

**ANIMAL ESTABLISHMENT LICENSING REFORMS –
INFORMATION REPORT**

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

This report has been prepared to provide 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.

2. RECOMMENDATIONS

2.1 That Members note the contents of the report.

3. KEY ISSUES

Financial Implications

- 3.1 The costs of implementing the reforms will be met from existing budgets held by Worcestershire Regulatory Services.
- 3.2 Appropriate fees for licences under the new regulations will need to be calculated and approved by the Council prior to 1 October 2018.

Legal Implications

3.3 None

Service / Operational Implications

3.4 Bromsgrove District Council is currently responsible for functions in relation to the licensing and regulation of various animal-related activities. Worcestershire Regulatory Services carries out these functions on the Council's behalf.

- 3.5 The various functions are currently carried out under a variety of different pieces of legislation. The table below sets out the activities regulated and the legislation under which the Council currently licences people to carry out the activities:

Regulated Activity	Legislation
Keeping a boarding establishment for cats or dogs (kennels, catteries, home boarding, day care facilities)	Animal Boarding Establishments Act 1963
Keeping a riding establishment	Riding Establishments Act 1964 Riding Establishments Act 1970
Keeping a breeding establishment for dogs	Breeding of Dogs Act 1973 Breeding and Sale of Dogs (Welfare) Act 1999
Keeping a pet shop	Pet Animals Act 1951
Keeping a Dangerous Wild Animal	Dangerous Wild Animals Act 1976
Operating a Zoo	Zoo Licensing Act 1981

- 3.6 In addition to this, Worcestershire County Council (Trading Standards) is currently the authority responsible for the registration of those who train or exhibit performing animals under the Performing Animals (Regulation) Act 1925.
- 3.7 Section 13 of the Animal Welfare Act 2006 provided the Secretary of State with powers to repeal parts of the existing legislation and replace it with a new licensing or registration regime.
- 3.8 In December 2015, the Department for Environment, Food and Rural Affairs (DEFRA) launched a consultation on some proposals to introduce new secondary legislation under section 13 of the Animal Welfare Act to implement a single “Animal Establishment Licence” for animal boarding establishments, pet shops, riding establishments and dog breeding establishments.

- 3.9 In February 2017, DEFRA published a further document entitled “The review of animal establishments licensing in England – Next steps.” This set out a summary of the decisions made by DEFRA about changes to the licensing system for animal establishments in England following the consultation exercise. A copy of the “Next steps” document can be seen at **Appendix 1**.
- 3.10 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 were eventually made on 16 April 2018 and are scheduled to come into force on 1 October 2018. A copy of the regulations can be seen at **Appendix 2**.
- 3.11 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 The current licensing schemes for zoos and those who keep dangerous wild animals are not affected by the regulations and will continue to be carried out under the existing legislative provisions.
- 3.13 Some of the main differences in the new licensing scheme will be:
- 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
- 3.14 Detailed guidance on the implementation of the new regulations is still being awaited from DEFRA and is anticipated to be published this summer.
- 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 will need to carry out a number of pieces of work in preparation for the implementation of the new regulations including:

- Calculating appropriate licence fees to ensure full cost recovery
- Drafting application forms and guidance notes for applicants
- 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 The Council will need to approve the fees to be charged for licences issued under the new regulations before 1 October 2018.

3.18 Further updates on the implementation of the new licensing scheme will be provided to the Licensing Committee later this year, either by way of a verbal update or a further written report to the Committee.

RISK MANAGEMENT

4.1 None

5. APPENDICES

Appendix 1 – DEFRA publication “The review of animal establishment licensing – Next Steps”

Appendix 2 – The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

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