



## **LICENSING COMMITTEE**

20 September 2018

# **ITEM 4**

Report of the Strategic Director of Communities and Place

## **Changes to Animal Welfare Regulation**

### **SUMMARY**

- 1.1 Anyone who currently or in the future wishes to undertake licensable activities involving animals will need to comply with the new regulations which come into force on 1 October 2018.
- 1.2 Local Authorities must make sure that anyone who undertakes licensable activities involving animals obtains a licence by meeting the regulations or that appropriate action is taken where there is non-compliance. Licensable activities are defined in the legislation.
- 1.3 The duration of licenses will be dependent on the licensable activity.
- 1.4 Fees for licences must be set for the cost of considering the application, reasonable anticipated costs to ensure compliance with licence conditions and enforcement of unlicensed operators. The fee can include the cost of submitting information to the Secretary of State.
- 1.5 The Department for Environment Food and Rural Affairs (DEFRA) have provided separate guidance notes for conditions for each licensable activity.

### **RECOMMENDATION**

- 2.1 To note the report.
- 2.2 To approve the adoption of the Department for Environment Food and Rural Affairs Guidance notes for conditions for each licensable activity.
- 2.3 To approve the proposed fees set out at Appendix 2 for the licensing of activities as prescribed in The Animal Welfare (Licensing Activities Involving Animals) (England) Regulations 2018.

### **REASONS FOR RECOMMENDATION**

- 3.1 To ensure the Council fulfils its duties under The Animal Welfare (Licensing Activities Involving Animals) (England) Regulations 2018.

<b>SUPPORTING INFORMATION</b>
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- 4.1 The government, local authorities and animal welfare organisations have been asking for changes to legislation and more robust enforcement of animal welfare legislation for some time.
- 4.2 This is due to outdated animal welfare legislation which is complex, burdensome and difficult to adapt to the changing types of animal related businesses.
- 4.3 The Animal Welfare (Licensing Activities Involving Animals) (England) Regulations 2018 bring together a number of differing pieces of legislation under one set of regulations. This should streamline the application process, maintain and improve animal welfare standards.
- 4.4 Anyone who currently or in the future wishes to undertake licensable activities involving animals will need to comply with the new regulations which, on the whole, come into force on 1 October 2018.
- 4.5 Local Authorities must make sure that anyone who undertakes licensable activities involving animals obtains a licence by meeting the regulations or that appropriate action is taken where there is non-compliance.
- 4.6 Licensable activities are defined as:
- Selling of Pets
  - Providing or arranging for the provision of boarding for cats or dogs
  - Hiring of horses
  - Breeding dogs
  - Keeping animals for exhibition (to be licensed from 1 April 2019)
- 4.7 Inspections can only be undertaken by suitably qualified persons. This is defined as:
- a person holding a Level 3 Certificate granted by a body that is regulated and recognised by the office of qualification and examination regulations for the training and assessment of persons inspecting and licensing animal activity businesses. Inspectors are only qualified to inspect particular activity if specified on the qualification certificate
  - until October 2021, any person who can show one year's evidence of licensing and inspecting animal business activities
- 4.8 Differing licensable activities will have different durations with the activity of keeping of training animals for exhibition being for three years.

- 4.9 The duration of the licence will be determined by risk rating and whether the operator is meeting the higher standards of animal welfare rather than the minimum standards required by licence conditions.
- 4.10 DEFRA have produced guidance notes and conditions for all the licensable activities under the regulations. These are extensive and can be found on the Council's website using the link <https://www.derby.gov.uk/environmental-health-licensing-trading-standards/licensing/animal-licences/changes-animal-licensing/>
- It is proposed that the guidance notes and conditions are adopted which will ensure consistency rather than their being local variations.
- 4.11 The conditions within the guidance must be complied with in order to receive a licence.
- 4.12 Responsibility to obtain licence falls to the licence holder or prospective licence holder.
- 4.13 Fees for licences must be set. Fee setting can include considering the application, reasonable anticipated costs for ensuring compliance with licence conditions and enforcement of unlicensed operators. They can also include the cost of submitting information to the Secretary of State.
- 4.14 The proposed fees attached at Appendix 2 are based on the above criteria.

## OTHER OPTIONS CONSIDERED

- 5.1 None applicable

**This report has been approved by the following officers:**

<b>Legal officer</b>	Olu Idowu
<b>Financial officer</b>	Amanda Fletcher
<b>Human Resources officer</b>	n/a
<b>Service Director(s)</b>	n/a
<b>Other(s)</b>	Michael Kay

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<b>Background papers:</b>	<a href="https://www.derby.gov.uk/environmental-health-licensing-trading-standards/licensing/animal-licences/changes-animal-licensing/">https://www.derby.gov.uk/environmental-health-licensing-trading-standards/licensing/animal-licences/changes-animal-licensing/</a>
<b>List of appendices:</b>	Appendix 1 – Implications

	Appendix 2 – Proposed Fees
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<b>IMPLICATIONS</b>
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**Financial and Value for Money**

- 1.1 The Council will introduce these new fees from 1 October 2018 due to the change in legislation. The cost of the licence will be based on cost recovery, therefore all income and expenditure including training will be included in the charge and accounted for in the general Licensing account.

**Legal**

- 2.1 As the licensing authority, the Council is obliged to ensure that its licensing policies and related terms and conditions effectively safeguard animal welfare.

**Personnel**

- 3.1 None directly arising, however officers will need to be trained to undertake inspections from 2020.

**IT**

- 4.1 None directly arising.

**Equalities Impact**

- 5.1 The proposed changes will apply equally to all groups within the community and no particular group(s) will be disadvantaged.

**Health and Safety**

- 6.1 As set out in the report.

**Environmental Sustainability**

- 7.1 None directly arising.

**Property and Asset Management**

- 8.1 None directly arising.

**Risk Management and Safeguarding**

- 9.1 As set out in the report.

**Corporate objectives and priorities for change**

- 10.1 The information set out in this report supports the corporate priorities so the people of Derby **enjoy being safe and feeling safe** and the Council provides **good quality**

services that meet local needs.

## Appendix 2

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

Type of Licence	Proposed Fee from 1 October 2018
Dog Day Care Domestic Premises New	£245
Dog Day Care Domestic Premises Renewal	£185
Dog Day Care Commercial Premises New	£380
Dog Day Care Commercial Premises Renewal	£299
Dog Breeding (up to 5 bitches) new	£347
Dog Breeding (up to 5 bitches) renewal	£347
Re-score Inspection for all licensable activities	£81