



Public Session

Report Reference Number: L/18/12

To: Licensing Committee
Date: 10th September 2018
Author: Sharon Cousins, Licensing Manager
Lead Officer: Jade Reynolds, Legal Officer

Title: The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

Summary:

On the 1st October 2018 the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 come into force, which introduce a new system of local authority licensing of activities involving animals in England. The regulations form part of a package of reforms that the Government are delivering to improve animal welfare.

Recommendations:

To note the changes to the legislation as of 1st October 2018, this will include:

- changes to the conditions issued under all animal welfare licences, to include a minimum welfare standard;
- licences will be required for all commercial sales of all animals
- Introduction of licensing Day boarding.

1. Introduction and background

- 1.1 As of the 1st October 2018 new regulations will come into force, which introduce a new system of local authority licensing of activities involving animals in England. The regulations are to specifically update the licensing system for dog breeding, pet sales, riding establishments and animal boarding establishments. They also modernise the system for animal exhibits, which are currently regulated under the Performing Animals Act 1925. The current licensing and registration system that covers these five animal activities is outdated and complex. The new regulations create up-to-date minimum welfare standards for these five activities in England, while streamlining the system for both local authorities and businesses.

2 The Report

- 2.1 Selby Council is responsible for issuing licences for pet shops, dog breeding, dangerous wild animals, animal boarding (dogs and cats, overnight home boarding), and riding establishments, zoo licensing and performing animals.
- 2.2 As of 1st October 2018 the definition of 'boarding' will change to:
'Providing or arranging for the provision of accommodation for other people's cats or dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business by-
- (a) Providing boarding for cats;
 - (b) Providing boarding in kennels for dogs;
 - (c) Providing home boarding for dogs; or
 - (d) Providing day care for dogs.

This will mean that the authority will be required to licence businesses offering a day boarding service.

- 2.3 Over recent years there has been a concern about the increase in the online sale of pets. The current legislation is not clear on whether or not a business requires a licence, and so enforcement is inconsistent across the country. Under the new regulations, all commercial sales will require a licence, including those that take place online. All of these businesses will have to comply with the minimum welfare standards set out in the regulations. These measures will ensure that the licensing system is consistent and fit for purpose in this modern age. Guidance was released in 7th August 2018, in relation to the new regulations. This showed in scope criteria, activities that are subject to licensing, Guideline indicators of running a business of selling animals as pets, which maybe a consideration when deciding if a licence is required and out of scope criteria, activities that are not subject to licensing, namely infrequent sale of surplus stock, organised events where people meet to sell surplus stock and agricultural production businesses that are authorised under regulation 5(1) of the Aquatic Animal Health (England and Wales) Regulations 2009, and that are inspected by the Fish Health Inspectorate.
- 2.4 All advertisements for the sale of dogs legally must show the licence number of the breeder, with the requirement that any sale be completed at the premises where the puppy was bred to make sure that the purchaser sees the puppy and the conditions in which it has been kept before making the final purchase. All licensed pet sellers will also be required to provide purchasers with information about how to care for the animal they are buying.
- 2.5 All new licences with effect from 1st October 2018 must contain the regulations and conditions. Existing licence holder's conditions will change to these once their licence renews at the end of the year. Every licence will have 'General Conditions' and 'Specific Conditions' which relate to the type of licence issued. (Appendix A, link found on website, under Schedule 2).
- 2.6 The regulations recommend that the maximum licence length that can be issued be increased from one to three year, with the longer licences going to businesses with earned recognition and a low level of risk. Officers recommend that all licences continue for one year to avoid fewer inspections and the level of risk increasing.

- 2.7 The licensing of activities Involving Animals Regulations require those carrying out inspections to be appropriately qualified (level 3 or equivalent), to ensure the legislation, its guidance and animal welfare requirements are understood and implemented. As per the Guidance released in August inspectors can also include a person holding a formal veterinary qualification as recognised by the Royal College of Veterinary Surgeons (“RCVS”) or until October 2021, any person that shows evidence of at least one year of experience in licensing and inspecting animal activities businesses.
- 2.8 All dog breeders under the new legislation will be required to have a vet inspect the premises and report their finding prior to the issue of a new licence / renewal of a licence.

3 Financial Issues

- 3.1 There are no financial implications.

4. Legal Issues

- 4.1 Local authorities are the Licencing authority under the legislation and are responsible for any licensable activity carried out on premises within its area. The Council must ensure that it comes to grips with the legislation quickly in order to ensure that appropriate licenses are issued from the date of enactment. The Council will need to ensure that it meets its responsibilities as the Licensing authority and enforces the legislation appropriately.

5. Policy Considerations

Selby currently has no Animal licensing policy. Officers will be seeking to create one to include details of the new regulations in the near future.

5.1. Conclusion

To note the changes to the regulations as of 1st October 2018, which will also increase the types of animal activities, such as hobbyist bird people the Authority currently licences.

6. Background Documents

Appendices:

Appendix A – <https://www.selby.gov.uk/animal-welfare-updates>

Contact Officer:

*Sharon Cousins
Licensing Manager
Selby District Council
scousins@selby.gov.uk*