

Department of Corporate and Community Services

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TO: Councillors T Buchanan (Chair); C Bamforth; B Cunningham; D Devlin; A Lafferty (Vice Chair); and C Merrick.

CABINET

Please find attached the undernoted item for the virtual meeting of the Cabinet on 25 November 2021.

Caroline Innes

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DEPUTY CHIEF EXECUTIVE

Undernote Referred to

Item 12 - Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 - Report by Director of Environment (copy attached, pages).

This document can be explained to you in other languages and can be provided in alternative formats such as large print and Braille. For further information, please contact Customer First on 0141 577 3001 or email customerservices@eastrenfrewshire.gov.uk

For information on how to access the virtual meeting please email sharon.mcintyre@eastrenfrewshire.gov.uk

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EAST RENFREWSHIRE COUNCIL

CABINET

25 NOVEMBER 2021

Report by Director of Environment

THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS)
(SCOTLAND) REGULATIONS 2021

PURPOSE OF REPORT

1. The purpose of the report is to advise Cabinet of East Renfrewshire Council's new statutory duties under the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 (hereinafter referred to as "the 2021 Regulations"); and agree a set of fees applicable to the activities as set out in Appendix A that fall under existing and the 2021 Regulations and for these fees to be applicable with immediate effect.

RECOMMENDATIONS

2. It is recommended that Cabinet:
- a) Note East Renfrewshire Council's new statutory duties under the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 (hereinafter referred to as "the 2021 Regulations"); and
 - b) Agree the fees as set out in Appendix A and that these are applicable immediately.

BACKGROUND

3. The new 2021 Regulations came into force in September 2021 and replace previous legislation covering pet sales and dog breeding. The 2021 Regulations include the introduction of new licensing requirements for cat and rabbit breeders, animal welfare establishments (such as animal sanctuaries and rehoming centres) and other pet rehoming activities, subject to operators meeting the licensing threshold for each activity.

4. With one exception, under the terms of the new 2021 Regulations, local authorities will be the licencing authority for animal welfare activities. The Scottish Ministers will licence any application made in connection with animal rehoming activities (as defined in the 2021 Regulations) by persons that neither reside nor have a place of business in Scotland. Within East Renfrewshire Council animal welfare matters are delegated to Environmental Health and Trading Standards.

REPORT

5. East Renfrewshire Council currently charges a fee for certain animal welfare activities. In the Environment Department Charging for Services report (Item 11(iv) on the agenda) it was noted that a report regarding an alteration to account for the 2021 Regulations would be brought forward for consideration.

6. It was originally to be considered at the Cabinet meeting on 2 December. However due to timetabling changes with the Cabinet on 2 December now a meeting of the Cabinet (Police & Fire) the report has been submitted to this meeting. This is to enable the fees to be considered to process the licensing of businesses as their existing licences expire on 31 December 2021.

7. The new 2021 Regulations repeal or alter some previous legislation, change licencing requirements for existing activities, introduce new requirements for certain establishments and strengthen revocation of licence and enforcement powers. There are also more stringent requirements for the inspection of establishments including a full report of findings which enables the preparation of a risk assessment which informs the conditions to be imposed on the licence and the number of years validity of the licence. Similar arrangements are to be in place where enforcement action is required.

8. Inspections at certain establishments must be carried out by a suitably experienced and qualified person who is trained in animal welfare and undertakes regular Continuing Professional Development activities. It is proposed to utilise the services of an appropriately trained veterinary surgeon and this is being explored at present. It is anticipated that this fee will be in the region of £250 - £300 per licence and paid by the applicant.

9. Due to the requirements of the old Regulations, the licences of existing licenced establishments will expire on 31 December 2021. At the present time, this involves 9 establishments in East Renfrewshire and they urgently need to renew their licence to comply with the new Regulations. It is anticipated that in 2022 the number of establishments requiring a licence will increase significantly as there is limited knowledge about the activities of cat and rabbit breeders and animal day care establishments.

10. Therefore, to ensure that the existing establishments can continue to operate legally, it is imperative that new licencing requirements and associated fees are implemented immediately. It should also be noted that the Scottish Government's guidance is that where a fee is applicable the licence application should be automatically refused if the applicant fails to pay any fee set.

11. The above together with the proposed fees are summarised in Appendix A.

FINANCE & EFFICIENCY

12. The proposed fees at the present time are considered reasonable plus a veterinary surgeon inspection fee payable by the applicant where required.

IMPLICATIONS OF THE PROPOSALS

13. There are no implications of the proposals specifically in terms of staffing, property, legal, IT, equalities and sustainability.

CONCLUSIONS

14. In conclusion the new 2021 Regulations will have licencing implications for existing licenced animal establishments and introduce new licensing requirements for cat and rabbit breeders, animal welfare establishments (such as animal sanctuaries and rehoming centres) and other pet rehoming activities, subject to operators meeting the licensing threshold for each activity.

15. The Regulations require a stricter inspection regime, reporting and risk assessment when considering an application for various activities related to animal welfare. There are also provisions to strengthen enforcement and make a charge/recover costs for taking action. Accordingly, the fees for the type of establishments to be licenced must be revised from that previously presented to Cabinet and must be applicable immediately to ensure that existing licenced establishments can apply and be inspected before their licence expires.

RECOMMENDATIONS

16. It is recommended that Cabinet:

- a) Note East Renfrewshire Council's new statutory duties under the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 (hereinafter referred to as "the Regulations");
- b) Agree the fees as set out in Appendix A and that these are applicable with immediate effect.

REPORT AUTHOR

Andrew Cahill, Director of Environment

Convener contact details:

Councillor Betty Cunningham
(Convener for Environment)

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November 2021

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APPENDIX A

	Effective from 1 April 2022 (approved by Cabinet 25/11/21)	Effective Immediately
New Animal Welfare Regulations (Replaces Pet Animals Act 1951 and Breeding of Dogs Act 1973)		
Animal Health and Welfare (Scotland) Act 2006 & The 2021 Regulations		
Animal Breeders Dogs Cats Rabbits		£100.40 + vet fees £100.40 + vet fees £100.40 + vet fees
Animal Sales / Pet Shops		£79.35 + vet fees if required
Animal Welfare Establishments Animal Rehoming Centre Animal Sanctuary		£89.55 + Vet Fees £89.55 + Vet Fees
Enforcement of Regulations		Environmental Health Officers & Trading Standards Officers £70.75 per hour of officer's time + vet inspection fees as required Recharge of Legal Fees to 3rd Parties £111.50 per hour of Legal Services Officer's time

Existing Animal Welfare Legislation		
Venison Dealers (Deer) Scotland Act 1996	£52.60	
Dangerous Wild Animals Act 1976	£214.25 + Vet fees	
Zoo Licensing Act 1981	£428.30 + Vet Fees	
Animal Boarding Establishments Act 1963 – Animal Boarding	£89.55 + vet fees if required	
Animal Boarding Establishments Act 1963 - Home Boarding	£67.20	
Riding Establishments Act 1964/76	£227.25 + Vet Fees	
Performing Animals (Regulation) Act 1925	£142.60 + Vet Fees if required	