

## **Environment and Communities Committee**

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<b>Date of Meeting:</b>	Thursday, 2 February 2023
<b>Report Title:</b>	Animal Welfare Licensing Policy
<b>Report of:</b>	Jayne Traverse Executive Director Place
<b>Report Reference No:</b>	EC/15/22-23
<b>Ward(s) Affected:</b>	All

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### **1. Purpose of Report**

- 1.1. This report is to seek approval of a new Animal Welfare Licensing Policy. Following this the Policy will be published and implemented by the Animal Welfare Team as part of animal welfare licensing activities.
- 1.2. The development and implementation of a specific policy accords with the Council's 2021-2025 Corporate Plan contributing to our strategic aim to *provide strong community leadership and work transparently with our residents, businesses, and partners to deliver our ambition in Cheshire East.* In addition, it supports our objective to *ensure that there is transparency in all aspects of council decision making.*

### **2. Executive Summary**

- 2.1. This report introduces a new working Policy for the animal welfare licensing regime operated by Cheshire East Council.
- 2.2. The Policy seeks to draw together the fundamental aspects of animal welfare licensing through the process of application, inspection and renewal. This follows significant changes required by the introduction of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. (LAIA)
- 2.3. The new regulations replaced a suite of historic legislation relating to animal welfare, some of which had been in existence since 1925. The 2018 regulations do not however apply to Zoo licences or Dangerous Wild Animal licences which remain subject to extant legislation.

- 2.4. The Policy is aimed at animal welfare licensing officers, existing businesses who undertake licensable activities and individuals who may be interested in setting up a new licensable business.
- 2.5. The Policy also aims to provide information to the general public who may wish to understand the licensing regime with respect to their own pet ownership requirements (boarding), new pet purchasing plans (breeding and sales) or their leisure activities which may involve animals (hiring of horses, animal exhibition and zoos).
- 2.6. Additionally, the Policy outlines the Council's approach to the investigation of complaints relating to existing licensed premises and those premises and individuals that operate without the necessary licence requirements.

### 3. Recommendations

- 3.1. That Environment and Communities Committee approves the proposed Animal Welfare Licensing Policy contained as Appendix 1 to this report.

### 4. Reasons for Recommendations

- 4.1. The Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 consolidated a variety of historic animal welfare legislation. The new regulations are not without complexity and rely on an extended suite of statutory guidance, wider legislative requirements, local procedures and service standards which are signposted within the Policy.
- 4.2. The proposed Policy seeks to bring together the fundamental aspects of the licensing regime and to help those individuals and businesses who have a vested interest. Although there is no statutory requirement to produce a policy Cheshire East considers this good practice particularly given the complexity of the new regime and the plans to expand it further into other animal related sectors in the coming years.
- 4.3. The Policy will provide a single information source for applicants and members of the public which, with appropriate signposting, will reduce current levels of officer time in having to explain legislation/local processes as well as manage expectations around service delivery and investigations.

### 5. Other Options Considered

- 5.1. No other options have been considered. Experience of operating to, and within, the new animal licensing regime for the past four years has indicated that an overarching policy with links to relevant statutory guidance, legislation and procedures will help to support those who have an interest either from a business or individual perspective.

Option	Impact	Risk
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<p><b>Do nothing</b> – continue to administer the animal welfare licensing regime without an overarching policy.</p>	<p>The Council would continue to carry out its animal welfare licensing functions but without an easy signpost to a Policy that brings all information together in one place.</p> <p>This approach does not accord with the Council's aims to work transparently with residents, businesses and partners,</p>	<p>Additional enforcement activity due to a lack of understanding of the licensing requirements by existing and new businesses.</p> <p>Demands on the service due to a high number of concerns and enquiries that could be answered by the Policy.</p>
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## 6. Background

- 6.1.** On 1 October 2018 the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 were enacted under the Animal Welfare Act 2006.
- 6.2.** These Regulations replaced disparate animal licensing legislation for Local Authorities in England. They provide a single licensing regime for animal licensing activities, requiring those undertaking the following activities to be licensed:
- Selling animals as pets
  - Providing or arranging for the provision of boarding for cats or dogs (including day care)
  - Hiring out horses
  - Keeping or training animals for exhibition
  - Breeding Dogs
- 6.3.** The Regulations replaced the previous licensing and registration regimes:
- Pet Animals Act 1951
  - Animal Boarding Establishments 1963
  - Riding Establishments Acts 1964 and 1970
  - Breeding of Dogs Act 1973
  - Breeding and Sale of Dogs (Welfare) Act 1999
  - Performing Animals (Registrations) Act 1925
- 6.4.** The 2018 legislation does not apply to zoo licences or dangerous wild animal licences which remain subject to previous legislative requirements although there is ongoing work by central government to bring these two areas of work up to date with new updated requirements.

- 6.5.** The 2018 legislation is extremely comprehensive and whereas, under the previous legislation, local authorities had to adopt their own licence conditions, these are now part of the legislation itself and include both standard and activity specific conditions that must be applied.
- 6.6.** The legislation is supported by detailed statutory and procedural guidance for use by local authority licensing officers. In addition, all officers engaged in animal welfare licensing work, irrespective of previous experience, are required to undertake a comprehensive mandatory qualification to be able to continue practising in this field.
- 6.7.** It has been apparent since the introduction of the 2018 regulations that existing and new businesses have struggled with the complexity and indeed rigidity of the requirements, notably around spacing standards and the need for more details and varied documentation and procedures. In some instances, businesses have had to commit additional expenditure to improve facilities that under the previous legislation had been deemed suitable for many years.
- 6.8.** Similarly, animal welfare licensing officers have been working hard to understand and implement the new legislation with both existing and new businesses over the past four years. This period has coincided with an increase in the number of new applications as the Covid-19 pandemic led to a surge in pet ownerships and with that, the parallel increase in those wishing to be licensed, notably dog breeders and pet sales.
- 6.9.** Plans for the development of this Policy have been on hold pending the outcome of a post implementation review of the 2018 legislation. Unfortunately, this consultation process has only recently commenced and there is no timescale as to when it will conclude, what changes may be required and by when. As demand for animal welfare licensing in Cheshire East continues to increase it was considered appropriate to take steps to develop and implement a policy to support businesses and individuals with the current regime and update this as appropriate once the review has concluded.
- 6.10.** The service responds to a high number of enquiries from the public in relation to both licensed and unlicensed premises. With sufficient evidence, animal welfare licensing officers will investigate matters and take any necessary informal or formal enforcement action having regard to relevant enforcement policies. Animal Welfare is also the highest proportion of Freedom of Information requests received by Regulatory Services as a whole.
- 6.11.** The new licensing regime has also led to the necessary re-evaluation of the associated fees and charges linked to licensable activities. Cost accounting processes have created a charging regime that is reflective of the costs of providing the new more detailed licensing service in addition to business size, inspection frequency and dual licensed sites.

**6.12.** The Cheshire East Council Animal Welfare Licensing Team currently licenses:

- 2 Dangerous Wild Animal establishments
- 3 Zoos
- 15 Animal Exhibitors
- 23 Catteries
- 15 Day Care establishments
- 36 Dog Breeders
- 11 Horse Riding establishments
- 72 Home Boarders
- 18 Kennels
- 16 Pet Shops

**6.13.** The scope of licensable activities is set to increase with the passage of the Kept Animals Bill. This will bring additional activities into the regime including animal sanctuaries, rescue and rehoming centres with respect to dogs, cats and horses. There is currently no deadline for this extension of the licensing regime due to delays in government policy making.

**6.14.** Unfortunately, pet animals are often exploited. Sales of animals from activities such as dog breeding and pet sales are extremely lucrative and the unscrupulous do not respect local authority boundaries. As a result, the service has well established links with neighbouring authorities and other enforcement agencies to help disrupt and deter unlicensed activities.

**6.15.** To help provide useful information to the general public the team also maintain a up to date register of currently licensed individuals and premises on the Cheshire East website and undertake promotional activity to encourage potential pet owners to do their research before buying a pet animal.

## **7. Implications**

### **7.1. Legal**

**7.1.1.** The adoption of the Policy is uncontroversial. As stated in the body of this report there is no statutory requirement to do so. Its adoption is therefore discretionary.

**7.1.2.** The legal implications of the recommendation to adopt are that by adopting a policy the Council, as the appropriate Licensing Authority, will be required to have regard to it in the exercise of their functions as they relate to animal welfare. It will not be able to depart from the policy unless it has reasonable grounds to do so.

**7.1.3.** The drawbacks of adoption of the Policy are more likely than not outweighed by the benefits of adopting the Policy as its purpose is to assist those who operate in the animal trade sector to understand what is required of them and so reduce the risk of poor practices taking place.

## **7.2. Finance**

- 7.2.1.** Animal Welfare Licensing is a statutory function that is undertaken by Local Authorities. Staffing costs are covered within the existing base budget. There are no additional costs as a direct result of implementing a new Animal Welfare Licensing Policy as this work is already ongoing.
- 7.2.2.** The expectation is that the Policy will provide a single information source for applicants and members of the public which with appropriate signposting will reduce current levels of officer time in having to explain legislation/local processes as well as manage expectations around service delivery and investigations.
- 7.2.3.** Fees and charges are calculated and reviewed annually to ensure that they are reflective of the costs of providing the animal welfare licensing service. Charges are developed in line with appropriate fee setting guidance.
- 7.2.4.** Given the nature of the work, were it necessary to remove animals from a premises due to animal welfare concerns then costs could include accommodation, veterinarian costs and potentially rehoming costs for the duration of an investigation and until a case is finalised. These could be significant costs and are not covered by existing base budgets. It may be possible to recoup some, or all, of these costs through prosecution action where costs are awarded to the Council.

## **7.3. Policy**

- 7.3.1.** The Council's Corporate Plan 2021-2025 sets out our vision for a more open, fairer, greener Cheshire East. This policy will therefore ensure that there is transparency in our decision-making processes around animal welfare licensing and where we seek compliance with legislation to achieve our strategic aims and objectives.

## **7.4. Equality**

- 7.4.1.** The Policy aims to outline a transparent and consistent approach to Animal Welfare Licensing. Therefore, there are no equality implications resulting from its adoption and implementation.

## **7.5. Human Resources**

- 7.5.1.** Regulatory Services and Health has an ongoing commitment to ensuring that all officers engaged in animal welfare licensing activities are suitably trained and supported. This is dealt with through the formal appraisal process and the identification of specific training with the service training plan.

## **7.6. Risk Management**

- 7.6.1.** There is a reputational risk to the Council by not having a transparent and robust approach to animal welfare licensing particularly given that

businesses are now awarded a star rating which is publicly available information. Incorrect awards could have detrimental impacts to a business.

**7.6.2.** This Policy aims to provide sufficient information to those involved in licensable activities and afford them the opportunity to understand the whole regime and the responsibilities placed upon them, minimising matters of noncompliance and maximising animal welfare standards.

**7.7. Rural Communities**

**7.7.1.** There are no implications for rural communities.

**7.8. Children and Young People/Cared for Children**

**7.8.1.** There are no implications for Children and Young People.

**7.9. Public Health**

**7.9.1.** There are no implications for Public Health.

**7.10. Climate Change**

**7.10.1** There are no implications for Climate Change.

<b>Access to Information</b>	
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Appendices:	Appendix 1 Cheshire East Animal Welfare Licensing Policy
Background Papers:	None