

46. **Introduction of 'The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018'**

The Public Protection, Anti-Social Behaviour (PPASB) and Licensing Service Manager:

- a. presented a report which outlined the requirements of the Animal Welfare (licensing of activities involving animals) (England) Regulations 2018 which came into force on 1 October 2018
- b. reported that the Regulations would be the primary legislation for the licensing of the following animal activities;
 - Animal boarding (catteries and kennels)
 - Home boarding of dogs
 - Dog day care
 - Dog breeding
 - Riding establishments
 - Sales of animals (formerly pet shops)
 - Performing animals (formerly a registration administered by LCC)
- c. reported that all animal activities would be subject to the same regime which would bring them all into alignment, conditions were nationally set for each defined activity as contained within the Regulations
- d. outlined that the Regulations introduced a star rating system to allow customers to see how businesses performed against the Regulation Standards, this star rating would have to be on display alongside the licence at the premises
- e. stated that a scoring matrix would be in force to ensure consistency for scoring the star rating scheme, there was an internal appeal process for this process
- f. reported that the inspections would be carried out by the Council's Animals Warden and there would also be a vet check
- g. reported that the fees and charges were to be locally set based upon full cost recovery, as set out in the regulations and the proposed fees and charges outlined in section 4.4 of the report as follows:
 - The proposed fee for all licensable animal activities: **£250 + vets fees**
 - The fee of **£250 + vets fees:** proposed for all licences whether issued for 1, 2 or 3-year periods

(It was reported that this was due to the officer work remaining the same albeit over a variable period. This should also be viewed as an incentive for businesses to be compliant in order for them to be eligible for a longer licence term.)

- h. advised that the proposed charges above, as detailed within the report would be amended to state that the performing animals licence should be £220 not £250 due to there being no risk score attached to that licence fee
- i. advised in addition to the report that the members could decide to offer a reduction in fees for registered charity for catteries, kennels, and performing animals
- j. reported that delegation of powers would be proposed as set out below:
 - Granting of a licence – delegated to officers.
 - Refusal of a licence – delegated to officers, appeal heard by full Licensing Committee. Appeal of council decision to be heard by a First Tier Tribunal.
 - Suspension of a licence – delegated to officers to be authorised by Team Leader or above. (to be heard by full Licensing Committee within 28 days)
 - The guidance issued by DEFRA 'The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 Procedural guidance notes for local authorities' Page 9, clearly set out the grounds for suspension of a licence and the mechanism for suspension dependent upon the offence as well as grounds for reinstatement.
 - Revocation of a licence – full Licensing Committee.
- k. advised on the recommendation in the report at section 11 of the report to consider the proposed fees prior to referral to Executive and then Council.
- l. invited members questions and comments.

Cllr Smith sought clarification regarding the position with the dog breeders.

Cllr Kerry raised concerns about the enforcement against, for example, dog breeders and how this would be dealt with. The PPASB and Licensing Manager advised that the team would act upon any information received. If an individual wanted to advertise on media outlets, they would need to provide a registration number in order to try to capture those smaller breeders. The Licensing Officer stated that it was difficult to predict what the enforcement levels would be at this stage.

Cllr Vaughan sought clarification regarding a right to appeal which was confirmed to end with the PPASB and Licensing Manager and the Assistant Director for Communities and Environment. Cllr Vaughan asking whether the council would choose the vet for this work.

The PPASB and Licensing Manager confirmed that a procurement process for authorised vet(s) to undertake this work would be commenced.

Cllr Vaughan sought clarification on enforcement procedures in relation to other performing animals other than owls.

The PPASB and Licensing Manager stated that the regulations included ferrets/bird demonstrations, however, would not include circus performing animals which were not permitted under other legislation.

Cllr Briggs sought clarification regarding the cost of breeding a dog, registering it, feeding/taking care of it and the profit relating to this.

The PPASB and Licensing Manager stated that if the applicant could prove the overall cost of vaccinations, microchipping, registering and raising the puppy up to point of sale etc. this amount would be considered in relation to the definition of dog breeders/permitted profit margins.

The Assistant Director for Communities and Environment reassured members that resources were in place to administer the legislative changes to the licensing of animal activities. The standards of the council were high and the legislation was welcomed by the team to consolidate the framework for this regime. It was suggested that a progress report back to the Committee be provided in 6 months' time.

The Decision

That the following recommendations be referred to Executive and Council:

- 1 To approve the fees for all licensable activities under 'The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 of:
 - £250 plus Vet's fees
 - The revised figure for the performing animals licence of £220
 - A 10% reduction in fee for licences charged for catteries, kennels, and performing animals.
- 2 That a further progress report be provided to Licensing Committee 6 months after the commencement of the operation of the new regulations.

Reasons for the Decision

A unanimous decision was reached by members of the Licensing Committee. Members fully supported the decision and members agreed with the proposals and were pleased to see the various regimes being brought together and were grateful for the work of the team.

Dated: Signed

Designation: Licensing Officer

Please address any communications to:

The Licensing Team
City of Lincoln Council
City Hall
Lincoln LN1 1DB