

Item

CHANGES TO ANIMAL WELFARE LICENSING

To:

Licensing Committee

Report by:

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Wards affected:

All

1. Executive Summary

1.1 Cambridge City Council has powers granted under the legislation and secondary legislation listed below to regulate a variety of animal related businesses, as well as the keeping of specified dangerous animals by individuals:

- i) Animal Boarding Establishments Act 1963
- ii) Breeding of Dogs Act 1973 and 1991
- iii) Breeding and Sale of Dogs (Welfare) Act 1999
- iv) Sale of Dogs (Identification Tag) Regulations 1999
- v) Breeding of Dogs (Licensing Records) Regulations 1999
- vi) Dangerous Wild Animals Act 1976
- vii) Pet Animals Act 1951 and Pet Animals Act 1951 (Amendment) Act 1983
- viii) Riding Establishments Act 1964 and 1970
- ix) Zoo Licensing Act 1981
- x) Performing Animals (Regulation) Act 1925
- xi) Animal Welfare Act 2006

1.2 The type of licences that the Council is able to issue are:

- **Animal boarding establishment licences** (for businesses accommodating dogs or cats – e.g. kennels, catteries, home boarders, pet day care)
- **Dog breeding establishment licences** (premises used for, or in connection with, the commercial breeding of dogs)
- **Pet shop licences** (any business which keeps animals with a view to selling them as pets)
- **Riding establishment licences** (premises which keep horses and ponies for hire for riding, or for riding tuition – excluding livery stables)
- **Zoo licences** (wild animals kept for exhibition to members of the public)*
- **Dangerous wild animal licences** (certain types of wild animals kept for personal use)*

* Zoo licences and Dangerous wild animal licences are not affected by the new regulations coming into effect on 1 October 2018, and will not be discussed further.

1.3 The Animal Welfare Act 2006 allowed the Department for the Environment, Food and Rural Affairs (DEFRA) to pass regulations that could repeal or amend any of the primary Licensing Acts or create new forms of licences.

1.4 In April 2018 DEFRA exercised this power and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“2018 Regulations”) were passed by Government. This new law will take effect on 1st October 2018.

2. Recommendations

2.1 Members are asked to approve the Animal Welfare Licensing Policy (Appendix A) to take effect from 1st October 2018.

2.2 Members are asked to approve and adopt the proposed fee structure (Appendix B) to take effect from 1st October 2018.

2.3 Members are asked to delegate any decisions in relation to Animal Welfare to Officers.

3. Background

3.1 Cambridge City Council is responsible for the regulation of a variety of animal related businesses, as well as the keeping of specified dangerous wild animals by individuals.

3.2 The current number of licences that are issued by Cambridge City Council are set down below:

Licence Type	Total
Animal Boarding (Kennels & Catteries)	0
Animal Boarding (Home Boarding Dogs)	6
Animal Boarding (Home Boarding Cats)	0
Animal Boarding (Pet Day Care)	0
Dog Breeding Establishments	0
Pet Shop	2
Riding Establishments	0
Dangerous Wild Animals	0
Zoos	0

3.3 In addition to the licences issued by Cambridge City Council, Cambridgeshire County Council Trading Standards are currently responsible for the registration of any performing animals based within the County.

3.4 Inspections are conducted annually by an Authorised Officer from the Commercial & Licensing Team or, where legally required, by a veterinary surgeon and, subject to a satisfactory inspection the licence is issued for a further twelve months.

3.5 In April 2018, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 were passed by Government, to take effect from 1st October 2018.

3.6 In summary, the regulations have introduced the following:

- i) There are new definitions of what is, and what is not, a licensable activity.
- ii) Statutory guidance for each specific licensable activity has been introduced, in addition to statutory procedural guidance that officers must have regard to.

- iii) All animal licensing activities will be covered by one licence, where more than one activity occurs on a premises (e.g. dog boarding and dog breeding).
- iv) Licences can be granted for a period of up to three years.
- v) The 31st December fixed licence renewal date has been removed.
- vi) The discretion for the Council to set conditions has been removed, all conditions are now statutory.
- vii) A new star rating scheme has been introduced for licence holders, based upon standards of welfare and risk.
- viii) The introduction of obligatory training for all inspecting officers to ensure that they are 'suitably qualified'.
- ix) The right for Councils to suspend, vary or revoke licences.
- x) The licensing of performing animals has been transferred from a County Council function to a function for the District Council (the Licensing Authority).

3.7 For clarity, the definitions of Licensable Activity can be found at Appendix C.

3.8 The introduction of a star rating scheme allows the inspecting officer to assess the welfare standards and the risk level of the premises in question. Where a premises has more than one licensable activity, the lowest star rating is the one which is set for the whole establishment. The number of mandatory inspections is then determined by the star rating. Appendix D details the scoring matrix and explains the link between the rating and inspection regime.

3.9 The new regulations allow the Council to suspend, vary or revoke a licence and, whilst full reasons must be given, the decision can be made by Officers in accordance with the Council's scheme of delegation.

There is a right of appeal to the Magistrate's Court over any such decision made.

3.10 The ability for licences to last up to three years, and the fact that the duration of a licence is assessed at the point of initial inspection (which is only commenced after an application is submitted), means that the current fee structure will no longer be fit for purpose from 1st October 2018. The 2018 regulations state that a Local Authority may charge such fees as it considers necessary for:

- i) the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration.
- ii) the reasonable anticipated costs of consideration of a licence holder's compliance with the Regulations and the licence conditions to which the licence holder is subject to.
- iii) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and
- iv) the reasonable anticipated costs of compliance in undertaking statutory returns.

The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection. The fees for Animal Licensing will be reviewed annually and agreed as part of the budget setting process.

3.11 It is envisaged that administering the new regulations will be more time and resource consuming than the current system. However, it is not possible to predict the exact level of the extra demand.

3.12 Appendix D detailing the proposed fee structure is based around the cost recovery fees that are currently charged. The proposed fees have taken into account the impact of the need for fewer inspections and renewals to those licence holders who are assessed as being 3, 4 or 5 star establishments.

3.13 The proposed fees also reflect the ability for licence holders to request re-inspections for re-rating or variation purposes. This has been separated from the overall licence fee in order to ensure that the cost of these optional inspections is carried by the premises requesting them, and not the trade as a whole.

4. Implications

(a) Financial Implications

The legal changes have impacted on the fees set by the Licensing Authority as, in some cases, an annual inspection will not be required and no annual renewal process will be required. It would therefore be unlawful to charge for such items.

Overall, it is expected that despite some individual licence holders requiring fewer inspections and renewals, administering the regulations will take more resource than currently used.

(b) Staffing Implications

A new requirement has been introduced for all inspecting officers to be suitably qualified. This is defined as any person holding a Level 3 qualification in inspecting and licensing animal activities businesses, any person holding a formal veterinary qualification or until October 2021, any person that can evidence of at least one year of experience in licensing and inspecting animal activities businesses. The suitably qualified requirement will be effective from October 2021.

(c) Equality and Poverty Implications

Nil

(d) Environmental Implications

Nil

(e) Procurement Implications

Nil

(f) Community Safety Implications

Nil

5. Consultation and communication considerations

DEFRA undertook a public consultation from 12th December 2017 to 31st January 2018 on the Draft Bill.

6. Background papers

Background papers used in the preparation of this report:

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018: Procedural guidance notes for Local Authorities
<https://www.legislation.gov.uk/ukxi/2018/486/contents/made>

7. Appendices

Appendix A – Draft Animal Welfare Licensing Policy 2018

Appendix B – Proposed Fee Structure

Appendix C – Definitions of Licensable Activity

Appendix D – Star Rating Matrix

9. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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