

**LICENSING AND SAFETY COMMITTEE  
1 FEBRUARY 2007**

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**ANIMAL WELFARE ACT 2006  
(Director of Environment & Leisure)**

**1 INTRODUCTION**

- 1.1 The purpose of this report is to update members on the above Act which received Royal Assent on 8 November 2006. The primary aim of this Act is to modernise existing legislation contained within 22 Acts of Parliament stretching back to the Protection of Animals Act 1911 and including Pet Animals Act 1951, Riding Establishments Act 1964 and Animal Boarding Establishments Act 1963.
- 1.2 The Local Authority has a duty under many of these pieces of legislation to license and register premises used for the sale or supply of a wide variety of animals. The new Act will significantly impact upon many of those existing duties, requiring additional work in some instances and reducing work in others.

**2 SUPPORTING INFORMATION**

- 2.1 The Animal Welfare Act 2006 is enabling legislation. This means that the Act itself does not contain all the legislation and detail necessary to provide the protective and regulatory umbrella envisaged. It sets out the broad principles, the offences and powers. The detail is left to regulations and codes of practice which are to be drafted, consulted upon and implemented over the next 3 years. In the interim period the present legislation used for licensing such as the Pet Animals Act will continue in force.
- 2.2 It is highly likely that when the regulations and codes of practice are released, there will be changes to the existing licensing provisions. For example, pet shop licences are issued on an annual basis and within Bracknell Forest we have 5 licensed premises. The proposal is that the licence will be a 3-year licence but the fee will be set by regulation at a suggested level of around £200. The present annual charge in Bracknell Forest is £346.00. This will result in a minimum two-thirds saving for local businesses and a cost to the Council. It is expected that a similar proposal will apply to Animal Boarding Establishments of which there are 3 within the Borough.
- 2.3 Livery yards are presently not licensed, but there will be additional work for the Council with the proposal for 3-year licensing. It is not known at this time exactly how many livery yards there are within the Borough as there is no registration requirement. However at best guess from work carried out it is expected that the minimum number will be 8. The cost for the new licence is proposed at £150 for the 3 years. It is expected that the yard will be required to be inspected at least once in a 3-year period by a local authority inspector.
- 2.4 It has been suggested within documents released prior to the passing of the Act, and likely to be confirmed either in Regulations or Statutory Codes of Practice that local authority officers will require evidenced competence to conduct inspections at a range of different licensed premises. Dependent upon the requirements, this could have a significant impact upon the skills and competencies within the Licensing Section. In addition the same documents propose joint inspections with veterinarians or other animal specialists, but no mention is made as to how the cost of these

'experts' should be attributed. At present for inspections at Riding Establishments and premises licensed for Dangerous Wild Animals the Council engages an 'expert' and recharges the full fee to the licensed business. Any regulations or codes of practice must be consulted upon before implementation and officers will be keeping a close eye on any suggested proposals, as often these 'expert' costs significantly exceed the licence cost.

- 2.5 The Act introduces wide ranging powers for local authorities to protect the welfare of animals within licensed premises, but also animals which are commonly domesticated in the British Isles, such as dogs and cats. The welfare and care of animals is to be underpinned by a range of codes of practice which will set out minimum levels of best practice that should be applicable to the animal and the environment in which it is to be kept. Failure to keep an animal in line with best practice can amount to a criminal offence which can be dealt with through advice or enforcement by the local authority via improvement notices, removal of animals, prosecution and banning orders. This can apply equally to premises licensed under the Act or to residents of the Borough. At present the Council does not investigate or pursue complaints of unnecessary suffering or cruelty to animals other than those within licensed premises or if they are livestock on farms. If the council is to utilise these powers to their widest extent, this would have significant training and resource implications.
- 2.6 Officers will be looking closely at any consultation documents that are received under this Act and will be keeping members briefed on any developments. In 2007 the proposal is that regulations and codes of practice will be consulted upon and released in the following areas: riding schools, livery yards, animal boarding, pet shops, pet fairs, mutilations and tethering of horses. It is thought unlikely that any impact on revenue or resources will be felt until 2008 although progress on consultation and release could require a revision on that timeframe.
- 2.7 Further regulations are expected to be released in 2009/10 in relation to animal sanctuaries, greyhounds and performing animals.

### **3 IMPACT ASSESSMENT**

- 3.1 There are no direct consequences of the report for any group and no direct community safety implications.

### **4 STRATEGIC RISK MANAGEMENT ISSUES**

- 4.1 There are no strategic management issues identified.

#### Background Papers

Animal Welfare Act 2006

Animal Welfare Bill- Regulating Impact Assessment

#### Contact for further information

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