

REPORT FOR DECISION

DECISION OF:	LICENSING & SAFETY PANEL
DATE:	LICENSING AND SAFETY PANEL -17TH OCTOBER 2018 COUNCIL 28TH NOVEMBER 2018
SUBJECT:	The Animal Welfare (Licensing of Activities involving Animals)(England) Regulations 2018
REPORT FROM:	ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)
CONTACT OFFICER:	M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is in the public domain
SUMMARY:	A report to advise members on new regulations operational in relation to Animal Welfare.
OPTIONS AND RECOMMENDED OPTION:	Members are requested to consider the following options:- 1. Members are requested to note the content of the report. 2. Members are requested that the refusal to grant of a licence under these regulations be delegated to the Head of Service for Trading Standards and Licensing and or the Licensing Unit Manager following consultation with the Chairman of the Licensing and Safety Panel. 3. Members are requested to delegate to the Head of Service for Trading Standards and Licensing in respect of determining appeals against the allocated star rating.
IMPLICATIONS	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes No
Statement by the S151 Officer:	If the Authority does not approve the Animal Welfare (Licensing of Activities involving Animals)(England)

Financial Implications and Risk Considerations:	Regulations 2018 it will not be able to fulfil it's duties under the Regulations
Statement by Executive Director of Resources:	The revenue budget includes provision for expenditure and income associated the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018
Equality/Diversity implications:	Yes No (see paragraph below)
Considered by Monitoring Officer:	The Council must comply with the The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 and the guidance issued to Local Authorities
Wards Affected:	All
Scrutiny Interest:	Internal Scrutiny Panel

1.0 BACKGROUND

1.1 Bury Council is responsible for licensing a number of activities relating to the welfare of animals under a number of Acts of Parliament and relevant Regulations. This legislation is aimed at protecting animals in order to carry out certain businesses, or have possession of certain animals within the borough of Bury without first being licensed by the Council.

1.2 Prior to the 1st October 2018, the Council issued licences under the following legislation:-

- Pet Animals Act 1951;
- Animal Boarding Establishments Act 1963;
- Riding Establishments Act 1964;
- Riding Establishments Act 1970;
- Breeding of Dogs Act 1973;
- Breeding of Dogs (Licensing Records) Regulations 1999;
- Breeding and Sale of Dogs (Welfare) Act 1999.

The above legislation has now been repealed due to the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018.

1.3 Licences that have been granted by the Council will get transitional provisions which are as follows:-

- Any unexpired licences granted under the Pet Animals Act 1951, Animal Boarding Establishments Act 1963, Riding Establishments Act 1964, Riding Establishments Act 1970 will continue in force for the rest of their terms under the relevant Act.
- An unexpired licence granted under the Breeding of Dogs Act 1973 will continue in force for the rest of its term subject to the provisions of that Act, the Breeding of Dogs (Licensing Records) Regulations 1999 and the Breeding and Sale of Dogs (Welfare) Act 1999.

1.4 The Council also issues licences for the below activities relating to the welfare of animals and are regulated by the following Acts:

- Dangerous wild animal licences – (Dangerous Wild Animals Act 1976)
- Zoo licences – (Zoo Licensing Act 1981)

2.0 Animal Welfare Act 2006

- 2.1 This Act is the primary piece of legislation controlling the welfare of animals in England and Wales and established set welfare standards must be maintained by all people who are responsible for an animal. It has consolidated animal welfare legislation in areas such as preventing unnecessary suffering, mutilation and animal fighting. The Act also places responsibilities on to numerous enforcement agencies.

3.0 Licensing Objectives

When carrying out its function under the primary licensing Acts the Council will seek to promote the following objectives:

- Animal welfare (the five needs)
- Public safety

4.0 Licensing Application Procedure

- 4.1 The Licensing legislation sets out application requirements and standards that the Council must be satisfied of before it can grant a licence. Each of those Licensing legislation permits the Council to impose conditions on each licence it grants. The purpose of requiring a licence is primarily to ensure the welfare of the animals.
- 4.2 Unless legislation states otherwise, licences will remain in force for up to three years dependent upon the scoring matrix of low/high risk, together with welfare standards. The licence holder must apply for a renewed licence at least 10 weeks before their current licence expires if they wish to continue to operate the licensable activity without a break.
- 4.3 Applications made to the local Authority must be completed using the relevant Application forms available from the Council website or on request from the Licensing Section or on .GOV.UK
- 4.4 There are a number of different areas that may affect or be affected by licence holders or potential licence holders under the licensing legislation and where necessary these will be considered by the Council in carrying out its functions under the Animal Welfare Act 2006 and The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018.
- 4.5 The licensing legislation states clearly the criteria which the Council must be satisfied of before any licence is granted. Where the relevant inspector is not satisfied that the legal requirements are met, or when an inspector or the Veterinary surgeon has raised concerns that the legal requirements or standards are not met or unlikely to be met, the applicant will be notified. The applicant will have the opportunity to address these matters in the hope of satisfying the relevant criteria.
- 4.6 Members are requested that the refusal to grant a licence under these regulations be delegated to the Head of Service for Trading Standards and Licensing and or the Licensing Unit Manager following consultation with the Chairman of the Licensing and Safety Panel.
- 4.7 The new Regulations set nationally applicable conditions that licence holders must comply with. A ratings system will be introduced whereby licence holders will be given a star rating from 1 to 5 dependant on specified criteria.

5.0 Decision making and Appeals Process

- 5.1 Decisions will be made in accordance to relevant statute, inspections and guidance. Internal reviews of star rating will be undertaken by Head of Service for Trading Standards and Licensing- subject to the decision of the Panel this evening.
- 5.2 Appeals of refusal to grant decisions must be made in writing to the appropriate first tier tribunal which is Leicester Magistrates Court.

6.0 CONCLUSION

- 6.1 Members are requested to consider the options contained on page 1 of this report

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