



11 January 2019

## **LICENSING AND SAFETY COMMITTEE – 22 JANUARY 2019**

A meeting of the Licensing and Safety Committee will be held at 6pm on Tuesday 22 January 2019 in the Council Chamber, Town Hall, Rugby.

Adam Norburn  
Executive Director

### **A G E N D A**

#### **PART 1 – PUBLIC BUSINESS**

1. Minutes.  
To confirm the minutes of the:  
  
Licensing and Safety Committee held on 6 November 2018; and  
Licensing Sub Committee (General) held on 5 November 2018 and 13 December 2018.
2. Apologies.  
To receive apologies for absence from the meeting.
3. Declarations of Interest.  
To receive declarations of –
  - (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
  - (b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
  - (c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

***Note: Members are reminded that they should declare the existence and nature of their non-pecuniary interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a prejudicial interest the Member must withdraw from the room unless one of the exceptions applies.***

***Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.***

4. The Animal Welfare (Licensing of activities involving animals) (England) Regulations 2018.

## **PART 2 – EXEMPT INFORMATION**

There is no business involving exempt information to be considered.

***Any additional papers for this meeting can be accessed here via the website.***

The Reports of Officers are attached.

**Membership of the Committee:** Councillors Cade (Chairman), Mrs Avis, Mrs Bragg, Brader, Miss Dumbleton, Mrs Garcia, Keeling, Mrs Nash, Picker, Mrs Roberts, Mrs Roodhouse and Ms Watson-Merret

*If you have any general queries with regard to this agenda please contact Linn Ashmore, Democratic Services Officer (01788 533522 or e-mail [Linn.Ashmore@rugby.gov.uk](mailto:Linn.Ashmore@rugby.gov.uk)). Any specific queries concerning reports should be directed to the listed contact officer.*

If you wish to attend the meeting and have any special requirements for access please contact the Democratic Services Officer named above.

**AGENDA MANAGEMENT SHEET**

<b>Report Title:</b>	The Animal Welfare (Licensing of activities involving animals) (England) Regulations 2018
<b>Name of Committee:</b>	Licensing and Safety Committee
<b>Date:</b>	22 January 2019
<b>Report Director:</b>	Head of Environment and Public Realm
<b>Portfolio:</b>	Environment and Public Realm
<b>Ward Relevance:</b>	Not applicable
<b>Prior Consultation:</b>	Not applicable
<b>Contact Officer:</b>	Zulfeqar Rahman, Principal Licensing Officer
<b>Public or Private:</b>	Public
<b>Report subject to Call-In:</b>	No
<b>Report En-Bloc:</b>	No
<b>Forward Plan:</b>	No
<b>Corporate Priorities:</b>	Protect the public
<b>Statutory / Policy Background:</b>	The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into effect on 1 <sup>st</sup> October 2018.
<b>Summary:</b>	To inform the Committee of the changes to the way in which animal boarding establishments, dog breeding establishments, pet shops and riding establishments are licensed and the responsibility for the licensing of the keeping of animals for exhibition.

<b>Financial Implications:</b>	The fees are based on cost recovery, which is what is permitted by the legislation, and that under the Council's constitution the setting of these is the responsibility of the Head of Environment and Public Realm. The fees have required an element of estimation as it is new legislation, we will regularly review the fees.
<b>Risk Management Implications:</b>	There are no risk management implications for this report
<b>Environmental Implications:</b>	There are no environmental implications arising from this report.
<b>Legal Implications:</b>	The Council must comply with statutory requirements.
<b>Equality and Diversity:</b>	There are no equality and diversity implications for this report
<b>Options:</b>	There are no options: this is required to comply with legislative changes
<b>Recommendations:</b>	<ul style="list-style-type: none"> <li>(1) That Members note the new arrangements for the licensing of activities involving animals; and</li> <li>(2) The arrangements be reviewed in 12 months' time.</li> </ul>
<b>Reasons for Recommendation:</b>	To ensure compliance with statutory requirements placed on the Council, while keeping costs to business operators to a minimum

**Licensing and Safety Committee - 22 January 2019**

**The Animal Welfare (Licensing of activities involving animals)  
(England) Regulations 2018**

**Report of the Head of Environment and Public Realm**

**Recommendation.**

- (1) That Members note the new arrangements for the licensing of activities involving animals; and
- (2) The arrangements be reviewed in 12 months' time.

**1. Background**

- 1.1 The government, the public, local authorities, welfare organisations and businesses have been calling for changes to animal welfare legislation and for robust enforcement for a number of years. The current process is also quite complex and burdensome in places. For example legislation currently limits licensable activities, meaning some businesses with multiple functions will be required to have more than one licence.
- 1.2 The Animal Welfare Act 2006 was brought into force in 2006, and until this point it has had minimal impact on animal licensing other than influencing licence conditions. The legislation aims to ensure that animals are not mistreated, and statutory guidance made under the legislation introduced the 5 freedoms of animal welfare which are:-
  - For a suitable environment (place to live)
  - For a suitable diet
  - To be housed with or apart from other animals
  - To be protected from pain, suffering, injury and disease
  - To exhibit normal behaviour elements.

1.3 The Animal Welfare Act 2006 is the enabling legislation for new regulations that cover the licensing of activities involving animals. These regulations, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, were passed by the Government in April 2018 and came into effect on 1<sup>st</sup> October 2018. These regulations amalgamate and replace a number of existing pieces of legislation that governed the licensing of animals and implement a single Establishment Licence which covers the following five activities:

- Dog breeding (Breeding of Dogs Act 1973)
- Dog/cat boarding including dog day care and home boarding (Animal Boarding Establishment Act 1963)
- Selling animals/ pets (Pet Animals Act 1925)
- Hiring out horses for riding (Riding Establishment Act 1970)
- Keeping/training animals for exhibition (Performing Animals Regulations) Act 1925

All the existing legislation was repealed as of 1<sup>st</sup> October 2018 for England, however all granted licences will remain valid until their expiry, with a requirement for all performing animal registrations to be converted over to the new regulations by 1<sup>st</sup> April 2019.

1.4 The use of term “activities” as opposed to “establishments” emphasises that activities such as online sale of pets are included, whereas currently they are not licensed.

## **2. Key Changes**

2.1 All current licences will continue to be subject to the same restrictions until their relative expiry date.

2.2 Licences will no longer be issued in accordance with the calendar year but will be issued for 12 months, or longer for a period up to 3 years.

2.3 A new risk rating system resulting in a 1-5 star score for the business will be Implemented with businesses licence duration determined by the level of compliance and extent to which they meet or exceed the required standards. Each premises will require an inspection prior to determination of a new or renewal application. Inspections will be carried out unannounced.

2.4 Those carrying out inspections will be required to be suitably qualified, in addition, inspections of new dog breeders will require a veterinarian to be present. Horse riding establishments will also require an appointed veterinarian to carry out an annual inspection.

- 2.5 Premises that meet higher standards (as defined within the statutory guidance), and are fully compliant, may be eligible for a licence to be granted for up to a 3-year duration, which provides a financial incentive to attain higher standards as the application fee will be reduced.
- 2.6 There is an appeal process for aggrieved applicants to appeal against a star rating decision. A person can appeal against the risk level determination, the appeal must be heard by an officer other than the inspecting officer who carried out the risk assessment.
- 2.7 Licence holders will be required to display their licence number on all of their websites.
- 2.8 The proposed new licence fees are shown at Appendix 1.

### **3. Conclusion**

- 3.1 The new licence conditions are largely reflective of Rugby Borough Council's current standards and it is anticipated that most operators are unlikely to have significant difficulties with compliance. However, those that have not updated their facilities may find that the renewal of their licence is refused.  
'Zoos' and 'Dangerous Wild Animal' establishments will continue to operate under their current respective licensing regimes.

We have contacted local Vets for dogs and horses we are currently awaiting responses, so we can develop these further.

There is no legal requirement to have a licensing policy, therefore the Licensing Authority is not seeking to implement a licensing policy covering the new regulations at this time and will have regard to the DEFRA procedural guidance and regulations as a framework.

**Name of Meeting:** Licensing and Safety Committee  
**Date of Meeting:** 22 January 2019  
**Subject Matter:** Adoption of the Animal Welfare (Licensing of activities involving animals) (England) Regulations 2018  
**Originating Department:** Environment and Public Realm

#### **LIST OF BACKGROUND PAPERS**

[Animal Welfare \(Licensing of Activities Involving Animals\) Regulations 2018](#)  
[Statutory Guidance](#)

#### **LIST OF APPENDICES**

<b>Reference</b>	<b>Description of Document</b>
Appendix 1	licence fees



**FEES & CHARGES**  
**THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND)**  
**REGULATIONS 2018 (Regulation 13) (Schedule 1)**

<b>UPON FIRST APPLICATION (NEW LICENCE)</b>	
<b>Selling animals as pets</b>	
Pet shop/selling of animals	£195.00 (1 Year Licence) £320.00 (2 Year Licence)** £467 (3 Year Licence)**
<b>Providing or arranging for the provision of boarding cats or dogs</b>	
Boarding fees ( <i>kennels, catteries &amp; home boarding</i> ) Large establishments = 7 animals and over	£210.00 (1 Year Licence) £367.00 (2 Year Licence)** £525.00 (3 Year Licence)**
Boarding fees ( <i>kennels, catteries &amp; home boarding</i> ) Small establishments = 6 animals and under	£180.00 (1 Year Licence) £315.00 (2 Year Licence)** £450.00 (3 Year Licence)**
Dog day care	£175.00 (1 Year Licence) £300.00 (2 Year Licence)** £425.00 (3 Year Licence)**
<b>Hiring out horses</b>	
Hiring of horses ( <i>plus vet's fee* – payable separately</i> )	£220.00 (1 Year Licence) £385.00 (2 Year Licence)** £550.00 (3 Year Licence)**
<b>Breeding dogs</b>	
Dog breeders ( <i>plus vet's fee – payable separately</i> )	£240.00 (1 Year Licence) £420.00 (2 Year Licence)** £600.00 (3 Year Licence)**
<b>Keeping or training animals for exhibition</b>	
Training of animals for exhibition	£180.00 (3 Year Licence)

<b>UPON LICENCE RENEWAL</b>	
<b>Selling animals as pets</b>	
Pet shop/selling of animals	£145.00
<b>Providing or arranging for the provision of boarding cats or dogs</b>	
Boarding fees ( <i>kennels, catteries &amp; home boarding</i> ) Large establishments = 7 animals and over	£160.00
Boarding fees ( <i>kennels, catteries &amp; home boarding</i> ) Small establishments = 6 animals and under	£130.00
Dog day care	£130.00
<b>Hiring out horses</b>	
Hiring of horses ( <i>see footnote re vet's fee*</i> )	£170.00
<b>Breeding dogs</b>	
Dog breeders	£190.00
<b>Keeping or training animals for exhibition</b>	
Training of animals for exhibition	£130.00
<b>RE-RATING VISITS</b>	
All of the above	£175.00
Variation of licence***	£130.00
<b>VARIATION OF A LICENCE</b>	
Variation of licence***	£130.00

\*For the hiring of horses a vet's inspection is required annually, within every 12month period from the date of licence issue regardless of the licence length. The fee for this inspection is payable separately.

\*\*Licences issued for 2/3 years will not be exempt from inspections by the Licensing authority and will still be subject to enforcement/inspections as and when required.

\*\*\*Premises which apply for and are granted a variation to the licence to include an additional activity will not receive an extension of the existing licence. Furthermore, if the current licence has been granted for either 2 or 3 years an additional renewal fee for that specific licensable activity would be required.