

**ANIMAL ESTABLISHMENT LICENSING REFORMS**

|                            |   |
|----------------------------|---|
| Relevant Portfolio Holder  | Councillor P J Whittaker                                  |
| Portfolio Holder Consulted | Yes   |
| Relevant Head of Service   | Simon Wilkes – Head of Worcestershire Regulatory Services |
| Wards Affected             | All Wards   |
| Ward Councillor Consulted  | N/A   |
| Non-Key Decision           |   |

**1. SUMMARY OF PROPOSALS**

- 1.1 Members have previously received a report providing information to Members on upcoming reforms that are being made in relation to the licensing of various animal-related establishments as a result of the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018.
- 1.2 Further to that report, Members are now asked to consider recommending changes to the Worcestershire Shared Services Agreement dated 1<sup>st</sup> April 2016.
- 1.3 Members are also asked to recommend the proposed fees and charges for the new “Animal Activity Licence” which have been calculated on a cost recovery basis.

**2. RECOMMENDATIONS**

**2.1 The Committee is asked to recommend to Council that:**

- i) **Determination of all licensing applications in respect of Animal Welfare Act 2006 is removed from para 3, Schedule 2, Part II (Matters not Delegated) of the Worcestershire Shared Services Agreement dated 1 April 2016**
- ii) **The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 are added to Schedule 1 Appendix, Part II of the Worcestershire Shared Services Agreement dated 1 April 2016.**
- iii) **The following wording is added to Part II “Animal Health and Welfare” section of Appendix 1- Statement of Partner Service Requirements to Worcestershire Shared Services Agreement dated 1 April 2016.**

| <b>Activity</b>                           | <b>Outcomes/ critical success factors</b>  | <b>Performance measures/ key performance indicators and targets</b> | <b>Applicable policies, strategies, service standards, statutory codes or guidance</b>                                   |
|---|--|---|--|
| Licensing of Activities Involving Animals | Premises meet Licensing Conditions and License issued on time.<br>Animal welfare issues addressed assured and protected.<br>All appropriate persons and premises licensed. | Compliance with License conditions and standards.                   | The Animal Welfare Act 2006<br>The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 |

- iv) **Approval of the proposed fees and charges as detailed in the report at Appendix 1.**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 The costs of implementing the new reforms and the administration of the new licensing scheme will require additional resource. New fees have been calculated and set to reflect this additional staffing resource requirement and the additional work involved; funding of which will be shared between partner authorities on a proportionate basis based on the number of licences granted in each district.
- 3.2 Officers have calculated proposed fees and charges with regards to the regulations and have included in the calculations the costs arising from:
- Time spent assessing, administering and processing applications
  - Time spent for having experienced Licensing Officers reviewing applications
  - Storage of applications
  - Assessing the suitability of applicants and reviewing relevant offences
  - Undertaking the necessary site inspections and additional visits which are now required
  - The decision making on whether to issue a licence
  - The cost of issuing licences in a format that can be displayed.
  - Ongoing compliance with the regulations
- 3.3 The costs associated with dealing with any contested licence applications, have also been included in these calculations.

- 3.4 A schedule of the proposed fees and charges has been prepared which is attached to this report at **Appendix 1**. The proposed fees and charges for licences issued under the new regulations will need to be approved by Council before 1 October 2018.

**Legal Implications**

- 3.5 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 are scheduled to come into force on 1 October 2018. These regulations are made under the Animal Welfare Act 2006 and will replace the licensing regime and legislation currently in place.
- 3.6 Under the Bromsgrove District Council's Constitution officers have delegated powers in respect of licensing and registration functions to exercise authority (including approval and refusal, suspension and revocation, service of notices and orders or other matters requiring a decision by the Council under the Council's published policy and practice notes and the following legislation, regulations and guidance (and any re-enactment or replacement or consolidation of the statutes or regulations or guidance, or any modifications or extensions thereof) as a result it is not necessary to formally delegate the administration of licensing activities under the new regulations.
- 3.7 However the new regulations necessitate changes to the delegations to WRS under the Shared Services Agreement, adding the new regulations to the list of legislation relevant to delegated functions covered by Schedule 1, Part II of the Agreement.
- 3.8 In order for these changes to be facilitated and implemented, all six Worcestershire District Councils will need to agree that the items listed at section 2 of this report are recommended to Full Council to be incorporated into the WRS Shared Services Agreement and Statement of Partnership Requirements.
- 3.9 In addition the new regulations are very prescriptive in how matters should be conducted both in the granting and refusal of a licence and due to this very prescriptive nature of the regulations the Licensing authority is under strict limitations in respect of how it deals with each application lending the new regime to a much more administrative approach to animal licensing than the previous one. This leaves no Committee pathway to be utilised within the process. The prescriptive nature of the regulations will assist officers in both situations; with the right of any appeal to the First Tier Tribunal in the event of a refusal. As a result of this restrictive nature of the new regime it is proposed that the determination of all licences under the Animal Welfare Act 2006 is removed from Schedule 2 (Matters Not Delegated) allowing

therefore for the determination of all licences under the new regime to be covered by Schedule 1, Part II of the Agreement (Functions Delegated) and that the Statement of Partner Service Requirements to the Agreement is amended accordingly to allow officers to grant and refuse licences.

**Service / Operational Implications**

- 3.10 On 11<sup>th</sup> June 2018, the Licensing Committee received a report to inform Members of upcoming reforms to the licensing of animal related establishments as a result of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 3.11 This report explained that under the regulations the existing licensing schemes for animal boarding establishments, pet shops, riding establishments and dog breeders will be repealed and replaced by a new single licensing scheme that will regulate all of these activities and will also incorporate the licensing of those who train or exhibit performing animals.
- 3.12 Some of the main differences in the new licensing scheme are as follows:
- A licence will be able to authorise more than one activity (for example animal boarding and dog breeding activities will be able to be authorised by the same licence)
  - Licences will be able to be issued for a one, two or three year period (based on an assessment of risk)
  - Standard licence conditions are prescribed by the regulations rather than each authority deciding its own licence standard conditions for its area
  - The number of litters a dog breeder can produce in a 12-month period before they are presumed to require a licence will be reduced from five litters to three
  - There are new powers for licensing authorities to vary, suspend and revoke licences where there is non-compliance or it is necessary to protect the welfare of an animal
  - Inspections of premises will be required on a more frequent basis
- 3.14 At the time this report is being prepared, the detailed guidance on the implementation of the new regulations is still being awaited from DEFRA.

- 3.15 Licences issued under the existing legislative provisions and that remain in force on 1 October 2018 will continue to have effect until they expire. At that point an application will need to be made by the operator for a licence under the new licensing scheme.
- 3.16 Worcestershire Regulatory Services has been preparing for the implementation of the new regulations by:
- Liaising with the district Councils on setting appropriate licence fees to ensure full cost recovery
  - Informing existing licence holders of the forthcoming changes
  - Updating content on the Council and WRS websites
  - Liaising with Worcestershire County Council (Trading Standards) with regards those currently registered under the Performing Animals (Regulation) Act 1925
  - Training officers on the new licensing scheme
  - Updating computer systems to support the implementation of the new regulations
- 3.17 In order to be able to successfully implement the regulations from 1<sup>st</sup> October 2018, Members are now asked to recommend to Council matters relating to the delegation of functions and the setting of fees under the regulations.

**RISK MANAGEMENT**

- 4.1 In order to fully administer the requirements of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 appropriate delegations will need to be in place to the Head of Worcestershire Regulatory Services, as highlighted in the recommendation of the report.

**5. APPENDICES**

Appendix 1 – Schedule of Fees

**AUTHOR OF REPORT**

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