

11. Animal Welfare Licensing

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Wards Affected: ALL
Key Decision: No
Report to: Licensing Committee
18th September 2018

Purpose of Report

1. To inform the Committee about new Animal Welfare Regulations which become law on 1st October 2018.

Recommendations

The Committee is requested to note the new regulations.

Background

2. On 1 October 2018 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 come into force. These regulations will replace a number of pieces of existing legislation set to be repealed at the end of 2018 and will provide a new single licensing regime for a number of animal licensing activities.
3. Those undertaking the following activities will need to be licensed under the new regime :
 - (a) Selling animals as pets
 - (b) Providing or arranging for the provision of boarding for cats or dogs (including kennels, home boarding and day care)
 - (c) Hiring out horses
 - (d) Breeding dogs
 - (e) Keeping or training animals for exhibition
4. The currently licensing arrangements are made under various Acts of Parliament, the oldest of which is dated 1925. Over the course of a number of years local authorities, including this one, has adopted conditions for the different type of animal licences. Most notably we have responded with bespoke conditions to an increase in home boarding for dogs and 'dog day care crèches'.
5. To provide some context, we currently licence:
 - (a) Twelve dog kennel sites
 - (b) Nine pet shops
 - (c) Three dog breeding sites
 - (d) Three day care sites for dogs
 - (e) Thirty three Home Boarding for dog sites
 - (f) Eight Riding establishments

6. The new Regulations bring the licensing under one set of rules. It sets out general conditions specific to all licences and specifies others according to which type of licence is issued. It details action to be taken before a licence can be granted. This includes inspections of the premises to assess compliance with the new conditions and whether the applicant is a 'fit and proper' person to hold a licence.
7. The Regulations formalise a suspension, variation and revocation procedure; something that is not apparent in the myriad of current legislation. Similar to the Food Hygiene Rating Scheme the regulations have introduced a star risk rating. It will provide a star risk rating for each premises based upon the outcome of the inspection and their record keeping. Businesses can appeal their scores or request a further inspection.
8. Under the new Regulations requires the business to display the local authority licence number and name of the issuing authority.
9. It further introduces requirements on the sale of some animals in order to deal with the increase problem of puppy farms. From the 1st October no puppy under the age of eight weeks may be sold. All such dogs offered for sale must have their photograph displayed in the advert and the puppy may only be shown to a prospective purchaser if it is with its biological mother.
10. Section 15 of the Regulations allow the local authority to suspend vary or revoke a licence if it is satisfied that
 - (a) The licence conditions re not being complied with
 - (b) There has been a breach of the regulations
 - (c) Information supplied by the licence holder is false or misleading
 - (d) It is necessary to protect the welfare of an animal
11. The procedure to vary or suspend a licence without consent of the licence holder is staged.
 - (a) A decision to suspend or vary a licence takes effect seven working days starting on the day the notice is issued to the licence holder. (an exception to this is if the licence is suspended to protect the welfare of an animal- this takes effect immediately)
 - (b) The licence holder may make representation which must be received within seven working days of the notice being issued.
 - (c) Within seven days of receipt of any representations and having considered them , the authority must
 - i. Suspend or vary the licence
 - ii. Cancel the original decision to suspend or vary the licence
 - iii. Confirm the suspension or variation if the suspension was immediate to protect the welfare of an animal
 - iv. To reinstate a licence or cancel its variation in the case where it was immediately suspended.
12. Regulation 16 sub section (11) deals with a licence that has been suspended for twenty eight days by placing a duty on the authority to;

- (a) Reinstate the licence without varying it
- (b) Vary and reinstate the licence as so varied
- (c) Revoke the licence.

13. If the authority fails to comply with paragraph 11 above the licence is deemed to be reinstated without variation.
14. It is proposed that a Licensing sub committee determines the action to be taken as outlined in Regulation 16 sub section (11) above. This will give the committee the opportunity to hear all evidence relating to the matter and provides them with alternative decisions
15. If the authority revokes the licence there is a right of appeal to the First Tier Tribunal.
16. There will be sufficient time for arrangements to be made for a Committee to hear the matter and the necessary papers to be served on all parties. It is likely that internal procedures will be put into place to provisionally arrange a Committee Hearing immediately it becomes necessary to suspend a licence.
17. Table of Delegation of Licensing Functions

Matters to be dealt with	Sub-Committee	Officers
Application for new licence	If a there is a recommendation to refuse	If no recommendation to refuse
Application for existing licence renewal	If a there is a recommendation to refuse	If no recommendation to refuse
Request for re inspection		All cases
'Star Rating ' Appeal		All cases
Regulation 15 Suspension/Variation of Licence		All Cases
Regulation 16 Suspension/Variation of Licence		All Cases
Regulation 16 Sub Section (11) Variation/Reinstatement/Revocation of Licence	All cases	

Policy Context

18. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 contains prescribed procedures as outlined above.

Background Papers

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. <http://www.legislation.gov.uk/uksi/2018/486/contents/made>