

## **BARNSELY METROPOLITAN BOROUGH COUNCIL**

**This matter is not a Key Decision within the council's definition and has not been included in the relevant Forward Plan**

**Report of the Executive Director Place to the  
General Licensing Regulatory Board  
to be held on the 20th December 2017**

### **A REPORT TO SEEK LICENCING BOARD APPROVAL FOR DEVIATION FROM MODEL LICENCING CONDITIONS FOR ANIMAL LICENCING IN SOME LIMITED CIRCUMSTANCES**

#### **1. Purpose of report**

- 1.1 To seek Licencing Board approval to deviation from the Model Licencing Conditions applied in Animal Licencing in circumstances where BMBC is in receipt of formal advice from an independent Veterinary Surgeon that animal welfare standards will still be maintained in doing so.

#### **2. Recommendation**

- 2.1 For members to approve a deviation from the Model Licensing conditions, where Officers are in receipt of advice from an independent veterinary surgeon that this deviation will not adversely affect welfare standards for animals of a particular type or size.
- 2.2 To permit Regulatory Services to apply transitional periods to the implementation of model licencing conditions which would involve major changes or disproportional cost to businesses.

#### **3. Introduction**

- 3.1 The Local Authority is required under various animal welfare legislation to licence certain business activities in relation to animals. Although the legislation makes the Local Authority the licensing body it does not generally provide prescriptive rules of which conditions should be applied by the Local Authority.
- 3.2 In October 2014 BMBC Licencing Board formally adopted national guidance to be used when assessing suitability of premises in relation to Animal Licenced activities. These are referred to as Model Licencing Conditions. The purpose of this report is to request variation from the Model Licencing Conditions in limited circumstances. These circumstances are where BMBC is advised by an independent Veterinary Surgeon that welfare standards for an animal of

that type or size would not be compromised by deviation from the Model Licencing Conditions.

- 3.3 The various national guidance documents (Model Licencing Conditions) agreed in 2014 include subsequent revisions to that guidance, some of which can have a disproportionate effect on local businesses. For example, the changes made to the revised **Model Licencing Conditions and guidance for Dog Boarding Establishments 2016** introduces a minimum requirement for 1.9 m<sup>2</sup> (20sq ft.) sleeping area per dog irrespective of the size of the dog and double these requirements for dogs from the same family sharing a sleeping area.
- 3.4 Although the Animal Health team would always insist on maintaining good welfare standards for animals, Officers have identified circumstances, where it is felt disproportionate pressure is being placed on some local businesses. To meet these requirements some businesses will have to knock down existing kennel blocks to increase sizes, or close their business as it is not viable to do this, without there being recognisable welfare issues arising from boarding animals in their existing enclosures.
- 3.5 It is therefore proposed that whilst retaining the remaining provisions of the Model Licencing Conditions, where the Animal Health team feel it is appropriate to do so, advice be sought from an independent Veterinary Surgeon. Where that Veterinary Surgeon confirmed that deviation from the Model Licencing Conditions would not adversely affect animal welfare standards a licence could still be issued. Such a licence may well be conditional e.g. specifying enclosures only used for dogs of a certain size.
- 3.6 The cost of this veterinary advice would be collected in advance from the Animal Boarding Establishment.
- 3.7 It is proposed that this advice would be sought from an independent veterinary surgeon, that is to say, a veterinary surgeon that does not have a pre-existing business relationship with the Animal Licenced Premises.
- 3.8 The original purpose of this report was to allow deviation regarding size of enclosures/sleeping areas and runs. However, the various Model Licencing Conditions will continue to be revised and other issues of this nature may arise. Approval is therefore sought for a non-specific deviation from the Model Licencing Conditions in circumstances where BMBC have formal confirmation from an Independent Veterinary Surgeon that a specific deviation from the Model Licencing Conditions will still maintain good animal welfare standards.
- 3.9 In 2014 a number of guidance documents and their subsequent revisions were adopted by the Licencing Board.
- 3.10 As the National Guidance continues to be reviewed, circumstances are arising where animal licenced businesses will be required to make major changes to the fabric of their buildings e.g. knocking down existing kennels and rebuilding to slightly larger dimensions irrespective of the size of animals to be housed in the enclosures. In view of the above, it is proposed that in circumstances

where major changes are introduced, Regulatory Services be given discretion to apply transitional periods for the implementation of that particular condition.

#### **4. Consideration of alternative approaches**

- 4.1 The Authority could write its own conditions, but as nationally accepted guidance is available it is proposed to maintain these as far as possible.
- 4.2 The Authority could insist on complete adherence to all of the Model Licencing Conditions and subsequent revisions. This is likely to have major implications for local businesses in terms of expense or viability of the business.

#### **5. Proposal and justification**

- 5.1 To allow deviation from the Model Licencing Conditions applied in Animal Licencing in circumstances where BMBC is in receipt of formal advice from an independent Veterinary Surgeon that animal welfare standards will still be maintained in doing so. It will also support the Council priority of Thriving and Vibrant Economy, by supporting local businesses.

#### **6. Implications for local people / service users**

- 6.1 If local businesses were to close, this is very likely to result in job losses. A number of members of staff are often employed for activities such as kennels to maintain adequate supervision and exercise for the animals in their care.

#### **7. Financial implications**

- 7.1 No additional financial implications.

#### **8. Employee implications**

- 8.1 No implications.

#### **9. Communications implications**

- 9. Relevant businesses will receive advisory letters, website updated to include provision for deviation on the advice of an independent veterinary surgeon.

#### **10. Consultations**

BMBC finance/legal services will be consulted on this report

**11. Tackling Health Inequalities**

11.1 No implications

**13. Background Papers**

Copies of the specific guidance documents and Licencing Board Report of October 2014 are available on request from the officer below:-

Office Contact: Christina Heeley Telephone No: 772539 Date: 17.11.17
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Financial Implications / Consultation ..... Date: .....
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Consultations have taken place with representatives of the Executive Director, Finance
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