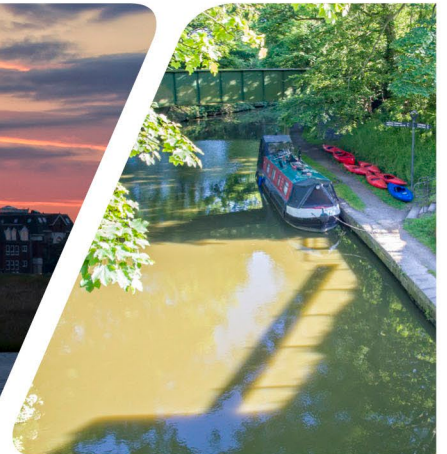




Animal Welfare Policy 2026-2031

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1	Introduction
1.1	Fylde Council has statutory responsibilities for the licensing of a number of activities relating to the welfare of animals under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the Dangerous Wild Animals Act 1976, and The Animal Welfare (Primate Licences) (England) Regulations 2024. These pieces of legislation are designed to protect the welfare and safety of animals and those who interact with them. They make it an offence to carry on specified activities involving animals, or to keep certain animals, without first obtaining a licence from the Council. This is Fylde Council’s first Animal Welfare Licensing Policy. Whilst there is no legal requirement for the Council to have a Policy relating to animal licensing, a policy benefits all interested parties, providing a clear and consistent framework for the Council’s approach to animal licensing. This Policy sets out the Council’s approach to ensuring a level playing field for operators of animal related businesses, ensuring that persons responsible for the management of animal welfare observe standards of good practice, and that residents can feel confident that licensed businesses offer a good standard of animal welfare and are compliant with legislation. The Policy will set out how operators of businesses and keepers of animals requiring a licence will be assessed as being suitable or “fit and proper” to keep these animals and operate this type of business. There are many types of animal related businesses that do not currently require a licence – examples include animal rescue centres, livery yards (premises where horses are kept but not hired out or used for riding by others), dog walkers, dog groomers and similar. For this reason, they do not form part of this policy. To ensure that the policy remains fit for purpose, it will be reviewed as legislative changes occur and updated accordingly, with a formal review being carried out at least every 5 years.
1.2	The objectives of this Policy are to: • Promote high standards of animal welfare • Protect the public and support wider safeguarding objectives • Ensure a transparent, consistent and proportionate approach to regulation • Support compliant businesses and individuals • Ensure effective enforcement where standards are not met
1.3	This Policy will be applied alongside the Council’s wider licensing and enforcement policy.
1.4	The Animal Welfare Act 2006 contains a duty of care to animals. This means that anyone responsible for an animal must take reasonable steps to make sure the animal's welfare needs are met. These needs are often referred to as the “five

	needs” which are: • The need for a suitable environment – this should include an appropriate shelter and a comfortable resting area. • The need for suitable diet – providing free access, where appropriate, to fresh water and a diet to maintain full health. • The need to be able to exhibit normal behaviour patterns – 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 – providing the company of an animal of its own kind, where appropriate. • The need to be protected from pain, suffering, injury and disease – providing preventative treatment or urgent veterinary care where necessary and ensuring conditions and treatment which avoid mental suffering.
2	Scope of Policy
2.1	This Policy applies to the following licensable activities: • Selling animals as pets • Providing, or arranging the provision of, boarding for cats or dogs (including home boarding, dog day care, kennels and catteries.) • Hiring out horses • Breeding dogs • Keeping or training animals for exhibition • Dangerous Wild Animals (DWA) • Primates
2.2	Activities that are exempt under legislation or DEFRA guidance will be considered on a case-by-case basis.
3	Legislative Framework
3.1	In discharging its functions, the Council will have regard to: • Animal Welfare Act 2006 • Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 • Animal Welfare (Primate Licences) (England) Regulations 2024 • Dangerous Wild Animals Act 1976 • DEFRA Statutory Guidance for Local Authorities • Regulators' Code • Fylde Council's Enforcement Policy In carrying out its functions, the Council will also have regard to any updated statutory guidance issued by DEFRA.
3.2	This Policy does not override statutory requirements.
4	Licensing Principles

4.1	The Council will apply the following principles: • Prevention – promoting compliance and early intervention • Proportionality – ensuring regulatory action reflects risk and impact • Consistency – applying standards equally and fairly • Transparency – clear decisions and reasons Nothing in this Policy will restrict the Council’s discretion to determine each application on its individual merits, having regard to relevant legislation and guidance.
4.2	A risk-based approach will be used to target resources effectively and safeguard animal welfare.
5	Licence Applications
5.1	Advice for applicants New applicants for all types of animal licence are advised to contact the Council’s Licensing Team prior to making their application. This allows the officers to provide advice, as well as clarifying any areas of uncertainty. The team can be contacted on licensing@fylde.gov.uk Applicants seeking to renew a licence must ensure that applications are submitted within the timescales specified in the relevant legislation. Failure to do so may result in the business being required to cease trading until a licence is granted, and may constitute an offence. Where a renewal application is received after the expiry date of the previous licence, save in exceptional circumstances, it will be treated as a new application.
5.2	Planning Permission Applicants are expected to ensure that any necessary planning permission has been obtained prior to submitting an application. Where planning permission is not required, written confirmation from the Council’s Planning Department should be provided to confirm this Applicants submitting renewal applications following the implementation of this policy will be expected to provide the above information at the time of renewal Further information is available – www.fylde.gov.uk/resident/planning/
5.3	How to make an application Application forms along with guidance and fees can be found on the Council’s website www.new.fylde.gov.uk/business/licensing/animal-welfare-act-2006/ Applicants are encouraged to submit applications, including accompanying

	documents, electronically by email to the licensing team at licensing@fylde.gov.uk An application will not be considered valid until a completed application form has been received along with the correct application fee and supporting documentation. See 5.2, 6.0, 7.0 and 7.1 for further details.
6.0	Documentation
6.1	Applicants must provide all relevant supporting documentation appropriate to the licensable activity. This includes, but is not limited to <u>The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018</u> • Staff training records (Condition 4.0) • Written procedures (Condition 9.0) • Emergency plans (Condition 10.0) • Public liability insurance certificate with a minimum cover of £5 million • For kennels, home boarding, day care and catteries – Copy of the booking form, consent & T&Cs document. • For dog breeding – Copy of the contract and aftercare provided to new owners. • For selling animals as pets – Copy of the contract issued to new owners and details of aftercare provided. For fish sales only, copies of aftercare information and invoices showing shipment arrangements must be provided As multiple activities fall within this licensing regime, applicants should refer to the relevant licence conditions and statutory guidance for their specific activity, as additional documentation will be required depending on the nature of the business. The requirements listed above apply across all licence types issued under these Regulations. Home Boarding Dog Kennels Cat Boarding Selling Animals as Pets Keeping or Training Animals for Exhibition Dog Breeding Dog Day Care <u>Primate Keepers</u> • Written emergency plan — emergency procedures and evacuation arrangements (<i>Condition 7 & 8</i>) • Written procedures for special circumstances (<i>Condition 10(a)–(c)</i>) including: ○ temporary isolation of a primate ○ death or escape of a primate ○ care following revocation of licence or death of licence holder

- **Procedure for welfare during temporary isolation** (*Condition 11*)
- **Diet plan** with relevant advice/guidance plus review/update dates (*Condition 20*)
- **Written procedures for physical health monitoring** (*Condition 22(f)*) covering:
 - daily monitoring
 - weighing
 - disease control
 - identifying causes of illness/abnormal behaviour
 - treatment and veterinary escalation procedures
- **Written disease transmission and biosecurity procedures** (*Condition 22(c) & (f)*) including:
 - infection risks
 - identification of infection
 - reduction of disease risks
 - cleaning/disinfection protocols
 - vaccinations
 - parasite control
- **Written hygiene protocol** (*Condition 31*)
- **Transport procedures/plans** for transporting primates (*Conditions 43 & 44*)
- **Breeding health and management plan** provided by the veterinarian (*Condition 45*)
- **Plan for addressing inappropriate or abnormal behaviour** (*Condition 37(c)*)

Required written records/logs:

- **Individual primate records** (*Condition 6(1)*)
- **Record of authorised persons with access/care responsibilities** (*Condition 6.1(c)*)
- **Emergency contact records** including vets, police and fire service (*Condition 6.1*)
- **Health monitoring records** (*Condition 22(e)*) including:
 - pain/suffering/injury/disease/abnormal behaviour
 - monthly weights
 - veterinary examinations
 - veterinary treatments
 - quarantine/isolation records
- **Behaviour monitoring records** for inappropriate or abnormal behaviour (*Condition 37(b)*)
- **Stillbirth records** (*linked to Condition 6.1(a)*)

All conditions can be seen [here](#)

Dangerous Wild Animals (DWA)

- **Site Plan**
Showing the location of all enclosures, buildings, access points and boundaries.
- **Animal Register**
Species, number of animals, sex (where known), identification details and location within the premises.
- **Public Liability Insurance**
The licence holder must maintain public liability insurance at a level considered satisfactory by the Council. Unless otherwise agreed by the Council, a minimum indemnity limit of £10 million will be required.
- **Veterinary Arrangements**

	Details of the veterinary practice or veterinary surgeon responsible for the animals. • Emergency Escape Procedure Actions to be taken in the event of an animal escape, including emergency contacts, and dangerous animal handling procedures. • Fire and Emergency Response Procedure Procedures for fire, flooding, power failure or other emergencies affecting the animals. Disease / infection control. Quarantine procedures. • Animal Welfare and Husbandry Procedures Feeding, watering, environmental conditions, enrichment and routine welfare monitoring. Incident and accident records.	
6.2	Proof of Identity (Photographic ID)	
	All new licence applications must be accompanied by valid photographic identification. Acceptable forms of ID include a current passport or UK driving licence. For licence renewals submitted after the implementation date of this policy, applicants will also be required to provide valid photographic identification where this has not previously been supplied.	
7.0	Disclosure and Barring Service (DBS) Checks	
	7.0.1	All new and renewal applications must be accompanied by a Basic Disclosure and Barring Service (DBS) certificate for: • The applicant • Any named licence holder • Any person with responsibility for the day-to-day management of the activity Those whose licence is in force at the time that this policy comes into effect will be required to complete a Disclosure and Barring Service (DBS) check at the time of their next renewal application
	7.0.2	DBS certificates must be either: • A Basic DBS certificate issued within 2 months of the date of application; or • An Enhanced DBS certificate, provided the applicant is subscribed to the DBS Update Service and can produce the original DBS certificate to enable the Council to carry out an online status check. It is the responsibility of the applicant to obtain the DBS certificate in sufficient time and to meet any associated costs.
	7.0.3	The Council considers Basic DBS checks necessary for the following reasons: • Assist in determining whether an applicant is a fit and proper person • Ensure the applicant is not disqualified from holding a licence

		• Support safeguarding objectives • Maintain public confidence in licensed animal-related activities The term “fit and proper person” is not defined in legislation. The Council will not apply a fixed definition and will consider each case on its merits.
	7.0.4	In determining whether an applicant is a fit and proper person, the Council may take into account any relevant information, including (but not limited to): • Whether the applicant has any relevant convictions or cautions • Whether the applicant has been disqualified from holding a licence • The applicant’s compliance history with licensing or animal welfare legislation • The applicant’s knowledge, experience, and ability to meet licence conditions and safeguard animal welfare The above is not an exhaustive list, and the Council may take into account any other matter it considers relevant. It is the responsibility of the applicant to demonstrate that they are a fit and proper person to hold a licence.
	7.0.5	Where a DBS certificate discloses convictions or other relevant information, each case will be considered on its own merits, taking account of: • The nature and seriousness of the offence • Its relevance to the licensed activity • The time elapsed since the offence • Any pattern of offending or behaviour Convictions relating to animal welfare, violence, dishonesty, safeguarding, or breaches of licensing legislation are likely to be given significant weight.
	7.0.6	The Council will not normally grant a licence where: • The applicant has a conviction for offences involving animal cruelty or suffering • The applicant has a current conviction for offences relating to licensing or regulatory requirements Licence holders are expected to remain fit and proper throughout the duration of the licence.
	7.0.7	Failure to provide a satisfactory Basic DBS certificate may result in: • Refusal of the application • The imposition of additional licence conditions • Suspension or revocation of an existing licence

		Licence holders are expected to notify the Council of any relevant convictions or disqualifications arising during the licence period.
7.1	Safeguarding The main aim of animal licensing legislation is to maintain and improve animal welfare standards. However, there are other safeguarding considerations arising from licensable activities, in particular surrounding the protection of children and vulnerable persons and the Council must consider these in light of the Children Act 2004 and the Care Act 2014. The Council is aware that some licensable activities may involve unsupervised contact with children and/or vulnerable persons (for example the tuition of a young person provided at a Riding Establishment, or entertaining at a children's party with an exhibition of animals). In these circumstances convictions for offences involving the following will be considered particularly relevant when determining an application: • violence, • sex and indecency • drugs The Council would expect applicants and licence holders whose activities involve contact with children or vulnerable persons to: • Have a written safeguarding policy and provide training for staff. • Have evidence of a suitable vetting process for staff who have unsupervised contact with young/vulnerable persons. The Council are not setting any specific standards in relation to these requirements, but each case will be considered on its own merits. For information purposes, a number of organisations such as the NSPCC, along with the Lancashire Safeguarding Partnership, offer advice, guidance, tools and resources on safeguarding issues, including policies and staff recruitment, which applicants and licence holders may find helpful. There is also guidance available on the Gov.uk website.	
8	Inspections and Star Ratings	
8.1	Inspections will be carried out in accordance with DEFRA statutory guidance and will normally include: • A pre-grant inspection • Announced and/or unannounced inspections	
8.2	Licences issued under the 2018 animal activity licensing regime. The Council will apply the nationally prescribed star rating system, taking account of: • Welfare standards • Compliance history • Risk level	
8.3	Licence duration will depend on the type of licence applied for. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations	

	2018 is determined by the awarded star rating.			
		Minor Failings	Minimum Standards	Higher Standards
	Low Risk	1 Star 1 Year Licence	3 Star 2 Year Licence	5 Star 3 Year Licence
	High Risk	1 Star 1 Year Licence	2 Star 1 Year Licence	4 Star 2 Year Licence
	Dangerous Wild Animals (DWA) licence duration is a maximum of 2 years .			
	Primate licence duration is a maximum of 3 years .			
9	Veterinary Involvement and Additional Costs			
9.1	The Council may require inspections to be supported by a suitably qualified and experienced veterinary surgeon where this is considered necessary to adequately assess animal welfare.			
9.2	Activities Requiring Veterinary Input			
	9.2.1	Veterinary involvement is more likely to be required for higher-risk activities, including: Dangerous Wild Animals (DWA): A veterinary assessment is required for both new and renewal applications. A veterinary assessment may also be required for variation applications, depending on the nature of the proposed variation. Primates: The Council will normally require a veterinary assessment for both new and renewal applications. A veterinary assessment may also be required for variation applications, depending on the nature of the proposed variation. The breeding of dogs: A veterinary assessment is required for new applications only, unless otherwise considered necessary by the Council in accordance with section 7.2.2. The hiring out of horses: A veterinary assessment is required for all new applications and renewal applications.		
	9.2.2	Veterinary inspections may be required: - At application or renewal - Where serious welfare concerns are identified - Where compliance history indicates increased risk		
	9.2.3	Variations – Dog Breeding There is no automatic entitlement to vary a licence to add or replace breeding dogs.		

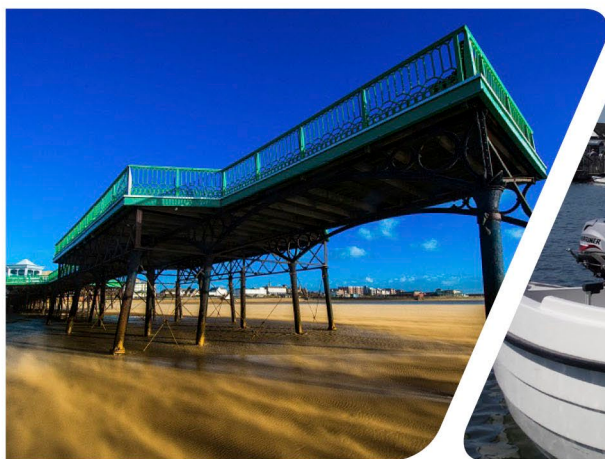
		For all dog breeding licences, the Council will not permit variation applications to add or replace breeding dogs unless supported by appropriate veterinary evidence, to ensure breeding practices meet high welfare standards. The licence holder must arrange for each proposed breeding dog to undergo a “fit to breed” assessment carried out by a suitably qualified veterinary professional. Documentary evidence of this assessment must be provided to the Council at the time of submitting any variation application. Failure to provide satisfactory veterinary evidence may result in the refusal of the variation application.
10	Recovery of Veterinary Costs	
10.1	Where a veterinary inspection is required: • The reasonable cost of the veterinary inspection will be recharged to the applicant or licence holder, in addition to the standard application or renewal fee • Costs will be applied on a cost-recovery basis only	
10.2	Applicants will be advised as soon as reasonably practicable where veterinary input is required and of any anticipated costs.	
10.3	Failure to agree to or pay for a required veterinary inspection may result in: • Refusal to grant or renew a licence • Suspension or revocation of an existing licence	
11	Licence Conditions	
11.1	All licences will be subject to any applicable mandatory national licence conditions. In the case of Dangerous Wild Animal licences, where mandatory national licence conditions do not apply, the Council may impose such conditions as it considers appropriate, having regard to the relevant legislation, the species kept, the risks presented, veterinary advice, and the individual circumstances of the premises.	
11.2	The Council may impose additional conditions where: • Necessary to secure animal welfare • Required to manage specific risks • Reasonable and proportionate	
11.3	Licence holders whose licensed activity requires veterinary involvement, including the breeding of dogs, the hiring out of horses, the keeping of Dangerous Wild Animals, and the keeping of primates, must comply with all veterinary related licence conditions and cooperate fully with any veterinary inspections, assessments, or requests for information.	
12	Compliance	

12.1	Licence holders must notify the Council as soon as reasonably practicable of any material change in circumstances. This includes (but is not limited to): • change of ownership • change of manager • animal escape • conviction • significant welfare incident • material changes to premises or operating arrangements Licence holders must also notify the Council in writing within 72 hours if any of the following occur: • any animal licence held by them is suspended or revoked • they are convicted of, or receive a caution or warning for, any animal welfare offence • they are disqualified under the Animal Welfare Act 2006, Dangerous Wild Animals Act 1976, or as set out in Schedule 8 of the Animal Welfare (Activities Involving Animals) (England) Regulations 2018 • they become subject to bail conditions which may affect their ability to operate the licensed activity These requirements ensure that the Council can assess whether licence holders remain fit and proper persons throughout the duration of the licence.
12.2	Incident Reporting Licence holders must also notify the Council within 2 working days if any significant incident happens whilst operating their business. Examples of this would be an animal escaping, an animal injuring a member of staff, a dog-on-dog attack or similar.
12.3	The Council should be notified immediately upon the death of a licence holder or where the licence holder becomes incapable of caring for the animals.
13	Enforcement
13.1	The Council will adopt a graduated and proportionate approach to enforcement, which may include: • Advice and guidance • Improvement notices • Variation of licence conditions • Suspension or revocation of a licence • Prosecution where appropriate Failure to provide required veterinary evidence for adding or replacing breeding dogs may result in refusal of the variation and/or further enforcement action.
13.2	Immediate action may be taken where there is a serious risk to animal welfare or public safety.

13.3	Enforcement may be carried out in conjunction with other agencies such as the RSPCA, Trading Standards or Lancashire Police. Where appropriate, officers from neighbouring authorities may also be authorised to carry out animal welfare enforcement within the council area.
13.4	Officers carrying out inspections relating to animal licensing are also appointed inspectors under Section 51 of the Animal Welfare Act 2006. This provides them with additional powers under this Act, for example in relation to seizure of animals, power of entry and applying for warrants.
13.5	Any enforcement action carried out will be proportionate and reasonable and will aim to treat all licensees fairly and consistently. Interviews, whether informal or carried out under caution will normally be recorded to ensure an accurate record of the interview is kept. Complaints received and warnings issued in relation to licence holders will generally be held on file and taken into consideration during the period of any licence or application or where there is a break in licence history. Where applicants are known to have operated, resided or been licensed by another local authority, officers may request details of any licence and compliance history to be taken into consideration as part of the application process.
13.6	Where it becomes necessary to take action to remove animals from a premises, as a result of the exercise by officers of their powers under the relevant legislation, in appropriate circumstances, the Council will seek to recover the costs incurred.
14	Appeals
14.1	Appeals - The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 Where an applicant or licence holder believes that the star rating awarded does not accurately reflect the welfare standards and risk level observed at the time of inspection, they may appeal the rating. Applicants are encouraged to discuss the rating with the inspecting officer in the first instance, who will explain how the rating has been determined. Informal discussions do not form part of the formal appeal process and do not affect the time limit for submitting an appeal. A formal appeal must be submitted in writing within 21 days of the date of the inspection. Appeals received outside of this period may not be considered. Upon receipt of a valid appeal, the Council will review the rating within 21 days. The review will be undertaken by an officer not involved in the original inspection, where reasonably practicable. In determining the appeal, the Council will take into account all relevant information, including: • The original inspection findings

	• The inspection report • The applicant's compliance history • Any supporting information provided by the applicant The appeal will be determined based on the conditions and standards present at the time of the original inspection. Where an appeal results in an increase to the star rating and the original rating is found to have been incorrect, the Council will not charge for any associated re-inspection. Where the rating is upheld or reduced, the licence holder will be required to meet the reasonable costs of the appeal process. The licence holder can appeal to a First Tier Tribunal if they do not agree with the decisions made by the Council. This must be done within 28 days of the decision.
14.2	Appeals - Dangerous Wild Animals (DWA) Licence Under the Dangerous Wild Animals Act 1976, a person can appeal if: • the council refuses to grant the licence, • the council imposes, varies, or removes licence conditions, • the licence is revoked or conditions are changed. Should an applicant wish to appeal the refusal to grant a licence or if they do not agree with a licence condition which has been imposed or varied or removed they may appeal to the magistrates court. Any appeal must be brought within 21 days from the date of service of the decision by the Council.
14.3	Appeals – Primates Applicants and licence holders can challenge a Council decision to refuse the grant or renewal of a primate licence, decisions to refuse an application to vary or surrender a licence, the issuing of a rectification notice, or the decision to revoke or vary a licence under Regulation 16 of the Primate Licence Regulations. Any applicant or licence holder wanting a Council decision to be reconsidered must make written representation setting out their case within 28 days, starting on the day on which the applicant or licence holder was first notified of the Council's decision. Where a written request is received, the decision will be reconsidered by a senior officer authorised to review primate licence decisions under the Council's scheme of delegations. The senior officer will have had no previous involvement in the decision that is being reconsidered. The senior officer determining the appeal will decide if a further visit to the premises is required. This decision will be based on the information provided by the operator as part of their appeal, all records relating to the inspection, including report, photographs and correspondence and any past records relating to the licence. Where it is considered necessary to carry out another visit in order to reconsider a decision, the cost of this will be borne by the applicant/licence holder unless the initial decision is reversed.

	Where possible, a decision will be provided to the operator in writing within 28 days from the date the representation was received. If this is not possible (for example, due to an inspection being required), the applicant/licence holder will be kept informed. An appeal can be made to a first tier tribunal if the applicant/licence holder does not agree with the Council's decision following its reconsideration. This must be done within 28 days, starting with the day on which they were notified of the Council's final decision.
15	Fees
15.1	Fees will be set in accordance with the Council's approved fees and charges schedule and may be reviewed periodically. Fylde Council will take a reasonable and proportionate approach aiming to set a fee level that is sufficient to cover the cost, but not make a surplus, whilst providing value for money for the applicant. With this in mind, vet fees are charged separately to allow for variation in size or complexity of the required inspection.
16	Delegated Authority
16.1	Decisions under this Policy will be made by authorised officers in accordance with the Council's Constitution and Scheme of Delegation, except where legislation or Council procedures require determination by a committee or sub-committee.
17	Data Protection and Information Sharing
17.1	The Council will process personal data in accordance with the UK GDPR and the Data Protection Act 2018.
18	Review of Policy
18.1	This Policy will be reviewed periodically, or sooner if required by: • Legislative change • Updated DEFRA guidance • Operational experience



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