

REGULATORY SERVICES COMMITTEE - 15 OCTOBER 2018

PART I – NOT DELEGATED

3 CHANGES TO ANIMAL LICENSING LEGISLATION (DCES)

1 Summary

- 1.1 To advise Members of the reforms made in relation to the licensing of various animal-related establishments as a result of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 1.2 To recommend to Council changes to the constitution and the scheme of delegation to reflect the legislative changes to animal welfare licensing.

2 Details

- 2.1 In 2016 the Department for Environment Food and Rural Affairs (DEFRA) consulted on the introduction of new secondary legislation to introduce a single “Animal Establishment Licence”. The Animal Welfare Act 2006 was the enabling legislation for new regulations for animal establishment licensing. The stated aim was to “relieve the administrative burden on local authorities, simplify the application and inspection process for businesses, as well as maintain and improve existing animal welfare standards by modernising the current animal licensing system in England”.
- 2.1.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 were eventually made on 16th April 2018 and are scheduled to come into force on 1st October 2018.

2.2 Key Changes

- 2.2.1 The Regulations implement a single establishment licence which covers the following activities: dog/cat boarding (this includes home boarding for dogs), dog day care, dog breeding, selling pets, hiring out horses for riding, keeping or training animals for exhibition. Note the use of the term “activities” as opposed to “establishments” which emphasises that activities such as the online sale of pets is included. The Regulations supersede and amend the following legislation previously used: Animal Boarding Establishments Act 1963, Breeding of Dogs Acts 1973 and 1991, Pet Animals Act 1951, Riding Establishments Act 1964 and Performing Animals (Regulation) Act 1925.
- 2.2.2 General and specific conditions are laid out in the Regulations for each of the categories, as opposed to these being locally set or based on the Chartered Institute of Environmental Health (CIEH) model conditions. The Regulations and supporting guidance conditions for each activity can be seen in the link below under background Papers.
- 2.2.3 The Regulations provide for the licences to be granted or renewed for a period of one, two or three years in respect of that activity. The local authority must have regard to Secretary of State guidelines and will be required to use a national risk-based assessment system.

- 2.2.4 Legislation governing performing animals previously fell to the County Council. This activity will now become this Council's remit under the new regulations and goes wider to cover animals that are exhibited, such as mobile animal exhibits.
- 2.2.5 Local authorities will be required to submit an annual data return in electronic format to DEFRA on the number of licences and registrations held for animal activities.
- 2.2.6 Licences issued under the existing legislative provisions (which limits licences to a calendar-year framework) and that remain in force on 1st October 2018 will continue to have effect until they expire. At that point an application will need to be made under the new licensing regime.
- 2.2.7 There will be a change in the fee structure. There will be separate fees for the application of a licence and the grant of a licence. A report with suggested fees and charges in relation to granting licences using the DEFRA guidelines for fee setting will be going to Leisure, Environment and Community Committee.
- 2.2.8 The current licensing procedures for zoos and those keeping dangerous wild animals are not affected by the Regulations and will continue to be carried out under the existing legislative provisions.

3 Options and Reasons for Recommendations

- 3.1 There are no options: this is required to comply with legislative changes.

4 Policy/Budget Reference and Implications

- 4.1 The recommendations in this report are not within the Council's agreed policy and budgets but will require the policy to be updated accordingly.

5 Financial Implications, Equal Opportunities, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website.

- 5.1 None specific

6 Legal Implications

- 6.1 Failure to act under the legislation will make the Council non-compliant with legislation and prevent appropriate regulatory action being taken to safeguard the welfare of animals in the Council area.

7 Equal Opportunities Implications

- 7.1 Relevance Test

Has a relevance test been completed for Equality Impact?	Yes
Did the relevance test conclude a full impact assessment was required?	No

8 Staffing Implications

- 8.1 The designation for the officer responsible for carrying out animal welfare establishment inspections has been changed from Animal Control Enforcement

10 Recommendations

- 10.1 That the legislative changes introduced by the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be noted.
- 10.2 Recommend to Council
- 10.3 That the Council agrees to make all the necessary amendments to the Constitution including in the Scheme of Delegation to Officers to provide
- i) That the conditions of licensing are adopted and included in the Constitution.
 - ii) That the necessary changes are made to the Council's Constitution to reflect the changes in the legislation.
 - iii) That the Terms of Reference of Service Committees are updated as appropriate.
 - iv) That where the constitution refers to Animal Control Enforcement Officer this to be changed to Animal Welfare and Licensing Inspector and all documents amended accordingly.
 - v) That Appeals from businesses disputing a star rating or a decision to vary, suspend or revoke a licence will be made to the Director of Community and Environmental Services who will have delegated authority to determine such appeals in accordance with the Regulations and the Scheme of Delegation, which will be amended accordingly.
 - vi) and that the Chief Executive be given delegated authority to finalise all the necessary amendments.

Report prepared by: Debra Sandling, Animal Welfare and Licensing Inspector.

Data Quality

Data sources:

Data checked by: Malcolm Clarke

Data rating: Tick

1	Poor	
2	Sufficient	X
3	High	

Background Papers

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

Link to Regulations and specific guidance conditions relating to each activity below:

<https://www.threerivers.gov.uk/service/animals>