



Licensing Committee

11 November 2019

Title	Review of the impact of the changes to Animal Welfare Licensing.
Report of	Executive Director Environment
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	<i>None</i>
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Summary

This report as requested by the Licensing Committee, is a review of the impact of the changes in legislation around animal welfare licensing and the work undertaken by the Licensing team in relation to this.

Officers Recommendations

1. That the Licensing Committee note the contents of this report.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Licensing Committee, at their meeting of 18th July 2019, requested a report on the impact of the changes of legislation in relation to animal welfare licences and the work undertaken by the licensing team in relation to this.

1.2 Legislative changes

- 1.3 In April 2018 the Government passed the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (hereinafter referred to as “the Regulations”). The Regulations replaced a number of pieces of legislation that governed the licensing of animals. The Regulations came into force on 1 October 2018.
- 1.4 The main purpose of the Regulations is to introduce an updated licensing system in England for five activities involving animals:
- a) selling animals as pets;
 - b) providing for or arranging for the provision of boarding for cats or dogs;
 - c) hiring out horses;
 - d) dog breeding; and
 - e) keeping or training animals for exhibition.
- 1.5 The Regulations primarily repeal or amend the following pieces of legislation:
- ☐ Animal Boarding Establishments Act 1963;
 - ☐ Breeding of Dogs Act 1973;
 - ☐ Breeding of Dogs Act 1991;
 - ☐ Pet Animals Act 1951;
 - ☐ Performing Animals (Regulation) Act 1925;
 - ☐ Riding Establishments Act 1964.
- 1.6 The licensing regime has been amended in a number of ways but the key changes are: -
- Premises can have a single licence covering a number of licensed activities (similar to premises licences under the Licensing Act 2003).
 - A licence can last for 1 – 3 years depending upon a risk assessment, previously these were annual.
 - More activities are now covered within the scope of the legislation, and the requirements set out require a higher standard of animal welfare

- 1.4 Following application all premises must be inspected for their suitability to hold a licence. Within the London Borough of Barnet these inspections are subcontracted to the City of London. As part of the inspection process the officer will determine the level of risk posed by the activities on site using the DEFRA guidance. This risk assessment will determine the length of time that a licence will last for.
- 1.5 Having undertaken an inspection of a premises the London Borough of Barnet may impose conditions where they deem it appropriate to do so in accordance with s.15 of the regulations.
- 1.6 A person can appeal against a risk assessment score, and this appeal can be made in writing to the Licensing Department. This will be determined by the Group Manager.
- 1.7 The licence holder also has a right of appeal to the Council against the imposition of conditions or variation of their licence, and this will be heard by a sub-committee of the Licensing Committee
- 1.8 The legislation has increased the standards expected to obtain a licence so some premises will find they are now no longer suitable for the type of licence they hold. The legislation has also increased the range of activities that should be licenced and as a result, other traders are now in scope to be licensed.

1.9 **Monitoring and performance**

There is a Key Performance Indicator (KPI) in relation to this. It is referred to as EH02G (Animal Welfare Inspections). This KPI monitors performance in this area. It measures whether applications are processed in a timely manner. In the case of an animal welfare licence 10 weeks is the current departmental standard from receipt of valid licence application to the issue of new licence. Any licence that takes longer than 10 weeks to process will be a failure, unless the delay was due to the third-party contractor, or that the licence application went to hearing, in which case the timescale is 14 weeks. The KPI currently shows that the team process 100% of applications within timescales, aside from any delays related to third party contractors.

- 1.10 In early 2019 there was a delay in inspections taking place due to the demand placed on the City of London veterinary services. The issue did not impact on traders in the Borough as they have been fully informed of the delays and have been allowed to continue to trade in the meantime (these were all renewal of licences). The issue has now been resolved.
- 1.11 In 17/18 there were 20 applications. In 18/19 there were 16 applications, a reduction in applications was expected in the initial few months of the new legislation as the increasing standards meant that some traders were no longer in a position to be able to continue to trade with their current set up.

- 1.12 So far in 19/20 there have already been 16 applications, and we expect more to be received before the end of the financial year. The legislation now means that more traders need a licence, and we will be publicising this soon and encouraging traders to apply to ensure that they are operating in accordance with the legislation.
- 1.13 Of the 24 licences issued under the new legislation, five have been for three years, 12 for two years and seven for one year. Here is the information on star ratings given to date. You will note that the majority of premises in Barnet are a 3* and above.

Star Rating	Number of Premises
1*	6
2*	1
3*	7
4*	5
5*	4

1.14 **Enforcement and Compliance**

Recent activity has focused on the impact of anti-social behaviour in relation to dog walkers. In particular, too many dogs being walked at one time, and with inadequate control of these animals. Dog walking itself is not covered under the new legislation however often these dog walkers are also providing “Doggy Day Care” which is a new area that is covered by the legislation.

Officers have been patrolling local parks and green spaces and investigating as to whether the walkers are acting in a responsible manner. This includes ensuring that they carry the correct insurance to carry out this activity. Many of the professional dog walkers also carry out dog sitting/day care, which is a licensable activity and checks are made to ensure that they have the relevant licence.

Most insurance companies state that the policy holder must comply with all local and statutory laws, which would include keeping dogs under close control as per the Dangerous Dogs Act 1991 (which states that if a person is in fear of being attacked by one or more dogs, it is considered the dog dangerously out of control), picking up after their dogs and complying with Barnet By-Laws (some open spaces are dogs on lead only). Although officers do not enforce the Dangerous Dogs Act, depending on the circumstances, they can treat the behaviour as Anti-Social Behaviour which is detrimental to the community or area.

Two Public Space Protection Order (PSPO) are currently in place in relation to this matter in Brook Farm and Barnet Playing Fields. These place strict conditions applied to the area, such as walkers must not walk more than four dogs in the area and must not have more than two dogs off the lead). There are several other Open Spaces under consideration for a further PSPO.

In areas where there is not a PSPO, where an officer witnesses any offences, initially the person in possession of the dogs is given a verbal warning and advice. If further offences are witnessed after the verbal warning a formal Written Warning (Under the Anti-Social Behaviour, Crime and Policing Act 2014) is given which sets out conditions that the dog walker must adhere to in order to prevent further action being taken against them. These ensure that the company is licensed and insured, and limit the amount of dogs that can be walked at one time

2 REASONS FOR RECOMMENDATIONS

- 2.1 The report is just for noting.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The report is for information and noting only.

4 POST DECISION IMPLEMENTATION

- 4.1 The report is for information and noting only.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The approach taken by the Licensing Authority in relation to applications fully supports objectives contained within the corporate plan. In particular it promotes delivering “quality services and striving to continually improve the standard of services” “

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 Administration and enforcement is carried out by the Licensing team in Re, together with support from HB Public Law and from Governance Services, when arranging and co-ordinating arrangements for hearings.

5.3 Social Value

- 5.3.1 Not relevant to this report

5.4 Legal and Constitutional References

- 5.4.1 The Local Authority has been provided powers under Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 in order to be able to licence persons in relation to animal activities.

- 5.4.2 Article 7 – Committees, Forums, Working Groups and Partnerships, of the Council’s Constitution states that the Licensing Committee is responsible for, “*all policy matters relating to licensing with licencing hearings concerning all licencing matters delegated to sub-committees.*”

5.5 Risk Management

- 5.5.1 It is important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to all Licensing. It needs to ensure that the risk of non-compliance and the regulatory burden to both the Local authority and to the trade is minimised.

5.6 Equalities and Diversity

- 5.6.1 The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.
- 5.6.2 When considering applications, only issues provided for in the relevant legislation, in addition to the authority’s policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.

5.7 This report is for information only and therefore unlikely to result in any equalities implications.

5.8 Corporate Parenting

- 5.7.1 Not relevant to this report.

5.9 Consultation and Engagement

5.9.1 Not relevant to this report.

5.9 Insight

5.9.2 Not relevant to this report.

6 BACKGROUND PAPERS

None

