



**LICENSING & APPEALS  
COMMITTEE:**

**9 OCTOBER 2018**

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**Report of: Director of Leisure and Environment**

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**SUBJECT: THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING  
ANIMALS) (ENGLAND) REGULATIONS 2018**

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Wards affected: Borough wide

## **1.0 PURPOSE OF REPORT**

- 1.1 That the necessary action be taken to implement the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

## **2.0 RECOMMENDATIONS**

- 2.1 That the report be noted.
- 2.2 That the requirements to implement the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be referred to Council including amended terms of reference of the Licensing and Appeals Committee, appropriate delegation to Officers and licence fees.
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## **3.0 BACKGROUND**

- 3.1 The Council has long had the responsibility to licence commercial activities involving animals and relevant establishments, which includes pet shops and animal boarding. However, much of this legislation is in excess of 50 years old and therefore does not adequately address present day needs, which has resulted in inconsistent application of the legislation by local authorities.
- 3.2 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (the Regulations) are made under the Animal Welfare Act 2006 (the Act), and replace, and in some circumstances extend, the existing legislation

governing the licensing of commercial activities involving animals and the relevant establishments. Specifically, this includes:

- The boarding of cat and/or dogs in catteries/kennels
- The boarding of dogs in domestic premises (home boarding)
- The temporary boarding of dogs in day care
- The hiring out of horses for the purpose of riding or instruction in riding
- The selling of animals as pets
- The exhibition of animals for educational or entertainment purposes

- 3.3 Given the aforementioned inconsistencies in application of the relevant legislation, the Regulations seek to improve welfare standards in such business by setting explicit requirements for each of the above activities, whilst also placing additional requirements on local authorities in respect of Officer training.
- 3.4 The Regulations also introduce a varied licence duration based on a risk assessment model, with each business receiving a star rating. The purpose of the model is to ensure consistency in implementation and operation by local authorities, and to ensure that consumers can be confident that the star rating applied to businesses is an accurate reflection of both their risk level and the animal welfare standards that they adopt. The system also incorporates safeguards to ensure fairness to businesses, which includes an appeal procedure and a mechanism for requesting a re-inspection for the purposes of re-rating when improvements have been made.
- 3.5 With the exception of the activity of “Keeping or Training Animals for Exhibition” (which is set at a 3 year licence on the basis that these activities have hitherto been subject to a registration system), the length of a licence is determined by a risk assessment that takes account of the animal welfare standards adopted by the business and the level of risk (based on elements such as past compliance). The businesses will be given a star rating, ranging from 1 to 5 stars. Licences can be issued for 1, 2 or 3 years, which will mean that compliant businesses can be issued with longer licences and will therefore receive fewer inspections and pay less fees as a result of their good compliance. The model is summarised in table 1 below.

**Table 1**

| Scoring Matrix |             | Welfare Standards  |  |  |
|----------------|-------------|--|--|--|
|                |             | Minor Failings<br>(existing business that are failing to meet minimum standards) | Minimum Standards<br>(as laid down in the schedules and guidance)              | Higher Standards<br>(as laid down in the guidance)                             |
| Risk           | Low Risk    | <b>1 Star</b><br>1yr licence<br>Min 1 unannounced visit within 12 month period   | <b>3 Star</b><br>2yr licence<br>Min 1 unannounced visit within 24 month period | <b>5 Star</b><br>3yr licence<br>Min 1 unannounced visit within 36 month period |
|                | Higher Risk | <b>1 Star</b><br>1yr licence<br>Min 1 unannounced visit within 12 month period   | <b>2 Star</b><br>1yr licence<br>Min 1 unannounced visit within 12 month period | <b>4 Star</b><br>2yr licence<br>Min 1 unannounced visit within 24 month period |

- 3.6 The Regulations also contain transitional provisions whereby existing licence holders are assured that their licences will be unaffected by the Regulations until the expiry date of the existing licence. Upon expiry, the business will be inspected in accordance with the Regulations and new format licences issued accordingly.

## 4.0 ISSUES

- 4.1 The existing legislation has been delegated to Officers and added to the functions of this Committee. Accordingly, the functions of this Committee already include many of the animal welfare licensable activities outlined above, but not all. To ensure clarity of administration, it is proposed that the requirements of the Regulations be referred to Council including amended terms of reference to this Committee, appropriate delegation to Officers and licence fees. However, the Regulations are explicit in their requirements for each of the above named business activities and so [in contrast to the existing legislation] there is no requirement for the Council to agree specific licence conditions for each activity.
- 4.2 Furthermore, the Council is required to set a licence fee for each activity. The proposed fees contained in table 2 are based on the existing fees set for 2018/19 and follow the current requirements for licence fee setting. If the recommendations contained in this report are approved, these fees will be presented to Council for approval. However, assuming that Council approve the amended terms of reference of this Committee, these fees will be reviewed in December 2018 by this Committee as part of all locally set licence fees based on estimated budgets for 2019/20.

Table 2

Proposed fee

Proposed fee comprised of  
(a) initial fee; and  
(b) successful application  
(enforcement) fee

Animal Welfare Licences – Cat/Dog Boarding (incl. dog day care / home boarding), Dog Breeding, Pet Shop, Animal Exhibition

|   |         |                          |
|---|---------|--------------------------|
| 1 year licence<br>New / renewal<br>(+vet fee if required) | £152.87 | (a) £97.23; (b) £55.64   |
| 2 year licence<br>New / renewal<br>(+vet fee if required) | £208.51 | (a) £97.23; (b) £111.28  |
| 3 year licence<br>New / renewal<br>(+vet fee if required) | £264.15 | (a) £97.23; (b) £166.92  |
| <b>Animal Welfare Licences – Riding Establishment</b>     |         |                          |
| 1 year licence<br>New / renewal<br>(+ vet fee)            | £200.00 | (a) £112.31; (b) £87.69  |
| 2 year licence<br>New / renewal<br>(+ vet fee)            | £287.69 | (a) £112.31; (b) £175.38 |
| 3 year licence<br>New / renewal<br>(+ vet fee)            | £405.38 | (a) £112.31; (b) £293.07 |

## 5.0 SUSTAINABILITY IMPLICATIONS

- 5.1 The new legislation replaces the existing law by clarifying and extending the operational requirements for licensed businesses. The proposals will therefore impact on relevant licensed businesses and the wider public who will use these services of such businesses.

## 6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 There are no financial implications associated with this report.

## 7.0 RISK ASSESSMENT

- 7.1 The Council has a legal duty to carry out the functions of the Act and Regulations; therefore failure to do so is a breach under the Act. Accordingly, the Council must adopt a process to implement the legislation for all relevant businesses.

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### **Background Documents**

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

None.

### **Equality Impact Assessment**

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results

of which have been taken into account in the Recommendations contained within this report.

### **Appendices**

1. Equality Impact Assessment.

## Appendix 1

# Equality Impact Assessment Form



Directorate: Leisure and Environment

Service: Licensing

Completed by: Paul Charlson

Date: 09/10/18

Subject Title: THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018

### 1. DESCRIPTION

|  |                                  |
|--|----------------------------------|
| Is a policy or strategy being produced or revised:   | No <i>*delete as appropriate</i> |
| Is a service being designed, redesigned or cutback:  | No                               |
| Is a commissioning plan or contract specification being developed:   | No                               |
| Is a budget being set or funding allocated:  | No                               |
| Is a programme or project being planned:   | No                               |
| Are recommendations being presented to senior managers and/or Councillors:   | Yes                              |
| Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ): | No                               |
| Details of the matter under consideration:   |                                  |

*If you answered **Yes** to any of the above go straight to Section 3*

*If you answered **No** to all the above please complete Section 2*

### 2. RELEVANCE

|  |   |
|--|---|
| Does the work being carried out impact on service users, staff or Councillors (stakeholders):  | Yes <i>*delete as appropriate</i>   |
| If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders):<br><i>If you answered <b>Yes</b> go to Section 3</i>                  | A new licence regime is being implemented for relevant commercial animal welfare activities |
| If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups:<br><i>You do not need to complete the rest of this form.</i> |   |

### 3. EVIDENCE COLLECTION

|   |  |
|---|--|
| Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?  | Licensing Authorities, service users, members of the public.                               |
| If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)? | Sections of the public and businesses use or operate the licences outlined in this report. |

|   |  |
|---|--|
| Which of the protected characteristics are most relevant to the work being carried out?   | <i>*delete as appropriate</i>  |
| Age   | No   |
| Gender  | No   |
| Disability  | No   |
| Race and Culture  | No   |
| Sexual Orientation  | No   |
| Religion or Belief  | No   |
| Gender Reassignment   | No   |
| Marriage and Civil Partnership  | No   |
| Pregnancy and Maternity   | No   |
| <b>4. DATA ANALYSIS</b>   |  |
| In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?  | Sections of the public and businesses use or operate the licences outlined in this report.   |
| What will the impact of the work being carried out be on usage/the stakeholders?  | Compliance with the new Regulations is mandatory. The Council has already made routine contact with affected businesses advising them of the implications. |
| What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?  | Compliance with the new Regulations is mandatory, so the Council is not currently seeking public views.  |
| What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?   | See above. N/A.  |
| If any further data/consultation is needed and is to be gathered, please specify:   | N/A  |
| <b>5. IMPACT OF DECISIONS</b>   |  |
| In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?   | None.  |
| <b>6. CONSIDERING THE IMPACT</b>  |  |
| If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.). | N/A  |
| What actions do you plan to take to address any other issues above?   | No actions<br><br><i>If no actions are planned state no actions</i>  |

## 7. MONITORING AND REVIEWING

When will this assessment be reviewed and who will review it?

Implementation and compliance issues will be reported to the Licensing and Appeals Committee when required.