Title: Animal Welfare - Changes to Licensing Legislation

Report of the Director of Law and Governance

Open Report | For Decision
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Wards Affected: All | Key Decision: No
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Accountable Strategic Leadership Director: Fiona Taylor, Director of Law and Governance

Summary

The Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 came into force on 1st October 2018. Under these Regulations the existing licensing schemes for selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs and keeping or training animals for exhibition has been repealed and replaced by a new single licensing scheme that will regulate all these activities.

This report seeks to update the Board on the new Regulations and the key changes brought in to simplify the licensing framework for animal activities.

Recommendations

The Board is asked to note the implications of the Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018.

Reasons

To assist the Council in meeting its statutory responsibilities and the priorities:

- Encouraging Civic Pride by providing a welcoming safe and resilient community
- Enabling Social Responsibility by ensuring that there is a fair-trading environment for businesses.
1. Introduction and Background

1.1 On 1 October 2018, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force. These regulations replaced most of the existing legislation in relation to animal licensing regimes. They introduce a single licensing regime for a number of animal related activities.

1.2 The Department for Environment, Food and Rural Affairs (DEFRA) has drafted the legislation along with application forms, guidance documents and a risk rating system.

1.3 The current legislation which has been replaced are as follows:

- Pet Animals Act 1951 (Pet Shops)
- Animal Boarding Establishments Act 1963
- Performing Animals Act 1925
- Riding Establishments Act 1964
- Breeding of Dogs Act 1973

1.4 Zoos and Dangerous and Wild Animals will continue to be licensed under existing legislation.

1.5 New consistent minimum welfare standards now exist. DEFRA developed these working with stakeholders from the sector, animal welfare organisations, local authorities and veterinary bodies.

1.6 As a local authority we now have the power to vary, suspend or revoke a licence without having taken prior legal action, allowing us to act faster if there are animal welfare issues.

1.7 A risk rating process now exists, this determines if an operator is high or low risk, and then awards a star grading from one to five stars, based on the welfare standards that they achieve and their compliance record. A copy of this matrix is attached as Appendix A.

2. Proposal and Issues

Dog Breeding

2.1 The regulations now deal with concerns about puppy farms producing puppies in high volumes and poor conditions. The definition of dog breeding now including both large and small-scale dog breeders. All businesses involved in breeding and selling dogs will need a licence. In addition, individual breeders will also need a licence if they breed three or more litters a year and sell any of them. Where evidence is provided by the breeder that none of the puppies have been sold, they will not need to be licensed.
Animal Boarding

2.2 Anyone, providing or arranging for the provision of boarding for cats or dogs (including dog day care) will need a licence. The earlier legislation was unclear about new developments such as dog day care. Now there are individual guidance documents and licence conditions for:

- Boarding in Kennels
- Boarding of Cats
- Home Boarding of Dogs
- Day Care for Dogs

2.3 There is no control over the care of dogs and cats where an animal remains cared for within its normal place of residence.

Pet Shops

2.4 Under the new Regulations, all commercial sales require a licence, including those that take place online.

Performing Animals (Keeping and Training Animals)

2.5 Currently, licences are granted for life with no compliance checks after the initial grant. Under the new Regulations, all licences will be granted for three years and will require the registration holders to renew so that their suitability is revaluated on a tri-annual basis. There is no risk assessment applied to such activities.

Hiring of Horses (Riding establishments)

2.6 This continues largely as before, with new guidance and conditions.

3. Options Appraisal

3.1 Historically there have been very few licences in place for these activities. Currently, in Barking and Dagenham the animal licences are as follows:

- 1 riding establishment
- 1 Cattery
- 1 Home boarding for dogs
- 3 Pet Shops
- 1 Dog Breeding (residential)

3.2 It is possible that some breeders of dogs and possibly some animal sellers who have operated without controls, selling their animals through websites may now require licences, but it is not anticipated that the numbers will be very high. There may also be home boarders of dogs and providers of dog day care that will also need to be licenced. Websites are being monitored to establish any such operators.
3.3 Officers who carry out inspections associated with these licences need to be qualified or suitably experienced. After three years all officers carrying out inspections will have to be qualified. The costs of training an officer or paying a vet to carry out the inspections will be met by the fees charged.

4. **Consultation**

4.1 No formal consultation has been undertaken in the preparation of this report. An impact assessment was undertaken by DEFRA prior to the publication of the Regulations and in their opinion there will be no adverse effect on equality, diversity or human rights of any individual.

5. **Financial Implications**

5.1 The Council has discretion of setting the fees for the animal licensing function which has been incorporated into the Regulatory Service budget for 2019 / 2020.

5.2 The fees structure are split into two parts – Part A and B; Part A is the application fee, payable at the time of submission to cover the Council’s costs in considering and determining the application; Part B is the grant fee, which covers any further costs about granting the licence, enforcement and compliance requirements and other associated costs with running the licensing regime.

5.3 There will an additional burden on the authority, in terms of officer time, in implementing the legislation and making the necessary changes to procedures, database, website, forms, officer training etc.

5.4 Officers will require training to become qualified and competent to conduct inspection of the animal welfare premises when it is made available nationally.

5.5 New fees have been set on a cost recovery basis.

6. **Legal Implications**

6.1 Officers are properly authorised for the purposes of enforcement under this legislation.

6.2 Failure to act appropriately 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.

**Public Background Papers Used in the Preparation of the Report:** None

**List of appendices:**

**Appendix 1:** Animal Welfare Risk Scoring Table and Rating Matrix