

**CITY OF LINCOLN COUNCIL**

**ANIMAL POLICIES**

**INCLUDING;**

**WELFARE STATEMENT**

**DOGS**

**ANIMAL NUISANCE**

**HORSES**

**PET SHOPS**

**DANGEROUS WILD ANIMALS,**

**BREEDING AND BOARDING**

## Contents

### ***Introduction***

1. Vision
2. Policy summary
3. Introduction
4. Aims
5. Scope
6. Policy statement
7. Animal welfare statement

### ***Policy Area***

8. Dogs
9. Animal nuisance
10. Horses
11. Dangerous Wild Animals, Breeding and Riding Establishments
12. Activities involving animals licensing

### ***Combined Policy Information***

13. Publicity
14. Service structure
15. Going to court
16. Support for victims and witnesses
17. Support for perpetrators
18. Closing cases
19. Seeking complainants'/victims' views
20. Strategic management

- 21. Oversight
- 22. Information sharing
- 23. Legal framework
- 24. Relevant policies/published documents
- 25. Monitoring/Review
- 26. Policy tracker

**1. Vision**

To protect and promote the welfare of animals and wildlife within the City of Lincoln, providing a trusted and effective service, which is accessible to all.

**2. Policy summary**

<b>Service commitments</b>	
<b>Our response</b>	
Animal Welfare	A clear commitment to support the protection of pets, animals and wildlife.
Dogs	To oversee, with partners, the city’s pet population and protect the public wherever possible
Animal Nuisance	To ensure that where the manner in which animals are kept affects a person’s health, or causes a nuisance, appropriate action is taken
Horses	To protect and promote the welfare of horses within the city
Wildlife	To protect and promote wildlife, along with encouraging community engagement and tolerance
Pet Shops	To provide safe and well managed pet shops with a high regard to the welfare of animals
Dangerous Wild Animals	To work with our licensing function to ensure the risk to the animals and the public is well managed

### **3. Introduction**

- 3.1 Animals are intrinsically linked to human life, either as wildlife, pets, working animals, food and agriculture or business. They are a part of the fabric of our world and play a significant part in many people's lives.
- 3.2 The City of Lincoln Council (further referred to as we/us) have a number of roles in relation to animals and this policy lays out those duties and our response.
- 3.3. We also, through this policy, seek to make a strong statement about our views on the need to protect animals and wildlife within the city, and beyond.

### **4. Aims**

- 4.1 Through development and adoption of this policy we aim to achieve the following;
- Reduce unnecessary suffering to animals
  - Protect the public from animals that may cause a danger
  - Protect the public from health impacts and/or nuisance caused by animals
- 4.2 A new set of strategic priorities for the council are emerging and the above aims are totally compatible with the overarching principles of these priorities; a future where people feel safe and welcome in their communities, everyone has the support they need to get a decent job and an affordable home, and where Lincoln is renowned for enterprise, heritage and educational excellence. The Council's strategic aims are:
- Let's drive economic growth
  - Let's reduce inequality
  - Let's deliver quality housing
  - Let's enhance our remarkable place
  - Let's address the challenge of climate change

### **5. Scope of this policy**

- 5.1 This policy applies to all people and animals living, visiting and working within the City of Lincoln Council's boundaries.

### **6. Policy statement**

- 6.1 This policy is designed to inform members of the public what they can expect from us in terms of our varied role in relation to animals.
- 6.2 We recognise our varying roles, as a licensing authority, investigative and prosecuting body, and custodian of sites. This policy sets out clearly the standards of service that all can expect during the conduct of these roles.
- 6.4 We also acknowledge our role as community leaders and seek to utilise this role to promote the need for further enhancements in animal welfare and the management of the animal population.
- 6.5 We seek to actively support, and work in partnership with a large range of community, charitable, and specialist organisations that work tirelessly to protect and promote the welfare of animals and we urge readers of this policy to similarly offer their support.

## 7. Welfare Statement

7.1 This statement has been developed with consideration to the strong community feeling expressed to the council about animal welfare. We aim, through this policy, to support the elimination of cruelty to animals, either by way of statutory control or, where we have no direct involvement, through working in partnership with other agencies.

7.2 This statement has been prepared in consultation with the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and other relevant bodies. We sincerely request that readers of this statement support the aims of the society and other animal welfare organisations.

### 7.3 Domestic Animals

We would urge individuals and families not to underestimate the impact of taking a decision to have pets in their home. Any pets require time and care in order to ensure they remain happy, healthy, and able to exhibit normal behaviours. Our role in relation to domestic animals brings us in to close contact with many pets and their owners within the City. Through this work we will aim to support and reinforce welfare standards for domestic pets. Where owners fall below these standards, advice and guidance will be given and, in extreme circumstances, we will seek to take direct action ourselves or involve relevant partners, especially where any legal sanctions may be necessary.

Where we have a role in relation to licensing of establishments such as riding schools, boarding kennels or breeders, we will seek to apply conditions that promote and reinforce the welfare of animals.

### 7.4 Pet Shops

We will ensure that all pet shops in the city that sell pet animals are regularly inspected and conditions [within the premises meet the requirements of the guidance issued by Defra under the Animal Welfare \(Activities Involving Animals\)\(England\) Regulations 2018](#) which requires [minimum](#) standards of accommodation and treatment. [We will encourage pet shops to try to obtain a 5 star rating, providing the highest standard of welfare conditions for the animals in their care.](#)

We discourage the sale of pets during the month of December as we believe many pets are given as presents during this period. We also discourage the sale of rabbits during Easter. We would support any voluntary action taken by pet shops in this regard and at the least would like to see an increased level of checks and information being provided.

#### 7.4.1. Puppies

We support government advice on the purchase of puppies. [Changes to legislation means that “Lucy’s Law” has been introduced, requiring that anyone wanting to buy a puppy must now buy direct from a breeder. Buyers must ensure they see the puppy in a home environment and interacting with its mother. The sale of puppies under 6 months old, in pet shops is no longer permitted,](#) as it does not allow for this interaction to be witnessed. There are currently no pet shops within the City authorised to sell puppies as a part of their inventories. [Any attempts to allow puppies to be added to pet shop inventories within Lincoln will be refused.](#)

Whilst we recognise and promote the need for high welfare standards in partnership with our pet shops, we often have little knowledge of private breeders. We strongly support the introduction of [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#) which allows more effective controls for private breeders and

clarity over the licensable threshold with in-scope criteria including the breeding of 3 or more litters in a year (unless it can be shown that none of the puppies have been sold) and anyone breeding and advertising puppies for sale.

#### 7.4.2 Control of Dogs and Cats

There are a number of charitable organisations working to protect the local population of cats and dogs and we will seek to work with and support such organisations wherever possible, and would encourage readers of this statement to do likewise. We recognise the importance of the Animal Warden role of the local authority and will continue to support and oversee, in partnership, this population to control issues relating to straying, aggression, nuisance and welfare. We continue to support the introduction of a [microchipping scheme for dogs in order to help us and our partners effectively deliver our role, protect the public and animals. This requires owners to be registered on a national database. We will continue to target those owners who act in an irresponsible manner through education and enforcement.](#)

There is an abundance of kittens either privately bred or available for rehoming from local charities, one of which has up to 400 cats available at any one time. We are opposed to the sale of kittens on a commercial scale and will therefore resist efforts to add cats or kittens to pet shop inventories during renewal and may refuse to grant new licenses. There are currently no establishments licensed for the sale of kittens. We do however believe that rescue centres and other relevant charities, where the sale of large number of animals may take place, should be required to hold a license so that standards can be monitored.

#### 7.4.2 Non-Human Primates

Government guidance, the “Code of Practice for the Welfare of Privately Kept Non-Human Primates”, states that *“Primates should not be considered as pets in the accepted sense of the word: they are not species that can be treated as part of the family in the way that a cat or dog might be. They are wild undomesticated animals that cannot be house-trained or fully tamed.”*

Companion animals, such as cats and dogs, have been domesticated (selectively bred, over generations, for varying qualities and behavioural traits), to varying degrees, over thousands of years. Primates are wild animals that have not been subjected to this process.

Non-human primates are socially complex, intelligent and long-lived animals. The majority of species live in social groups which range in complexity. [Non-human](#) primates have the capacity to suffer pain and distress, with some species able to think and reflect. With this in mind it should be recognised that the capacity for suffering is especially significant as the potential for harm is heightened.

In order to provide adequate care for such species, significant space, knowledge, training, socialisation and time is required. We are opposed to these types of animals being kept, or sold, as pets within the City and would support a nationwide ban. We will resist efforts for these animals to be added to pet shop inventories within the City as their basic needs cannot be met within the environments available. We will refuse to grant licenses or renewals where these animals are within the inventory.

[The Animal Welfare \(Kept Animals\) Bill is currently in the process of going through parliament. When introduced, it will require that in order to keep a Non-Human Primate that the keeper is licensed.](#)

## 7.5 Importation of Domestic Animals and Wildlife crime

We believe that the importation of domestic animals for sale in this country can only be supported where an assurance can be given that they are captive bred or sustainably farmed, and transported, humanely. [Wildlife crime can have a devastating impact on endangered species as well as causing unnecessary suffering to the animals involved.](#) We would support stronger penalties for those who are convicted of bringing animals into this country either without adhering to quarantine regulations or by inhumane methods of transportation.

## 7.6 Animals as Prizes

As stated above, the decision to have a pet should be given due consideration, along with ensuring that the best quality of pet in terms of health and behaviour is acquired. It is because of this that we are opposed to the giving of any animals as prizes. We will not let (rent out) or allow council land to be used in connection with the giving of animals, including fish.

## 7.7 Performing Animals

We recognise that there is a strength of public feeling about performing wild and domesticated animals within a circus environment, this concern is shared by respected charities such as the RSPCA. The term wild animals is used to describe any vertebrate not normally domesticated within the United Kingdom. We continue to support a national ban on the [use of wild animals in circuses](#) and will not allow Council land to be let or used in association with performing animals.

We do also recognise that there is a difference in respect of domestically owned but showed or competing animals and we would not seek to prevent this type of activity. Nor would we seek to prevent the showing of birds of prey or other similar events.

Working animals play a key role in our communities in a range of roles. This policy does not seek to prevent this work.

We would furthermore support a ban on the use of non-domesticated performing animals in advertisements.

## 7.8 Wildlife

7.8.1 The Council is committed to protecting wildlife and their natural habitats within the City. Reports can be made to us about injured wildlife or intentional damage to habitats within the City. We encourage the public to play an active role in this and in caring for injured wildlife in the short-term and seeking help, as we know they already do.

7.8.2 There are a number of areas where nature thrives within the City, as well as within with designated Local Nature Reserve and area of Special Scientific Interest. We will respond to any concerns raised within these areas, in line with this overarching policy, and with additional consideration for the needs of the local area. Our commitment to protecting and enhancing the environment is enshrined within the City of Lincoln Local Plan, which states the aim to; *“safeguard and enhance both the natural environment and the historic built environment, so that the physical, social and economic well-being of future generations (and people living in other parts of the world) is not threatened.”*

7.8.3 Bees are not considered pests and we promote the need to maintain an urban environment that they can live within. Bees have significant importance to the environment, will rarely cause a nuisance, and will only sting when threatened. Anyone concerned about the location of a beehive, or its impact on safety, should contact local bee keeping organisations in the first instance, or can contact us for advice where it is considered that either the bees or public health is at risk.

7.8.4 The council will work with partners responsible for waterways to ensure effective protection for wildlife on Lincolns' waterways, and will support the investigation of any offences through the supply of intelligence or information to relevant statutory agencies

7.8.5 Blood sports are widely opposed by the public and we are opposed to the hunting of animals for pleasure. We will not allow Council land to be used for, or in connection with, this purpose. We do accept that there is a legitimate need, and at times a statutory duty, to control pests and vermin. Where this is necessary this must be done having consideration to the target pest, having considered the risks and potential wider impacts on wildlife, and use only the most humane methods. It should never be treated as sport.

#### 7.8.7 Snares and Traps

We are opposed to the production, supply and use of snare or traps. It is known that these cause suffering to animals, and as such are not considered to be humane.

*The exception is for cases of pest control, where traps may be the best available method. The use of glue/sticky traps is indiscriminate and cruel and we are opposed to the use of this method*

#### 7.8.7 Conflict between wild animals and people

Certain wild animals may at times be seen as a nuisance, or impact an economic activity. In these circumstances we will seek to identify solutions that deliver non-lethal options to reduce or remove the problem. Where this fails, some animals may need to be controlled by lethal methods, such as the use of poisons. However, this must always be done in a manner that is legal and conforms with CRRU<sup>1</sup> standards so that it is used effectively and only affects the target species. We are opposed to the use of poisons on anything other than small-scale use, including commercial sites, where there is any potential risk to wildlife. Where any such use is necessary, it is expected that the method adopted ensures the least amount of suffering possible.

#### 7.9 Animal Furs

We are opposed to the sale and use of animal fur and would support a nationwide ban, along with calling on the media to refuse to advertise any such goods. We will work to support animal welfare groups opposed to this trade and will seek to work, as opportunity permits, with local retailers to ensure these goods are not offered for sale. We will not allow Council land to be let or used in relation to the sale of furs. We are of course strongly opposed to anything other than peaceful protest.

#### 7.10 Animal Research and Testing

---

<sup>1</sup> <http://www.thinkwildlife.org/crru-code/>



The Animals (Scientific Procedures) Act was introduced in 1986 and amended in 2013, and we would support even further reform to ensure animals are protected from needless suffering. We are opposed to the use of animals to test cosmetics and household products, and we require all Council owned and funded institutions to ensure that all such products they purchase carry '[Leaping Bunny](#)' certification in the acquisition of new products, where such products are available and fulfil the operational requirement. The Council will not prevent the use of any established products. We encourage all designated animal research, testing and breeding establishments within Lincoln to sign up to the [Concordat on Openness on Animal Research](#) and to be open and transparent about the harms, limitations and benefits of animal experiments, while demonstrably ensuring that animal experiments are replaced or avoided wherever possible, numbers and suffering are reduced and welfare improved for as long as their animal use continues. We would also wish to see such facilities include independent members on their ethics committees and set up institutional policies not to conduct procedures that cause severe suffering for any purpose.

#### 7.11 Factory Farming

We are opposed to 'factory farming' (where production methods ignore or pay scant regard to the health and welfare of the animals), in all forms and support more sustainable and compassionate methods of farming animals. We would support the following minimum measures being introduced: restriction of mutilation (other than to prevent greater suffering), a ban on the practice of beak trimming (including use of lasers), ban the export of live food animals.

#### 7.12 Slaughtering

As above, we support a ban on the transportation of live animals for slaughtering however, in the absence of this we believe slaughtering should take place as near to where the animals are reared as possible, in order to reduce stress and ensuring that the animal is properly stunned first. We would furthermore support the introduction of mandatory CCTV within slaughterhouses.

#### 7.13 Education

We strongly advocate the need for school education to include information about wildlife and the environment we live in. We call on all local educational providers to begin, or continue to include in the curriculum, animal welfare and wildlife conservation. We will ensure that those working in [the industry](#), where we have a licensing function, are suitably trained.

## 8. Dogs

## 8.1 Introduction

Dogs are a popular pet for many homes, with the [PDSA](#) estimating the population in the United Kingdom in 2020 at 10.1 million. The Council have a number of statutory roles and additional powers available in order to help manage this population. This policy area will cover the following aspects;

- Stray Dogs
- Lost Dogs
- Microchipping
- Dangerous Dogs
- Dog Fouling

## 8.2 Stray Dogs

The Council have a statutory responsibility for the collection of stray dogs, under the Environmental Protection Act 1990. Specifically, we are required to appoint an officer to oversee this element of the act. Upon the capture of a stray dog the Council will;

- Seize the dog

8.2.1 This will be done by experienced officers who will risk assess each individual incident. Additional equipment such as poles, bite protection suits or additional officer support will be made available, where appropriate, for potentially dangerous dogs. In extreme circumstances, Police assistance may be required. Every effort will be made to ensure the welfare of the animal however, public safety will be of primary concern.

- Make efforts to identify the owner (scan for a microchip, check for tags)

8.2.2 Officers will make every effort to contact the owners of dogs we find. We will scan for microchips and check collars and tags.

- Reunite with owners where possible, on the first occasion

8.2.3 We recognise the importance of returning pets to their families as soon as possible and will aim to do this as quickly as possible. It is important however to recognise that there is a cost to the collection of stray dogs, and for repeat offences, or occasions where the dog has to be kennelled, the council will charge these costs to the owner, along with a statutory fee.

- House, within the Council's designated kennels, where not reunited for the seven days required by law

8.2.4 The cost per day is recorded and revised annually within the Council's fees and charges. The Council will provide emergency medical care, at its discretion, but reserves the legal right to humanely destroy a dog in order to minimise suffering, where necessary and in consultation with a veterinary surgeon. Dogs in our possession will be kept in line with the Governments "Code of Practice for the Welfare of Dogs", this includes when they are kept under the terms of any contract we hold with a third party, who will be regularly inspected by officers of the Council.

- If not collected within seven days, we will pass ownership for rehoming to local partner organisations

8.2.5 The Council are legally required to retain dogs for seven days. Where dogs are not collected within this time period, or the required fees are not paid, we reserve the right to sell, give away or humanely destroy the dog. Where dogs are given or sold, this will be to an organisation, or individual, we believe will care appropriately for the dog. Generally, we will release the dog to a partner organisation to arrange for re-homing. Destruction is a last resort and will generally only happen where the dog is assessed as dangerous, or unwell. We will never give or sell a dog for the purposes of vivisection (animal experimentation).

- **In certain circumstances**, allow appropriate individuals (where they have found the dog) to care for them for a minimum period, and thereafter if no owner comes forward

8.2.6 The law surrounding strays allows for finders of stray dogs, where they are assessed as appropriate, to keep the dog, subject to providing their information to the local authority and to keeping the dog for a minimum period of 28 days. Within the period of 28 days, the owner may come forward to the Council, who will reunite them with their dog. After the 28 day period, ownership will transfer to the finder of the dog.

### 8.3 Lost Dogs

We will record all reports of lost dogs and any reports could help us to quickly reunite stray dogs with their owners.

### 8.4 Microchipping

The Microchipping of Dogs regulations were introduced in 2015, which made it a legal requirement to microchip your dog. Where we come across dogs, as a part of our daily duties, we will check that they are compliant with these regulations. Where dogs and their owners are found to be outside of these regulations, we will serve a legal notice requiring the dog be microchipped. Failure to comply with this notice is an offence and the Council may prosecute the offence and/or seize the animal to insert a microchip, which would be chargeable to the owner.

### 8.5 Dangerous Dogs

The Council are empowered, under a range of different Acts, to deal with aggressive, dangerous and out-of-control dogs. Where we receive any such reports, officers will undertake to investigate any offences, in partnership with relevant bodies, such as the Police. It is generally expected that the Police would investigate any criminal offence which leads to injury of a person, whilst we will investigate offences relating to injuries against other animals, or less serious offences. Often these offences can be important indicators of dogs that may need controlling before more serious incidents occur. We will seek to support any investigation undertaken by our partners and will use our own powers where appropriate, these could include control orders, legal notices or other forms of legal action.

### 8.6 Dog Fouling

Public land within the City of Lincoln is designated under the Dogs (Fouling of Land) Act 1996 and where offences are evidenced, a Fixed Penalty Notice will be issued, in line with the Council Fixed Penalty Enforcement Policy, for a first offence.

## **9. Animal Nuisance**

- 9.1 The Council have a statutory duty to investigate offences relating to statutory nuisance, under the Environmental Protection Act 1990. This Act considers various elements relating to animals which may be *'prejudicial to health, or a nuisance'*. These offences can often relate to animals, either due to the noise or waste they can create, or the pests that they can attract. In these instances, and following informal attempts to abate the nuisance, an abatement notice may be used. In all circumstances below, the welfare of the animal, along with the impacts on the community, will be of paramount concern to officers.
- 9.2 With regards to fouling waste in gardens, officers will make assessments based on each individual case and will consider the following issues, so as to consider the existence of a nuisance, under the relevant legislation and supplementary guidance;
- the size and number of animal fouling waste deposits
  - the proximity of neighbouring properties and gardens
  - the size of the gardens
  - the time of year and impact of the smell, attraction of flies, frequency of use of garden areas etc
- (This is not an exhaustive or restrictive list of considerations)*
- 9.3 Noise issues in relation to animals will be handled in line with the Council's Noise Nuisance Policy, though additional consideration will be given to the welfare of the animals and we will make efforts to ensure its needs are being met. Conditions in notices may also require work specific to animals, such as training, making safe a garden or attendance of animal behavioural therapists. These will be at the cost of the owner.
- 9.4 Where animals are kept in a manner that is likely to be prejudicial to health, or a nuisance, or associated with their likelihood to attract pests or spread disease, the Council will seek to take immediate action. In these cases the Council may seek to issue notices requiring veterinary care, isolation, or removal of animals from particular premises. In more extreme cases the Council may seek a warrant in order to carry out relevant works. Where there is non-compliance, this would be chargeable to the owners, under the terms of the notice.
- 9.5 It is generally expected that those with pets have the facility to care appropriately for them and prevent a negative impact upon their neighbours and the community. Officers will seek to offer support and advice where appropriate, before considering enforcement action. However, where a statutory nuisance is identified, an abatement notice must be served if we are not confident the issue can be rectified.
- 9.6 On occasion animal issues in relation to fouling waste may not constitute a statutory nuisance, but may be evidenced to have had an impact on the quality of life of people within the local area. In these circumstances, the Council will consider action under the ASB, Crime and Policing Act 2014, where a Community Protection Notice may be served. These would contain conditions designed to eradicate or reduce the negative impact.
- 9.7 We will take a robust approach to prosecuting offences committed under the terms of an abatement notice, or any other offence committed under relevant Acts.

## **10. Horses (Includes an ass, mule or hinny)**

## 10.1 Common Land

Lincoln City is perhaps unique in its abundance of 'Common Land'. This land is available for the use of the residents of the City and one such use is for the grazing of horses.

The licensing of horses on the common is subject to the provisions of the Council's Licensing Policy. Where horses are grazing on the common, we will investigate any concerns raised in relation to the welfare of the animals and seek to work with partners, such as the RSPCA, or local charities, to improve conditions where necessary.

Where horses are found on Common land without license, the Council will arrange for removal.

## 10.2 Unlawfully Tethered or Grazing Horses

The Control of Horses Act 2015 introduced controls on horses found to be unlawfully grazing on land. Subject to the relevant conditions within the Act, the Council can seize horses which we do not believe have the relevant permission from the landowner. We will take this action in response to complaints from landowners or where a risk to the public is identified. However, costs or responsibility may be passed to the landowner at our discretion.

The Highways Act 1980 also makes it an offence for a horse to be found grazing or laying on or by the side of a highway. In such circumstances the police have powers to remove to the owner or pound, and we will work to support partners in this process. Where we have the power to re-house any horses, this will only be done through third sector charitable organisations.

## 10.3 Riding Establishments

Part of our duties involve the licensing of riding establishments. This will be done in line with our Licensing Policy, which will ensure a good standard of welfare.

INTENTIONALLY BLANK

## 11. Dangerous Wild Animals (DWA's)

- 11.1 The Dangerous Wild Animals Act 1976 defines which animals are considered as dangerous and/or wild. This Act requires the licensing of individuals in order to own (within a domestic setting) a dangerous or wild animal(s).
- 11.2 Individuals have the right to appeal the decisions relating to DWAs to the magistrate court.

## 12. Activities Involving Animals Licensing

### 12.1 Introduction

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 has given clarification on what should be considered as “in-scope” or “out of scope” with regards to all Animal related business, be that a shop or a private residence and covers the internet sales of animals.

Guidance is available from Defra with regards to dog boarding kennels, home boarding, dog day care, selling animals as pets, riding establishments, catteries, breeding of dogs and the keeping or training of animals for exhibition and this guidance must be followed to the minimum welfare standards in order for a license to be issued. If the minimum standards are not met, the application for the license will be refused.

Any licenses issued within the City will be done so in line with our Licensing Policy and with regard to the welfare statement within this policy. Licenses may be revoked or suspended if standards are not being met. This may be appealed to a First Tier Tribunal.

### 12.2 How to Apply

New applications for an Animal Activities Licence should be made by contacting the Public Protection and Anti-Social Team either by phone or online at [www.lincoln.gov.uk/licences/request-licence-application-form](http://www.lincoln.gov.uk/licences/request-licence-application-form). A fee is chargeable, which will be set as a part of the Council's annual fees and charges and will be available on the website.

Applicants for an Animal Activities Licence, the designated manager and staff employed by the business will be required to demonstrate that they are competent to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent pain, suffering, injuries, disease or abnormal behaviour. Animals must be handled and cared for by staff who possess the appropriate ability, knowledge and professional competence. This can be demonstrated by holding an OFQUAL regulated Level 2 qualification that is appropriate to the species kept, by having undertaken relevant industry recognised training or an in-store training programme or based on experience.

Persons who may not apply for a licence are listed in Schedule 8 of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

### 12.3 Refusal of Licences



We reserve the right to refuse to grant licences to individuals we do not believe to be fit and proper, should we be aware of any previous relevant offences, or who refuse to comply with the principles of this over-arching policy, including the welfare statement.

Individuals have the right to appeal this decision to the magistrate's court.

#### 12.4 Licence Conditions

The Council will issue licences containing conditions that are designed to promote the welfare of animals, and [promote responsible pet ownership](#). Conditions will be developed in line with the [guidance issued by Defra, encouraging businesses to strive to reach the highest possible standards of care](#).

Conditions will relate to the following areas;

- [Licence Display](#)
- [Records](#)
- [Use, Number and Type of Animal](#)
- [Staffing](#)
- [Suitable Environment](#)
- [Suitable Diet](#)
- [Monitoring of Behaviour and Training of Animals](#)
- [Animal Handling and Interactions](#)
- [Protection from Pain, Suffering, Injury and Disease](#)
- [Emergencies \(including fire and escape of animals\)](#)
- [Specific Conditions relating to the Licence that has been applied for.](#)
  
- [Dangerous Wild Animals \(as designated under the Dangerous Wild Animals Act 1976 and amended in 2010\)](#)
  
- [Zoo Licensing Act 1981 \(as amended\)](#)

#### 12.5 Inspections

Each [business](#) will receive an inspection (without notification) from [an Inspector authorised by the City of Lincoln Council](#). Reptile stockists will also be inspected by a specialist zoologist [veterinary surgeon](#) who is able to offer advice on the various species stocked.

[An Inspector](#) may conduct additional inspections throughout the year either as a part of regular duties, or in response to any complaints from members of the public. Any obstruction or delays intentionally caused to [an Inspector](#) will be prosecuted under the relevant Act.

#### 12.6 Licence Period

Licences will be granted [by following the risk scoring matrix and Animal Activities star rating system in the guidance for Local Authorities issued by Defra](#) .

#### 12.7 Complaints

Upon receipt of a complaint in relation to [a business](#), [an inspector will visit and assess the situation, consulting, if necessary, with a veterinary surgeon](#). Where persons are found not to comply with the terms of their licence, [we may use the powers provided under the](#)

Regulations to suspend or revoke a licence. If the Inspector is of the opinion that there is a failure to ensure the welfare of an animal, then an improvement notice may be served on the person failing to comply. If the improvement plan is not followed and a shop continues to fall below the standards set within their licence, we will seek to use our legal powers to remove the licence and prosecute any offences.

Pets should not be sold to anyone under the age of 16 and we may take action to enforce any breaches of this provision.

INTENTIONALLY BLANK



### **13. Publicity**

- 13.1 We are committed to promoting positive messages about pets, animals, and wildlife, and will work closely with partner organisations or local community groups who wish to play an active role in this area.
- 13.2 Where positive action is taken by [the Council](#) in relation to any of the issues covered by this policy we will seek, where appropriate, to publish these interventions in order to further educate the public and deter offenders.

### **14. Service structure**

- 14.1 The Directorate of Communities and Environment holds responsibility for all animal related matters including civil and criminal investigations, along with the licensing of all animal related establishments.
- 14.2 The Public Protection and Anti-Social Behaviour service will be responsible for criminal and civil investigations into any of the areas covered by this policy, with the exception of some licensing functions and landlord responsibilities relating to wildlife.
- 14.3 [The Licensing team will be responsible for issuing and managing licenses in respect of dangerous wild animal licences.](#)

### **15. Going to court**

- 15.1 Where cases do reach the stage that court action is required it is recognised that this can often be difficult for many complainants or witnesses. These stages often require the victims or witnesses to reveal their identity in court and to the alleged perpetrators. We are committed to providing relevant and appropriate support which can include
- victim support;
  - evidence via video link;
  - evidence from behind screens;
  - submission of hearsay evidence (not possible in all cases);
  - target-hardening (panic alarms etc).

### **16. Support for victims and witnesses**

- 16.1 Some cases dealt with under this policy may be generated by public complaints and may involve single or multiple victims and witnesses.
- 16.2 Subject to resources and/or the availability of external support, the needs of the individual, their known vulnerabilities and the circumstances of the case, we will offer support to victims and witnesses during the life of the case. We will also offer support for a period after a case has been closed if, again, the circumstances, resources, and the individual's needs and known vulnerabilities suggest that that is necessary.

## **17. Support for perpetrators**

17.2 While the needs of victims and witnesses will always be given priority, we are aware of the positive impact that support might have on perpetrators. We also recognise that some perpetrators may themselves be vulnerable, disabled or suffering from an illness or condition. We acknowledge our responsibilities under the Equality Act 2010 and will seek to identify and offer, or direct to, support for those who have protected characteristics or are otherwise identified as vulnerable perpetrators. As part of our internal processes we will carry out assessments to identify any indicators of vulnerability, disability, mental illness or addiction, which may affect the perpetrator's behaviour. Indicators might include:

- information that the perpetrator has a diagnosed condition, disability or illness;
- the presence of support from probation, social services, mental health team and any other statutory or voluntary support provider;
- a person's inability to read or write;
- their housing history and any links with the care system or supported housing provision;
- observing behaviour that may indicate a degree of vulnerability, disability or mental illness such as hoarding, erratic behaviour, unpredictability, paranoia etc.

## **18. Closing cases**

18.1 Cases will only be closed following contact with the complainant unless reasonable effort has been made to contact the victim with no success. Cases may be closed without agreement, however complainants should be advised as to how they can challenge this decision by writing to the next most senior officer, to the officer in charge of their case. Any such challenges will be assessed with reference to the full case details and an unbiased judgement of the case made and notified to the complainant within ten working days. Thereafter, if an individual remains **unsatisfied** they can use the Council's complaints procedure.

18.2 We may close cases in circumstances where the complainant refuses to co-operate and/or engage in working with us in providing evidence to support their allegations.

## **19. Seeking complainants'/victims' views**

19.1 Following closure of a complaint relating to animals, complainants/victims will be asked to complete a customer satisfaction return. This can be done via the post, over the phone or in person, dependent upon the level of returns and demand against the service. This information will be used to improve service delivery, assess the accessibility of the services, and provide an opportunity for complainants/victims to report dissatisfaction to a senior officer and discuss the case with them.

## 20. Oversight

- 20.1 Operational oversight of individual cases will be provided by the line manager responsible for the officer in charge of that particular case. For the purposes of the investigation, this role will be known as 'senior investigating officer' (SIO) and will generally be the officer's immediate line manager.
- 20.2 Corporate oversight of these services will be discharged by the Public Protection and ASB Manager who will have responsibility for monitoring and implementing national legislative changes, case law and best practice which may stem from revised national guidance or serious case reviews. This officer will also represent the council in respect of local, regional or national animal related matters.
- 20.3 Strategic oversight of licensing functions will be discharged by the Assistant Director for Health and Environment
- 20.4 Leadership, along with overarching responsibility, will be provided by the Strategic Director for Communities and Environment.

## 21. Information sharing

- 21.1 We respect individuals' rights to privacy and will adhere to all relevant legal principles in relation to information sharing and document management. We will update complainants of any action we take in response to their complaints, where this is not legally privileged information. We will not disclose details of complainants unless required to do so by law. There may be cases, for example when individuals complain about their neighbours, which carry a risk that people may suspect they know the source of complaints, this will be outlined to the complainant. Where serious cases progress to court, it will generally be necessary for people to provide evidence which would identify them and this will be explained to the complainant.
- 21.2 Our privacy statement sets out how we use your information and can be found at [www.lincoln.gov.uk/privacy-notice/privacy-notice-services](http://www.lincoln.gov.uk/privacy-notice/privacy-notice-services)

## 22. Legal framework

- 22.1 This document has been drafted in compliance with/with consideration of the following Acts:
- Human Rights Act 1988
  - Data Protection Act 2018
  - UK General Data Protection Regulations
  - Equality Act 2010
  - Environmental Protection Act 1990
  - Animal Welfare Act 2006
  - Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
  - Lincoln City Council Act 1985
  - Dangerous Dogs Act 1991
  - Dangerous Wild Animals Act 1976
  - ASB Crime and Policing Act 2014

## 23. Relevant policies/published documents

23.1 Policies/published documents which may be relevant to the application of this document are:

- Guidance issued by Defra for the Licensing of Animal Activities
- Code of Practice for the Welfare of Dogs
- Code of Practice for the Welfare of Cats
- Code of Practice for the Welfare of Horses
- Model Conditions for Pet Vending Licensing
- Circus Animals Regulation Guidance
- Code of Practice for the Welfare of Privately kept Non-Human Primates
- ASB, Crime and Policing Act statutory guidance
- City of Lincoln ASB Policy
- City of Lincoln Fixed Penalty Enforcement Policy
- City of Lincoln Safeguarding Policy
- Lincolnshire CSP ISA

## 24. Monitoring/Review

24.1 This policy will be reviewed biennially.

## 25. Policy tracker

Policy tracker				
Author	Responsible Director	Responsible Portfolio Holder	Version	Date implemented
Francesca Bell Public Protection and ASB Manager	Simon Walters Director Communities and Environment	Cllr Sue Burke Reducing Inequality	2.0	