



WORTHING BOROUGH  
**C O U N C I L**

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

**Licensing Policy Statement**

November 2018

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## Consultees

In developing this policy, the Council has consulted with the following persons, businesses and professional bodies:

All Sussex District, Borough and Unitary Councils  
RSPCA  
Trading Standards  
British Veterinary Association  
Royal College of Veterinary Surgeons  
Defra

This policy supersedes all previous policy decisions relating to the relevant areas made by the Council from the date of this policy being published.

This policy was ratified by Full Council on 26<sup>th</sup> February 2019.

## 1.0 **How to contact us:**

1.1 All correspondence to be sent to [licensing.unit@adur-worthing.gov.uk](mailto:licensing.unit@adur-worthing.gov.uk) or:  
Adur & Worthing Licensing Team,  
Portland House  
44 Richmond Road,  
Worthing,  
BN11 1HS

## 2.0 **Introduction**

2.1 In carrying out its regulatory functions, the local authority will have regard to this policy when making licensing decisions regarding matters relevant to The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the Dangerous and Wild Animals Act 1976 and the Zoo Licensing Act 1981. Where it is necessary to depart substantially from this policy, clear and compelling reasons will be given for doing so.

2.2 Worthing Borough Council is the licensing authority for the purposes discharging functions in accordance with the above mentioned legislation and is responsible for considering applications and administering a licence regime in respect of activities that are identified as licensable by the Regulations and Acts.

2.3 The Borough of Worthing is situated in the County of West Sussex which contains seven local councils in total. Worthing is a compact urban seaside borough. It is one of the largest towns in West Sussex with a population of around 100,000, covering an area of 3300 hectares. Adur District Council and Worthing Borough Council are served by a single officer structure, but remain separate Authorities.

2.4 Minor amendments  
Minor changes to policy may be made by officers without consultation. This includes amendment of appendices.

## 3.0 **Aims and Objectives**

3.1 The aim of these guidelines is to ensure that the authority and licence holders (and other relevant persons) are familiar with how the animal licensing regimes will be administered within the district. This policy has been introduced pursuant to the commencement of the Animal Welfare (Licensing of Activities Involving) Animals Regulations on 1 October 2018. It will be reviewed 5 years following first approval, and/or to reflect significant changes in relevant legislation or other relevant policy and practice of the Council.

3.2 Various legislation exists that gives the local district council the power to regulate animal establishments through licensing:

- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981
- Animal Welfare (Licensing of Activities Involving Animals (England) Regulations 2018 made under section 13 (1) of the Animal Welfare Act 2006.

Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

- 3.3 Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.
- 3.4 In adopting this policy the Council has set out the general approach that it will take when it considers applications under the Acts detailed above. The Council confirms that each application will be considered on its merits. In view of the wide range of premises and applications, the policy cannot set out all the factors which will result in appropriate licensing objectives being achieved.
- 3.5 These Guidelines are set 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 Regulations
  - the licence holder is not disqualified from holding a licence in accordance with the requirements of the 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 is ensured
  - each application is considered on its merits
  - that the obligations of the Council's Public Sector Equality duty under the Equality Act 2010, section 149 are fulfilled by eliminating discrimination, harassment, victimisation and other conduct prohibited by the Act, advancing equality of opportunity and fostering good relations between persons who share and those who do not share protected characteristics.

#### 4.0 **Principles of Licensing**

- 4.1 Existing legislation requires licence conditions to ensure acceptable

animal welfare standards. The Animal Welfare Act 2006 introduces five overarching principles of animal welfare, known as the “five needs” (see 4.3).

- 4.2 In addition the Council will base its licensing regime on the following four principles:
- a) Responsibility to protect the welfare of all fellow creatures;
  - b) Ensuring the welfare of domestic or captive animals by implementing appropriate standards that promote the “five needs”;
  - c) Ensuring that persons responsible for the management of animal welfare observe recognised standards of good practice;
  - d) Ensuring that, so far as it falls within its powers, the requirements of all animal-related legislation will be rigorously and pro-actively enforced.

4.3 The “five needs” referred to in these Guidelines are:

- a) The need for a suitable environment;  
(by providing an appropriate environment, including shelter and a comfortable resting area)
- b) The need for a suitable diet;  
(by ready access, where appropriate, to fresh water and a diet to maintain full health)
- c) 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)
- d) Any need to be housed with, or apart from, other animals; and  
(by providing the company of an animal of its own kind, where appropriate)
- e) 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).

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

Licensing Conditions and Codes of Best Practice

In promoting the principle of best practice detailed in these Guidelines, the Council will set general and specific licence conditions as set out in the relevant statute and accompanying guidance. Reference may also be made to the codes of best practice and industry standards produced by

organisations such as, but not limited to;

- a) Chartered Institute of Environmental Health
- b) Local Government Association
- c) Secretary of State, Dept. for Environment, Food and Rural Affairs
- d) British Veterinary Association
- e) Royal College of Veterinary Surgeons
- f) National Trade Associations

4.5 In promoting the Council's four licensing principles, general and specific conditions, codes of best practise and industry standards will be considered to be a minimum standard and additional conditions required to promote the "five needs" may be imposed as necessary.

4.6 Licence conditions may be reviewed where best practice codes are periodically reviewed to ensure they reflect current best practice. The Council will write to affected licensees advising them of any revised/new condition, giving them a fair and reasonable time to bring their premises and practices up to the required standard.

4.7 In exceptional circumstances, and if permitted by the relevant statute, a provisional licence may be issued where minor improvements need to be made. In these circumstances, the licence holder will be informed in writing of what action must be taken and the date for compliance. If compliance is not achieved by the prescribed date, the licence will be suspended until such time as compliance is achieved.

## **5.0 Licensable Activities**

5.1 On 1 October 2018 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 come into force. These regulations will replace a number of pieces of existing legislation set to be repealed at the end of 2018 and will provide a new single licensing regime for a number of animal licensing activities.

Those undertaking the following activities will need to be licensed under the new 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

5.2 For avoidance of doubt, the above does not currently apply to Animal Rehoming Centres which are registered with the Charities Commission.











































