
REPORT TO:	COUNCIL	AGENDA ITEM: 11
DATE OF MEETING:	20 th SEPTEMBER 2018	CATEGORY: DELEGATED/ RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN/EXEMPT PARAGRAPH NO:
MEMBERS' CONTACT POINT:	EMMA McHUGH 01283 595716 emma.mchugh@south-derbys.gov.uk	DOC:
SUBJECT:	ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1. Recommendations

- 1.1 That Members note the changes in legislation regarding animal licensing.
- 1.2 That Members re-appoint all Licensing Officers as inspectors under the Animal Welfare Act 2006.
- 1.3 That Members approve the inclusion of 'animal licensing' in the Council's Scheme of Delegation and delegate the Monitoring Officer to make the relevant amendment.
- 1.4 That the proposed fees for licensable activities are approved to come into effect on 1st October 2018.

2. Purpose of Report

- 2.1 To provide Members with the necessary information to be able to give full consideration to the recommendations contained in this report.

3. Detail

- 3.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 come into force on 1st October 2018 and put in place a new licensing regime to control the following 'licensable activities':

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

- 3.2 The regulations replace the licensing and registration regimes currently in place under the following legislation:
- Pet Animals Act 1951
 - Animal Boarding Establishments Act 1963;
 - Riding Establishments Acts 1964 and 1970;
 - Breeding of Dogs Act 1973 and Sale of Dogs (Welfare) Act 1999;
 - Performing Animals (Regulation) Act 1925.
- 3.3 The administration of the Performing Animals (Regulation) Act 1925 currently falls under the remit of Derbyshire County Council however the keeping or training animals for exhibition will, from October 2018, be administered by this Licensing Authority. Existing registrations will have until April 2019 to apply for a new 3 year licence.
- 3.4 Existing licence holders with this Licensing Authority will have to apply for a licence under the new regime before the expiry of their current licence.
- 3.5 With regards to the breeding of dogs, a licence will be required from the third litter which is a decrease from five litters unless the breeder is running a business which means that a licence is required from the first litter.
- 3.6 General and specific conditions will be attached to each type of licensable activity. Each type of activity, except keeping or training animals for exhibition, will be subject to a star rating system based on an inspection of the premises and their compliance with the general and specific conditions. If a premises is complying with the general and specific conditions they will be awarded 2 or 3 stars depending whether the premises is high or low risk which is based on the history of the premises. If a premises meets the higher standards, as detailed in the guidance notes produced by the Department for Food, Environment and Rural Affairs (DEFRA), they will be awarded 4 or 5 stars depending on the risk rating. The star rating of the premises will determine the length of the licence issued which will be from one year to three years.

Appointment of Inspectors

- 3.7 The 2018 Regulations have been issued under Section 13 of the Animal Welfare Act 2006 and will work in conjunction with the 2006 Act. Under section 51 of the 2006 Act, a local authority can appoint inspectors. Officers in the Licensing Department have previously been appointed as inspectors but Members are asked to reconfirm this appointment so Licensing Officers are able to deal with all aspects of the 2018 Regulations.

Fees

- 3.8 Under the 2018 Regulations, the Council may charge such fees as it considers necessary for the consideration of a grant, renewal or variation of a licence, the reasonable anticipated costs of consideration of a licence holder's compliance with the Regulations and their licence conditions, reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator and the reasonable anticipated costs of compliance with providing information to the Secretary of State.
- 3.9 The current fees do not reflect the actual cost to the Council therefore the fees have been reviewed and the following fees are proposed:

Type of Application	Fee
Dog breeding – grant	Application Fee - £177 Licence Fee - £186
Dog breeding – renewal	Application Fee – £164 Licence Fee - £185
Kennels and Catteries – grant and renewal	Application Fee - £173 Licence Fee - £162
Doggy Day Care – grant and renewal	Application Fee - £153 Licence Fee - £123
Home Boarding – grant and renewal	Application Fee - £133 Licence Fee - £84
Pet sales – grant and renewal	Application Fee - £172 Licence Fee - £174
Hiring out horses – grant and renewal	Application Fee - £173 Licence Fee - £153
Keeping or training animals for exhibition – grant and renewal	Application Fee - £146 Licence Fee - £171
Variation of licence	£147
Re-inspection for risk rating purposes	£120
Additional application fee if applying for more than one licensable activity at a time	£100
Inspection fee in relation to appeals (travel time will be added on to the time taken to inspect)	£45 per hour

In compliance with the Provision of Services Regulations 2009, the cost of the licence has been split between an application fee and a licence fee. The application fee is payable on application and is non-refundable if the application is refused. The licence fee is payable if the application is granted prior to the issuing of the licence.

4. Financial Implications

4.1 There are no financial implications to the Council.

5. Corporate Implications

5.1 These proposals will provide a clear framework for anyone wishing to start their own business which will contribute directly to the corporate vision to make South Derbyshire a better place to live, work, and visit, and to the theme of sustainable growth and opportunity.

6. Background Papers

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
Animal Welfare Act 2006
Scheme of Delegation