

CABINET

Date of Meeting	Tuesday, 15 th March 2022
Report Subject	Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021
Cabinet Member	Cabinet Member for Planning & Public Protection
Report Author	Chief Officer (Planning, Environment & Economy)
Type of Report	Operational

EXECUTIVE SUMMARY

The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021 requires, subject to qualifying criteria, any person wishing to sell animals in the course of a business to obtain a licence from their local authority under these regulations.

The Main changes introduced by the regulations are

- To require the licensing of operators which sell animals as pets in the course of a business including keeping animals in the course of a business with a view to their being sold or resold.
- To introduce stricter welfare standards for those that sell animals as pets.
- To introduce mandatory licensing conditions for those licensed to sell animals as pets.
- Introducing a ban on the commercial third party sale of puppies and kittens.

In order to deal efficiently with applications and animal welfare issues, it is proposed that the powers within the legislation be delegated to the Team Manager – Licensing & Pest Control and The Service Manager for Community and Business Protection.

RECOMMENDATIONS

1	<p>That Members delegate the following powers contained in the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations to the Team Manager – Licensing & Pest Control:</p> <ul style="list-style-type: none"> • Power to grant a licence • Power to refuse a licence • Power to renew a licence
---	---

	<ul style="list-style-type: none"> • Power to vary a licence • Power to vary a licence with immediate effect • Power to impose conditions • Power to suspend a licence • Power to suspend a licence with immediate effect • Power to reinstate a suspended licence • Power to revoke a licence • Power to appoint inspectors
2	That the Flintshire County Council Constitution is amended to reflect this change.
3	That any changes to the delegation of powers in respect of these regulations are delegated to the Chief Officer – Planning, Environment and Economy in discussion with the Cabinet Member for Planning and Public Protection.

REPORT DETAILS

1.00	EXPLAINING THE CHANGES
1.01	This report seeks to obtain approval to set an appropriate scheme of delegated authority for the Animal Welfare (Licensing of Activities Involving Animals) Wales Regulations 2021.
1.02	The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021 requires, subject to qualifying criteria, any person wishing to sell animals in the course of a business to obtain a licence from their local authority under these regulations.
1.03	This requirement replaces the requirement to obtain a licence under the Pet Animals Act 1951 Wales.
1.04	<p>The Main changes introduced by the regulations are</p> <ul style="list-style-type: none"> • To require the licensing of operators which sell animals as pets in the course of a business including keeping animals in the course of a business with a view to their being sold or resold. • To introduce stricter welfare standards for those that sell animals as pets. • To introduce mandatory licensing conditions for those licensed to sell animals as pets. • Introducing a ban on the commercial third party sale of puppies and kittens.
1.05	In order to deal efficiently with applications and animal welfare issues, it is proposed that the powers within the legislation be delegated to the Team Manager – Licensing & Pest Control and The Service Manager for Community and Business Protection.
1.06	The question of whether a function is an executive function or a Council function is determined by either the relevant legislation itself or by the

	Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007, made by the Welsh Government. In this instance the legislation itself is silent on the matter and no such regulations have been made in respect of the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021 determining whether the function should be exercisable as an executive or non-executive function. This means that by virtue of Section 13 of the Local Government Act 2000 the function by default becomes the responsibility of an Executive under a local authority's executive arrangements.
--	--

2.00	RESOURCE IMPLICATIONS
2.01	Not applicable.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None required. Although no specific consultation is required, Officers were granted emergency powers to deal with applications made prior to Cabinet approval, with agreement from the Chief Executive, the Leader of Flintshire County Council and the Cabinet Member for Planning and Public Protection. Cabinet Members were all informed of this decision.

4.00	RISK MANAGEMENT
4.01	The report will enable the Council to implement the requirements of the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021.
4.02	Any person who is aggrieved by the refusal to grant or renew, or the decision to revoke, a licence may appeal to the Magistrates' Court.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>https://www.legislation.gov.uk/wsi/2021/416/regulation/1/made#regulation-1-2</p> <p>Contact Officer: Gemma Potter. Team Manager: Licensing & Pest Control Telephone: 01352 703371 E-mail: gemma.m.potter@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021: Regulations to change the licensing arrangements for the sale of pets in Wales