

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Introduction

These regulations came into force on 1st October. There have been significant advances in the understanding of animal welfare in recent decades. The new regulations update the previous legislation, which pre-dates the Animal Welfare Act, and are introducing new measures to ensure those conducting animal activities are doing so to the best standards of animal welfare.

The new regulations supersede the Pet Animals Act 1951, the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, the Breeding and Sale of Dogs (Welfare) Act 1999, Breeding of Dogs Act 1991 and Breeding of Dogs Act 1973. In addition, a registration system is also in place for performing animals that was introduced in the Performing Animals Act 1925.

These regulations repeal or amend the acts outlined above and replace them with a single streamlined licensing system. They also introduce licensing for animal exhibits for the first time and bring the welfare requirements for all activities up to a modern standard. The new licensing system will combine the five activities into a single licence system where an operator can cover multiple activities in one licence.

Defra have published standards, conditions and guidance for national use.

Specific Changes

Changes to calendar year

There are a number of changes being introduced to help local authorities deal with licensing and enforcing animal activities. These include changes to the way the administration of the scheme works by changing the issue dates for licences to be from any point in a year instead of the previous calendar year framework. This means that workload is spread out throughout the year rather than concentrated into the end of the calendar year, as in the current system.

All home dog boarders licences issued under the previous legislation will cease to be relevant from 1st January 2019. All have been written to explaining this and inviting them to make an application under the new regulations.

Enforcement

The regulations also include more powers for local authorities to help enforce licence conditions. These include the ability to vary, suspend or revoke licences as necessary. Additionally, both the enforcement and the administration of the licensing scheme will be fully cost recoverable meaning that the administration of the licensing scheme will not be a drain on local authority resources. This will allow the local authorities more freedom to take action where non-compliance is found. Inspectors will be able to inspect an unlicensed premises if they believe that an activity that requires licensing is taking place.

Risk rating

Under the new regulation establishments will receive a star rating from 1-5 much like the system for food hygiene ratings. This will be based upon a combination of past compliance (based on past inspections and the history of an establishment) and the animal welfare standards adopted.

Establishments will be able to increase their rating by meeting higher animal welfare standards and having a good history of compliance. The opposite is also true with the star rating decreasing if there are repeated issues or problems with the establishment. The rating for an establishment will be displayed which will inform members of the public who deal with that establishment whether they practice good welfare standards. The risk rating of the establishment will also feed into the length of time a licence can be granted for.

Licence length

The maximum length of time a licence can be granted for will be three years. This will depend on the risk rating of an establishment with lower risk establishments being able to be issued longer licences of up to three years whereas high risk establishments will continue to receive one year licences. Not only does this free up time where inspections and licensing for good establishments need to be reviewed less often but it also encourages establishments to improve their ratings as this will result in lower costs and fewer inspections for them.

Guidance

Defra has issued statutory guidance for each of the animal activities as well as procedural guidance and guidance on a risk model aimed at providing information to local authorities and inspectors. Additionally a training course is currently being developed for licensing officers. All of these have been created in conjunction with the various animal sectors, charities, local authorities and other key stakeholders.

Changes for establishments

There are also changes being made to alter what necessitates a licence, for example, under the previous rules someone did not need to obtain dog breeding licence unless they were breeding five or more litters of puppies a year. The new regulations will both lower this to three litters and will also add a second condition revolving around the business test to tackle instances where few litters of puppies are bred but these are sold commercially.

The regulations also make it clear that online sales and home boarding businesses are licensable activities.

Other changes for establishments include requirements to keep records regarding the activities. This will give inspectors a much clearer picture of the establishments over time and allows for inspectors to see what has happened between inspections for establishments with a licence longer than one year.

There are a lot of animal welfare changes outlined in the regulations and guidance with each sector laying out minimum standards that must be met and higher standards to strive towards in order to secure a better rating for the establishment. Examples of these include details of living spaces, staff training and even requirements to ensure that animals will not be bred if there is a higher chance of birth defects.

Difficulties for Local Dog Boarders

It must be recognised that some specific requirements in the national standards will present difficulties for some current licence holders particularly;

Each dog must be provided with its own designated room, where it can be kept separate from other dogs. And

Any home used for home dog boarding must include its own entrance i.e. no shared access such as communal entry doors or stairs.

This may well have an effect on the number of current licence holders.

Brighton & Hove City Council Fees and Charges

Each local authority is able to set their own licence fees and charges on a cost recovery basis. On the bases that there are an estimated 100 local businesses which will require a licence our fee structure will be:

Licence Type	Fees			Vets Fees *
	Part A	Part B	Total	
Dog breeding (Dom)	£145.00	£130.00	£275.00	A recharge to the licensee of the cost to the Authority
Dog Breeding (Comm)	£180.00	£135.00	£315.00	
Dog Boarding (Dom)	£130.00	£120.00	£250.00	
Dog Boarding (Comm)	£180.00	£135.00	£315.00	
Cat Boarding	£135.00	£125.00	£260.00	
Dog Day Care	£130.00	£130.00	£260.00	
Exhibition of animals	£180.00	£135.00	£315.00	
Hiring horses	£205.00	£140.00	£345.00	
Pet vending	£145.00	£130.00	£275.00	

* where applicable

Variation / Transfer of Licence	£105.00	
Appeals / site visit	Price on application	

- Part A covers all cost associated with determining the licence application and includes all administration and inspection costs.

- Part B includes recoverable reasonably expected enforcement cost, including training and the cost of an interim compliance visit during the licence period where undertaken by council staff.
- Part A and B fees will be collected on application with the part B fee being refunded if the application is refused or withdrawn.
- The vet fees depend on the cost for each inspection. This will be collected following the application inspection irrespective of the licence being granted or refused.

Further information

The regulations, Defra guidance on the five areas coming under the regulations and how to apply for a licence is published on the council's website here:

<https://www.brighton-hove.gov.uk/content/environment/animal-warden-team>