities Impact Assessment	
Health and Wellbeing		✓
Other (please specify)	✓ See Equalities Impact Assessment. Licence and business operations may be impacted by the draft Policy.	

Background Papers

[The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#)
[Animal Welfare Act 2006](#)

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CRAWLEY BOROUGH
COUNCIL

**STATEMENT OF ANIMAL
LICENSING POLICY**

DRAFT

Animal Welfare
(Licensing of Activities Involving
Animals) (England) Regulations 2018

Contents

Section	Title	Page
1.	Introduction	3
2.	Policy Objectives	3-4
3.	Licensable Activities	4
4.	Dog Boarding Franchises and Host Sites	4-5
5.	Suitability of Applicants	5
6.	Safeguarding	5-6
7.	Fees	6
8.	Application Process	6-7
9.	Qualifications of Inspectors	7
10.	Inspections	7-8
11.	Standards and Conditions	8-10
12.	Risk Assessment and Rating	10
13.	Granting an application	10-11
14.	Refusing an application	11
15.	Appeals to Star Rating	11-12
16.	Requests for Re-inspection	12
17.	Variations, Suspensions and Revocations of licences	12-13
18.	Transfer of a licence upon the death of a licence holder	13
19.	Enforcement	13-14
20.	Information Sharing	14
21.	Primary Authority	14-15
22.	How to Contact Us	15

1. Introduction

- 1.1. This policy sets out how Crawley Borough Council (“the council”) will exercise its functions under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 1.2. The aim of this policy is to ensure that the council, current and potential licence holders, and the public are familiar with how the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“Regulations”) are administered within the Borough.
- 1.3. This policy will be reviewed at least every 5 years following first approval, and at other times, where considered necessary, for example, to reflect significant changes in relevant legislation or Guidance.
- 1.4. This policy sets out the criteria to be considered by the council when determining whether or not an applicant or an existing licence holder is suitable to be granted, have renewed, or continue to hold a licence. In addition to criminal convictions, the council will also consider other factors such as general character, compliance with licence requirements/guidance/conditions, non-criminal behaviour and police or other relevant records or information received from reliable sources.
- 1.5. The policy has been produced having due regard to the relevant legislation, guidance, both statutory and non-statutory Guidance on the Regulations issued by DEFRA. Whilst the council will have full regard for both the Guidance and its own Statement of Animal Licensing Policy, in determining individual licensing applications, it may depart from either if reason exists for doing so.
- 1.6. This policy supersedes all previous policy decisions relating to the relevant areas made by the council from the date of this policy being published.

2.0. Policy Objectives

- 2.1. This policy is intended to achieve the objectives of:
 - Ensuring any person who carries on, attempts to carry on or knowingly allows a licensable activity to be carried on holds a licence in accordance with the legislation and Regulations.
 - Ensuring licenses are not granted to individuals that are already disqualified from holding a licence in accordance with the requirements of the legislation and Regulations.
 - That the five overarching principles of animal welfare, (known as the “five needs”) introduced by the Animal Welfare Act 2006 are upheld in any decision.
 - The safeguarding of any children or vulnerable persons in contact with a

licensable activity.

- Each application is considered on its merits.

2.2. Existing legislation requires licence conditions to ensure acceptable animal welfare standards. The Animal Welfare Act 2006 introduced five overarching principles of animal welfare, known as the “five needs”, which are:

- The need for a suitable environment (by providing an appropriate environment, including shelter and a comfortable resting area).
- The need for a suitable diet (by ready access, where appropriate, to fresh water and a diet to maintain full health).
- The need to be able to exhibit normal behaviour patterns (by providing sufficient space, proper facilities, and the company of an animal of its own kind, where appropriate).
- Any need to be housed with, or apart from, other animals (by providing the company of an animal of its own kind, where appropriate).
- The need to be protected from pain, suffering, injury, and disease (by prevention or rapid diagnosis and treatment and ensuring conditions and treatment which avoid mental suffering).

2.3. The Council will base its licensing regime on the following four principles:

- Ensuring the welfare of domestic or captive animals by implementing appropriate standards that promote the “five needs” to secure animal welfare.
- Ensuring that persons responsible for the management of animal welfare observe recognised standards of good practice.
 - Ensuring that, so far as it falls within its powers, the requirements of all animal-related legislation will be rigorously and pro-actively enforced.

3.0. Licensable Activities

3.1. On 1 October 2018, The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 replaced disparate animal licensing legislation. It provides a single licensing regime for animal licensing activities. Those undertaking the following activities, referred to as licensable activities, are required to be licensed the regime:

- Selling animals as pets
- Providing or arranging for the provision of boarding for cats or dogs (including day care)
- Hiring out horses
- Breeding dogs
- Keeping or training animals for exhibition

3.2. The Regulations replaced previous licensing and registration regimes under the following legislation:

- Pet Animals Act 1951

- Animal Boarding Establishments Act 1963
- Riding Establishments Acts 1964 & 1970
- Breeding of Dogs Act 1973 & Breeding and Sale of Dogs (Welfare) Act 1999
- Performing Animals (Regulation) Act 1925

3.3. A licence is required where any licensable activity is being carried on in the course of a business, whether or not the operator makes a sale or carries on the activity with a view to making a profit or earns commission or fee from the activity. There are a range of other matters that also need to be considered within the context of a proposed operation when considering whether a licence is required, and regard will be had to the legislation, regulations, and Guidance (statutory and non-statutory) when determining this.

4.0. Dog Boarding Franchises and Host Sites

4.1. Crawley Borough Council has carefully considered the issue of dog boarding franchises and their hosts. The main office and all host sites require a licence in their own right if they are providing or arranging for the provision of accommodation for other people's dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business by providing home boarding for dogs and earns any commission or fee from the activity.

5.0. Suitability of Applicants

5.1. In accordance with the legislation, guidance and Regulations, any individual, who carries on a licensable activity will be designated as the operator of the business and can apply for a licence providing, they are not disqualified from holding a licence in accordance with Regulation 11 and Schedule 8.

5.2. The council will consider the conduct displayed by the applicant/licence holder to ensure that they meet the 'fit and proper' test to carry out the proposed licensable activity and meet the conditions attached to the licence.

5.3. The term 'fit and proper' is not defined in legislation or guidance. The council would generally consider a 'fit and proper' person to be an individual who can demonstrate upon application that they have:

- The right to work in the UK.
 - No relevant convictions.
 - Not been disqualified from holding a licence.
-
- The knowledge, experience, compliance history and ability to comply with licence conditions and safeguard the welfare of animals in their care.
 - Made suitable management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licence activities.

- Conduct themselves professionally and appropriately with Inspectors when they are carrying out their role.

5.4. In determining the fitness and propriety and suitability of an applicant, the Council may also consider other information about an applicant including information from the police or other local authorities. Requests for such information will be undertaken in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998, which requires that local authorities must have regard to the likely effect of the exercise of their functions on and do all that they can to prevent crime and disorder in their area.

5.5. In the case of renewal applications, we will consider any information received about the operation over the period of the existing licence. The council will expect licensees to act with integrity and demonstrate the conduct befitting the trust that is placed on them to operate their premises and care for the animals.

6.0. Safeguarding

6.1. The legislation, Regulations and guidance have the aim of maintaining and improving animal welfare standards. However, there are other safeguarding considerations arising from licensable activities which the council has a statutory duty to ensure, in particular surrounding the protection of children and vulnerable persons.

6.2. The council is aware that some licensable activities may involve unsupervised contact of animals with children and/or vulnerable persons. For example, the tuition of a young person provided at a Riding Establishment or "Animal Parties" and other activities which involve the exhibition of animals.

6.3. To this extent, the council would expect applicants and licence holders whose activities involve contact with children or young 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.

7.0. Fees

7.1 Licence fees are split into two categories, Application, Part A and Part B. In the case of a licence being refused or a case not progressed with before grant. Part A of the fee will be retained.

7.2 The current level of licence fee will be displayed on the council's webpage. Applicants and licence holders will also be required to pay vets' fees for inspections where this is required. All fees are calculated and reviewed annually, considering the statutory requirements of Regulation 13, with the aim of full cost recovery

7.3 If the licence is approved, any additional fees required (vet fees, etc.) must be paid before the licence can be granted or renewed.

8.0. Application Process

8.1. The Application is to be made via the council's published application forms.

8.2. Applications must be submitted a minimum of 10 weeks prior to renewal or requested date of grant of an application. This will allow officers time to consider the application, make enquiries and inspect premises. We will not be able to guarantee processing applications which have been made outside of this window or are incomplete for example due to missing documentation.

8.3. An email reminder will usually be sent out by the council three months prior to expiry of a licence.

8.4. An application will only be accepted as valid if it is accompanied by the correct fee and any relevant documentation required. This includes details of the intended licensable activity, animals, policies, procedures, training, insurances, and plans.

8.5. Once a valid application has been received, an appointment will be booked with the applicant to arrange a risk rating assessment and inspection to be conducted of the premises.

8.6. Upon receipt of a valid application for the grant or renewal of a licence we will take the following steps:

- The council will consider whether the conduct displayed by the applicant and other information available indicates that they are a fit and proper person to carry out the licensable activity and meet their licence conditions.
- The council will inspect the site and premises of the proposed licensable activity and assess if it is likely to meet the licence conditions. The inspection will be completed by a suitably qualified inspector, as well as a nominated veterinarian for the initial inspection of a dog breeding establishment, or a nominated, listed veterinarian for inspections of horse-riding establishments.
- The inspector's report will contain information about the operator, any relevant premises, any relevant records, the condition of any animals and any other relevant matter and state whether or not the inspector considers that the licence conditions will be met.
- This information will be assessed to determine whether a licence ought to be granted by the delegated officer.

9.0. Qualifications of Inspectors

9.1. All inspectors must be suitably qualified. This is defined in DEFRA guidance as:

- Any person holding a Level 3 certificate granted by a body, recognised, and regulated by the Office of Qualifications and Examinations Regulation which oversees the training and assessment of persons in inspecting and licensing certain animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity.
- Any person holding a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons (“RCVS”), together with a relevant RCVS continuing professional development record.

10.0. Inspections

10.1. Inspections will assess the premises and documentation in accordance with the relevant legislation, Regulations and DEFRA guidance for the type of licence being applied for. This will include the assessment of the proposed arrangements for, or in the case of a renewal application, the existing and any proposed new arrangements for:

- Records and documentation
- Use, number and type of animal.
- Housing with, or apart from, other animals
- Staffing and/or supervision
- Suitable environment
- Suitable diet
- Monitoring of behaviour and training of animals
- Animal handling and interactions
- Protection from pain, suffering, injury, and disease
- Emergencies
- Purchase and/or sale of animals.
- Consideration of the 5-animal welfare needs and if these will be met.

10.2. There will be cases where inspections must be carried out during the term of a licence.

10.3. For the activity of hiring out horses, there is a requirement for an annual inspection by a listed veterinarian, regardless of the total length of the licence. The council must appoint a listed veterinarian to inspect the premises on which the activity is being carried out before the end of the first year after the licence is granted and then each subsequent year.

10.4. Unannounced inspections can also be carried out and will usually be conducted in the case of complaints or other information that suggests the licence conditions are not being complied with or that the welfare of the animals involved in a licensed

activity is at risk.

- 10.5. During the course of an inspection the Inspector may choose to take samples for laboratory testing from the animals on the premises. The operator must comply with any reasonable request of an inspector to facilitate the identification, examination and sampling of an animal including ensuring that suitable restraints are provided if requested.
- 10.6 The provision for sampling is aimed at veterinarians carrying out inspections and it is not expected that samples be taken by those without the training to properly and safely do so. Qualified Inspectors may however, scan animals for microchip details or handle animals where appropriate to do so, and/or request that the operator handles animals to aid the inspection and assessment process.

11.0. Standards and Conditions

11.1. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 include mandatory conditions for each licensable activity and DEFRA has produced associated guidance. The conditions are divided into two categories namely General Conditions, stipulated in Schedule 2 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, and Specific Conditions stipulated as follows in the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018:

- Schedule 3: selling animals as pets.
- Schedule 4: providing boarding for cats and dogs.
- Schedule 5: hiring out horses.
- Schedule 6: breeding dogs
- Schedule 7: keeping or training animals for exhibition.

11.2. The General Conditions cover the following areas:

- **Licence Display:** A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on. The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.
- **Records:** The licence holder must ensure that at any time all the records that the licence holder is required to keep as a condition of the licence are available for inspection by an inspector in a visible and legible form. The licence holder must keep all such records for at least 3-years.
- **Use, number and type of animal:** No animals or types of animals other than those animals and types of animals specified in the licence may be used in relation to the relevant licensable activity. The number of animals kept for the

activity at any time must not exceed the maximum that is reasonable considering the facilities and staffing on any premises on which the licensable activity is carried on.

- **Staffing:** Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met. The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease, or abnormal behaviour. The licence holder must provide and ensure the implementation of a written training policy for all staff.
- **Suitable environment:** All areas, equipment, and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe, and durable, in a good state of repair and well maintained. Animals must be kept at all times in an environment suitable to their species and condition with respect to their behavioural needs, its situation, space, air quality, cleanliness and temperature, the water quality (where relevant), noise levels, light levels, and ventilation. Staff must ensure that the animals are kept clean and comfortable.
- **Suitable diet:** The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them. Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.
- **Monitoring of behaviour and training of animals:** Active and effective environmental enrichment must be provided to the animals in inside and any outside environments. The animals' behaviour and any changes of behaviour must be monitored, and advice must be sought, as appropriate and without delay. Where used, training methods or equipment must not cause pain, suffering or injury.
- **Animal handling and interactions:** All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury, or disease. The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals and no animals from a social species may be isolated or separated from others of their species for any longer than is necessary. The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.
- **Protection from pain, suffering, injury and disease:** Written procedures must

be in place and implemented covering feeding regimes, cleaning regimes, transportation, the prevention of, and control of the spread of, disease, monitoring and ensuring the health and welfare of all the animals, the death or escape of an animal, and covering the care of the animals following the suspension or revocation of the licence or during and following an emergency. All people responsible for the care of the animals must be made fully aware of these procedures.

- **Emergencies:** A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

11.3. Specific Conditions specify additional controls to those in the General Conditions relevant to the animals being cared for. In addition, depending on the licence type, the Specific Conditions also cover:

- Advertisements and sales
- Prospective sales (pet care and advice)
- Purchase and sale of animals.
- Insurance

12.0. Risk Assessment and Rating

12.1. The result of the assessment is translated into a 'Star Rating', which will be used to determine the length of the licence (between one and three years), with the exception of 'Keeping or Training Animals for Exhibition' where all licences are issued for three years.

12.2. The scoring matrix is below:

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	1 Star 1 year licence Min 1 unannounced visit within 12-month period	3 Star 2-year licence Min 1 unannounced visit within 24-month period	5 Star 3-year licence Min 1 unannounced visit within 36-month period
	Higher Risk	1 Star 1 year licence Min 1 unannounced visit within 12-month period	2 Star 1 year licence Min 1 unannounced visit within 12-month period	4 Star 2-year licence Min 1 unannounced visit within 24-month period

12.3. Applicants will be rated from 1 to 5 stars, based on their risk rating and the results of their inspection (determining if they meet higher or lower standards). The rating will appear on the licence issued by the Council.

13.0. Granting an application

13.1. Where a licence is granted, the Council will provide the following documents:

- The Licence with the Star Rating.
- Details of how the applicant has been rated including a list of the higher standards the applicant currently fails to meet or a list of the minimum standards the applicant failing to meet and resulting in a 'minor failing' category.
- A copy of the risk management assessment table.
- Details of the appeals process and timescales.

13.2 Any fee(s) required upon the grant of the application must be paid in full prior to the grant of the licence.

14.0. Refusing an application

14.1. The council will consider the report from the inspector and any comments made by the applicant when deciding whether to issue a licence.

14.2. The council must refuse to grant a licence if it considers that the applicant cannot meet the licence conditions, the granting of a licence will have a negative impact on animal welfare or if the level of accommodation, staffing or management is inadequate for the wellbeing of animals.

14.3. The council will also refuse an application if it considers that the applicant does not meet the 'fit and proper' person test.

14.4. A licence cannot be issued to an operator who is disqualified.

14.5. Any application fees or veterinary inspection fees paid will not be refunded for unsuccessful applications.

14.6. Any applicant aggrieved by a decision by a council to refuse to grant or renew a licence, or to revoke or vary a licence, may appeal to the First-Tier Tribunal. The period within which an unsuccessful applicant may bring such an appeal is 28 days beginning with the day following the date of the decision, although the Tribunal may decide to accept an appeal made outside that timeframe.

15.0. Appeals to Star Rating

- 15.1. Licence holders have 21 days (including weekend and bank holidays) following the issue of their licence in which to appeal the star rating if they consider the star rating awarded does not reflect the licence history and standards found at the time of inspection.
- 15.2. Licence holders should not appeal if they have made improvements to their practices and wish for those improvements to be reassessed. This should be achieved by application for a re-inspection.
- 15.3. Prior to making an appeal, we encourage applicants to discuss their rating with the inspecting officer should they disagree with it. This will afford the opportunity to explain the process that must be followed and may resolve matters without the licence holder having to lodge an appeal. However, any informal discussion does not form part of the formal appeal process and does not change the 21-day deadline within which a star rating appeal must be lodged.
- 15.0. The council will determine the outcome of an appeal by considering the paperwork associated with the inspection and the past record of the business. In some circumstances, a further visit to the establishment may be required. The costs of any additional inspections related to the appeal will be borne by the applicant unless it results in a higher rating being awarded. This will depend on the nature of the dispute and whether a decision can or cannot be made on the basis of the paperwork.
- 15.1. Appeals will usually be determined by the Public Protection Manager, or by an equivalent council officer. No officer involved with the inspection or rating will determine an appeal.
- 15.2. The appeal decision will be notified to the applicant within 21 days of receipt of the appeal.

16.0. Requests for Re-inspection

- 16.1. A business that has made changes since the inspection and wishes for these to be considered should apply for a re-score inspection.
- 16.2. Requests for re-inspection must be made in writing to the council.
- 16.3. A fee is applicable for re-inspections and a re-inspection will not take place until the fee is paid.

17.0. Variations, Suspensions and Revocations of Licences

- 17.1. The legislation and Regulations provide for the council at any time to vary a licence:
- On the application in writing of the licence holder, or
 - On the initiative of the council, with the consent in writing of the licence holder.
- 17.2. In addition to the above the council may suspend, vary, or revoke a licence without the consent of the licence holder if:
- The licence conditions are not being complied with,
 - There has been a breach of the Regulations,
 - Information supplied by the licence holder is false or misleading, or
 - It is necessary to protect the welfare of an animal.
- 17.3. A suspension or variation of a licence will normally take effect 7 working days after the decision has been issued to the licence holder unless the reason is to protect the welfare of an animal in which case the local authority may stipulate that the decision has immediate effect.
- 17.4. A decision to vary or suspend the licence must be notified to the licence holder in writing, explaining the reasons for the decision, and providing information regarding when the suspension or variation comes into effect and the appeal rights of the licence holder, as well as any specific changes deemed necessary in order to remedy the situation.
- 17.0. A notice will be delivered in one of three ways, in person, by leaving or sending it by post to the licence holder's current or last known postal address or by emailing it to the licence holder's current or last known email address.
- 17.1. Following the issuing of the notice the licence holder will then have seven working days to make written representation. Upon receipt of this the council will decide whether to continue with the suspension, variation or revocation of the Licence or cancel the decision to make changes to the Licence. If the licence has been altered to protect the welfare of an animal, then the council must indicate that this is the reason and whether the change is still in effect.
- 17.2. The licence holder will not be able to carry out any licensable activities once the suspension of a licence has come into effect and cannot do so until the decision is overturned by either the council upon being satisfied that licence conditions are being met or by the First-Tier Tribunal.
- 17.3. If a licence is suspended for a significant period of time, the council will ensure that the animals are checked on regularly to ensure that the welfare of the

animals is maintained.

- 17.4. As with applications, the licence holder may appeal to a First-Tier Tribunal if they do not agree with the decision made by the Council. This must be done within 28 days of the decision.

18.0. Transfer of a licence upon the death of a licence holder

- 18.1. If a licence holder dies, the procedure in Regulation 12 of the Regulations 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 licence holders. If the personal representative does not notify the local authority within 28 days of the death of the licence holder, the licence will cease to have effect at the expiry of that period.

18.2.

- 18.3. If notice is given, 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.

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

- 18.5. If the personal representative does not notify the local authority within 28 days of the death of the licence holder, the licence will cease to have effect after those 28 days.

19.0. Enforcement

- 19.1. The Regulations introduce a range of enforcement powers to allow the Council to issue a suspension, variation or revocation notice where licence conditions are not being complied with; there is a breach of the regulations or issues relating to the protection of the welfare of an animal.

- 19.2. The service of an enforcement notice is subject to a strict process and includes provision for the right to make written representations and/or appeal.

- 19.3. It is an offence to breach any licence condition. It is also an offence not to comply with an inspector's request in the process of taking a sample from an animal. The provision for sampling is aimed at veterinarians carrying out inspections and it is not expected that samples be taken by those without the training to properly and safely do so.

- 19.4. It is an offence to obstruct an inspector who has been appointed by a local authority

to enforce the Regulations.

- 19.5. Committing any of these offences could result in legal action being taken.
- 19.6. Anyone who carries on any of the licensable activities without a licence is liable to imprisonment for a term of up to six months, a fine or both. Section 30 of the Animal Welfare Act 2006 allows local authorities to prosecute for any offences under the Act and Regulations.
- 19.7. In carrying out its enforcement duties with regards to the inspection of premises and the powers to institute criminal proceedings in respect of certain offences under the Act, the council department has adopted an enforcement policy, which is available at: www.crawley.gov.uk

19.8. From 1st January 2024, the council as the Enforcement Authority or a Police Constable can use penalty notices for animal health and welfare offences under the Animals (Penalty Notices) Act 2022. This statute authorizes the council to issue a penalty notice under the Act for specific matters as listed by the Act, including for breaches of the Regulations. A penalty notice gives an individual or body the opportunity to avoid prosecution for a criminal offence by paying a financial penalty. Payment of a penalty notice does not require an admission of guilt and will not result in a criminal record.

- 19.9. Penalty notices will add to and complement the current suite of enforcement and regulatory options, such as:

- advice and guidance
- warning letters or statutory notices
- movement restrictions
- cautions and prosecutions

- 19.10 This enforcement option to support early redirection through behaviour change, to promote compliance with animal health and welfare rules. Penalty notices are not designed for serious offences or for minor breaches where advice and guidance in the first instance would be sufficient in rectifying the issue. Advice and guidance will usually be the council's primary enforcement action to promote compliance in most cases followed by warning letters or statutory notices. Issuing a penalty notice will usually supplement these actions or be the next enforcement step.

- 19.11 Consideration will also be given as to whether prosecution would be the most appropriate enforcement action in the first instance where there is evidence of:

- a serious animal welfare offence.
- a significant threat to the human food chain or national biosecurity

20.0. Information Sharing

- 20.1. In the interests of protecting public safety, the safety and wellbeing of animals and

ensuring fitness and propriety of licence holders the council will share information with other enforcement agencies including the RSPCA, HMRC, Police and other local authorities. Information may also be shared with internal council departments including community safety, revenues and benefits and planning. The council may also share information with other local authorities. All information will be exchanged in accordance with relevant statute as the law permits.

21.0. Primary Authority

- 21.1. Primary Authority enables local authorities to improve compliance and build better relationships with big businesses that have branches across a large number of areas whilst supporting local economic growth. Under Primary Authority, a local authority partners with a business or group of businesses to provide them with regulatory advice that other authorities have to respect.
- 21.2. Primary Authority establishes statutory duties for all local authorities when they exercise regulatory functions that are within scope of the scheme in respect of any business that has a primary authority. These duties relate primarily to:
- Following an inspection plan for the business, where one has been issued by the primary authority, and providing any feedback required.
 - Notifying the primary authority of enforcement action in relation to the business.
- 21.3. Applicants must identify if their business is covered by the Primary Authority Scheme. The council will consult the secure Primary Authority Register to identify if the business has a partnership in place and will ensure that their officers have sufficient understanding of the responsibilities of an enforcing authority within Primary Authority.

22.0. How to Contact Us:

Complaints and correspondence about licensed and unlicensed businesses and sites should be sent to the council's Licensing Team as follows.

By Telephone on 01293 438247

By E mail licensing@ Crawley.gov.uk

Or

By Post to: Crawley Borough Council, Crawley Town Hall, The Boulevard, Crawley, RH10 1UZ

**EQUALITY IMPACT ASSESSMENT
CRAWLEY BOROUGH COUNCIL**

A. Summary Details		
1	Title of EIA:	Animal Licensing Policy - The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
2	Person responsible for the assessment:	Kareen Plympton, Health, Safety and Licensing Manager
3	Contact details:	Kareen.plympton@crawley.gov.uk
4	Section & Directorate:	Community Services, Public Protection
5	Name and roles of other officers involved in the EIA, if applicable:	NA

B. Policy or Function		
1	Is this EIA for a policy or function?	Policy X Function
2	Is this EIA for a new or existing policy or function?	New X Change to an existing policy or function
3	What is the main purpose of the policy/function?	

4	Is the policy/function associated with any other policies of the Authority?	No - the new Policy is intended to address issues in relation to the promotion of animal welfare as well as the development of the economy and its potential adverse impact on local residents, businesses and others using the areas in which business activities are carried out, (Such as noise arising from the animal activity, control and management of animals so welfare needs are met and waste control) Fees are locally determined and are designed as far as possible to meet the costs of administering and regularizing the regime.
5	Do any written procedures exist to enable delivery of this policy/function?	Procedural guidance for animal activity licensing 2018 (ctfassets.net) The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (legislation.gov.uk) Animal Welfare Act 2006 (legislation.gov.uk) Plus Statutory Guidance and Licence Conditions specific to each licensable activity
6	Are there elements of common practice not clearly defined within the written procedures?	No – Policy sets out the framework for decision making and relevant factors covered in the Legislation, Statutory Guidance and Regulations
7	Who are the main stakeholders of the policy? How are they expected to benefit?	Licence holders; Potential Licence holders; Residents or their representatives; Local businesses or their representatives; Government bodies and other external agencies, such as DEFRA, registered Veterinary Organisations; Council departments, such as Planning Control and Pollution Control, Health and safety and Food Safety Teams; Councilors as the decision makers in terms of Policy and procedure. The benefits of the Animal Licensing Policy are that sets out the legislative framework and decision-making route in relation to matters. It provides a fair and consistent approach to animal licensing considerations, relevant factors in the decision-making process including administration, enforcement, regulation and intent for any service user; complainants and others using the vicinity where such a licence applies. The Policy provides easy to understand information regarding Animal Licence applications, access to a public register, and decision-making processes to anybody who wants it; and enables any service user to understand and comply with current legislation.

8	How will the policy/function (or change/improvement), be implemented?	<p>The Animal Welfare Licensing Policy if agreed formally by the Licensing Committee on 11/11/24 will be released for consultation for a period of 6 weeks, and if no relevant representations are received, will become Policy at the end of this period. If minor changes are needed then these will be delegated to the Head of Community Services in consultation with the Chair of Licensing and Portfolio Holder . More significant matters would result in the matter being returned to the Licensing Committee</p> <p>The Policy will then be kept under regular review and amended as appropriate.</p> <p>Once implemented, the Policy, fees, guidance, and information will be available for businesses, service users and those wishing to provide feedback or complain to the Licensing Service.</p> <p>Guidance and advice will also be available to individuals who wish to make representations (objections) to an application. These will be appropriately considered and determined in accordance with the Policy and/or legislative provisions.</p> <p>Unlicensed activity and compliance will be monitored by enforcement processes and regulatory practice.</p>
9	What factors could contribute or detract from achieving these outcomes for service users?	No barriers identified. However, fees will need to be kept under review to ensure that as far as possible, these are linked to cost recovery without recourse to the General Fund.
10	Is the responsibility for the proposed policy or function shared with another department or authority or organization? If so, please state?	No – however several partners are consulted as part of the process as well as the Sussex Wide Animal Welfare Group

C. Data Collection on People Impacted by Policy or Function		
1	<p>Do you have monitoring data on the number of people (from different equality groups) who are using or are potentially impacted upon by your policy/ function?</p>	<p>There is very little data regarding existing licensees available to inform this process. Currently, there are a small number of animal activity licences in existence. Details can be found on the Animal Activity Licence Register</p> <p>The Government have permitted application forms to contain anything that the Council as Licensing Authority deems appropriate, alongside the legislative provisions, Regulations and Government Statutory Guidance. This has had implications not just for previous equalities impact assessments for licensing consultation but also monitoring all Council interventions under the Equalities Act.</p> <p>The Council will not be in a position where it can proactively affect the profile of Licence holders. The Policy we adopt though will ensure that the process of obtaining a Licence will be fair and free of discrimination.</p>
2	<p>Please specify monitoring information you have available and attach relevant information*.</p>	<p>The information required from applicants is outlined in terms of the procedure to apply for a licence, including consultation and determination of matters within specified timescales and does not include any form of profile monitoring. In essence the same is true of any party who object to any application.</p>

3	If monitoring has NOT been undertaken, will it be done in the future or do you have access to relevant monitoring data?	<p>There is no information currently available that adequately profiles users or beneficiaries.</p> <p>An action point from this assessment will be to consider what meaningful profiling can be done of service users and the wider public, including those with disabilities that will inform future initiatives and policy to ensure there is no unequal impact on the relevant target groups.</p>
D. Consultation & Involvement		
1	Are you using information from any previous consultations and/or local/national consultations, research or practical guidance that will assist you in completing this EIA?	The Policy is in the main revised and developed with due regard to the legislative provisions, laid down by Central Government and having had due regard to the Regulations, Legislation and Government Guidance as well as inclusion on the Public Register for the public to view and comment on as appropriate; and in part sets out how applicants should conduct themselves with regard to a wide range of issues which include equalities.
2	Please list any consultations planned, methods used and groups you plan to target (if applicable)	Consultation is planned before the Policy becomes effective and it will be kept under review and revised from time to time.
3	**What barriers, if any, exist to effective consultation with these groups and how will you overcome them?	No barriers identified

***It is important to consider all available information that could help determine whether the policy/ function could have any potential adverse impact. Please attach examples of available research and consultation reports.*

E: The Impact – Identify the potential impact of the policy/function on different equality target groups

	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
Sex			X	No adverse impact identified
Pregnant women & women on maternity leave			X	No adverse impact identified
Gender Reassignment			X	No adverse impact identified
Marriage & Civil Partnership			X	No adverse impact identified
Race - include race, nationality & ethnicity (NB: the experiences may be different for different groups)			X	No adverse impact identified
Disability – physical, sensory & mental impairments	X			A responsible and transparent animal welfare licensing policy can contribute to ensuring that venues and staff of those venues are aware of vulnerable groups. The Policy (and Government Guidance/legislation) recognises the needs of vulnerable groups, and accessibility where open to the public
Age Group - specify e.g. older, younger etc.	X			The statutory organisations are consulted as part of the process in determining applications The Council may impose conditions as required in accordance with legislation and regulations

Sexual Orientation – Heterosexual, Lesbian, Gay Men, Bisexual people				No adverse impact identified
Religious/Faith groups (specify)				No adverse impact identified

As a result of completing the above what is the potential negative impact of your policy?

High Medium Low Neutral

F. Could you minimize or remove any negative potential impact? If yes, explain how.	
Race:	N/A
Sex & Gender, including pregnancy & maternity, gender reassignment, marriage & civil partnership	N/A
Disability:	No
Age:	N/A
Sexual Orientation:	N/A
Religious/Faith groups:	N/A

Also consider the following:

1	If there is an adverse impact, can it be justified on the grounds of promoting equality of opportunity for a particular equality group or for another legitimate reason?	N/A
2	Could the policy have an adverse impact on relations between different groups?	No

G. EIA Action Plan

Recommendation	Key activity	When	Officer Responsible	Progress milestones
The policy has a review process and can be amended as appropriate, via the Head of Service and Licensing Chair where minor revisions and further review via Licensing Committee in the case of major revisions	Keep the policy under review after adoption for 5 years	On-going – at least annual review	Kareen Plympton	Annual review to ensure currency post adoption