

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

3 December 2021

Regeneration and Sustainable Development Cabinet Board

Report of the Head of Legal and Democratic Services Mr Craig Griffiths

Matter for Decision

Wards Affected: All

Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021

Purpose of the Report

1. To seek approval from members to set an appropriate scheme of delegated authority for the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021.

Executive Summary

2. 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.
3. The question of whether a function is an executive function [i.e. one for Cabinet or Cabinet Board 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 Assembly 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.

Background

4. 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.
5. This requirement replaces the requirement to obtain a licence under the Pet Animals Act 1951 Wales.
6. The Main changes introduced by the regulations are
 - 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.
 - Introduce stricter welfare standards for those that sell animals as pets.
 - 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.
7. In order to deal efficiently with applications and animal welfare issues, it is proposed that the powers listed below be delegated to both the Head of Legal Services and the Legal Regulatory Manager.
 - 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

Financial Implications

8. Not applicable

Integrated Impact Assessment

9. As this report is in respect of governance and delegated powers alone there is no requirement for an integrated impact assessment.

Legal Impacts

10. The report will enable the Council to implement the requirements of the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021. 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

Risk Management

11. The report will enable the Council to implement the requirements of the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021.

Consultation

12. There is no requirement under the constitution for external consultation on this item

Recommendation

13. It is recommended that the following powers contained in the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations delegated to both the Head of Legal and Democratic Services and the Legal Regulatory Manager

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

And that the Head of Legal and Democratic Services be authorised to update the Neath Port Talbot Council Constitution accordingly.

Reasons for Proposed Decision

14. Delegated Authority is required in order to deal efficiently with applications and animal welfare issues under the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021.

Implementation of Decision

15. The decision is for immediate implementation with the consent of the Chair of the appropriate Scrutiny Committee.

Appendices

16. Not Applicable

List of Background Papers

17. Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021

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