

MEETING

Date of Meeting	Monday, 30 November 2015
Report Subject	Changes to Dog Breeding Legislation
Report Author	Chief Officer (Planning and Environment)

EXECUTIVE SUMMARY

To inform Members of changes to dog breeding regulations following the implementation of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.

RECOMMENDATIONS

1	To note the report.
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REPORT DETAILS

1.00	Explaining the changes to dog breeding regulations
1.01	The Breeding of Dogs Act 1973 has been replaced within Wales by the (Breeding of Dogs) (Wales) Regulations 2014 which came in to force on 30 April 2015. Any person wishing to breed dogs in Wales must obtain a licence from their Local Authority in compliance with the new regulations and relevant licence conditions.
1.02	Local Authorities will be obliged to have regard to any guidance issued by Welsh Ministers.
1.03	The new regulations specify requirements that must be complied with before a licence can be issued by the Authority. The legislation covers fee setting and circumstances under which a licence may be varied, suspended or revoked. There are rights of appeal to the Magistrate's Court

	<p>against licensing decisions, and a breach of licence condition is also an offence under the regulations. New powers also allow inspectors to gain entry and take samples for the purposes of DNA testing of dogs kept at the premises.</p>
1.04	<p>Under the regulations, a person carries on the activity of dog breeding if they keep on the premises 3 or more breeding bitches and –</p> <ul style="list-style-type: none"> a) Breeds on those premises 3 or more litters of puppies in any 12 month period; b) Advertises for sale from those premises a puppy or puppies born from 3 or more litters of puppies for sale in any 12 month period; c) Supplies from those premises a puppy or puppies born from 3 or more litters of puppies in any 12 month period; or d) Advertises a business of breeding or selling puppies from those premises.
1.06	<p>Schedule 1 of the regulations establish a set of compulsory conditions which must be attached to each licence in addition to a Local Authority's standard conditions i.e:-</p> <ul style="list-style-type: none"> • Implementation of an enhancement and enrichment programme by the breeder, which has been approved by the Local Authority; • Implementation of a socialisation programme that has been approved by the Local Authority; • A requirement that the licence holder must take all reasonable steps to protect dogs from pain, suffering, injury and disease; • Set limits in respect of age of mating, frequency and number of litters; • Restriction on change of ownership of puppies until at least 56 days (8 weeks) old; • Requirement to maintain written records for each breeding bitch and birth of each puppy; and • Requirement to maintain written records for each puppy at the licensed premises.
1.07	<p>The enhancement and enrichment programme is a document that details how dogs will have the opportunity to express normal behaviour. The socialisation programme is a document detailing how puppies will be introduced to human handling, domestic environments, play and how they will be prepared for separation from the dam.</p>
1.08	<p>The All Wales Technical panel for Animal Health and Welfare has been consulting Local Authorities in Wales on an appropriate suite of conditions to ensure compliance with these regulations. Appendix A shows these conditions. The mandatory conditions are numbered 1 to 9. It is proposed that, pending approval by Cabinet, the additional conditions shown as numbers 10 to 19 will also be adopted.</p>
1.09	<p>Due to the legislation failing to delegate this function to the Licensing Committee, it was necessary for a report to go to Cabinet to request the following:-</p>

1.10	<ul style="list-style-type: none"> • Delegation of powers under the Animal Welfare (Breeding of Dogs) Regulations) 2014 to the Community Protection Team Leader – Licensing, and to the licensing team; • Adoption of a suite of conditions approved by the All Wales Technical panel for Animal Health and Welfare; • Delegation of further decisions in relation to conditions to the Chief Officer (Planning and Environment) with approval by the Cabinet Member for Public Protection, Leisure Services and Waste Strategy; • Delegation of the adoption of the fee level to the Chief Officer (Planning and Environment) with approval by the Cabinet Member for Public Protection, Leisure Services and Waste Strategy. <p>The report will be presented at Cabinet on 17th November 2015, therefore an update in relation to this will be provided verbally at Licensing Committee.</p>
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2.00	RESOURCE IMPLICATIONS
2.01	In recognition that the work involved in both administration and compliance checking of these new Regulations will be greater than under the current regime, the proposed licence fee will as such reflect appropriately any additional anticipated and actual costs, and will therefore enable this function to be fully cost neutral. The agreed fee structure will be presented to the Committee, following approval.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	There is no requirement for consultation on this matter.

4.00	RISK MANAGEMENT
4.01	Not applicable.

5.00	APPENDICES
5.01	Appendix A: Mandatory conditions of licence including the additional suite of conditions promoted by the All Wales Technical Panel for Animal Health and Welfare.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014</p> <p>http://www.legislation.gov.uk/wsi/2014/3266/part/2/made</p>

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7.00	GLOSSARY OF TERMS
7.01	Enhancement and Enrichment Programme: a document prepared by dog breeders to ensure the wellbeing of any animals covered by the licence.
7.02	Socialisation Programme: a document prepared by the breeder to ensure that any puppies are prepared for socialisation with humans and other animals.
7.03	Dam: the breeding bitch who has delivered puppies.
7.04	The All Wales Technical Panel for Animal Health and Welfare: a Panel of local authority officers who are experts in the field of animal health and welfare.