

9.0 Enforcement

9.1 The Council's approach to enforcement

All enforcement against licensed and unlicensed operators will be carried out in accordance with the Council's enforcement policy https://buckinghamshire.gov.uk.s3.amazonaws.com/documents/regulatory-services-enforcement-policy_1.pdf

Officers will seek to assist businesses and others in meeting their legal obligations through provision of reasonable assistance and advice, aiming to be clear, open and helpful in their approach to enforcement. However, officers will take robust action against those who knowingly contravene the law or act irresponsibly. This may include the issuing of a fixed penalty notice for an offence specified by regulations issued in accordance with the Animals (Penalty Notices) Act 2022, or prosecution. Enforcement resources will be targeted at cases of highest risk to animal welfare and public safety.

9.2 Partnership working

Enforcement may be carried out in conjunction with other agencies such as the RSPCA, Trading Standards or Thames Valley Police. Where appropriate, officers from neighbouring authorities may also be authorised to carry out animal welfare enforcement within the council area and officers from the council's Licensing Service may be likewise authorised in other areas.

9.3 Powers under the Animal Welfare Act 2006 (AWA)

Officers carrying out inspections relating to animal licensing are also appointed inspectors under section 51 of the AWA. This provides them with additional powers under this Act, for example in relation to seizure of animals, power of entry and applying for warrants.

9.4 Enforcement Action and Information Sharing

Any enforcement action carried out will be proportionate and reasonable and will aim to treat all licensees fairly and consistently. Interviews, whether informal or carried out under caution will normally be recorded to ensure an accurate record of the interview is kept.

Complaints received and warnings issued in relation to licence holders will generally be held on file and taken into consideration during the period of any licence or application or where there is a break in licence history. Where applicants are known to have operated, resided or been licensed by another local authority, officers may request details of any licence and compliance history to be taken into consideration as part of the application process.

9.5 Right to be heard

If we are considering suspending or revoking your licence you will usually be given an opportunity to discuss the Council's concerns and to give your views. However, in certain circumstances, the Council is required to act with immediacy, for example where there is considered to be an imminent risk to animal welfare. In such circumstances, the Council must balance the right of an individual to be heard against the need to protect the animal.

9.6 Seizure of animals

Where it becomes necessary to take action to remove animals from a premises, as a result of the exercise by officers of their powers under the relevant legislation referred to in paragraph 1.5, in appropriate circumstances, the Council will seek to recover the costs incurred.