

## Appendix B Environmental Health: Enforcement Policy - Animal Welfare

Animal Welfare	Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)
No Action	Enforcement options shall not be considered where there is no risk to animal welfare and/or public health from the activities of the business/undertaking.
Informal action This may take the form of: <ul style="list-style-type: none"> <li>• Advice</li> <li>• Verbal warning</li> <li>• Inspection reports</li> </ul>	Informal action will be initiated in circumstances including where: <ul style="list-style-type: none"> <li>• The act or omission is relatively minor, for example, there is a minor non-compliance with a licence condition.</li> <li>• From the operators/businesses' past history it can be reasonably expected that informal action will achieve compliance.</li> <li>• Confidence in the operators/businesses' management practices is high.</li> <li>• The consequence of non-compliance will not pose a significant risk to animal welfare and/or public health.</li> </ul>
Statutory Action	Formal action will be initiated in circumstances including where: <ul style="list-style-type: none"> <li>• There is a contravention of a relevant statutory provision.</li> <li>• The licence conditions are not met.</li> <li>• The situation is unlikely to be remedied by informal means.</li> <li>• There is a risk or potential risk to animal and/or public health.</li> <li>• A licensable activity is operating without a licence.</li> </ul>
Refusal of a license	Licence applications can be refused on the grounds specified in the relevant legislation and the general criteria used for considering this action include: <ul style="list-style-type: none"> <li>• The licence conditions will not be met.</li> <li>• The appropriate fee has not been paid.</li> <li>• The inspection by an officer and/or an appointed veterinarian (as appropriate) of the premises/business has identified non-compliance with the licence conditions.</li> <li>• The applicant is not a suitable person and/or has been previously disqualified under any of the relevant legislation and/or has been convicted of an offence of any relevant legislation.</li> <li>• There will be a detrimental effect to the public interest on the grounds of safety, nuisance or similar.</li> <li>• Planning permission has not been granted or has been refused for the premises.</li> <li>• A zoo license will not be granted if the continuance of the zoo would injuriously affect the health and safety of persons living in the neighbourhood or seriously affect the preservation of law and order or conservation measures are not in place.</li> </ul>
Suspension, variation, alteration or revocation of a license	Licenses can be suspended, varied or revoked on the grounds specified in the relevant legislation and the general criteria used for considering these actions include: <ul style="list-style-type: none"> <li>• Licence condition/s are not being met.</li> <li>• There is a contravention of a relevant statutory provision.</li> <li>• Information supplied by the licence holder is false or misleading.</li> <li>• It is necessary to protect the welfare of the animal.</li> <li>• Legal action is being taken or considered.</li> </ul> <p>Variation will generally be considered when adjustments need to be made to the licence or to the premises/animals referred to in the licence.</p> <p>Alterations to zoo licences may require a section of the zoo where a licence condition is not being met to be closed to the public.</p> <p>Suspension will generally be considered when the operator fails to meet administrative conditions or provide information when requested.</p>

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	<p>Revocation will be considered when poor standards of welfare are identified or where it would be otherwise beneficial to the welfare of the animals to be removed from the activity.</p> <p>If it is necessary to protect the animal welfare, immediate action will be taken which will be specified in any notice to vary, suspend or revoke a licence.</p> <p>Revocations for licences granted in accordance with the Dangerous Wild Animal 1976 will not include those conditions specified in the Act.</p> <p>The power to revoke a licence lies with the Council's Licensing and Appeals Hearings Panel.</p>
Zoo Directions	<p>Zoo directions will be made when license condition/s are not met.</p> <p>The direction may stipulate that the zoo or part of the zoo is closed to the public for a period time when steps are being taken to ensure the licence condition/s are met.</p> <p>Zoo directions maybe varied including increasing the time period for compliance.</p>
Zoo Closure Direction	<p>A zoo closure direction will be made when:</p> <ul style="list-style-type: none"> <li>• A licence condition giving effect to any conservation measure which has been stipulated in a direction and has not been met within the time period specified.</li> <li>• The zoo licence holder cannot be found after reasonable enquiries have been made.</li> <li>• The zoo no longer opens on seven or more days in a twelve-month period and it will not be opening on seven or more days in any future twelve-month period.</li> </ul> <p>A zoo closure direction may be made when:</p> <ul style="list-style-type: none"> <li>• A licence condition other than one giving effect to any conservation measure which has been stipulated in a direction and has not been met within the time period specified.</li> <li>• Reasonable requirements relating to the premises or conduct of the zoo which have been notified to the licence holder following any inspection are not complied within a reasonable period of time.</li> <li>• The zoo has been conducted in a disorderly manner or that a nuisance has been caused, or there has been a breach of any condition of the licence.</li> <li>• The licence holder has been convicted of an offence referred to in section 4(4) Zoo Licensing Act 1981 or a keeper at the zoo, in the knowledge of the licence holder, has been so convicted.</li> </ul> <p>An unlicensed zoo will be closed when:</p> <ul style="list-style-type: none"> <li>• The operator cannot be found.</li> <li>• Having given the operator at least 35 days' notice that a closure direction will be made and no notice of intention to apply for a licence has been made.</li> <li>• An application for a licence has not been made within three months of the notice of intention to apply for licence being made.</li> </ul> <p>When a zoo closure direction is made, the zoo's licence is automatically revoked. Therefore any decision to make a zoo closure order would be taken by the Council's Licensing and Appeals Hearings Panel.</p>

<b>Animal Welfare</b>	<b>Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)</b>
Directions applicable to permanently closed zoos	Zoo directions can be made following the permanent closure of zoo to allow for arrangements to be made to ensure the welfare of the animals and for the disposal of animals if required when the operator's plans for such arrangements are not made and carried out.
Simple Caution	<p>Simple Cautions will be used under the following circumstances:</p> <ul style="list-style-type: none"> <li>• To deal quickly and simply with less serious offences.</li> <li>• To divert offenders where appropriate from appearing in criminal courts; and</li> <li>• To reduce the likelihood of re-offending.</li> <li>• Simply cautions are issued in accordance with Home Office Circular 30/2005.</li> </ul>
Prosecution	<p>Prosecutions may be taken under one or more of the following circumstances including:</p> <ul style="list-style-type: none"> <li>• The licence conditions are contravened or not complied with.</li> <li>• An animal has been allowed to suffer unnecessarily.</li> <li>• A poison has been administered to an animal.</li> <li>• The welfare needs of animals have not been met.</li> <li>• The offence is serious.</li> <li>• There is a poor history of compliance.</li> <li>• There has been a failure to comply with a statutory notice or there has been a repetition of a breach that was subject to a simple caution.</li> <li>• False information has been supplied wilfully, or there has been intent to deceive, in relation to a matter which gives rise to significant risk.</li> <li>• Inspectors have been obstructed from exercising their powers.</li> <li>• Operating a licensable activity without a licence.</li> <li>• Failing to comply with a zoo direction and/or zoo closure direction.</li> </ul>

### **Seizure of animals**

Under section 4 of the Dangerous Wild Animals Act 1976, the Local Authority has the power to seize and dispose of animals without compensation where a person is keeping a dangerous wild animal without a licence or does not comply with licence conditions. In addition the Local Authority may recover all the costs incurred in this activity.

### **Relevant legislation and guidance includes:**

Animal Welfare Act 2006

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

Dangerous Wild Animals Act 1976

Zoo Licensing Act 1981

[http://www.cfsg.org.uk/\\_layouts/15/start.aspx#/The%20Animal%20Welfare%20Licensing%20of%20Activities%20Involvi/Forms/AllItems.aspx](http://www.cfsg.org.uk/_layouts/15/start.aspx#/The%20Animal%20Welfare%20Licensing%20of%20Activities%20Involvi/Forms/AllItems.aspx)

<https://www.gov.uk/government/publications/zoo-licensing-act-1981-guide-to-the-act-s-provisions>