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| <b>Report of:</b>        | <b>Head of Economic Prosperity</b> |
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| <b>Portfolio Leader:</b> | <b>Health and Wellbeing</b>        |
| <b>Key Decision:</b>     | <b>No</b>                          |
| <b>Report Track:</b>     | <b>Council: 28/11/18</b>           |

**COUNCIL**  
**28 NOVEMBER 2018**  
**LICENSING OF ACTIVITIES INVOLVING ANIMALS**

**1 Purpose of Report**

- 1.1 To update members on major reforms to the legislation governing animal licensing with the coming into effect of the Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 (the Regulations).

**2 Recommendation**

- 2.1 That the Cannock Chase District Council notes the implementation of the Regulations.
- 2.2 That the Head of Economic Prosperity be authorised and instructed to introduce the necessary arrangements to administer and enforce all aspects of the Regulations (including the determination of fees for variations and re-inspections).
- 2.3 That the Council approves the proposed initial fees as set out in Appendix 1.
- 2.4 That the Constitution Working Group be instructed to update the scheme of delegations to reflect the legislative changes in England.

**3 Key Issues and Reasons for Recommendation**

- 3.1 Members are asked to note that the legislation relating to the licensing of activities involving animals is changing. On 1 October 2018 the Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 (the Regulations) came into effect. The Regulations will have an impact on how the Council administers its functions in relation to animal licensing compliance and enforcement.

- 3.2 The Regulations, and accompanying guidance, introduce a risk-based approach whereby establishments will be inspected by Councils and given a “star rating” (out of five). The breadth of activities requiring licences has increased, as have the costs to the Council in administering the regime. These costs will be recovered from applicants in line with the proposed schedule of fees at Appx. 1.
- 3.3 The Regulations also introduce the facility for licence holders who are dissatisfied with the Council’s rating to appeal and to request revisits. A transparent procedure will therefore be required to facilitate this.

#### **4 Relationship to Corporate Priorities**

- 4.1 Implementing these Regulations contributes to the Council’s “Promoting Prosperity” and “Community Wellbeing” Priorities by:
- Implementing risk-based, proportionate controls, ensuring all businesses are treated equitably;
  - Allowing “earned recognition”, so better businesses, with higher animal welfare standards, receive fewer inspections and have longer licences;
  - Promoting high standards of both regulatory compliance animal welfare;
  - Ensuring all businesses involved in these activities are identified and appropriately licensed;
  - Ensuring non compliant businesses do not gain unfair competitive advantage;

#### **5 Report Detail**

- 5.1 The introduction of the Regulations follows an extensive Government consultation exercise, commenced in December 2015, the aim of which was to minimise burdens on both businesses and local authorities, through the introduction of a single ‘Animal Establishment Licence’ for animal boarding establishments, pet shops, riding establishments, and dog breeding.
- 5.2 The Regulations also reflect high levels of public interest in animal welfare, introducing stricter control of puppy sales and a crack down on so-called “puppy farms” and backstreet breeders. There will be a ban on the sale of puppies below the age of 8 weeks and a requirement for a puppy to be shown with its mother by breeders prior to sale.
- 5.3 Another key part of the Regulations will be a new “star rating” (out of five) for dog breeders, pet shops and other licensed activities involving animals. This rates these businesses, on welfare and other grounds, and helps buyers use the best breeders as well as assisting local authorities to more heavily regulate the poorer rated (such as through more welfare inspections, increased costs and shorter licences).
- 5.4 The Regulations replace a number of old Acts of Parliament. For example, the Pet Animals Act 1951, under which pet shops are licensed, is nearly seventy years old, and the riding/animal boarding legislation is over fifty years old. Many

animal-related businesses don't fit into the current system: animal groomers, dog trainers, pet sitters and the sale of animals on the internet are relatively recent innovations.

5.5 The Regulations replace the following outdated licensing and registration regimes in England:

- Performing Animals (Regulation) Act 1925;
- Pet Animals Act 1951;
- Animal Boarding Establishments Act 1963;
- Riding Establishments Acts 1964 & 1970;
- Breeding of Dogs Act 1973 and Breeding and Sale of Dogs (Welfare) Act 1999.

5.6 The Regulations provide for the licensing of persons involved in England in:

- selling animals as pets;
- providing boarding for cats;
- providing boarding for dogs in kennels;
- providing home boarding for dogs;
- providing day care for dogs;
- breeding dogs;
- hiring out horses;
- keeping or training animals for exhibition.

5.7 Key features of the Regulations:

- Establishments will now be given a “star rating” to assist customers in deciding which facility to use;
- Licences are issued using a risk-based inspection, which determines the “star rating” of the business;
- Licences can now be issued for up to three years in certain circumstances, whereas formerly only up to 12 months;
- Licences can now be suspended, varied or revoked, whereas previously licences could only be revoked by the Courts if the holder had been prosecuted;
- One Licence can cover several licensable activities, whereas previously each activity required a separate licence and fee;
- Vets inspections are no longer always required;
- District Councils are now responsible for licensing performing animals;
- Breeders must show puppies alongside their mother before a sale is made.
- Puppy sales must be completed in the presence of the new owner – preventing online sales where prospective buyers have not seen the animal first.
- Ban on dealing in puppies and kittens under the age of eight weeks.
- Regulate adverts, including on the internet, by ensuring licensed sellers of all pets include the seller’s licence number, country of origin and country of residence of the pet in any advert for sale.

- 5.8 Extensive guidance notes and both general and specific conditions of licence have been issued by the Department for Environment & Rural Affairs (DEFRA) on all of the above activities as well as individual codes of practice for the welfare of cats and dogs. Local Authorities must have regard to this guidance when carrying out its functions under the Regulations.

## **6 Implications**

### **6.1 Financial**

It is estimated that the initial costs of implementing, administering and monitoring compliance with the Regulations will be in the region of £8,500. These costs will be recovered from applicants through an appropriate fee structure as proposed at Appendix 1. The fee structure going forward will be subject to approval by the Head of Service as part of the annual review of fees and charges.

### **6.2 Legal**

This is the introduction of primary legislation and therefore there is no requirement to consult on the matter. The Council will however, take the opportunity to advise existing licence holders of the changes and publicise the new Regulations.

Implementation of appropriate arrangements as detailed in 2.2 above ensures the Council discharges its statutory licensing functions effectively and that decisions made by Officers and Members are transparent, proportionate and comply with Human Rights and Equalities legislation.

Consequential changes to the current Scheme of Delegation may be required.

Other legal matters are dealt with elsewhere in the report.

### **6.3 Human Resources**

Resources required for implementation of this Policy will be drawn from within the existing Environmental Health & Licensing teams.

### **6.4 Section 17 (Crime Prevention)**

None.

### **6.5 Human Rights Act**

None.

### **6.6 Data Protection**

None.

### **6.7 Risk Management**

None.

**6.8 Equality & Diversity**

None.

**6.9 Best Value**

Full recovery of costs for all areas of licensing work is in line with best practice and ensures efficient use of resources.

**7 Appendices to the Report**

Appendix 1: Proposed fee structure

**Previous Consideration**

None

**Background Papers**

None.

**ITEM NO. 11.**

## Appendix 1

| Animal Licences Fee Setting for initial year of 2018-19<br>(Pet Sales, Boarding, Breeding, DWA, Dog Day Care, Riding etc.)  |                       |                            |                          |
|---|-----------------------|----------------------------|--------------------------|
| Item  | Hours per year        | Licensing Unit Hourly Rate | Cost (Total) (per annum) |
| Staff costs, training / update costs, authorisation and competence assessment<br>(This includes the estimated £1,000 per officer cost for relevant level 3 training by October 2021 (as required in the Regulations).   | 5 hrs per officer x 2 | £40                        | £400<br>£2,000           |
| Member costs – LPPC, briefing notes / reports, training for elected members etc.  | n/a                   | n/a                        | £240                     |
| Work on fee setting, conditions, updating website, issuing guidance, reviewing forms etc.   | 4                     | 40                         | £160                     |
| APP Civica software licence costs (£735 per licence/person) £735 x 4(LU) users = £2,940 / 11 regimes (alcohol, taxis, gambling, animals, street trading, sex shops, SMDA, LGMPA, Obstructions, Café, A Boards) = £270   | n/a                   | n/a                        | £270                     |
| Application processing (pre-application advice (excludes those who do not progress with application), administration, site visits / inspections, completion of inspection forms and risk assessments, consultation and liaison with agencies, decision process, production and posting of licence etc.). Based on 20 applications, 4 hours each | 80                    | £40                        | £3,200                   |
| Reactive response work (estimate 20 requests per annum, one per premises)   | 20                    | £40                        | £800                     |
| Proactive checks (1 check per licence period)   | 20                    | £40                        | £800                     |
| Costs of enforcement in checking for illegal activity (newspapers, surveys of district, internet / social media checks etc.) and investigation of complaints.   | 10                    | 40                         | £400                     |
| <b>Sub total</b>  |                       |                            | <b>£8,270</b>            |
| <b>Divided by 20 Licences, £8270 / 20 = £415*</b><br><b>(final figure is rounded up to £415 from £413.50) Part 1 = £315.00; Part 2 = £100.00</b>  |                       |                            |                          |

**Notes (see also Section 3, paragraphs 3.1, 3.2 and 3.3 of the draft fees guidance (2018))**

1. Items in **PURPLE** show underpinning activities and costs, without which the licensing functions cannot operate effectively.
2. Items in **BLUE** represent the application costs. As there are an estimated 20 licences the total costs are then apportioned equally.
3. Items in **GREEN** represent compliance and enforcement costs;
4. Fee is payable in two parts. Part 1 includes purple and blue elements which are payable by all applicants and are non refundable. Part 2 includes the Green elements which are only payable by successful applicants. The Licence will contain a condition that, in order to be operable, both fees must be paid.
5. Licensing Unit Hourly rate of £40.00 includes salaries, on costs, transport, support services (corporate services, accounts, HR, legal, ICT) printing, consumables, office lighting, heating, accommodation costs etc.
6. Figures have been rounded as necessary.
7. Vets inspection fees will be added to part 1 as they are incurred and several such inspections may be grouped to reduce costs.