

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Licensing & Regulatory Committee

1 March 2019

TITLE:	Animal Welfare (Licensing of Activities Involving animals (England) regulations 2018
PORTFOLIO HOLDER:	Councillor Bowen - Portfolio Holder for Communities, Leisure, Sport, Parks, Countryside & Housing
CONTACT OFFICER:	Alicia Patterson – Head of Environmental Health
WARDS INVOLVED:	(All Wards)

Appendices Attached – Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

1. Reason for the Report

- 1.1 To update Members on the new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“the Regulations”) that came into effect on 1 October 2018 and to outline the key differences from the existing animal licensing regime.

2. Recommendation

- 2.1 That the Committee notes the contents of the report.

3. Executive Summary

- 3.1 In 2016 DEFRA consulted on the introduction of new secondary legislation to introduce a single “Animal Establishment Licence”. 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”. DEFRA went on to prepare draft regulations made under the Animal Welfare Act 2006.
- 3.2 The government, the public, local authorities, welfare organisations and businesses had been calling for changes to animal welfare legislation and robust enforcement. Existing laws are decades old and difficult to adapt to the changing types of animal related businesses. The current process is also quite

complex and burdensome in places. For example, legislation currently limits licences to a calendar-year framework which arbitrarily focusses inspections at the end of the year, and forces some businesses with multiple functions to have more than one licence.

- 3.3 The new Regulations provide for the licensing of persons involved in England in 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. This replaces the requirement in England to be registered under the Performing Animals (Regulation) Act 1925 or to obtain a licence under the Pet Animals Act 1951; the Animal Boarding Establishments Act 1963; the Riding Establishments Act 1964 or the Breeding of Dogs Act 1973.
- 3.4 The regulations provide for local authorities to be the licensing authorities. Any person wishing to carry on any of these activities in England must obtain a licence from their local authority. Carrying on any of these activities without a licence is an offence and an offender would be liable to imprisonment for a term of up to six months, a fine or both.
- 3.5 Part 2 of the Regulations sets out how a person may apply to the local authority for a licence and sets out matters in respect of which a local authority must be satisfied when considering the granting or renewing of a licence. It provides for a local authority to charge fees to cover the costs it incurs in performing this function, considering a licence holder's compliance with these Regulations, enforcement and administration. It requires a local authority to have regard to guidance issued by the Secretary of State in carrying out its functions under the Regulations. It makes provision for the inspection of premises and provides powers for inspectors to take samples from animals.
- 3.6 Part 3 sets out the circumstances and procedures under which a licence may be suspended, varied or revoked. It also provides that the breach of a condition of a licence or the obstruction of any inspector appointed for the purposes of enforcement of these Regulations is an offence.
- 3.7 Part 4 provides for appeals against licensing decisions by local authorities in relation to a refusal to grant or renew a licence, or a decision to revoke or vary a licence.

3.8 Key Changes

The Regulations implement a single 'animal activities' licence which covers the five activities: dog breeding, dog/cat boarding, selling pets, hiring out horses for riding, keeping or training animals for exhibition. The use of the term "activities", as opposed to "establishments", emphasises the fact that activities such as the online sale of pets is included.

- 3.9 General and Specific conditions are laid out in the Regulations for each of the categories, as opposed to those being locally set or based on Chartered Institute of Environmental Health (CIEH) model conditions. The proposed

conditions can be seen within the new regulations which are attached as Appendix 1 of this report.

- 3.10 The Regulations provide for a licence 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 any Secretary of State guidance as may be issued, having regard to the following when determining the period for which a licence may be issued: the risk of an operator breaching any licence conditions; the impact on animal welfare of any such breaches; and whether the operator is already meeting higher standards of animal welfare than are required by the licence conditions. It is anticipated that local authorities will be required to use a national risk-based assessment system.
- 3.11 Legislation governing the registration of performing animals has previously been a function carried out by Staffordshire County Council's Trading Standards department. Under the new regulations this will come under the District Council's remit and is extended to include animals that are exhibited, such as mobile animal exhibits.
- 3.12 Anyone breeding dogs and advertising a business of selling dogs, and/or breeding three or more litters of puppies in any 12 month period, is now covered by the Regulations.
- 3.13 The Regulations introduce specific requirements about advertisements for the sale of dogs, which will need to include: the licence number; the local authority that issued the licence; a recognisable photograph of the dog being advertised, and the age of the dog being advertised.
- 3.14 The sale of puppies below eight weeks will be prohibited.
- 3.15 Transitional Arrangements

At the commencement date of the Regulations, all licences currently in force under the Pet Animals Act 1951, the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 or the Breeding of Dogs Act 1973 will remain in force until the expiry/renewal date. Any registration under the Performing Animals (Regulation) Act 1925 that is in force shall continue in force for a period of six months from the date on which the Regulations come into force.

3.16 Review of the Regulations and Annual Local Authority Returns

The Regulations include a requirement for the Secretary of State to carry out reviews of the Regulations to ensure that they are working as effectively as possible. The report for the first review must be published on or before 1 October 2023, subsequent reports at no more than five yearly intervals.

- 3.17 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 and the average costs of these licences. A local authority will be able to recover any costs of collecting this extra data through the licence fees. The

publishing of this information nationally should help to reduce the burden of Freedom of Information requests which are common for animal welfare licensing.

4. **Options and Analysis**

4.1 There are no options for the Committee to consider.

5. **Implications**

5.1 Community Safety - (Crime and Disorder Act 1998)

The appropriate enforcement of licensing legislation in partnership with relevant agencies is a key tool in assuring the maintenance of community safety.

5.2 Workforce

None.

5.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

5.4 Financial Considerations

There are no financial considerations to consider, all costs will be met by the licence holders.

5.5 Legal

As considered in the report.

5.6 Sustainability

None.

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Web Links and Background Papers

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