

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

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**Wards affected:** All

### **PROPOSED RECOMMENDATION**

- (i) Agree the adoption of the provisions of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- (ii) Delegate the powers and functions contained within it to the Head of Housing and Environment.
- (iii) To introduce fees payable in connection with animal licensing applications.

### **Corporate Implications**

1. Changes to the Constitution and Scheme of Delegation are made by Council, following recommendation of this Committee to adopt the provisions of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 which came into force on 1 October 2018. The powers, duties and functions to be delegated to the Environment Service in consultation with the District solicitor
2. There are no financial implications to the Council as by adopting these provisions it is possible to levy a licence fee which will be set at a level to recoup all of the costs of administering the new arrangements thereby ensuring that they are cost neutral.
3. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 made under the Animal Welfare Act 2006 will introduce an updated licensing system in England for five activities involving animals, namely selling animals as pets, boarding for cats or dogs, hiring out horses, dog breeding and keeping or training animals for exhibition.
4. This new legislation introduces a risk rating approach to determine the suitability of an application, the duration of the term of a licence and in addition introduces mandatory inspections during the term of the licence and a regulated appeal process.
5. Inevitably, this will increase demand on resource and so licence fee costs must consequently reflect such. It is however possible to levy a licence fee so to recoup all of the costs for administering the new regulations thereby ensuring that they are cost neutral.

### **Executive Summary**

6. The report outlines the introduction of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and seeks the approval of fees payable in connection with animal licensing applications.

### **Sustainable Community Strategy/Council Priorities – Implications**

7. The Council's Constitution and Scheme of Delegation underpin the way the Council undertakes its regulatory functions and thus contributes to the Sustainable Community Strategy.

8. The provisions of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 will contribute to a thriving economy by providing protection from crime and allowing lawful businesses to continue to operate.

### **Background and Issues**

9. The Council are presently responsible for the regulation of a variety of animal-related businesses, as well as the keeping of specified dangerous animals by individuals.
10. The current number of licences issued by Wycombe are as follows:
  - 30 x Animal boarding establishment licences (including home boarding)
  - 10 x Pet shop licences
  - 9 x Riding establishment licences
  - 3 x Dog Breeding licences
  - 1 x Dangerous Wild Animal licences
11. In addition, Buckinghamshire County Council is currently responsible for registering any performing animals based within the county.
12. The Animal Welfare Act 2006 introduced new legislation to allow the amalgamation and revision of a number of current licensing Acts, namely those applicable to pet shops, animal boarding establishments, riding establishments, dog breeding and performing animals. As a result, The Animal Welfare (Licensing of activities involving animals) (England) Regulations 2018 were published earlier this year and came into force on 1 October 2018.

### **Forthcoming Changes**

13. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 define the animal based activities that require licences as follows:
  - Selling animals as pets (or with a view to their being later resold as pets) in the course of a business including keeping animals in the course of a business with a view to their being so sold or resold.
  - Providing or arranging for the provision of accommodation for other people's cats or dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business.
  - Hiring out horses in the course of a business for either riding, instruction in riding, or both.
  - Breeding three or more litters of puppies in any 12-month period; or breeding dogs and advertising a business of selling dogs.
  - Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes, either to any audience attending in person, or by the recording of visual images of them by any form of technology, or both.
14. Zoo licences and Dangerous Wild Animal licences are also issued by Wycombe District Council however these will continue to be covered by their own specific legislation and so there are no changes in the way these are administered.

15. Whilst historically licences entailed locally set conditions, the new provisions contain nationally set regulations for each animal based activity, which cannot be changed in any way and form the basis for conditions on the new licences going forward. These regulations comprise a set of general conditions in respect of matters such as record keeping, types and numbers of animals, staffing, maintaining a suitable environment and diet, monitoring behaviour, handling of the animals, protecting the animals from pain, suffering, injury and disease and dealing with emergencies. Each specific animal activity then has its' own set of more detailed requirements, tailored to that particular area.
16. If an applicant is running more than one licensable animal related activity, each activity will now be assessed separately and set out in one licence. The length of licence, previously set at one year, may be granted for a timeframe of between one and three years dependent on the outcome of a risk assessment. This however excludes licenses granted for the keeping or training animals for exhibition which if granted will not be risk assessed and will be granted for a three year period.
17. Existing licences granted under old legislation that are in force on 1st October 2018 will remain valid until their expiry date and will then be renewed under the new regulations.
18. If the grant of a licence is refused, or the licence is suspended, the operator will in first instances be able to appeal in writing to the local authority (a panel convened from members of the Regulatory and Appeals Committee). An internal procedure for holding such hearings will be agreed with the District Solicitor in due course. If the applicant is unhappy with the outcome of this they can make an appeal to a First Tier Tribunal. This would comprise a panel with specialist knowledge administered by HM Courts and Tribunal Service.

## **Inspection Process**

19. The new regulations require a 'qualified inspector' to carry out inspections, and in the case of the grant of a dog breeding establishment and a grant and renewal of horse riding establishments, inspectors must be accompanied by a veterinary surgeon. To be considered a 'qualified inspector', a person must hold a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation which oversees the training and assessment of persons in inspecting and licensing animal activities businesses. Transitional provisions are however in place to enable any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses to carry out the inspections until October 2021. After that time, the above requirements will need to be met.
20. Under the new arrangements, the inspection process will be much more comprehensive, and built around providing the premises with a 'risk rating'. This process will establish whether the business is 'low risk' or 'higher risk' based on the level to which it meets the standards set out in regulations and guidance. Such will reflect the star rating required to be issued to the applicant, this fundamentally determining the length of the licence issued, with the exception of Keeping and Training Animals for Exhibition as aforementioned.

21. During the term of the licence, an unannounced visit is required to be undertaken at any time to assess the level of compliance with the regulations. A licence may be suspended, varied or revoked without the consent of the licence holder if:
  - The licence conditions are not being complied with,
  - There has been a breach of the Regulations,
  - Information supplied by the licence holder is false or misleading, or
  - It is necessary to protect the welfare of an animal.
22. During the term of the licence, operators of businesses will be able to request a reassessment if they have made improvements and following payment of the relevant fee.
23. For the activity of hiring out horses, there is a requirement for an annual inspection by a listed veterinarian, regardless of the total length of the licence. The local authority must appoint a listed veterinarian to inspect the premises on which the activity is being carried on before the end of the first year after the licence is granted and then each subsequent year.

## **Fees**

24. Fees fundamentally are to be split into two parts, the application fee to cover the Council's costs in considering and determining the application and the licence fee, which covers ongoing enforcement and compliance with requirements.
25. Fees will be payable at the time of submission and those requiring veterinary visits will be charged accordingly following a vets visit. The process required to respond to an application for a reassessment emulates the general assessment criteria and so fees in essence will mirror such.
26. Fees for applicants who apply for multiple activities at the same time will be reasonably reduced however applicants who later apply for additional activities having already been licenced will incur full costs as per the activity.
27. Revised fees need to be set to accommodate the changes. The proposed table of fees are set out at Appendix A. The fees have been costed to reflect actual officer time in undertaking the various tasks required and will be revised annually to ensure that they continue to reflect the real costs associated with this activity and thus continue to be cost neutral to the Council.

## **Recommendations**

28. That the Regulatory and Appeals Committee agree:
  - (i) The adoption of the provisions of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
  - (ii) Delegate the powers and functions contained within it to the Head of Housing and Environment.
  - (iii) Introduce fees payable in connection with animal licensing applications as set out in Appendix A of the report.

## Background Papers

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

#### Procedural guidance notes for local authorities, July 2018

#### Appendix A

Service: HOUSING & ENVIRONMENT

COMMERCIAL TEAM FEES & CHARGES: 2019/20

CATEGORY	Budget Manager	Cost Centre	Account code	Statutory (S) / Discretionary (D)	Charging Policy	Comments (e.g.: Benchmarking done, Payment incentives, Differential pricing)	Approved charges 2018/19			Proposed charges 2019/20			Change %	Income budget £	
							Basic £	VAT £	Total £	Basic £	VAT £	Total £			
ANIMAL WELFARE LICENCE (1 - 3 YEAR LICENCE)	Andrew Collinson			S	Cost recovery		N/A	N/A	0.00		400.00	0.00		N/A	
ANIMAL WELFARE LICENCE - ADDITIONAL ACTIVITY AT APPLICATION	Andrew Collinson		New Account Code Needed	S	Cost recovery	New legislation on 01/10/2018 introduces fundamental changes with all existing legislation combined into one set of regulations. Period of licence depends on outcome of inspection and subsequent risk rating / star rating. Any vet fees incurred will be recharged back separately.	N/A	N/A	200.00		200.00	0.00		N/A	
ANIMAL WELFARE LICENCE - RE-INSPECTION TRANSFER AND OTHER AMENDMENTS	Andrew Collinson	CDEF01		S	Cost recovery		N/A	N/A	400.00		400.00	0.00		N/A	10000.00
ANIMAL WELFARE LICENCE - MID-TERM INSPECTION	Andrew Collinson			S	Cost recovery		N/A	N/A	120.00		120.00	0.00		N/A	
DANGEROUS WILD ANIMALS LICENCE NEW APPLICATION (2 YEAR LICENCE)	Andrew Collinson			S	Cost recovery			690.00	0.00	690.00	710.00	0.00	710.00	3%	
DANGEROUS WILD ANIMALS LICENCE RENEWAL (2 YEAR LICENCE)	Andrew Collinson	CDEF01	L067	S	Cost recovery	Includes vet fees		440.00	0.00	440.00	453.00	0.00	453.00	3%	0.00
ZOO LICENCE	Andrew Collinson	CDEF01		S	Cost recovery	Includes vet fees		1200.00	0.00	1200.00	1236.00	0.00	1236.00	3%	0.00