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| <b>TITLE</b>                | <b>Animal Licensing Update</b>                   |
| <b>FOR CONSIDERATION BY</b> | Licensing and Appeals Committee on 19 March 2019 |
| <b>WARD</b>                 | Non-specific                                     |
| <b>LEAD OFFICER</b>         | Sean Murphy – Public Protection Manager          |

## **OUTCOME / BENEFITS TO THE COMMUNITY**

This report aims to update the Committee on the changes that have taken place in the field of animal licensing following the commencement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and what impact these changes have had on the authority.

## **RECOMMENDATION**

**That the Committee notes the content of the report.**

## **SUMMARY OF REPORT**

The legislation which covers the majority of local authority animal licences has changed. The new legislation provides statutory national minimum standards that must be met by businesses before a licence is granted and bring in new requirements for Council inspectors to be qualified to conduct inspections.

This report provides information to the Committee so they are aware of the changes and the impact that they have had upon the service.

## **Background**

On 1 October 2018 the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 ('the Regulations') came into force. These Regulations are made under powers conferred under the Animal Welfare Act 2006, and replace a number of pieces of legislation, dating back as far as 1925.

Activities licensable under the Regulations are selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs, or keeping or training animals for exhibition.

The local authority also issues licences for zoos and dangerous wild animals, with the legislation for these activities not affected by the Regulations.

## **Analysis of Issues**

The aim of the new Regulations is to raise and modernise the welfare standards for businesses involving animals, as well as to streamline the licensing system, for example, by allowing operators who are carrying on more than one activity to have multiple activities authorised under one licence.

Conditions attached to licences and the standards that must be met before a licence can be granted are now set within the Regulations, rather than by individual authorities. These are therefore national standards, and cannot be amended or added to by the local authority. Further guidance on each of the licensable activities is published by DEFRA and available on the Council's website.

Transitional provisions within the Regulations allow any unexpired licence to continue in force for the remainder of their term. Existing performing animal registrations shall continue in force for a period of six months, meaning they will lapse at the end of March 2019.

The new Regulations include provisions for businesses to be issued a star rating, based upon the findings when the business is inspected and risk rated. A higher star rating indicates higher welfare standards and that the authority has a higher confidence in the business. A high star rating also means the licence can be issued for up to 3 years, potentially reducing the administrative burden on the licence holder and the authority, and reducing the frequency that well run businesses need to be inspected.

Other changes include matters such as:

- Requirements that breeders must show puppies alongside their mother before a sale is made.
- Reduced the litter threshold for dog breeders before a licence is needed, from 5 litters per year to 3.
- Requirements that puppy sales are completed in the presence of the new owner – preventing online sales where prospective buyers have not seen the animal first.
- A ban on licensed sellers dealing in puppies and kittens under the age of eight weeks of age.
- New regulation of adverts, including on the internet, to ensure 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.
- New licensable activity of 'arranging for arranging for the provision of boarding for cats or dogs', meaning businesses who do not provide boarding themselves but act as a 'middle man' must now be licensed.

One of the key impacts on the local authority and how the Public Protection Partnership ('PPP') administers applications and licences is that persons conducting inspections on licences premises or prospective licensed premises must be 'suitably qualified'. This means an inspector must be someone who is either:

- A person holding a Level 3 certificate or equivalent in inspecting and licensing animal activities businesses, granted by a body recognised and regulated by OFQUAL, or
- Any person holding a formal veterinary qualification, or
- Until October 2021, any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses

Inspections are currently contracted to City of London who provide suitably qualified inspectors.

One challenge to PPP that has been created has been the number of enquiries received from members of the public and licence holders in relation to the new Regulations. The principle questions have been 'do I now need a licence?' and 'what

are the changes I need to make to meet the new Regulations?’. Other necessary work has included the creation of new application forms and licence templates for each licensable activity.

The current set of fees no longer cover the costs associated with processing, issuing, and enforcing licences. A new schedule of fees is presently being worked on and shall be presented to the Committee later this year with a recommendation for adoption. These fees will be calculated based upon the costs associated with processing applications and ongoing enforcement costs. They will also take into account the fact that licences can now be issued for 1, 2 or 3 years. This is likely to result in an increase of the fees charged to licence holders, however, licence holders granted a higher star rating will encounter reduced inspection costs.

It is noted that the Regulations do not include the ban of third party sales of puppies and kittens known as ‘Lucy’s Law’. The Government has confirmed that following their consultation on Lucy’s Law, a ban will come in to force, and will be introduced separately “when parliamentary time allows”.

**FINANCIAL IMPLICATIONS OF THE RECOMMENDATION**

*The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.*

|                                   | How much will it Cost/ (Save)   | Is there sufficient funding – if not quantify the Shortfall | Revenue or Capital? |
|-----------------------------------|---|---|---------------------|
| Current Financial Year (Year 1)   | Current fees not reflective of cost to provide service, new fee to be set on cost recovery basis. | N/A   | N/A                 |
| Next Financial Year (Year 2)      | No impact   | N/A   | N/A                 |
| Following Financial Year (Year 3) | No impact   | N/A   | N/A                 |

**Other financial information relevant to the Recommendation/Decision**

The current set of fees no longer cover the costs associated with processing, issuing, and enforcing licences. A new schedule of fees is presently being worked on and shall be presented to the Committee later this year with a recommendation for adoption.

**Cross-Council Implications**

There are no implications arising from the recommendation in this report.

**List of Background Papers**

DEFRA Guidance notes and conditions – available via: [www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities](http://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities)

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| <b>Date</b> 8 February 2019      | <b>Version No.</b> 1.1                         |