

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

19 June 2018

Report of the Director of Central Services

Part 1- Public

Matters for Information

1 CHANGES TO ANIMAL LICENSING LEGISLATION

On the 1 October 2018 a new statutory instrument (2018 No.486) comes into force, namely The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

This new legislation introduce an updated licensing system in England for five activities involving animals: selling animals as pets, providing for or arranging for the provision of boarding for cats or dogs, hiring out horses, dog breeding and keeping or training animals for exhibition.

1.1 Background

- 1.1.1 Currently, there are four main Acts which govern licensable activities involving companion animals: the Pet Animals Act 1951; the Animal Boarding Establishments Act 1963; the Riding Establishments Act 1964; and the Breeding of Dogs Act 1973. There is also the Performing Animals (Regulation) Act 1925 which requires individuals who want to exhibit or train any performing animals to register for this purpose under the Act.
- 1.1.2 At present, local authorities are required by law to issue licences and require registration for specific animal-related establishments and activities, with the aim of maintaining good standards of animal welfare.
- 1.1.3 Tonbridge and Malling currently has issued seven pet shop licences; eight animal boarding establishments and four home boarding licences; eight riding establishments and one dog breeding establishment licence.
- 1.1.4 However, the existing laws covering the licensing of these activities, are outdated and difficult to adapt to the changing types of animal-related businesses and to new standards of good practice in animal welfare. Moreover, the current application, inspection and enforcement process is complex and burdensome for both businesses and local authorities. For instance, primary legislation limits licences to a calendar-year framework, arbitrarily focussing inspections at the end

of the year, and forcing some businesses with multiple functions to have as many as three separate licences.

- 1.1.5 There are also specific concerns about certain types of activity that are not currently robustly enforced. Online sales of pets have increased dramatically over the last decade. As these types of business do not fall clearly within the definition of pet shop, the current licensing system is not being consistently enforced for such businesses by local authorities. There are also concerns around ‘backstreet dog breeders’ (i.e. smallscale dog breeders who breed dogs in poor welfare conditions for profit), who under current legislation can breed up to four litters per year without requiring a licence.
- 1.1.6 Many businesses under the existing legislation consistently achieve high welfare standards and good performance. Some of these businesses are also members of the UK Accreditation Service’s (“UKAS”) accredited schemes, which can ensure that they meet a higher standard of animal welfare than the current legal minimums. These businesses are currently licensed annually by the relevant local authority, and are charged the same fee as all other establishments. There is a concern that this is overly burdensome for both these high performing businesses and local authorities, and it is suggested that a system of earned recognition could be more efficient, fair and help to promote higher welfare standards.

1.2 Proposed changes

- 1.2.1 The Government believes that new legislation is needed to establish a licensing system that is up to date with modern practices and modern animal welfare standards.
- 1.2.2 This new statute requires that all businesses undertaking these activities meet the same, up-to-date, minimum welfare standards. Businesses will have to be licensed and will have to meet these minimum standards to hold and retain a licence.
- 1.2.3 The instrument will also incorporate “earned recognition” into the licensing system. Local authorities will be able to issue licences of 1, 2 or 3 years, with longer licences going to high performing, low risk businesses. This will result in lower licence fees and fewer inspections for high performing businesses, reducing the burden on them. It will also incentivise other businesses to perform at higher levels which will help to drive up animal welfare standards.
- 1.2.4 Local authorities will be able to issues licences at any point in the year, which will help to spread the workload across the year. The instrument will include new provisions, such as the prohibition on the sale of puppies below the age of 8 weeks and a requirement for a puppy to be shown with its mother by breeders prior to sale. There will be a requirement for pet sellers to provide animal care information to new owners with every animal sold. Any purchase of a dog must now be completed in the presence of the purchaser at the premises where the dog has been kept for sale by the licence holder. The licensing threshold for dog

breeders will be reduced to three or more litters per year to ensure that anyone breeding dogs commercially, including backyard breeders, requires a licence. This instrument will also explicitly highlight the need for online businesses to be licensed, removing the ambiguity in legislation to date.

- 1.2.5 Performing animals will be included in a light touch licensing scheme, in which the licence will be granted for 3 years following a satisfactory inspection. This system will include animals that are being exhibited, but not necessarily performing, to reflect the changes in this industry and the expansion of animal exhibition businesses.
- 1.2.6 Existing unexpired licences granted in accordance with the current animal licensing legislation shall continue in force for the remainder of its term. Zoo licences and dangerous wild animal licences remain unchanged.
- 1.2.7 Existing licence holders will be contacted to advise them of the forthcoming changes.

1.3 Legal Implications

- 1.3.1 See above.

1.4 Financial and Value for Money Considerations

- 1.4.1 Current annual licensing fees vary depending on the type of licence. In addition applicants are also charged for veterinary inspections. Under the new scheme local authorities may continue to charge reasonable fees associated with the grant, renewal or variation of a licence.

1.5 Risk Assessment

- 1.5.1 The recommended fee levels have been calculated in order to ensure that the consideration and related inspection for a licence does not exceed reasonable costs.

1.6 Equality Impact Assessment

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Recommendations

- 1.7.1 The Committee is RECOMMENDED to:
 - i) Note the contents of the report and the forthcoming changes to the animal licensing legislation.

Background papers:

Nil

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