

**BIRMINGHAM CITY COUNCIL**

**REPORT OF THE SERVICE DIRECTOR REGULATION AND ENFORCEMENT  
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

**ALL WARDS**  
**Date 19<sup>th</sup> SEPTEMBER 2018**

**REPORT ON THE CHANGES FOLLOWING THE INTRODUCTION OF THE  
ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS)  
(ENGLAND) REGULATIONS 2018**

1. Summary
  - 1.1 To provide an overview of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 which repeals legislation in relation to the licensing of pet shops, boarding kennels, dog breeding establishments, riding establishments, and the certificate of registration in relation to keepers and trainers of performing animals. The Regulations come into force on 1 October 2018.
2. Recommendation
  - 2.1 That the proposed new fees in the appendix are approved and the report be noted.

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### 3. Background

- 3.1 Local authorities are required by law to issue licences or certificates of registration for certain animal related businesses. This provides for good standards of animal welfare and public safety.
- 3.2 It is an offence to operate without a licence or certificate in place and local authorities must inspect the business to ensure compliance. Some premises also need a veterinary surgeon to carry out this inspection. An applicant may be refused a licence if for instance they have a conviction for animal cruelty. Local authorities may recover the costs of inspection and licensing through a licence fee.
- 3.3 All licences must have conditions attached. Currently model conditions, which are available from the Chartered Institute of Environmental Health, are used. These are produced in conjunction with notable organisations such as the British Veterinary Association and RSPCA. The new regulation contain their own conditions see 4.2 below.
- 3.4 Many of the laws currently in place in relation to these activities are old and do not reflect the modern trading activities, neither are they consistent with new standards of good practice in animal welfare. These laws also lack effective enforcement tools, such as powers to suspend, revoke or vary a licence.
- 3.5 The new Regulations come into force on 1 October 2018, however current and unexpired licences will remain in force for the remainder of the term in accordance with the current legislation in place.

### 4. Changes

- 4.1 The numbers and types of premises in Birmingham affected by the new Regulations are provided below.

- Pet Shops (34)
- Kennels, catteries, home dog boarders and dog day care centres (60)
- Dog breeding establishments (4)
- Riding Establishment (2)
- Performing Animals – People who use animals for stage or television work, or for educational or entertainment purposes (mobile zoos) (6 approx)

The legislation in respect of Dangerous wild animal keepers and Zoos remains unchanged.

- 4.2 The new Regulations include both general and specific conditions relevant to each activity, these must be complied with in order for a licence to be issued. There are a numerous additional requirements, but the more significant changes are;

- A single 'Animal Establishment Licence' will be issued for the activities described. Premises involved in more than one activity, will only have one licence, but they must comply with the specific condition applicable to each activity.
- A dog breeder's licence will be required for any person who breeds 3 or more litters in any 12 month period; this has been reduced from the current licensing requirement when 5 litters or more a year are bred.
- Licences will now be issued at any point in the year and for a fixed 12 month term. Currently any new licences issued for pet shops or boarding establishments expire on the last day in the year in which they were issued, i.e. 31 December, irrespective of when they were issued.
- The current arrangement of a Certificate of Registration for performing animals is changing to a licensing requirement. A licence in these circumstances will last for 3 years.
- The length of a licence has been increased to a maximum of 3 years (currently all licences last for 1 year, except performing animal certificates which last for life). All premises will be risk rated and those businesses that meet higher standards will gain a higher rating and will therefore qualify for a longer licence. All new licences with no compliance history will automatically be given a 1 year licence.
- The licence holder will be required to display their name and licence number on any website used in connection with all the activities described in this report.
- There are new powers for the local authority to suspend, vary or revoke a licence at any time, if the licence conditions are not being complied with.
- Those carrying out inspections of licensed premises must be appropriately qualified (City & Guilds Level 3 Equivalent).
- Requires local authorities to provide information to the Secretary of State in relation to the number and types of licences issued per year and in addition the average fees associated with such licenses.

## 5. Implications for Resources

- 5.1 Officers within the Animal Welfare Team currently carry out inspections of animal related licensed premises and will continue to do so. There may be a slight income loss as a result of an increase in licence length for some premises, however it is expected that additional dog breeders may require licensing.
- 5.2 Officers engaged in inspections will need to obtain a qualification equivalent to the City & Guilds Level 3.

6. Implications for Policy Priorities

- 6.1 The issues surrounding an effective and improved licensing system are consistent with the City Council's policy priorities associated with helping to support small businesses and promote fair trading.

7 Consultation

- 7.1 These matters were consulted and considered by Defra and the wider stakeholders through a governmental consultation prior to the regulations being introduced.

8. Public Sector Equality Duty

- 8.1 No specific issues have been identified.

**SERVICE DIRECTOR REGULATION AND ENFORCEMENT**

Background papers:

**Proposed licence fees – The Animal Welfare  
(Licensing of Activities Involving Animals) (Regulations) 2018.**

Activity	Current New Licence Fee	Current Renewal Fee	Proposed New Licence Fee	Proposed Renewal Licence Fee
Pet shop New Licence	£220	£130	£432.50	£179.75
Dog Breeding	£220	£150	£314.50	£191.75
Commercial Animal Boarding (Kennels, Catteries and dog day care centre)	£220	£150	£314.50	£191.75
Animal Boarding – home dog boarding	£140	£115	£245.50	£134.00
Riding Establishment	£220	£190	£322.50	£230.25
Dangerous Wild Animals	£220	£190	£322.50	£230.25
Performing Animal Licence (Formally Certificate of Registration).	£150	N/A	£245.50	£191.75

**Note 1**

A re-issued existing licence £10.50 (a standard charge under the Licensing Act 2003)

**Note 2**

Under all licence applications where veterinary inspections are required then these will be charged at cost.

**Note 3**

Zoo Licensing remains unchanged at £2,670 for a new and renewal licence.