



Housing and Environmental Health

Animal Welfare Licensing Policy 2024

Animal Licence Policy 2024

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The Commercial Team

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Section 1: Purpose

1.1. Pendle Borough Council has statutory responsibilities for licensing of several activities relating to the welfare of animals under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, Dangerous Wild Animals Act 1976, and Zoo Licensing Act 1981. These pieces of legislation are aimed at protecting the welfare and safety of animals and those that interact with them and make it an offence for any person to possess, own or keep animals to carry out certain businesses, or have possession of certain animals without first being licensed by the Pendle Borough Council.

1.2. The Pendle Borough Council is required to ensure that:

- Licence holders are suitably inspected/assessed against the regulation requirements;
- Individuals who apply for a licence and do not meet the regulation requirements for the granting of a new licence are refused a licence;
- Appropriate enforcement action is taken against operators carrying out, attempting to carry on, or knowingly allowing a licensable activity to be undertaken without a licence or in contravention of regulations or licence conditions;
- Licences are not granted to individuals that are already disqualified from holding a licence or have previously had one revoked.

Section 2 Scope of Policy

2.1. This policy sets out the general principles that the Pendle Borough Council will follow in relation to the provision and enforcement of Animal Licensing. The Policy describes the types of animal licensing matters that are likely to occur and how Pendle Borough Council will deal with them.

2.2. Pendle Borough Council will also have regard to the Statutory Guidance issued in relation to any primary animal licensing Acts and associated Regulations.

2.3. The Policy ensures that Pendle Borough Council undertakes Animal Licensing responsibilities in a consistent, proportionate, transparent, and fair manner.

Section 3 The Legislative Framework

3.1. The Animal Welfare Act 2006 ("the Act") consolidated and updated a number of previous legislation promoting and protecting the welfare of animals. With the Act being the primary principal legislation in England and Wales. Establishing and setting

welfare standards that must be maintained by all persons responsible for an animal. The Act also places a responsibility on the Local Authority and other enforcement agencies.

- 3.2. The Act introduced a 'duty of care' on any person that is responsible for an animal to ensure that the needs of the animal are met, and creating an offence where those needs are not met. The Act also increased the penalties for animal abuse, permitting disqualification of a person from being in charge of animals, on issue by the Courts. A disqualified person under the Act cannot hold an animal licence under any of the animal licensing Regulations.
- 3.3. The Act gives powers to the Secretary of State for the Environment, Food and Rural Affairs to pass regulations that may repeal or amend any of the primary licensing Acts or create new forms of licences. These powers were used to create the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 3.4. Section 9, of the Animal Welfare Act 2006 creates five overarching principles of animal welfare. The Act refers to these as the 'five needs' of all animals. It is the duty of any person responsible for an animal to ensure that each of these five needs are met.
- 3.5. The 'five needs' 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 a 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); and
 - 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).
- 3.6. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force in October 2018 and is made under Section 13(7) and 13 (8) of the Animal Welfare Act 2006. The Regulations update and replace legislation for selling animals as pets, dog and cat boarding, dog breeding and riding establishments. In addition, it introduces for the first time a licence regime for keeping and training animals for exhibition.

Under Schedule 1, of the regulation, a licensable activity means one of the five activities involving animals:

- Selling animals as pets;
- Providing for or arranging for the provision of boarding for cats or dogs;
- Hiring out horses;
- Dog breeding; and
- Keeping or training animals for exhibition.

3.7. The Dangerous Wild Animals Act 1976 dictates that a licence is required from Pendle Borough Council to keep certain animals that are considered to be wild, dangerous or exotic. To view the full list of animals- [The Dangerous Wild Animals Act 1976 \(Modification\) \(No.2\) Order 2007 \(legislation.gov.uk\)](#)

3.8. Pendle Borough Council does not support the licensing of primates under the Dangerous Wild Animals Act 1976 as 'pets' to live in domestic premises. Pendle Borough Council recognises that primates are highly intelligent and can be potentially dangerous animals with complex needs that are unlikely to be met in a domestic environment.

3.9. The Zoo Licensing Act 1981, states that a licence is required by the Council to display wild animals to the public for at least 7 days a year, in place that it is not a circus or a pet shop.

Section 4 Enforcement Policy

4.1. Pendle Borough Council will seek to ensure compliance with the legislation outlined above and will carry out its duty in an appropriate and consistent manner according to the following principles:

- Seek to achieve compliance in an accountable, consistent, proportionate, and transparent manner as stated Section 2(3) of the Legislative and Regulatory Reform Act 2006. Our enforcement activities will also be targeted at those cases in which action is required to ensure compliance;
- Seek to assist businesses and others in meeting their legal obligations through the provision of reasonable assistance and advice, and aim to be clear, open and helpful in its approach to enforcement;

- Focus on prevention rather than cure and to focus on animal welfare;
- Seek to target enforcement resources at areas of highest risk to animal welfare and public safety, including non-compliant businesses and individuals/partnerships;
- Target robust action against those who knowingly contravene the law or act irresponsibly; and
- Where appropriate work in partnership with other regulatory or enforcement agencies to solve problems. Such bodies include licensing, RSPCA, Police, Trading Standards, and Institute of Licensing.

4.2. For Pendle Borough Council to carry out its enforcement duties the Council has adopted- a Housing and Environmental Health Enforcement Policy.

4.3. We aim to achieve and maintain a consistent approach when we investigate complaints and make our decisions regarding enforcement. In reaching any decision we will consider, potentially amongst other things, the following criteria:

- The seriousness of the offence or breach of condition;
- The previous compliance record of the business/individual/partnership;
- The possible consequence(s) of non-compliance;
- The likely effectiveness of the various enforcement options available; and
- The risks to the welfare of the animals and/or the public.

Suspension, Variation and Revocation of a Licence

4.4. Local Authorities can vary an animal activity licence at any time. Pendle Borough Council will consider varying licences where the variation will likely have a positive impact on animal welfare, or address and issue which was adversely impacting on animal welfare. We will seek to engage the Licence Holders to ensure that any variations are both reasonable and practical.

4.5. Pendle Borough Council will also give consideration to suspending, varying, or revoking a licence without consent of the Licence Holder where:

- The licence conditions are not being complied with;
- The Regulations are breached;

- Information supplied by the licence holder is false or misleading; and
- It is necessary to protect the welfare of the animal.

4.6. Pendle Borough Council will take a graduated approach to considering these measures, and in all instances will first consider if compliance and protection of animal welfare can be achieved by variation of a licence. Where it is not considered possible to achieve this via a licence variation then suspension or revocation will be considered, in particular where poor standards of animal welfare are identified, or where the Licence Holder has a previous poor compliance record.

4.7. Where a licence is varied, suspended, or revoked, Pendle Borough Council will provide notice of this in writing, and include the following information:

- The reasoning behind the decision;
- When the changes come into effect;
- The licence holders' rights (including how to appeal the decision); and
- Specific details of any works/issues requiring resolution before a suspension can be lifted.

4.8. A suspension, variation or revocation of a licence will ordinarily take effect 7 working days following the decision has been issued to the licence holder. The exception to this is where the reason for the action is to protect animal welfare, in which case the effect of the notice is immediate (via powers conferred on the Licence Authority under Section 16 (2) of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018).

4.9. During the 7 days before the notice takes effect (unless the notice has immediate effect), the Licence Holder can make written representation to Pendle Borough Council will then consider the representations, provide a response within 7 working days, and either:

- Continue with the license suspension, variation, revocation; or
- Cancel the decision to make changes to the licence.

4.10. Licence holders have 28 days to appeal against the decision, and if the licence is suspended or revoked cannot trade again until the suspension or revocation is lifted following:

- Pendle Borough Council being satisfied that the licence conditions are being met; or
- The first-tier tribunal finding in favour of the Licence Holder that the Council decision was incorrect.

Section 5. Policy Application

5.1. The Animal Welfare Act 2006, and associated Regulations outline individual application requirements and mandatory conditions that Pendle Borough Council must be satisfied with before it can grant a licence. The Animal Welfare (Licensing Activities Involving Animals) (England) Regulations 2018 gives Pendle Borough Council to apply conditions to each Licence it grants in addition to the mandatory conditions set out in the statutory guidance for each category of animal activity licence.

5.2. The principal purpose of requiring a licence is to safeguard animal welfare, and Pendle Borough Council will keep this objective in mind at all times when undertaking its animal licensing duties.

5.3. Pendle Borough Council will inspect premises in accordance with the legislative requirements, veterinary advice, and any statutory codes of practice before issuing or renewing a licence. Inspections will involve both programmed/announced inspections as well as unannounced inspections such as to provide confidence as to the level of compliance to a licence holder/applicant. Whether an inspection needs to be announced or unannounced depends on the reason for the inspection. For example, if there is a complaint or information that an animal's welfare is potentially at risk it is likely that an inspector will make an unannounced re-inspection to make sure compliance is checked thoroughly.

5.4. Where appropriate or required (such as the case with riding stables and initial dog breeding inspections), inspections will be carried out with a qualified/registered vet. Where inspections identify areas of concern which cannot be addressed by the licence conditions, officers will consider the use of Animal Welfare Act 2006 and/or liaise with other organisations such as the RSPCA.

5.5. Pendle Borough Council will make reasonable efforts to investigate reports and intelligence relating to unlicensed establishments and/or breaches of conditions, respond to any issues, and where necessary take enforcement action in line with Pendle Borough Council's Enforcement Policy.

5.6. When carrying out its functions under the Primary Licensing Acts Pendle Borough Council will seek to promote the following objectives:

- The five needs as set out in the Animal Welfare Act 2006;
- Public safety;

- Integration with other relevant strategies and legal requirements; and
- Positive relations with licence holders and proportionate regulation.

5.7. In addition to the danger of the welfare of animals by unlicensed or irresponsible animal owners, there is a danger that may arise to members of the public. For Example, poor standards of hygiene could lead to diseases spreading and affecting other members of the public and their animals. Additionally, licence holders that permit members of the public onto their premises have a legal responsible duty to ensure that they do not put them at risk of illness or injury. Public safety will therefore be always paramount consideration by Pendle Borough Council.

5.8. The licence holder in addition to being licensed to carry out animal activities and their premises may need to comply with other legislation such as planning and building regulations. Where appropriate permissions or consents are not in place, or where they are being breached, Pendle Borough Council may take enforcement action which could lead to the closure of the premises and consequently adverse impact on the welfare of any animals accommodated there. As a result, Pendle Borough Council will not grant a licence where the appropriate building control consents and planning permissions are not in place, or may revoke a licence where such legislation, regulation or conditions are breached.

5.9. The statutory guidance accompanying each of the primary licensing regulations state clearly that the mandatory conditions and minimum standards that Pendle Borough Council must be satisfied are complied with before any licence is granted. Where the relevant inspecting officer is not satisfied that the relevant legal requirements and mandatory conditions are met or where a licensing officer or Veterinary Surgeon has raised concerns that the legal requirements or standards are not met, or unlikely to be met, the applicant for the licence will be notified. The applicant will have the opportunity to address the matters in the hope of satisfying the relevant criteria.

5.10. If the relevant inspecting officer feels that an application should be refused, they will provide a letter to the applicant explaining the reasons for the refusal, and a notice of refusal detailing how the decision can be appealed.

Section 6 The Animal Activity Star Rating Scheme

6.1. For animal activities other than for keeping and trading of animals for exhibition a star rating will be given.

6.2. In line with the Statutory Guidance to Local Authorities, applicants will be given a star rating ranging from 1 to 5, based on their compliance history and results of their inspection. This also applies if an applicant applies for a re-inspection.

6.3. Applicants/licence holders should be aware that Pendle Borough Council may amend their star rating following a routine visit or unannounced inspection. For Example, a star rating could go down following an unannounced inspection to investigate an animal welfare complaint.

6.4. Pendle Borough Council will provide feedback on the star rating they have been given following inspections, which will include the following:

- The star rating;
- Details of why the rating was given. This will include a list of the higher standards that the business currently fails to meet, or a list of the minimum standards that the business is failing to meet, if it is in the minor failing category;
- Details of the appeals process and the deadline for which an appeal must be made.

Granting or renewing a licence: a risk-based approach

6.5. In determining a star rating of a business Pendle Borough Council will adopt a risk-based approach. Pendle Borough Council will consider the following matters as part of the risk-based approach:

- The compliance history of the individual applying for the licence- poorer compliance history will be interpreted as higher risk;
- The animal welfare standards observed- whether they have minor failings, follow minimum standards, or already operate at a higher standard.

6.6. In addition to the above Pendle Borough Council will consider the following questions based on the inspection and on the records of past compliance:

- Does the applicant/business meet the minimum standards?
- Does the applicant/business meet the higher standards?
- Is the applicant/business low or high risk?

The animal activity star rating system

	Minor failings	Minimum standards	Higher standards
Low risk	1 star rating, 1 year licence at least 1 unannounced visit within 12 months	3 star rating, 2 year licence, at least 1 unannounced visit within 24 months	5 star rating, 3 year licence, at least 1 unannounced visit within 36 months
Higher risk	1 star rating, 1 year licence, at least 1 unannounced visit within 12 months	2 star rating, 1 year licence, at least 1 unannounced visit within 12 months	4 star rating, 2 year licence, at least 1 unannounced visit within 24 months

6.7 New applicants that do not have one year of compliance history with Pendle Borough Council, a previous LA or a UKAS-accredited body will automatically be rated as high risk. The length of the time the licence is granted for in these instances will depend on whether the new applicant meets the specified higher standards of animal welfare, or the minimum standards.

6.8 For renewal applications, the length of time the licence is granted for will depend on the risk rating and welfare standards at the inspection. The licence length can be up to three years.

6.9 Where any failing compromise the welfare of the animals a licence will not be granted or renewed.

6.10 All the minimum standards outlined in the relevant licensable activity guides must also be met. Failure to do so will lead to refusal to grant or renew the licence.

6.11 In cases where Licence holders conduct multiple types of animal activity categories, they will only receive one rating to cover all the activities they undertake. Each activity will be considered and rated separately before the final score is awarded overall. In accordance with the statutory guidance to Local Authorities, the star rating will be rounded down if the licence holder is operating with lower standards for one activity than another. For Example, if the applicant meets the higher standards for dog breeding and the minimum standards for dog boarding, the overall score will reflect the lower of the two.

6.12 As per the risk scoring matrix set out above, the Animal Activity rating scheme requires inspections to be carried out during the term of the licence, and the star rating may be varied at the time if the level of compliance identified at the time has gone up or down.

6.13 For the activity of hiring of horses, there is a requirement for an annual inspection by a veterinarian listed on the Royal College of Veterinary Surgeons Riding Establishments Inspectorate List. It is Pendle Borough Council policy wherever reasonably practicable to appoint a veterinarian to undertake the inspection who will be independent and not one that is retained by the applicant/licence holder.

Exception: Keeping or Training Animals for Exhibition

6.14 As stated above, the only exception to the risk-based approach is for the activity of keeping or training animals for exhibition. All licences for the activity of keeping or training animals for exhibition can be granted for 3 years. This is done on the basis that these activities have been subject to simple registration system. A risk assessment is not undertaken for this animal activity as a star rating is not issued.

Higher Standards

6.15 Operating higher standards have also been set out in the relevant animal activity guides, and achieving compliance with the higher standards is the only way of obtaining a 4- or 5-star rating.

6.16 In order to qualify for consideration at the higher standard, the applicant/ business must meet:

- 100% of the higher standards classified in the guidance as required;
- 50% (or more of the higher standards classified in the guidance as optional.

Star rating appeal procedure

6.17 Before considering an appeal against a star rating awarded to licence holders are strongly encouraged to discuss the rating with the inspecting officer first. The officer will already have provided a detailed written explanation of the rating awarded and will be happy to explain this further. In many instances this may resolve the matter and avoid the need for an appeal.

6.18 In order to appeal against a star rating the applicant should contact Pendle Borough Council in writing within 21 days of receiving their rating. Clearly setting out how they think that the rating awarded does not reflect the animal standards and the risk level at the time of the inspection to the following address/email address:

FAO Commercial Team Leader, Pendle Borough Council, Town Hall, Market Street, Nelson, Lancashire BB9 7LG

Environmental.food@pendle.gov.uk

6.19 Appeals will be determined by the Commercial Team Leader or Head of Housing and Environmental Health, within 21 days of receiving the appeal, and may involve the following:

- review inspection notes, inspection report, and comparison of those documents with the appeal documents;
- review of the past compliance history of the licence holder;
- a further visit of the licenced premises;
- additional advice from relevant animal welfare experts (for example specialist veterinary advice, or dog behaviour therapist input).

6.20 The cost of any additional inspections or specialist support/advice will be borne by the appeal applicant except where the appeal results in a higher rating being awarded, in which the cost will be borne by the Council.

6.21 If an appeal applicant disagrees with the outcome of the appeal, then they can make a complaint [Make a complaint | Customer service | Pendle Borough Council](#) or refer the matter to the Local Government Ombudsman.

Refusing a licence

6.22 Local Authorities are required to refuse a licence/renewal application in the following circumstances:

- If they consider that the applicant cannot meet the mandatory licence conditions and minimum standards.
- If they are concerned that issuing a licence may negatively impact on animal welfare,
- If the housing staffing or management are inadequate for the animal's wellbeing for the activity or facility to be run properly.
- If an operator has been disqualified from holding a licence previously under Section 34 or 42 of the Animal Welfare Act 2006.

6.23 The Council may also refuse a licence if it is determined that the applicant is not a fit and proper person, for example where the applicant has relevant offences as listed in Section 7 below.

6.24 In such circumstances the Council will provide the applicant with a notice of refusal which will clearly set out the reasons for the application being refused, and detail how the applicant can appeal against the decision (appeal to a First Tier Tribunal (General Regulatory Chamber), within 28 days of receiving the notice of refusal).

Re-inspection requests

6.25 Licence holders given a rating between 1-star and 4 stars who have accepted their rating but have made improvements since that time can request a re-inspection for a re-rating. A minimum period of three months must have elapsed between the rating being issued, and the date of the re-inspection. The reasoning for that it is considered that if improvements can be sustained for a period of three months or more, then they are more likely to be sustained in the longer term of the licence. A licence holder can apply for a re-inspection prior to the three months standstill period being up, but the re-inspection itself will not be undertaken until three months have elapsed.

6.26 Requests for re-inspection should be made in writing and include the following:

- An outline of the reasons why the licence holder feels they should receive a re-inspection.
- Details of the improvements made to compliance or welfare since the inspection.
- Supporting evidence, if appropriate, for example photographs and invoices for works undertaken/items purchased.

6.27 If the case of re-inspection made by the licence holder is not substantiated or insufficient evidence is provided, then the Council may refuse the request to re-inspect. If the request is refused, then the licence holder will be provided with a written explanation including details of the outstanding matters requiring attention before a re-inspection will be undertaken.

6.28 Where a request for re-inspection is accepted by the Council then a re-inspection will be undertaken within three months of the request being received.

6.29 Re-inspection visit may be undertaken either announced or unannounced (depending on the original inspection findings and the type of premises involved), and the Licence Holder should be aware that depending on the re-inspection findings their star rating may go up or down or remain the same.

6.30 There is no limit on the number of re-inspections that can be requested, but in each case the request for re-inspection must include the information set out above. The Licence Holder must be required to pay the current inspection fee for the re-inspection and will be liable for additional charge where a veterinarian is also to be required in attendance.

Section 7. Suitability of Applicants

7.1 In accordance with the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, any individual who carries on a licensable activity will be designated as the 'operator' of the business and can apply for a licence. Providing that they are not already disqualified from holding a licence in accordance with the Regulations.

7.2 In order to ensure compliance with our duties that an individual has not been disqualified from holding a licence the Council will require new applicants to provide a basic disclosure certificate (DBS) alongside their application. The Disclosure and Barring Service certificate must be marked with an issue date no more than 3 months before the date of application.

7.3 Existing license holders will be required to provide a basic disclosure certificate as part of their renewal application from 1st April 2025 onwards. As with new applicants the Disclosure Barring Service certificate must be dated no more than 3 months before the date of the application.

7.4 A basic Disclosure will be required of all those applicants listed in the application (individuals, partners, and directors).

7.5 DBS checks must show that the applicant (or applicants) are not disqualified from holding a licence, and/ or hold nor relevant convictions which may affect whether they are a 'fit and proper' person to hold a licence.

7.6 A licence will only be granted where the Council is satisfied that the applicant is a fit and proper person to be an operator for the animal licence applied for. Fitness and propriety to hold a licence is a familiar concept in licensing but is not legally defined within the context of animal licensing. For this policy the Council will 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 give reasonable confidence that they can comply with the licence conditions and safeguard the welfare of animals in their care.
- Made suitable management and training arrangements to ensure the safety and welfare of any staff and/or member of the public who may be affected by the licence activity.

7.7. This does not limit the scope of fitness and propriety assessment and the Council may take into account other matters considered relevant to licensing process.

Relevance of convictions

7.8 The purpose of this section is to offer guidance on how the Council will determine whether an applicant or licence holder is suitable to either be granted a licence in the first place or retain a licence under the Regulations. In all cases, the Council will consider the conviction or the behaviour in question and what weight should be attached to it. With each and every case will be determined on its own merits, and in light of these guidelines.

7.9 In addition to the nature of the offence, the quantity of the matters and period over which they are committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

7.10 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is acceptable that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experiences and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

7.11 Where a situation is not covered by these guidelines, the Council will consider the matter from first principles and determine the fitness and propriety of the individual.

7.12 Where an applicant or licensee has been convicted of any offence that is related to animal cruelty or suffering the recommendation will be to refuse the application for a licence, or in the case of an existing licence holder to revoke the licence. The reason for this is that the main purpose of the Animal Licensing Welfare Regulations is to ensure the welfare of the animals, and as such these types of offences are highly relevant.

7.13 The Council will also not normally grant a licence to a person with one (or more) conviction for any offence that is related to licensing as these offences demonstrate a disregard for Licensing processes and procedures. In such cases the recommendation will be to refuse the application for a licence, or in the case of an existing licence holder revoke the licence.

7.14 In addition to the above, the Council has wider obligations to safeguard both children and vulnerable adults. These obligations arise from The Children Act 2004; and the Care Act

2014. As a result, the recommendation will be to refuse an application for a licence, or in the case of an existing licence revoke the licence where an applicant or licence holder has a conviction for sex and indecency offences or exploitation offences.

7.15 In relation to single convictions, the following **minimum** time periods should elapse following completion of the sentence (or date of conviction of a fine was imposed) before a licence will be granted or renewed. Where this is less than the time period as specified below, the recommendation would be to refuse the application. This places public safety as a high priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence:

- Offences involving violence- 10 years
- Possession of a weapon- 7 years
- Offences involving dishonesty- 7 years
- Offences involving drugs- 10 years

7.16 Upon receipt of the certificate from the Disclosure and Barring Service, an officer of the Council will compare any disclosed information with adopted policies relating to relevant convictions. Where the relevant convictions are disclosed, the application will be determined whether the applicant is a fit and proper person to hold a licence.

Section 8. Fees

8.1 The current fees for animal welfare licencing can be found: [Animal welfare licences | Animal welfare licences | Pendle Borough Council](#)

8.2 The animal welfare licence fees are subject to annual review.

Section 9. Application Process

9.1 Licence applications must be submitted on the relevant application form, accompanied by the supporting information as requested and the application fee paid. Inspection of the proposed licence premises to determine the suitability for licencing will only be undertaken once the above requirements have been satisfied.

9.2 In the case for application for breeding dogs (grant applications only unless exceptional circumstances) and hiring out horses (grant and renewal applications), also require a veterinary fee. Which will be paid prior to the inspection being undertaken.

9.3 Once a valid application has been received (all relevant information received/included and the fees paid), the Council will in accordance with statutory guidance for animal activity licensing undertake the following:

- Consider whether the conduct display by the applicant indicated that the area a fit and proper person to carry out the licensable activity and meet the licence conditions;
- Inspect the site of the 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 veterinarian for the initial inspection of dog breeding establishments, or a listed veterinarian for the inspection of horse breeding establishments). The inspector will prepare a report, in accordance with the requirements of the Regulations, to be submitted to the Council for inspection;
- The inspectors 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 the inspector considers that the licence conditions are met.

9.4 The inspecting officers' recommendations whether to issue a licence will principally be based on the standards witnessed at the time of the inspection.

9.5 If the inspecting officer recommends that a licence should be issued then the fee will be paid by the applicant. The licence will then be issued along with a covering letter which will contain a detailed written explanation of the star rating awarded.

9.6 Although not a statutory requirement, the Council will aim to provide licence holders with 3 months' notice of when a licence is due to expire. Licence holders must then submit an application at least 10 weeks before their licence expires to continue the activity without a break.

Section 10. Powers of Inspectors

10.1 Section 30 of the Animal Welfare Act 2006 allows local authorities to prosecute for any offences under the Act. Prosecution proceedings will be considered in accordance with the [Environmental Health Enforcement Policy | Pendle Borough Council](#)

10.2 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, introduced a range of enforcement powers to allow the Council to issue suspension, variation or revocation notice where licence conditions are not being complied with; where there is a breach of the regulations; or issues relating to the protection of the welfare of an animal (as set out further in Section 4 previously).

10.3 Anyone who carried out any of the licensable activities without a licence is committing an offence and is liable to imprisonment for a term of up to six months, a fine or both.

10.4 It is a criminal offence to obstruct an officer who has been appointed by the local authority to enforce the Regulations. Committing any of these offences could result in an unlimited fine.

10.5 Inspectors have a right of entry to premises for the purpose of undertaking a licence inspection or checking whether an animal activity licence is required. An inspector does not have the right to entry to any parts of the site premises used as a private dwelling unless they give 24 hours' notice to the occupier. Section 62 of the Animal Welfare Act 2006 contains a

definition of what would constitute a private dwelling, and an inspector may enter this part of the premises without 24-hour-notice if given permission by the occupier. Where a request for entry is refused, Section 23 of the Animal Welfare Act 2006 make provision for application for warrant of entry.

10.6 The Regulations also make provision for the inspectors to take samples for laboratory testing from any animals on the premises occupied by the operator. For the purposes of ensuring the licence conditions are being complied with. A licence holder must comply with any reasonable request of an inspector to facilitate the identification and examination of an animal and the taking of samples. They must arrange the suitable restraint of an animal if requested by an inspector (the provision for sampling is primarily aimed at veterinarians carrying out inspections on behalf of the Council).

Section 11. If a licence holder dies

11.1 If a licence holder dies, the procedure in Regulation 12 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 applies. This allows personal representative of the deceased to take on the licence. Provided they inform the local authority within 28 days of the death, that they are the operators of the licence.

11.2 The licence will remain in place for three months from the death of the former licence holder, or for the rest of the time it was due to remain in force if that time period is shorter.

11.3 The new licence holder should apply for a new licence one month before the expiry of the new period. 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 affect after those 28 days.

11.4 The Council will consider extending the 3-month period up to 6 months if requested by the representative and if they believe that this time is needed to wind up the estate of the former licence holder.

Section 12. Additional Information

12.1 The Council has additional information on the website: [Animal welfare licences | Animal welfare licences | Pendle Borough Council](#), including applications, inspection and scoring, unannounced mid-term inspections, who cannot apply and offences.

APPENDIX A: PROVIDING OR ARRANGING PROVISION OF BOARDING FOR CATS AND DOGS

A1. All dog and cat boarding activities need a licence if that are carried out as a commercial business. Further information on whether an activity would be considered a commercial business is contained in the relevant statutory guidance which the Council has regard to.

A2. To be in scope, they must:

- Provide housing for other peoples dogs or cats, where the provision of that housing is part or solely the activity of the business;
- Arrange housing for other people dogs- for example, businesses which connect pet owners with people willing to look after their animals for no fee, just minor expenses;
- Provide overnight housing for cats in purpose built cattery units;
- Home board cats, when they are kept in cattery units
- Provide day time housing for other peoples dogs, as part of, or as the only activity of, the business.

A3. An application for a licence must be made to the Council [Animal welfare licences | Animal welfare licences | Pendle Borough Council](#)

A4. Before granting a licence the Council must be satisfied that an establishment is complaint with at least the minimum standards outlined under the relevant statutory guidance:

- [Cat boarding licensing: statutory guidance for local authorities - GOV.UK](#)
- [Home boarding for dogs licensing: statutory guidance for local authorities - GOV.UK](#)
- [Dog day care licensing: statutory guidance for local authorities - GOV.UK](#)
- [Dog kennel boarding licensing: statutory guidance for local authorities - GOV.UK](#)

A5. If the Council are satisfied that the requirements of the statutory guidance documents are met, and there are no other concerns about the welfare of animals or the objectives of this policy being undermined, the licence will be granted.

A6. The Council may attach any condition to the licence that it feels are necessary and expedient for securing the objectives above.

A7. If the Council have any concerns about the welfare of the animals kept under this licence, they may request a vet conducts a further visit to ascertain if the measures in place are acceptable which would be chargeable to the licence holder.

A8. All dog and cat boarding activities undertaken as a commercial business should have a trade waste contract, and inspecting officers will require evidence of this at the time of the inspection.

APPENDIX B: SELLING ANIMALS AS PETS LICENSING

B1. All selling animals as pets' activities need a licence if they're carried out as a commercial business. Further information on whether an activity would be considered a commercial business is contained within the relevant statutory guidance on selling animals as pets licensing, which the Council will have regard to. This activity licence does not include the sale of animals during aquacultural production, or the breeding of dogs (this is a separate form of animal activity licence).

B2. An application for a licence must be made to the Council [Animal welfare licences | Animal welfare licences | Pendle Borough Council](#)

B3. Before granting a licence the Council must be satisfied that an establishment is compliant with at least the minimum standards outlined under [Selling animals as pets licensing: statutory guidance for local authorities - GOV.UK](#).

B4. If the Council are satisfied that the requirements of the statutory guidance documents are met, and there are no other concerns about the welfare of animals or the objectives of this policy being undermined, the licence will be granted.

B5. The Council may attach any condition to the licence that it feels are necessary and expedient for securing the objectives above.

B6. If the Council have any concerns about the welfare of the animals kept under this licence, they may request a vet conducts a further visit to ascertain if the measures in place are acceptable which would be chargeable to the licence holder.

B7. All selling animals as pets undertaken as a commercial business should have a trade waste contract, and inspecting officers will require evidence of this at the time of the inspection.

APPENDIX C: HIRING OUT HORSES LICENSING

C1. All activities involving hiring out horses for riding, or instruction in riding, need to have a licence if they're carried out as a commercial business. Further information on whether an activity would be considered a commercial business is contained in relevant statutory guidance on Hiring out horses licensing, which the Council will have regard to,

C2. To be in the scope they must hire out horses for riding, that includes:

- Riding schools;
- Loan horses;
- Hunter hirelings;
- Pony and donkey rides;
- Polo instructions; and
- Pony parties where ponies are ridden.

C3. For the hiring out of horses, a listed Veterinarian must be appointed for the initial inspection, for a renewal inspection, and for an annual inspection for the hiring of horses. It is the Council's policy wherever reasonably practicable to appoint a Veterinarian to undertake the inspection who will be independent and not one that is retained by the applicant/licence holder.

C4. An application for a licence must be made to the Council [Animal welfare licences | Animal welfare licences | Pendle Borough Council](#)

C5. Before granting a licence the Council must be satisfied that an establishment is compliant with at least the minimum standards outlined under [Hiring out horses licensing: statutory guidance for local authorities - GOV.UK](#)

C6. If the Council are satisfied that the requirements of the statutory guidance documents are met, and there are no other concerns about the welfare of animals or the objectives of this policy being undermined, the licence will be granted.

C7. The Council may attach any condition to the licence that it feels are necessary and expedient for securing the objectives above.

C8. If the Council have any concerns about the welfare of the animals kept under this licence, they may request a vet conducts a further visit to ascertain if the measures in place are acceptable which would be chargeable to the licence holder.

C9. Where hiring of horses is undertaken as a commercial business officers will generally require the business to have a trade waste contract, and inspecting officers will request evidence of this at the time of the inspection. Smaller scale operations that are able to show evidence of satisfactory recycling and waste control may be exempt from being required to have a waste contract.

APPENDIX D: DOG BREEDING LICENSING

D1. All activities involving dog breeding, need to have a licence if they're carried out as a commercial business. Further information on whether an activity would be considered as a commercial business is contained in the relevant statutory guidance on dog breeding licensing, which the council will have regard to. In particular, there is a limit on the number of litter a dog breeders can have without a licence unless the breeder can prove that they will not sell any of the puppies from these litters as puppies or adults.

D2. To be in the scope, they must:

- Breed 3 or more litters of puppies per year (unless they can show that none of the puppies have been sold as puppies or adults);
- Be breeding puppies and advertising a business of selling them (as defined under the business test).

D3. A vet must be appointed for the initial inspection for the licensed application for the breeding of dogs. It is the Council's policy to appoint the Veterinarian to undertake the inspection who will be independent and not one that is retained by the applicant/licence holder.

D4. An application for a licence must be made to the Council [Animal welfare licences | Animal welfare licences | Pendle Borough Council](#)

D5. Before granting a licence the Council must be satisfied that an establishment is compliant with at least the minimum standards outlined under [Dog breeding licensing: statutory guidance for local authorities - GOV.UK](#)

D6. If the Council are satisfied that the requirements of the statutory guidance documents are met, and there are no other concerns about the welfare of animals or the objectives of this policy being undermined, the licence will be granted.

D7. The Council may attach any condition to the licence that it feels are necessary and expedient for securing the objectives above.

D8. If the Council have any concerns about the welfare of the animals kept under this licence, they may request a vet conducts a further visit to ascertain if the measures in place are acceptable which would be chargeable to the licence holder.

D9. All dog breeding undertaken as a commercial business should have a trade waste contract, and inspecting officers will request evidence of this at the time of the inspection.

APPENDIX E: KEEPING AND TRAINING ANIMALS FOR EXHIBITION

E1. All keeping or training animals for exhibition activities need a licence if they're carried out as a commercial business. Further information on whether an activity would be considered a commercial business is contained in the relevant statutory guidance on keeping or training animals for exhibition activities.

E2. An application for a licence must be made to the Council [Animal welfare licences | Animal welfare licences | Pendle Borough Council](#)

E3. Before granting a licence the Council must be satisfied that an establishment is compliant with at least the minimum standards outlined under [Keeping or training animals for exhibition licensing: statutory guidance for local authorities - GOV.UK](#)

E4. If the Council are satisfied that the requirements of the statutory guidance documents are met, and there are no other concerns about the welfare of animals or the objectives of this policy being undermined, the licence will be granted.

E5. The Council may attach any condition to the licence that it feels are necessary and expedient for securing the objectives above.

E6. If the Council have any concerns about the welfare of the animals kept under this licence, they may request a vet conducts a further visit to ascertain if the measures in place are acceptable which would be chargeable to the licence holder.

E7. As stated in Section 6 above, the Council is not required to undertake a risk rating in relation to licences for the activity of keeping or training animals for exhibition. As such, no star rating will be issued for these licences. All licences for the activity of keeping or training animals for exhibition are granted for 3 years.

E8. All keeping and training animals for exhibition undertaken as commercial business should have a trade waste contract, and inspecting officers will request evidence of this at the time of inspection.

APPENDIX F: DANGEROUS WILD ANIMALS LICENSING

F1. Anyone who keeps an animal scheduled as dangerous wild animal must be licensed under the Dangerous Wild Animals Act 1976. A full list of animals that need a licence can be seen viewed on [The Dangerous Wild Animals Act 1976 \(Modification\) \(No.2\) Order 2007](#)

F2. The Dangerous Wild Animals Act 1976 (DWA) aims to ensure that where private individuals keep dangerous wild animals, they do so in circumstances which create no risk to the public and safeguard the welfare of the animals.

F3. Where applications for a DWA licence are received, the Council will instruct a suitable experienced Veterinarian and/or other relevant professionals to obtain the appropriate advice to ensure that any special needs of the animal are fulfilled, and the applicant is a suitable person to hold such a licence. The Council must also be satisfied that it would not be contrary to the public interest on the grounds of safety or nuisance. Special needs in this context mean the suitability of accommodation, heating, lighting and appropriate foodstuffs and enrichment for the species identified in the application.

F4. A person is held to be keeping of the animal if they have it in their possession. The assumption of possession continues even if the animal escapes or it is being transported. This removes the need for carriers or veterinarian surgeons to be licensed.

F5. An application for a Dangerous Wild Animal licence must be made to the Council [Dangerous, exotic or wild animal licences | Dangerous, exotic or wild animal licence | Pendle Borough Council](#)

F6. In order to ensure compliance with our duties that an individual has not been disqualified from holding a licence, upon application the Council will require the applicant for a DWA licence to provide a basic disclosure (DBS) certificate issued within 3 months of the date of the application. This check will then be required on a rolling 3-year basis.

F7. Once the Council receives an application for the grant or renewal of a licence it will do the following before granting or renewing a licence:

- The Council will ensure that the applicant has not been disqualified from keeping dangerous wild animals.
- An officer of the Council will inspect the relevant premises in conjunction with a suitably experienced Veterinarian/animal expert and assess if it is likely to meet the requirements of the legislation.
- Inspection reports will contain information about the suitability of the accommodation, suitability of the applicant in terms of their handling skill/experience and their views on qualification relating to the species. The Vet/expert will also consider the animals ability to express their natural behaviour, and knowledge of the owner to promote the animal's welfare. The report will then be sent to the Council for consideration.
- Ensure that the appropriate fees have been paid.

F8. The Council will not grant a licence unless it is satisfied that:

- It would not be contrary to the public interest on the grounds of safety, nuisance or otherwise.
- You are deemed to be a suitable person to hold a licence and are adequately insured.
- Animals will be held in secure accommodation to prevent them from escaping.
- Accommodation for animals is suitable with regards to the construction, size, temperature, lighting, ventilation, drainage and cleanliness. Which is suitable for the number of animals proposed to be held in the accommodation.
- Animals are provided with adequate food, drink and bedding materials and will be visited at suitable intervals.
- Appropriate steps will be taken for the protection of any animal concerned in case of fire or other emergency.
- Appropriate steps will be taken to prevent and control the spread of infectious diseases.
- While any animal is at the premises where it would normally be held, its accommodation is such that it can take adequate exercise.

F9. Where the Council determines that a licence shall be granted it is the requirement of the legislation to apply several mandatory licence conditions that shall apply for the duration of the licence:

- The animal shall be kept by no other person than such person or persons as is or are specified (whether by name or description) in the licence.
- The animal shall normally be held at such premises as are specified in the licence.
- The animal shall not be moved from those premises or shall only be moved from them in such circumstances as are specified in the licence.
- The person to whom the licence is granted shall hold a current insurance policy which insures him, and any other person entitled to keep the animal under the authority of the licence against liability for any damage which may be caused by the animal.
- The terms of any such policy shall be satisfied in the opinion of the authority.

F10. The Council may also, in granting a licence under this legislation, specify such conditions on the licence as it thinks fit. The Council will consider additional conditions proposed for a licence, including the comments of the Vicenarian/expert on any proposed conditions. Where the Council places conditions on a licence they will be based, wherever practicable, on existing codes of best practice and industry standards. At all times the Council will bear in mind the primary objectives in relation to dangerous wild animals licensing, which are to protect the public and to ensure appropriate animal welfare standards.

F11. Where a condition is applied on a licence to permit an animal to be, for any continuous period exceeding 72 hours, at premises outside its area of the area of the Council. The Council will contact the local authority in whose area those premises are situated.

F12. The Council is permitted by Regulations to vary licenses at any time by specifying new conditions or amending or revoking previous applied conditions. Where variation of a licence

conditions is proposed by the licence holder, the variation of the licence will have immediate effect. In other cases, the licence holder will be given a reasonable period to familiarise themselves with the new requirements and ensure compliance.

F13. Applicants/licence holders have the right to appeal against the refusal, revocation, or variation of the licence. Appeals should be made to the Magistrates Court within 21 days of receiving the notification of the refusal/revocation/variation.

F14. In the event of a death of a licence holder the licence shall continue in force for a period of 28 days as if it had been granted to the personal representatives of the deceased. If an application is made for a new licence within the 28-day period, the licence shall be deemed to be still in force pending the grant or refusal of the application.

F15. Premises licenced under the Dangerous Wild Animals Act are not risk rated and licenses, if issued, are valid for 2 years.

F16. Although not a statutory requirement, the Council will aim to provide a licence holders with approximately 4 months' notice of when a licence is due to expire. Licence holders must then submit an application at least 10 weeks before their licence expires. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

F17. Provided that a valid application is received prior to the expiry of a licence, the licence shall be deemed to be still in force pending the grant or refusal of the said application. If it is granted the new licence shall commence from the date of the expiry of the last licence.

APPENDIX G: ZOO LICENSING

Do you need a zoo licence from Pendle Borough Council?

G1. If you intend to operate a zoo in Pendle Borough Council area, it will be necessary for you to gain a zoo licence from the Council.

G2. The Zoo Licence Act 1981 defines a “Zoo” as an establishment where wild animals are kept for exhibition to the public other than purposes of a circus or in a pet shop (separate licences are required). This Act applies to any zoo, which members of the public have access to, with or without admission charge, on more than seven days in any 12 months.

G3. An application for Zoo Licensing must be made to the Council [Zoo licence | Zoo licence | Pendle Borough Council](#)

Application process

G4. The licensing of zoos is a specialist field and the regulations are complex. The Council works in close partnership with DEFRA. Details on the legislation and standards can be found on the DEFRA website: [Zoo licensing act 1981: Guide to the act's provisions - GOV.UK](#)

G5. If you are thinking of setting up a zoo, we recommend that you contact us first for advice and guidance. The Council cannot consider an application unless at least two months' notice of the application has been given. Plus, details have been published in the local and national newspapers, and a notice has been placed at the site. Once this period of time has lapsed, an application form can be submitted along with the current fee.

G6. Before the Council can grant a licence for a zoo, it must be satisfied that:

- The establishment will not injuriously affect the health and safety of people living in the neighbourhood.
- The establishment will not affect the preservation of law and order.
- The accommodation, staffing and management are adequate for the proper care and wellbeing of the animals.

G7. The Council will consult with the following in relation to the application:

- Police.
- Fire Authority.
- Planning Authority.
- The Council's Health and Safety Team.
- Governing body of any national institute concerning the operation of zoos.

G8. The Council will arrange an inspection by a consultant inspector from a list of suitable inspectors nominated by the Secretary of State. The inspector will produce a report of their findings and, based on the report and other considerations the Council will grant or refuse to grant a licence. This process may involve determination by the Commercial Team Leader and Safety Advisory Group (SAG). If the licence is refused, the applicant will receive a written statement of the grounds of refusal.

The Applicant

G9. The Council may refuse to grant a licence if the applicant, director, manager secretary or other similar officer of the body or any person employed as a keeper in the zoo. Has been convicted of an offence under the Zoo Licensing Act 1981 or an offence under any of the following involving the ill treatment of animals:

- The Protection of Animals Act 1911 to 1964
- The Protection of Animals (Scotland) Acts 1912 to 1964
- The Pet Animals Act 1951
- The Animals (Cruel Poisons) Act 1962
- The Animal Boarding Establishments Act 1963
- The Riding Establishments Act 1964 and 1970
- The Breeding of Dogs Act 1973
- The Dangerous Wild Animals Act 1976
- The Endangered Species (Import and Export) Act 1976
- Part I of the Wildfire and Countryside Act 1981
- Sections 4, 5, 6(1), and (2), 7 to 9 and 11 of the Animal Welfare Act 2006
- Section 13(6) of the Animal Welfare Act 2006, so far as the offence arises from the contravention of section 13(1) of that Act in relation to the carrying on of an activity in England.
- The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014
- Animal Welfare (Licensing of Activities Involving Animal) (England) Regulations 2018
- Sections 28C or 28F(16) of the Animal Health Act 1981
- Sections 19 to 24, 25(7), 29 or 40(11) of the Animal Health and Welfare (Scotland) Act 2006

G10. In order to ensure compliance with our duties to ensure an individual has not been disqualified from holding a licence, upon application the Council will require any director, manager, secretary or other similar officer of the body, or any person employed as a keeping in the zoo, to provide a basis disclosure (DBS) certificate issued within 3 months of the date of application, This check will then be required on a 3 year rolling basis.

Planning Requirements

G11. When applying for a licence, the applicant will need to consider whether planning permission is required for the proposed licensed activity. In the even of whether planning permission is required then any decision to grant a zoo licence will be suspended until such time as the planning application has been granted.

Licences

G12. Each original licence will run for four years., with consecutive renewals running for six years. Failure or late application for renewal may invalidate any public liability insurance for the premises. A copy of the licence must be displayed at every public entrance to the establishment.

G13. Changes to the licence, for example name changes and ownership changes, can be carried out at the request of the operator. A licence can also be transferred to another person with the approval of the Council (a basic disclosure certificate will be required for the new licence holder). There is an application for the transfer of the licence which must be submitted with the relevant fee.

G14. In the even of a licence holder dying, the licence shall be deemed to be granted to their personal representatives and will remain in force for up to three months, or longer with approval.

G15. For small zoos, or for a zoo exhibiting only a small number of different kinds of animals, the Secretary of State has powers to relax the requirement of the Act. In such instances the Council can seek a direction that the Act shall not apply at all (Section 14(1a) or that a certain category of inspection is not required (Section 14(1b).

G16. Alternatively, on applying to the Secretary of State for a zoo licence, it may be granted a dispensation (Section 14(2)) to reduce the number of inspections to a reasonable level for small establishments. This will not reduce the Zoo's obligation to achieve the levels of animal welfare and public safety set out in the Secretary of States Standards.

What conditions will be attached to a licence?

G17. The Zoo Licensing Act 1981 specifies various conservation measures that must be undertaken by a zoo and these will be attached as conditions to a zoo licence [Zoo licensing act 1981: Guide to the act's provisions - GOV.UK](#).

G18. The Council has discretion to attach any conditions it deems necessary or desirable for the proper conduct of the zoo.

G19. The Secretary of State issues guidance of standards of practice that zoos should meet which apply in England [see link above].

Inspection Types

Periodic Inspections

G20. Periodic inspection by inspectors appointed by the Secretary of State will take place at the following intervals:

- In the case of an original licence, an inspection will be carried out in the first year and no later than six months before the end of the fourth year.
- In the case of the renewal inspection in the third year and no later than six months before the end of the sixth year.

G21. Up to three inspectors appointed by Pendle Borough Council will visit the premises and at least one of these inspectors will be qualified veterinary surgeon or practitioner. Meanwhile up to may be nominated from the Secretary of State approved list. Only one is necessary if they fulfil both the requirements above.

G22. Pendle Borough Council will give at least 28 days' notice of our intention to inspect the premises and will inform the site of the inspecting officers names.

G23. The zoo operator may also have three representatives to accompany the inspection team. The inspection team will submit a report to Pendle Borough Council. Who in turn will send a copy to the premises within a month of its receipt.

Special Inspections

G24. Pendle Borough Council has the right to make special inspections in any circumstances, which in our opinion call for investigation. The zoo operator must be given notice of the purpose and scope of the inspection and if the investigation involves animal inspection. At least one inspector must be qualified vet with experience of zoos and zoo animals.

Informal Inspections

G25. In any calendar year where no other inspection has taken place, an informal inspection will be conducted by an appointed person from Pendle Borough Council.

Renewing a Licence

G26. Pendle Borough Council will give at least nine months' notice of an expiry date of a licence. The application to renew the licence should then be made at least six months before the expiry of the existing licence.

Records required to be kept

G27. The records required to be kept by a zoo will be largely dependant on the conditions imposed on a particular operator. Typical records to be provided to Pendle Borough Council include- a copy of the zoo's public liability insurance, annual stock list and the intention of providing hazardous animals.

Offences and Penalties

G28. The following offences and penalties are created under Section 19 of the Zoo Licensing Act 1981:

- Operating a zoo without a licence in contravention of the Act
- Failing without reasonable excuse to comply with any conditions of a licence.
- Intentionally obstructing an inspector in the course of an inspection.
- Intentionally obstructing someone who is authorised in accordance with Section 16G to enter the premises of a permanently closes zoos or a dwelling within the zoo grounds.
- Failing without reasonable excuse with a direction issued under Section 16A(2d) to close a zoo or part of it to the public for a period not exceeding two years.
- Failing without reasonable excuse to comply with a zoo closure direction.
- Failing without reasonable excuse to supply information requested by the local authority about the care or disposal of zoo animals in the event of a zoo closure.

- Failing without reasonable excuse and without the agreement of the authority, to dispose of any animal kept at a permanently closed zoo before the plan in section 16E(2) has been approved by the authority, or other than in accordance with the agreed plan.
- Failing without reasonable excuse to comply with a direction issued under Section 16E(6) (direction about the welfare or disposal of animals kept in a permanently closed zoo).
- Failing without reasonable excuse to display the zoo licence or copy at each entrance to the zoo.

G29. Under Section 19(4), if found guilty of any offence above, the operator is subject to a fine of level 4 (currently £2,500), except obstructing an inspector, failing to supply information about the care or disposal of zoo animals in the event of zoo closure, or failing to display the licence or copy of it at each zoo entrance area for which are liable for a fine of level 3 (currently £1,000).

Rights of Entry

G30. Local authority officers and accompanied by appointed Veterinary surgeon may inspect zoo premises, having given 28 days' notice in writing. There is currently no powers of entry to unlicensed premises.

Fees

G31. A completed application (for the grant, renewal or transfer of a licence) must be submitted with the correct fee and in addition the applicant will need to pay any associated veterinary fees for DEFRA nominated inspectors.

How long will it take to process the application?

G32. Pendle Borough Council will contact the applicant within 5 days of receiving the notification an intention to apply for a licence. We will then have two months to make the necessary arrangements in preparation of the next stage of the process.

G33. It is not possible to provide an exact time for the granting or refusal of a licence. Timescales will depend on the size and nature each individual application. Comments gained in the consultation period and from the inspector's report may vary widely.

Right to Appeal

G34. An applicant has the right to challenge a refusal of a licence or any conditions to a licence, by make an appeal application to the Magistrates Court.

Complaints

G35. Any complaints about a zoo premises can be made to Pendle Borough Council.

Further information

G36. Details of the [Zoo Licensing Act 1981](#) and [The Zoo Licensing Act 1981 \(Amendment\) \(England and Wales\) Regulations 2002](#) can be viewed online.

G37. Further information on zoos operating in England, as managing health and safety in zoos, is available from DEFRA.

G38. The Animal Welfare Act 2006, places responsibilities for care and welfare of an animal, on persons who are in charge of or are responsible for the animal, whether on a permanent or temporary basis. Again, more information is available from DEFRA.

Relevant Trade Associations

- World Association of Zoos and Aquariums (WAZA)
- British and Irish Association of Zoos and Aquariums (BIAZA)
- Royal College of Veterinary Surgeons (RCVS)