

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 13 FEBRUARY 2025

ANIMAL WELFARE ESTABLISHMENT APPLICATION

REPORT BY DIRECTOR OF LEGAL, GOVERNANCE AND CHANGE

1. ABSTRACT

The purpose of this report is to present a deferred application for an Animal Welfare Establishment Licence under the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 which requires to be determined by the Committee.

2. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICIES

Not applicable

3. RECOMMENDATIONS

It is recommended that the Committee consider and determine the application, in terms of one of the following options: -

- (i) to grant the application subject to standard conditions;
- (ii) to grant the application subject to standard and any additional conditions;
- (iii) to defer the application; or
- (iv) to refuse the application.

4. BACKGROUND

The Council has received an application for the grant of an Animal Welfare Establishment Licence under the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 (“the 2021 Regulations”) which requires to be determined by the Committee because one or more of the following apply: -

- (i) there has been an objection, or a representation received in respect of the application; or
- (ii) the application does not comply with the policy adopted by Angus Council; or
- (iii) the function is not delegated to Officers; or
- (iv) the applicant has a conviction(s), a spent conviction(s) or a pending case.

At its meetings on 18 August 2022, the Committee agreed the Council’s process and delegations for dealing with applications made under the 2021 Regulations. Report [213/22](#) refers. The present application was deferred by this Committee on 9 January 2025 at the applicant’s request to allow for the attendance of a legal representative.

5. LEGAL IMPLICATIONS

5.1 Schedule 1 of the 2021 Regulations contains provisions in respect of the licensable activities for which a licence must be obtained prior to the carrying on of that licensable activity. Paragraphs 8-13 relate specifically to the operation of an animal

welfare establishment.

- 5.2 The definition of an animal welfare establishment is contained in Paragraph 9, and is a place, or places, in Scotland where:
- a) relevant animals that have been abandoned or otherwise separated from their keeper including as a result of relinquishment or a relevant seizure, or
 - b) sick, injured or captured relevant animals that were previously living in a wild state,
- are kept for their care.
- 5.3 It should be noted that engaging in rehoming activities is a separate licensable activity for which a licence is also required.
- 5.4 Regulation 6 of the 2021 Regulations sets out the considerations that a licensing authority must take into account when determining an application for a licensable activity.
- 5.5 The Licensing Authority must grant the licence where the licensing authority is satisfied that:
- a) the standard conditions are likely to be met;
 - b) any licence condition which it intends to attach to the licence is likely to be met; and
 - c) the grant or renewal is appropriate, having taken into account any report submitted to it by the appointed inspector.
- 5.6 In considering whether the standard licence conditions, and any additional conditions, are likely to be met, a licensing authority must take account of:
- a) the applicant's conduct, if any, as the operator of the licensable activity to which the application for the grant or renewal relates;
 - b) whether the applicant is a fit and proper person to be the operator of that activity; and
 - c) any other relevant circumstances.
- 5.7 Where members are not so satisfied the application must be refused.

6. FINANCIAL IMPLICATIONS

There are no financial implications for the Council arising out of this report.

7. RISK MANAGEMENT

There are no risks to the Council arising from the terms of this Report.

8. ENVIRONMENTAL IMPLICATIONS

There are no direct environmental implications arising from the recommendations of the Report.

9. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY

In dealing with the applications, the Committee will have regard to any human rights and/or equalities issues in relation to the applicant and any objectors. At the Committee meeting on 18 August 2022 members were provided with an Equality Impact Assessment on the licensing regime as an [appendix](#) to the report.

10. CHILDREN'S RIGHTS AND WELLBEING IMPACT ASSESSMENT

A Children's Rights and Wellbeing Impact Assessment has been undertaken and a full assessment is not required as the "General Principles" do not apply to this proposal.

11. NOTIFICATION

The applicant has been notified of the terms of this Report. They have also been advised of their entitlement to attend the meeting should they wish.

REPORT AUTHOR: Stuart McQueen, Solicitor, Team Leader – Licensing & Regulation

EMAIL DETAILS: LEGDEM@angus.gov.uk

(a) All Bullie Charity Rescue, Happas Canine Centre, Happas Road, Forfar, DD8 2JW

Name of Applicant	Type of Licence	Application received
All Bullie Charity Rescue	Animal Welfare Establishment (New Grant Licence)	22/10/2024

A new grant application for an Animal Welfare Establishment licence was lodged on 22 October 2024 by Kerry Anne Shaw on behalf of All Bullie Charity Rescue in respect of Happas Canine Centre.

Various versions of the application have been received over the course of many months starting in March 2024, with advice and assistance being provided on a regular basis from Business Support and Environmental and Consumer Protection division as to what was required to be included in the application and at the Centre itself.

As required by the Regulations an Inspector’s Report in terms of Regulation 12 has been received from Environmental Health which indicates that the grant of the application would not be appropriate in the circumstances as the applicant would be unable to comply with the standard conditions.

A copy of the first Report is attached as **Appendix 2** to this Report and a copy of the second Report is attached as **Appendix 3** to this Report.