



## Policy and Resources Committee – 8<sup>th</sup> October 2018

### New Animal Welfare Regulations

#### Purpose of report

To seek approval for the adoption of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, approve fees and recommend appropriate delegations.

#### 1.0 Background

1.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 come into force on the 1<sup>st</sup> October 2018. The Regulations replace a number of existing laws and provide a new single licensing regime for animal licensing activities.

#### 2.0 New Animal Welfare Regulations

2.1 Those undertaking the following activities will need to be licensed under the new regime:

- Selling animals as pets
- Providing or arranging for the provision of boarding for cats or dogs (including day care)
- Hiring out horses
- Breeding of dogs
- Keeping or training animals for exhibition

Licenses kept under the current regime will remain in force for the rest of their term. Zoos and Dangerous Wild Animal establishments will continue to operate under their current respective licensing regimes.

2.2 The Regulations provide for local authorities to be the licensing authorities. Carrying on a licensable activity without a licence would be committing an offence and that person would be liable to imprisonment for up to six months, a fine or both. The Regulations introduce a 'business test' and 'in scope criteria' for each activity. If the 'business test' is met and the activity is 'in scope', a licence will be required.

2.3 Part 3 of the Regulations set out the circumstances and procedures under which a licence can be suspended, varied or revoked where licence conditions are not being complied with, where there is a breach of the regulations or where it is necessary to protect animal welfare.

2.4 General and specific conditions are laid out in the Regulations for each of the activities, as opposed to these being locally set or based on Chartered Institute of Environmental Health (CIEH) model conditions.

2.5 The new regime introduces a risk-based star rating system for all activities with the exception of 'keeping or training of animals for exhibition' where all licences will be issued for three years. The system will be used to determine the length of the licence and the star rating awarded. The risk rating model takes account of the animal welfare standards adopted by the business and their level of risk (based on elements such as past compliance) with ratings of 1 star to 5 stars. Premises meeting higher standards and full compliance will be awarded 5 stars and will be issued a 3-year licence, which provides a financial incentive to attain higher standards. There are safeguards in place to ensure fairness to businesses, including an appeal procedure and a mechanism for requesting a re-inspection for the purpose of re-rating.

2.6 Legislation governing performing animals had previously been the responsibility of the County Council under the Performing of Animals (Regulation) Act 1925. This will come under the Council's remit on implementation of the new regulations. The scope has been extended to cover animals that are exhibited, such as mobile animal exhibits. It is anticipated that the volumes will be low for East Northamptonshire; however, the impact on the Central Licensing Administration Unit (CLAU) will need to be considered when the volumes for the CLAU partners are established.

### 3.0 Fees

3.1 The regulations allow for full cost recovery. Fees under the new regime have been determined in accordance with 'Animal Welfare Licence Fees – A Practical Guide to Fee Setting'. It is recommended that the fees are set as tabled below.

#### The Animal Welfare (England) Regulations 2018

Licence Activity	Current Fee	New Application/ Renewal Application	Grant (Compliance/ Enforcement) Fee	Vet Fee	Variation - NEW (requested by licence holder)
Breeding Dogs	194.00	109.00	85.00	Price On Application *	81.00
Boarding Dogs In Kennels	230.00	143.00	87.00	N/A	83.00
Home Boarding Dogs	224.00	136.00	88.00	N/A	85.00
Dog Day Care	230.00	143.00	87.00	N/A	83.00
Boarding Cats	230.00	143.00	87.00	N/A	83.00
Hiring Out Horse(s)	253.00	160.00	93.00	Price On Application **	89.00
Selling Animals as Pets	207.00	122.00	85.00	N/A	81.00
Exhibition of Animals <i>(note this activity cannot be combined with any others on a licence)</i>	N/A new fee	114.00	N/A	N/A	77.00
Combined Boarding/Day Care	Equal to highest activity fee	Equal to highest activity fee	Equal to highest activity fee	N/A	Equal to highest activity fee
Combined Activities	N/A new fee	Equal to highest activity fee	Equal to highest activity fee	Price on application (if applies)	Equal to highest activity fee

VAT does not apply to these fees

\* Under the 2018 Regulations a vet inspection is required on first application only for Breeding Dogs

\*\* Under the 2018 Regulations a vet inspection is required on first application for Hiring Out Horse(s) and annually thereafter for the duration of the licence

### 4.0 Delegation of powers

4.1 It is recommended that the Constitution is amended to include The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

4.2 It is recommended that authority to act under the Regulations is delegated to the Health Protection Manager, Senior Environmental Health Officer, Health Protection Officer, Health Protection Technical Officer and Licensing Compliance Officer providing they have at least one year's experience in licensing and inspecting Animal Activities Businesses or have the required qualification.

## **5.0 Equality and Diversity Implications**

5.1 There are no equality and diversity implications.

## **6.0 Legal Implications**

6.1 The proposals will ensure that the Council is compliant with the new regulations.

## **7.0 Resource and Financial Implications**

7.1 There may be resource implications as a result of the transferred responsibilities in respect of keeping or training animals for exhibition. It is expected that volumes will be relatively low but the impact will need to be monitored to determine any additional burden on resources.

7.2 It is expected that the new regime may capture activities that would not have needed licensing under the previous regime. For example, dog breeders now include any breeder that satisfies the 'business test' regardless of the number of litters and pet shops includes online sales. Although one of the aims of the new regime was to streamline the process for local authorities some of the benefits of this may be offset by broadening the scope of licenced activities.

7.3 There will also be additional training costs in the future as officers are required to attain a specific qualification by 2021. These costs and any costs arising from any additional volumes will be recovered through the fees. Currently there is only one training provider approved to offer the training which costs £990 per officer.

7.4 The fees for next year will be reviewed as part of the budget setting process and it is expected that there will be an increase as a result of the changes to the Regulations.

## **8.0 Risk Management**

8.1 The Council is at risk of non-compliance with legislation if it does not fulfil its statutory duty in respect of animal welfare legislation. Failure to regulate animal welfare activities may result in serious harm to animals which may have a reputational impact on the council.

## **9.0 Constitutional Implications**

9.1 There will need to be appropriate constitutional changes – see paragraph 4.

## **10.0 Implications for our customers**

10.1 The new regime aims to improve animal welfare standards which will benefit those residents that use or purchase from animal activity establishments. The star rating will be of particular benefit to help consumers make informed choices.

10.2 The conditions for businesses in the new regime are not that dissimilar to the previous Chartered Institute of Environmental Health Model Conditions that the Council adopted previously. However, some businesses may find it difficult to achieve the higher standards necessary for a higher star rating and longer licence without financial investment.

## **11.0 Privacy Impact Assessment**

11.1 There are no privacy implications.

## 12.0 Corporate Outcomes

12.1 The Corporate Outcomes are:

- Effective management – by ensuring the licensing regime meets legislative requirements

## 13.0 Recommendation

13.1 The Committee is recommended to:

- (1) **Resolve to recommend** to Full Council to adopt the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018


*(Reason - To allow implementation of the licensing regime)*

- (2) Approve the fees and charges tabled at 3.1.

*(Reason – To ensure full cost recovery)*

- (3) **Resolve to recommend** to Full Council to amend the Constitution to delegate authority to grant, refuse, revoke, suspend and vary licenses for animal activities to the Health Protection Manager, Senior Environmental Health Officer, Health Protection Officer, Health Protection Technical Officer and Licensing Compliance Officer that have at least one years experience in licensing and inspecting Animal Activities Businesses or have the required qualification.

*(Reason – To ensure the scheme of delegation allows appropriate decision making)*

<b>Legal</b>	Power:	The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 Animal Welfare Act 2006			
	Other considerations:				
<b>Background Papers:</b>					
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