

## **Animal Welfare Regulations 2018**

<b>Head of Service/Contact:</b>	Rod Brown, Head of Housing & Community
<b>Urgent Decision?(yes/no)</b>	No
<b>If yes, reason urgent decision required:</b>	N/A
<b>Annexes/Appendices (attached):</b>	None
<b>Other available papers (not attached):</b>	Animal Welfare (Licensing of activities involving animals) Regulations and guidance notes

### **Report summary**

**To inform the Committee of the new Animal Welfare Regulations and appeals channels under the Animal Welfare Act 2006.**

### **Recommendation**

**That the Committee**

- (1) note the introduction of new regulations and appeals channels;**
- (2) agree the process of delegating appeal processes to the Head of Service (or such other officer as necessary).**

### **1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy**

1.1 None.

### **2 Background**

2.1 From 1 October 2018 changes came into effect under the Animal Welfare Act 2006 which amended the way animal licensing is administered and regulated.

2.2 The regulations are aimed at strengthening animal welfare, particularly around puppy sales. They:

- Ensure that breeders must show puppies alongside their mother before a sale is made.

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- Tighten regulations so that puppy sales are completed in the presence of the new owner – preventing online sales where prospective buyers have not seen the animal first.
- Ban licensed sellers from dealing in puppies and kittens under the age of eight weeks.
- Regulate adverts, including on the internet, by ensuring 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.
- Introduce a new "star rating" for dog breeders, pet shops and others to help people rate them on their animal welfare standards.

2.3 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 under section 13 of the Animal Welfare Act 2006 replace some existing licensing regimes and to put in place a new licensing regime to control the following "licensable activities";

- Selling animals as pets
- Providing or arranging for the provision of boarding for cats or dogs
- Hiring out horses
- Breeding of dogs
- Keeping or training animals for exhibition

2.4 The regulations introduced a new licensing regime to replace the licensing and registration regimes under the following legislation:

- Pet Animals Act 1951
- Animal Boarding Establishments Act 1963
- Riding Establishments Act 1970
- Breeding of Dogs Act 1973 and Breeding and Sale of Dogs (Welfare) Act 1999
- Animals Boarding Establishments Act 1963
- Performing Animals (Regulations) Act 1925

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- 2.5 The Department for Food, Environment and Rural Affairs (DEFRA) has now published procedural guidance for local authorities in relation to the new regulations, along with guidance notes on the conditions that will apply to licences issued to authorise the different licensable activities.
- 2.6 Guidance notes for each activity are at Canine and Feline Sector Group's website:  
[http://www.cfsg.org.uk/\\_layouts/15/start.aspx#/SitePages/Legislation%20and%20Guidance.aspx](http://www.cfsg.org.uk/_layouts/15/start.aspx#/SitePages/Legislation%20and%20Guidance.aspx).
- 2.7 Members of the Committee will receive training on the licensing regime in the new municipal year.
- 2.8 Animal licensing fees and charges will be reviewed annually in line with the Council's fees and charges.
- 2.9 Alongside the new licensing regime is the introduction of a risk rating scheme and scoring matrix which assesses the minimum and higher standards met by the business. The scoring matrix will then determine the star rating of the business, with the maximum star rating being 5 stars. The higher the star rating, the longer the duration of the licence and lesser the inspection frequency will be.
- 2.10 Under the regulations, if a business is aggrieved by the star rating they first have the right of appeal, which must be in writing. If the operator is aggrieved by the outcome of the appeal, they have a right to challenge the decision by way of judicial review.
- 2.11 If an application for a licence is refused, then the business has a right of appeal. This appeal will be to the Magistrates Court.
- 2.12 If during the course of a licence validity, the licence is suspended or varied, the applicant has a right of appeal, this will be in the first instance to the Licensing (General) Sub Committee, and then to the Magistrates Court (if applicable).
- 2.13 If during the course of validity of the licence, the licence is revoked, the applicant has a right of appeal, this will be the Magistrates Court.

### **3 Proposals**

- 3.1 That the Committee note the implementation of the regulations and the appropriate appeals channels.
- 3.2 It is proposed that the first stage appeal for a star rating will be considered by officers. In this instance it is proposed the Head of Service will delegate decision making on appeals to the head of the department, namely the Licensing, Grants and Home Improvement Agency Manager.

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### **4 Financial and Manpower Implications**

4.1 The implementation of, administration and enforcement of the new regime will be undertaken using existing resources.

4.2 **Chief Finance Officer's comments** None for the purposes of this report

### **5 Legal Implications (including implications for matters relating to equality)**

5.1 These are set out within the report.

5.2 **Monitoring Officer's comments:** None arising from the contents of this report.

### **6 Sustainability Policy and Community Safety Implications**

6.1 None for the purpose of this report.

### **7 Partnerships**

7.1 None for the purpose of this report.

### **8 Risk Assessment**

8.1 As with any licensing regime, the Officers will ensure that the regulations and respective procedural guidelines will be fully adhered to.

### **9 Conclusion and Recommendations**

9.1 That the Committee note the implementation of the regulations and the appropriate appeals channels.

**Ward(s) affected:** (All Wards);