

DURHAM COUNTY COUNCIL

At a Meeting of **General Licensing and Registration Committee** held in Committee Room 2 - County Hall, Durham on **Thursday 20 January 2011 at 10.00 am**

Present:

Councillor C Carr (Chair)

Members of the Committee:

Councillors B Arthur, J Bailey, P Gittins, J Gray, D A Marshall, L Marshall, J Shiell, L Thomson and R Todd

Apologies:

Apologies for absence were received from Councillors G Huntington, P May, O Temple and A Wright

1 Declarations of Interest (if any)

There were no declarations of interest received.

2 The Minutes of the Special Meetings held on 22 November and 6 December 2010 (copies attached)

The Minutes of the Special meetings held on 22 November and 6 December 2010 were agreed as a correct record and were signed by the Chair.

3 Review of Animal Health and Welfare Licensing Protocols

Consideration was given to the joint report of the Corporate Director, Neighbourhood Services and Health Protection Manager in relation to the review of Animal Health and Welfare Licensing, a copy of which had been circulated.

M Yeadon, Health Protection Manager explained that the purpose of the report was to review the current licensing mechanisms relating to prescribed animal welfare establishments within County Durham, and clarify the respective roles and responsibilities of both the local authority, and those partners and stakeholders who may have a contribution towards the application and renewal process.

Enforcement responsibility was dealt with on a multi-agency basis, each body having specific roles and responsibilities, and owners and keepers also had a personal responsibility to ensure the health, safety and welfare of their animal whilst it was in their care.

The Animal Welfare Act 2006 applied to all animals kept by man, including companion animals and placed a duty on all people keeping or responsible for animals, not only to avoid cruelty but also to provide for the welfare needs of the animals.

For the purposes of the Act an animal's needs included:-

- 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
- The need to be protected from pain, suffering, injury and disease

The legislation also intended to provide enabling powers for secondary legislation, which in due course should better regulate activities such as animal sanctuaries, livery yards, performing animals and greyhound racing.

There were currently 117 identified animal welfare businesses within County Durham that were licensed, details of which were set out in the report.

The report focused primarily on those situations where licensing occurred, clarified how facilities were to be inspected and licensed, and where contributions from other stakeholders or involvement with other agencies was required.

The report outlined the roles and responsibilities of the Council as part of the licensing process in relation to animal welfare establishments, how complaints were dealt with, and monitoring and enforcement. The Environmental Health and Consumer Protection Service would continue to regulate compliance in animal welfare establishments through regular inspection and investigation of complaints, in accordance with the licensing process. In addition it was proposed to develop a voluntary welfare rating scheme to improve fair trading practices amongst local traders and in doing so raise standards and promote consumer confidence.

Appendix 2 of the report outlined the generic procedures to be followed in relation to the licensing of a range of animal welfare establishments and Appendices 3 to 9 gave details of conditions relating to the following licensed premises:-

Pet shops
Establishments for the Breeding of Dogs
Animal Boarding Establishments
Horse Riding Establishments
Zoos
Independent Greyhound Racing Tracks

Appendix 7 outlined standard conditions to be attached to Dangerous Wild Animal Licences.

Members discussed the report and appendices in detail and asked a number of questions.

A Member referred to animal boarding and breeding establishments and potential noise nuisance, and asked if consultation was carried out with local residents as part of the application process. Members were advised that consultation was carried out when new applications were received but this was as part of the planning process. Consultation was not undertaken for renewal applications, however there were powers within the Environmental Protection Act 1990 to deal with issues such as noise nuisance.

Members discussed arrangements for dealing with breaches of conditions and were advised that under current arrangements existing licences could only be revoked by a Magistrate. With the exception of zoos, a Licensing Authority was only able to refuse a new application or an application for renewal. At present a decision to refuse an application was made by Officers, and following discussion it was felt that Members should be involved in the final determination of those applications where refusal was recommended. It was suggested therefore that Officers look at developing a decision-making procedure for consideration by the General Licensing and Registration Committee.

A further question was asked in relation to the criteria for zoos, and Members were advised that a small scale exemption for premises with animals that were not to be viewed by the public, could be applied for through DEFRA.

RESOLVED:

That

1. The approach as outlined in Appendix 2 and application of relevant conditions contained in Appendices 3 – 9 when dealing with licence applications from operators of prescribed animal welfare premises, be supported;
2. the development of a risk-based inspection programme for animal welfare premises, be supported; the programme to include past compliance history, the incidence of complaints and/or referrals and the suitability of the applicant/licence holder;
3. the development of a voluntary, welfare rating scheme, for appropriate businesses, be supported which would include a commitment to fair trade practices;
4. A policy be drawn up detailing a procedure for determination of applications recommended for refusal.