

CABINET

Date of Meeting	Tuesday, 17 th November 2015
Report Subject	Changes to Dog Breeding Regulations
Portfolio Holder	Cabinet Member for Public Protection, Leisure Services and Waste Strategy
Report Author	Chief Officer (Planning and Environment)
Type of Report	Operational

EXECUTIVE SUMMARY

To inform Members of changes to Dog Breeding Regulations and to seek approval to set an appropriate scheme of delegated authority for the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014

RECOMMENDATIONS

1	That Members delegate powers under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 to the Community Protection Team Leader – Licensing, and the Licensing Team.
2	That Members adopt the suite of conditions approved by the All Wales Technical Panel for Animal Health and Welfare
3	That Members delegate all 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.
4	That Members delegate the decision 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.

REPORT DETAILS

1.00	EXPLAINING THE NEW DOG BREEDING REGULATIONS
1.01	<p>This report has come to Cabinet to enable Members to agree and approve an appropriate scheme of delegated authority for the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014. The question of whether a function is an Executive function i.e. one for Cabinet, or a Council function of the Licensing Committee, 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 is silent on the matter and no such regulations have been made in respect of the Animal Welfare Act 2006, or the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 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 (or Cabinet) under a Local Authority's executive arrangements.</p>
1.02	<p>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.</p>
1.03	<p>Local Authorities will be obliged to have regard to any guidance issued by Welsh Ministers.</p>
1.04	<p>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 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>
1.05	<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"><li data-bbox="352 1800 1385 1872">(a) Breeds on those premises 3 or more litters of puppies in any 12 month period;<li data-bbox="352 1872 1385 1944">(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;<li data-bbox="352 1944 1385 2016">(c) Supplies from those premises a puppy or puppies born from 3 or more litters of puppies in any 12 month period; or<li data-bbox="352 2016 1385 2087">(d) Advertises a business of breeding or selling puppies from those premise.

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; • Restrictions 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>In order to deal efficiently with applications and animal welfare issues, it is proposed that the powers listed below be delegated to both the Community Protection Team Leader – Licensing, and the Licensing Team:</p> <ul style="list-style-type: none"> • Power to grant a licence • Power to refuse a licence • Power to renew a licence • 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
1.09	<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.</p>
1.10	<p>Appendix A shows these conditions. The mandatory conditions are numbered 1 to 9. It is recommended that Members agree to adopt the additional conditions agreed by the Technical Panel, shown as numbers 10 to 19. All conditions are made in relation to promoting the health and welfare of any animal affected by this licensing regime.</p>
1.11	<p>It is proposed that Members should delegate the decision on adopting further conditions or making changes to conditions to the Chief Officer for</p>

	Planning and Environment with approval by the Cabinet Member for Public Protection, Leisure Services and Waste Strategy.
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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.
2.02	It is proposed that Members delegate the decision of the adoption of the fee level to the Chief Officer for Planning and Environment with approval by the Cabinet Member for Public Protection, Leisure Services and Waste Strategy.

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

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 http://www.legislation.gov.uk/wsi/2014/3266/part/2/made</p> <p>Contact Officer: Gemma Potter Community Protection Team Leader - Licensing</p> <p>Telephone: 01352 703371</p> <p>E-mail: gemma.potter@flintshire.gov.uk</p>

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.