



LICENSING COMMITTEE REPORT

Date	28 November 2018
Classification	For general release
Title or report	Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
Report of	Director of Public Protection and Licensing
Decision maker	Licensing Committee
Wards involved	All
Financial summary	None
Report author and telephone	Steve Rowe, Licensing Team 1 Manager Ext. 7825

1 Executive Summary

- 1.1 On 1 October 2018, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force. These regulations (the Regulations) replace some of the existing legislation in relation to animal licensing regimes, which will be repealed at the end of 2018. They will provide a single licensing regime for a number of animal related activities.
- 1.2 The Regulations represent the Government's continuing commitment to review and reform pet licensing controls, and specifically, to update the licensing system for dog breeding, pet sales, riding establishments and animal boarding establishments. The Regulations also modernise the process for animal exhibits.
- 1.3 The Department for Environment, Food and Rural Affairs (DEFRA) has provided all local authorities with application forms and guidance documents relating to these new Regulations, to assist with their successful implementation over coming months.



- 1.4 Current legislation which is to be replaced is as follows:
- Pet Animals Act 1951 (Pet Shops)
 - Animal Boarding Establishments Act 1963
 - Performing Animals Act 1925
 - Riding Establishments Act 1964
 - Breeding of Dogs Act 1973
- 1.5 Zoos and Dangerous and Wild Animals will continue to be licensed under existing legislation.
- 1.6 The information detailed in this report outlines the key changes in relation to animal licensing controls, and steps towards implementation.

2 Background

- 2.1 Licensing and registration systems regulating the five animal activities of pet shops, animal boarding, riding establishments, breeding animals and performing animals are outdated and complex.
- 2.2 Westminster's primary focus, in terms of animal licensable activity, has always been in relation to the welfare and exhibition of wild animals to the public within a zoo environment. The council's Licensing Service works in conjunction with City of London Vets acting as the council's Animal Welfare officers, in this field of work.
- 2.3 The Licensing service is also responsible for licensing of animal boarding and riding establishments within the City. We currently license one known animal boarding establishment and two riding stables, which are open to the public. The use of horses for military or police purposes remain exempt under the new Regulations.
- 2.4 The council also delivers an Animal Warden's service, ensuring the welfare of dogs and stray dogs, and delivering the council's statutory responsibilities for collecting, kennelling, rehoming and promoting responsible ownership as required within the Animal Welfare Act 2006.
- 2.5 The new Regulations create up-to-date minimum welfare standards, seeking compliance from all those responsible for boarding, breeding, exhibiting and recreational use involving animals. They also streamline the system and provide clarity for both local authorities and business. In developing standards, the government has worked closely with stakeholders from the sector, animal welfare organisations, local authorities and veterinary bodies.



- 2.6 Schedules attached to the new Regulations provide detailed animal welfare standards for each of the activities listed. These standards impose clear welfare conditions on anyone who receives a licence for dog breeding, selling pets, boarding dogs and cats, hiring out horses or keeping or training animals for exhibit. This will make it easier for those operation within this industry to understand their responsibilities within legislation and easier for authorities to administer and control.
- 2.7 Under previous legislation, breaches of conditions or unlawful trading required local authority attendance at Magistrate's court for prosecution and subsequent licence revocation on conviction.
- 2.8 New Regulations allow the local authority to vary, suspend or revoke a licence without the need for legal action, making the process easier to enforce, with the likelihood of an expedited result.
- 2.9 Changes in legislation will initially have little impact on our animal licensing regime. However, these changes will strengthen and support welfare elements of the Animal Warden Service, and the increased legislative focus on breeding establishments, specifically dog breeders, is likely to increase activity, demand on resource and our future approach.

3 Key Changes

General

- 3.1 Each of the regimes has a general set of conditions (under Schedule 2 of the Regulations) as well as its own set of standard conditions (under Schedule 4 of the Regulations).

Risk Rating

- 3.2 The new Regulations provide two guidance tables for inspecting officers, setting out a risk rating process for welfare standards of operators and to determine whether an operator is high or low risk.

Appendix A illustrates the scoring matrix for Welfare Standards.

- 3.3 All operators will receive a risk rating from one to five stars, based on the welfare standards that they adopt and their compliance record. For example, a new operator who has no evidence of compliance will start at one star and will receive a licence for 1 year. During the licensed period, the operator will be visited by an inspecting officer (the City of London Vet) where a further assessment will be conducted and the operator will be reassessed to see if they meet the standards to achieve the next star level. This is a statutory requirement and provides a consistent approach for all operators.



- 3.4 The only exemption to this system is those persons keeping and training animals where the licence is automatically granted for 3 years under the new Regulations.

Dog Breeding

- 3.5 Consultation highlighted concerns associated with the behaviours of unscrupulous businesses, breeding dogs in poor conditions for maximum profit, and recognised the need for more restrictions on the breeding and selling of dogs.
- 3.6 Regulations have changed the definition of dog breeding, now including both large and small-scale dog breeders.
- 3.7 All businesses involved in breeding and selling dogs will need a licence. In addition, individual breeders will also need a licence if they breed three or more litters a year, and sell any of them. Where evidence is provided by the breeder that none of the puppies have been sold, they will not need to be licensed.

Animal Boarding

- 3.8 Anyone, providing or arranging for the provision of boarding for cats or dogs (including day care) will need a licence. Prior to the new Regulations the guidance was unclear. Now there are individual guidance documents for each animal activity including:
- Boarding in Kennels
 - Home Boarding Cats
 - Home Boarding Dogs
 - Day Care for Dogs (Businesses which provide daytime accommodation for dogs away from the dogs normal place of residence and do not keep them overnight).
- 3.9 Activities such as dog/cat sitting and dog walking, where an animal remains cared for within its normal place of residence, continues to remain unlicensed.

Pet Shops

- 3.10 Under the new Regulations, all commercial sales require a licence, including those that take place online.

Performing Animals (Keeping and Training Animals)

- 3.11 Currently, licences are granted for life with no compliance checks after the initial grant. Under the new Regulations, all licences will be granted for three years and will require the registration holders to renew so that their suitability is reevaluated on a tri-annual basis. There is no risk assessment applied to such activities.



4 Next Steps

- 4.1 The Licensing Service is currently implementing new processes in accordance with the Regulations. During the transitional period the Service will ensure that officers are adequately trained and will introduce an enforcement process in partnership with its Animal Welfare Officers from the City of London Veterinary Service, the Animal Warden and the City Inspectors.
- 4.2 The Service has updated its website with details of the new Regulations and has attached all of the guidance documents, conditions and application forms produced by DEFRA.
- 4.3 Contact has been made with the current licence holders advising them of the changes and new requirements under the Regulations.
- 4.4 In order to inform residents, landlords, businesses and key stakeholders of the new Regulations the Licensing service is working with the council's Communication Team and will publish a summary of changes in the 'My Westminster News Letter', we will also advertise through our social media platforms. This will be in addition to the national campaign advertising these new Regulations. The service is also engaging with the Animal Warden to ensure proactive communication to key stakeholder groups within the community.

5 Financial Implications

- 5.1 This activity will be funded by full cost recovery.

6 Background Documents

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
Procedural Guidance
Guidance notes for boarding cats and dogs
Guidance notes for breeding dogs
Guidance notes for day care for dogs
Guidance notes for exhibiting animals
Guidance notes for hiring out horses
Guidance notes for selling animals as pets



Appendix A

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	3 Star 2yr licence Min 1 unannounced visit within 24 month period	5 Star 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	2 Star 1yr licence Min 1 unannounced visit within 12 month period	4 Star 2yr licence Min 1 unannounced visit within 24 month period