

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

Licensing Committee

Date: 27th September 2018

Author: Licensing Manager

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To provide members with an overview of the new legislation in respect of licensing of: selling animals as pets, boarding of dogs and cats, hiring of horses, breeding of dogs and keeping or training animals for exhibition.
- 1.2 The report is necessary to keep members abreast of new legislation

2. Recommendations

The Committee is recommended to:

- 2.1 To note the new legislative requirements.

3. Detail

Current position

- 3.1 Currently there are number of pieces of legislation covering different aspects of animal licensing. These are:
 - 3.1.1 Pet Animals Act 1951 – that is: trading of animals, usually in pet shops
 - 3.1.2 Animal Boarding Establishments Act 1963 – this covers the boarding of dogs and cats
 - 3.1.3 Performing Animals (Regulation) Act 1925 – A registration of those who train and exhibit animals
 - 3.1.4 Riding Establishments Act 1964 – that is: the hiring of horses, normally within a riding school
 - 3.1.5 Breeding of Dogs 1973, Breeding of Dogs Act 1991. Breeding and Sale of Dogs (Welfare) Act 1999 – covers breeding of dogs as a commercial activity
- 3.2 These will be largely repealed and replaced with new regulations, Animal Welfare Licensing of Activities Involving Animals England Regulations 2018 with only minor elements remaining in the original legislation. For example Pet Animals Act 1951 section 2 - it will still be an offence to sell animals as pets in a street, public place or in a market.

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- 3.3 The new regulations only apply to England and will come into force on 1st October 2018.
 - 3.4 The regulations are made under the current Animal Welfare Act 2006. The Council's Animal Licensing team are already authorised officers under this Act.
 - 3.5 The main changes are:
 - 3.5.1 A broader scope of activities will become licensable. Currently performing animals are only registered, this will now also require an inspection before a premises or person can be licensed. Another example is 'Selling Animals as Pets' in the course of a business, previously this was only for trading of animals but it now encompass a breeder selling large numbers of offspring or smaller amounts but for a high profit margin. The threshold for the breeding of dogs in order to be considered a business will also be lowered.
 - 3.5.2 The Regulations make it clearer that some activities must be licensed such as home boarding and day care. These were considered to be a licensable activity under the old Act but some local authorities had not been enforcing this. Swindon Borough Council has been licensing home boarders and day care premises for some considerable time with specific adopted model conditions so this is not expected to have a detrimental effect within the Borough.
 - 3.5.3 Licences may be issued for one, two or three years depending on a risk scoring matrix and compliance with standard and higher conditions
 - 3.5.4 Licensing officers must be suitably qualified to carry out inspections. This will mean that all inspecting officers must obtain a specific qualification by October 2021.
 - 3.5.5 Fees are currently being considered by the Lead Member
 - 3.6 The Council currently has adopted a number of local model licence conditions for each activity as well as specific additional conditions for those wishing to sell puppies in pet shops. These will all be revoked by the legislation. In implementing new model conditions the Council will not be able to adopt any conditions to supplement those provided within the Regulations.
 - 3.7 Due to the sweeping changes being made including how premises are inspected and more activities becoming licensable, this has already required extensive preparations by the Licensing department and it is anticipated that this work will be extremely labour intensive for the next few months at least.

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- 3.8 It should however, increase revenue and ensure more compliance with animal welfare requirements as well as assurance for the public when buying an animal, hiring a horse, boarding their pet or attending a display.
- 3.9 Lengthy guidance for Local Authorities has only just been released by Defra and it is likely it will be subject to debate and review. Defra have advised they will also issue application forms for Local Authorities but this has not yet happened.

4. Alternative Options

- 4.1 None

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from the report.
- 5.2 An operator who is aggrieved by a decision of the Council may appeal to the First-tier Tribunal

Legal and Human Rights Implications

- 5.2 This is statutory legislation

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 This will be covered by the current licensing section

Diversity Impact Assessment

- 5.4 DIA can be available by request

Risk Management

- 5.5 Not applicable

6. Consultees

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

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

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8. Appendices

8.1 None