

## Summary: Intervention & Options

Department /Agency:

DEFRA

Title:

Impact Assessment of Amending the Dangerous Wild Animals Act 1976 ("The Act") – The Legislative Reform (Dangerous Wild Animals) (Licensing) Order 2010

Stage: Implementation

Version: 1

Date: December 2009

**Related Publications:** Consultation paper, draft amended Regulation, Summary of Responses, Accompanying Statement

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### What is the problem under consideration? Why is government intervention necessary?

The Act's purpose is to protect the public from the threat posed by the private keeping of dangerous wild animals by way of a licensing regime administered and enforced by local authorities. There has been long-standing demand for reform of the Act from animal keeping organisations and other stakeholders who consider the legislation bureaucratic and not fit for purpose. Growing anecdotal evidence has suggested a high level of non-compliance and revising the Act to minimize burdens should increase acceptance and compliance with it.

### What are the policy objectives and the intended effects?

- a) Extend the period of validity of a licence from a maximum of one calendar year to two years, effectively halving licence costs for keepers and reducing administrative burden on local authorities
- b) Provide that licences (other than in the case of licence renewals) will come into force immediately upon their being granted (rather than, as was previously the case, from either the date of grant or the beginning of the next following year). This will enable keepers to have a full two year licence rather than the licence expiring at year end, as now, irrespective of when the licence was issued).

### What policy options have been considered? Please justify any preferred option.

Option 1 - Do nothing.

Option 2 - Reform the Act to minimise burdens whilst retaining proportionate public safety benefits, update guidance to local authorities.

**Option 2** is the preferred option. Response to 2004 public consultation found 100% of respondents were in favour of amending the Act and this option, bearing in mind Hampton Review recommendations, delivers reduced regulatory burden and additional benefits for stakeholders.

[ details of discounted options can be found at Paragraph 4.1 in the Evidence Base]

### When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

Four years from the time the Order comes into force.

### Ministerial Sign-off For Implementation Impact Assessment:

*The revisions to this IA have been reviewed and the overall approach to the cost-benefit is unchanged and therefore approved. It is considered that the IA represents a reasonable view of the likely costs, benefits and impacts of the preferred option.*

Signed by the responsible Minister:

..... Date:.....

## Summary: Analysis & Evidence

<b>Policy Option: 2</b>	<b>Description: Reform the Act to minimise burdens whilst retaining proportionate public safety benefits, update guidance to local authorities.</b>
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<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups' There are no monetised costs.
	<b>One-off</b> (Transition)	<b>Yrs</b>	
	£ N/A		
	<b>Average Annual Cost</b> (excluding one-off)		
£ -	3	<b>Total Cost (PV)</b> £ -	
Other <b>key non-monetised costs</b> by 'main affected groups' There could be a minimal increase in risk to public safety, but there have been very few cases of escaped animals or animals causing damage.			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' The key monetised benefits include £54,375 savings for keepers in application fees, £2,000 savings for keepers arising from less time completing applications and £5,000 for attending fewer inspections. These costs are averages per year, but reflect a doubling of the time period between renewal of licences.
	<b>One-off</b>	<b>Yrs</b>	
	£ N/A		
	<b>Average Annual Benefit</b> (excluding one-off)		
£61,375	3	<b>Total Benefit (PV)</b> £229,313	
Other <b>key non-monetised benefits</b> by 'main affected groups' There may be some cost savings to local authorities, but it is not clear if these will materialise or their potential magnitude. The response rate from local authorities to a request for information in the original consultation was low.			

**Key Assumptions/Sensitivities/Risks** The application fees are based on survey data of local authority charges and estimated vets fees. The time savings for keepers are based on half an hour spent completing each application and an hour and a quarter attending inspections. There are assumed to be 375 licences issued a year, based on past trends. The appraisal period is four years.

Price Base Year 2007	Time Period Years 4	<b>Net Benefit Range (NPV)</b> £ -	<b>NET BENEFIT (NPV Best estimate)</b> £229,313
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What is the geographic coverage of the policy/option?	England and Wales				
On what date will the policy be implemented?	January 2010				
Which organisation(s) will enforce the policy?	Defra/Local authorities				
What is the total annual cost of enforcement for these organisations?	£ Not available				
Does enforcement comply with Hampton principles?	Yes				
Will implementation go beyond minimum EU requirements?	No				
What is the value of the proposed offsetting measure per year?	£ N/A				
What is the value of changes in greenhouse gas emissions?	£ Negligible if any				
Will the proposal have a significant impact on competition?	No				
Annual cost (£-£) per organisation (excluding one-off) (Note: estimated annual saving per applicant)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; text-align: center;">Micro</td> <td style="width: 25%; text-align: center;">Small - £164</td> <td style="width: 25%; text-align: center;">Medium</td> <td style="width: 25%; text-align: center;">Large</td> </tr> </table>	Micro	Small - £164	Medium	Large
Micro	Small - £164	Medium	Large		
Are any of these organisations exempt?	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; text-align: center;">No</td> <td style="width: 25%; text-align: center;">No</td> <td style="width: 25%; text-align: center;">N/A</td> <td style="width: 25%; text-align: center;">N/A</td> </tr> </table>	No	No	N/A	N/A
No	No	N/A	N/A		

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)		(Increase - Decrease)
Increase of £	Decrease of £ 6647	<b>Net Impact</b> £ -6647

Key: Annual costs and benefits: Constant Prices (Net) Present Value

# Evidence Base (for summary sheets)

## 1. **Background**

- 1.1 The Dangerous Wild Animals Act 1976 (“the Act”) came about following the fashion in the 1970s for keeping exotic animals, such as lions and tigers. Its primary purpose is to seek to protect the public from risks arising from the keeping of dangerous wild animals. It is intended to protect the public at large by regulating the keeping of dangerous wild animals rather than the animal keepers themselves. The Act also contains some ancillary welfare provisions.
- 1.2 The Act does not contain a definition for a dangerous wild animal. Instead it lists in a Schedule those animals that are subject to the provisions of the Act. It includes animals such as tigers, lions, chimpanzees, gorillas, crocodiles, venomous snakes and spiders. Local authorities are responsible for administering and enforcing the Act and anyone wishing to keep an animal listed in the Schedule must obtain a licence from his or her local authority.
- 1.3 There has been long-standing demand for reform of the Act from animal keeping organisations and growing anecdotal evidence has suggested a high level of non-compliance with the Act. A government-funded study<sup>1</sup> by the International Zoo Veterinary Group (IZVG), published in 2001, examined the Act’s effectiveness. IZVG reported that the Act had been broadly effective inasmuch as there had been no reported serious injuries to the public.
- 1.4 There was however compelling circumstantial evidence to support claims of significant levels of non-compliance. They pointed to the view of many keepers that the controls extended to non-dangerous animals, to some species which are now farmed in significant numbers and widespread disparities in licence and inspection fees set by local authorities. They also identified weaknesses in the enforcement of the Act, leading to fears of widespread flouting of its provisions, and hearsay evidence that some local authorities were adopting blanket policies to refuse all licence applications.
- 1.5 It was considered that current legislation does not adopt a proportionate approach to the regulation of dangerous wild animals based on risk to the public. In addition it is not consistent with other relevant legislation relating to public safety and enforcement and inspection regime is not consistent with Hampton principles<sup>2</sup>. There has been formal consultation with stakeholders in developing the current proposals.

## 2. **Consultation**

- 2.1 The review of the Act has been underway since 2000 and there has been wide consultation of stakeholders throughout this process. The latest consultation took place in 2008.

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<sup>1</sup> Greenwood AG, Cusdin PA and Radford M (2001) Effectiveness Study of the Dangerous Wild Animals Act 1976 . Defra Research Contract CR0246.

<sup>2</sup> Hampton P (2005) Reducing administrative burdens: effective inspection and enforcement. Report to HM Treasury.

- 2.2 The review began with the consultant's study of the effectiveness of the Act (undertaken by IZVG), which itself included surveying the views of stakeholders.
- 2.3 Following an initial consultation on this report in 2001/2, Defra formulated proposals for addressing the shortcomings of the Act and undertook a public consultation<sup>3</sup> exercise in Autumn 2004. 100% of respondents supported the broad proposal that the Act required revision to improve its effectiveness, bring it up to date and make it fit for purpose. However, 98% of respondents had caveats about some of the detail of those proposals (some arguing for less regulation and others for more).
- 2.4 Following the consultation in 2004, the Government has further considered the reform of the Act. This consideration has particularly taken into account the wider regulatory and policy framework relevant to keeping of dangerous wild animals. It became clear that the situation had developed since introduction of the Act in 1976 and there were other potential options to tackle problems. Since 1976, there is also a greatly increased emphasis that regulation should be more focused on risk and seek to minimise regulatory burdens in line with 'Better Regulation' policies. The new proposals, set out in the 2008 consultation, seek to reduce the level of regulatory burden on both local authorities and animal keepers, with those adopting and maintaining higher standards benefitting most from the deregulation exercise.
- 2.5 This process has led to development of new, more focused, proposals for regulatory reform of the Act. In addition to these proposals detailed below, we will make comprehensive guidance available to keepers and local authorities. Through the latest consultation process, by way of questionnaires contained therein, we sought input from stakeholders which will hopefully ensure a shared sense of ownership of the guidance and ensure that it is fit for purpose and delivers what is required. In addition, a small working group of main stakeholders has been convened to help compile the guidance to ensure those areas of most concern to interested parties are addressed.
- 2.6 This review process has enabled wide consultation with all the stakeholder groups, local authorities and many individuals with an interest, ensuring ample opportunity to feed views in to Government. Stakeholders views tend to be divided into two opposing camps – those with an interest in keeping animals desiring 'lighter touch' regulation and those concerned primarily with animal welfare desiring tighter controls aimed at delivering welfare objectives.

### **3. Sectors and groups affected**

- 3.1 The proposals will affect private animal keepers, local authorities and potentially the wider public in England and Wales. Private animal keepers are generally individuals scattered throughout society. The Act also applies to those who are farming species which are considered to be dangerous wild animals and hence included on the Act's Schedule. Since the Act came into force, a farming industry has developed in several of the listed species such as wild boar and ostrich.
- 3.2 The Act exempts zoos, circuses, licensed pet shops and also designated establishments within the meaning of the Animals (Scientific Procedures) Act 1986. These establishments are all regulated under their own legislation.

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<sup>3</sup> Defra (2004) Proposals for Improving the Effectiveness of the Dangerous Wild Animals Act 1976

## 4. Options

4.1 In all five options were identified during the 2004 consultation:

- Do nothing (retain the status quo)
- Update the guidance to local authorities and encourage improved enforcement of the existing legislation, but undertake no legislative changes
- Repeal the Act and rely on self regulation
- Amend the Act to make it more robust, albeit with an increased regulatory burden (as envisaged in Defra's previous proposals, published in June 2004)
- Reform the Act to minimise burdens whilst retaining proportionate public safety benefits, as per the Government's current proposals, and update the guidance to local authorities. [This is the preferred option, referred to as Option 2 in this IA]

4.2 As noted in paragraph 2.3 above, 100% of respondents wanted to see a revision of the Act to improve its effectiveness and taking into account the findings of the Hampton Report this left us with the options either to maintain the status quo (the first bullet point above) or pursue reform of the Act and update guidance to local authorities (the fifth bullet point above). **We are therefore taking forward the latter and preferred option which is now referred to as Option 2.**

## 5. The objectives

- 5.1 The following proposals are intended to be in line with Government's intention to deregulate where desirable and regulate with as light a touch as possible. It is also intended that the principle of risk assessment should be able to be entrenched throughout the regulatory system, so that the burden of enforcement falls most on highest-risk areas and least on those with the best records of compliance.
- 5.2 Unless the Act's shortcomings can be addressed and the Act made credible and effective, the risk of non-compliance grows and the possible threat to public safety becomes more real.
- 5.3 We therefore proposed reform of the legislation under Section 1 of the Legislative and Regulatory Reform Act 2006 to provide an improved and better focused licensing regime which will retain the public safety benefits, whilst reducing some level of the burden on local authorities and keepers.

## 6. The proposals

6.1 The proposals considered under the preferred option, Option 2, and contained in the 2008 consultation are :

***a) to extend the period of validity of a licence from a maximum of one calendar year to two years;***

***b) to provide that licences (other than in the case of licence renewals) will come into force immediately upon their being granted (rather than,***

***as was previously the case, from either the date of grant or the beginning of the next following year).***

- 6.2 The proposal to **remove the welfare provisions contained in the Act** (Proposal C in the consultation) will not now be pursued. It was originally considered that there was no requirement for the Act to be particularly concerned with addressing welfare issues. This view has subsequently been revised following consideration of responses to the latest consultation, further consideration of the issues and advice from lawyers with regard to what actions can be taken via the Legislative Reform Order process.
- 6.3 A further proposal (Proposal B in the consultation), ***to remove the mandatory requirement for inspections to be carried out in respect of certain applications for a replacement, or second - similar, licence***, will also not be pursued. The proposal was included in the Draft Legislative Reform (Dangerous Wild Animals) (Licensing) Order 2009 when it was laid, under an affirmative resolution procedure, in June 2009. The draft Order was approved by the House of Commons Regulatory Reform Committee, however the House of Lords Delegated Powers and Regulatory Reform Committee (DPRRC) raised concerns that the proposal would remove necessary protections currently contained in the Act.
- 6.4 In order to address the concerns of the DPRRC with regard to the proposal officials undertook a further consultation of all local authorities in England and Wales seeking further evidence on their likely response to the proposal and its intentions. Consultees were advised to consider the proposal in tandem with the one to increase the life of a licence to two years (which would halve the frequency of inspections (on renewal) in any event).
- 6.5 Some 61 local authorities responded and it appears, and this was not something that was apparent following the earlier main consultation, that the desire within local authorities for flexibility regarding the requirement to inspect is fairly low and no evidence that a more targeted inspection programme would increase the levels of enforcement and protection for which the DWAA provides. On this basis Defra officials decided there would be little mileage in removing the mandatory requirement for inspections and the Defra Minister agreed to a recommendation to drop this particular proposal from the draft Order.

## **7. Benefits and costs of the options**

- 7.1 This section sets out the analysis of benefits and costs of these two options.

### ***Option 1 - Do nothing (retain the status quo)***

- 7.2 There are no substantive benefits to this option. It would not address the shortcomings of the Act, the fact that it is held in low regard and there is anecdotal evidence of non-compliance, which have become apparent through the IZVG report and previous public consultation responses. Since this is the baseline option, the additional costs and benefits of this option are zero. The additional costs and benefits of Option 2 are compared to this baseline.

### ***Option 2 - Reform the Act to minimise burdens whilst retaining proportionate public safety benefits, as per the Government's current proposals, and update the guidance to local authorities***

- 7.3 This approach is the one proposed in the last consultation paper and detailed above in Paragraph 6.1.
- 7.4 It would be proportionate for the enforcement authority to know of the existence and location of dangerous wild animals given the potential risk that they pose and to ensure that they are kept securely. It also allows for other conditions to be applied if there were particular concerns or problems.
- 7.5 Maintaining a licensing system enables the Act to continue to be self-financing (as with the current licensing system) but by extending the validity of licences to two years from the date of issue it would mean a lowering of costs to both keepers and local authorities than retaining the current licensing system as it is. The requirement to licence and inspect animals is sufficiently flexible to allow a proportionate level of enforcement action, such as risk-based inspection and focus on new licencees.
- 7.6 Other relevant regulatory regimes would still potentially be available if appropriate in the event of problems (e.g. statutory nuisances, ASBOs etc). However, unlike if the Act were entirely repealed, these would only be required as back up or to cover problems from less dangerous non-controlled species.
- 7.7 This option could assist in the enforcement of other related legislation such as the Animal Welfare Act 2006 (the "AWA"), where local authorities also have an enforcement and inspection role. Any animal welfare concerns noted on inspection could be passed on to the enforcement authorities responsible for animal welfare legislation and inspections under the AWA carried out by local authorities could be coordinated with inspections under the Act where possible.

## **Benefits**

### **Application fees**

- 7.8 The Act states that licence applications shall be '*accompanied by such fee as the local authority may stipulate (being a fee which is in the authority's opinion sufficient to meet the direct and indirect costs which it may incur as a result of the application)*'. Local authorities are therefore responsible for setting the fees which will be charged so that they can recover their overall costs.
- 7.9 The IZVG study in 2001 obtained information on charges for licence applications under the Act made by 180 local authorities. The way the licence fees are calculated varies between the local authorities. Most charge a flat fee, either including or excluding vet fees. Others have developed a tiered system, charging more for an initial licence than a renewed licence, or charging more to license a large collection of animals than for an individual animal. It also appeared that some authorities provided a reduced fee to animal rescue facilities.

- ***Average fee charged (based on 180 LAs) £131***

Based on this information, in 2000, on average an applicant might expect a total fee of between £100 and £150 for annual licensing. However, IZVG's survey also revealed that the lowest fee charged was £25 plus vet's fees and the highest fee charged was £525. Responses to the public consultation in 2004 included reports of local authority charges for licences ranging from £46.50 to an unconfirmed report of over £1,000.

7.10 To provide more recent figures Defra collated information on licence fees from local authorities via a questionnaire contained in the last consultation in 2008. 12 authorities responded and:

- **Average fee charged (based on 12 LAs) £185**

In 2007 the smallest charge was £59 and the highest was £402, however this was a small sample given the number of local authorities there are and it is certain that some will charge more for licences.

7.11 In addition to the figures received on licence fees we sought similar information on vets fees (the average licence fee referred to above does not include vets fees). The average fee, based on the returned questionnaires, was £105. Therefore in 2007, including vets fees, we estimate that on average an applicant might expect a total fee in the region of £290 for annual licensing. There will, however, be variation between different local authorities.

### **Application time**

7.12 As well as incurring the application fee, keepers also face the cost of their time in completing the application. For the purposes of completing the Impact Assessment we have assumed an average application completion time of 30 minutes and, using the population of 375 (based on the survey of keepers in 2000) this gives an indicative collective administrative burden for keepers of £4,000 for form completion. The proposed simplification detailed in the proposals – to increase the licence period validity to two years – would lead to a reduction in burden of 50%, some £2,000. See Section 8 for further detail on the administrative burdens.

### **Cost savings**

7.13 The benefits of the preferred option can be shown as the estimated cost savings outlined in Table 1. Reforming in this way means licences only need to be applied for every two years. This halves the average annual costs in collective application fees to £54,375, giving a saving per applicant of £145 per year. Over an appraisal period of 4 years the total cost saving will provide a present value benefit of approximately £203,159. This figure increases to £229,313 when savings from reduced application filling and inspection attendance are factored in, details can be found in Section 8 below.

7.14 This may be an underestimate, as there could be cost savings to local authorities from less frequent licence processing and inspections. However, this is likely to be to a limited extent, as the general principle is to aim for full cost recovery, so local authorities will face fewer costs, but with correspondingly fewer application fees. The divergence of fee structure between local authorities makes this difficult to assess, plus fees may change after policy implementation. Public liability insurance is also excluded as this will vary with the animal kept and the numbers involved, but would remain constant under both options.

7.15 The cost comparisons rely on the following assumptions:

- The licence fee, including inspection costs, is £290 – which is the current average
- The new life of a licence would be 24 months



- Licence applications take an average of half an hour of keepers time
- Inspections take an average of an hour and a quarter of keepers time
- The licence costs would remain the same following amendments to the existing Act
- The number of licences issued per year would be 375 – based on the IZVG’s survey in 2000
- No “new” applicants apply – or this is netted off with the loss of existing applicants. In reality there may be some licences issued in intermediary years e.g. 2010
- A discount rate of 3.5%.

**Table 1: Total cost of licences to keepers, £**

	2009	2010	2011	2012	Total
<b>Option 1</b>					
Application fees	108,750	108,750	108,750	108,750	<b>435,000</b>
Application time	4,000	4,000	4,000	4,000	<b>16,000</b>
Inspection time	10,000	10,000	10,000	10,000	<b>40,000</b>
<b>Option 2</b>					
Application fees	108,750		108,750		<b>217,500</b>
Application time	4,000		4,000		<b>8,000</b>
Inspection time	10,000		10,000		<b>20,000</b>
<b>Cost savings of Option 2</b>	<b>0</b>	<b>122,750</b>	<b>0</b>	<b>122,750</b>	<b>245,500</b>
<b>PV of cost savings</b>	<b>0</b>	<b>118,599</b>	<b>0</b>	<b>110,714</b>	<b>229,313</b>

[It should be noted that a licence could be issued for more than one animal]

## Costs

- 7.16 The potential for increased risk to public safety (paragraphs 7.8 and 7.9) following the proposed amendments is hard to quantify. There have been very few reported cases of dangerous wild animals escaping and we don’t anticipate it changing significantly. It is to the owners’ benefit to ensure that their, sometimes costly, animals are housed in secure accommodation so they do not escape and owners have to satisfy the local authority that accommodation is secure in order to obtain a licence.

## NPV

- 7.17 The benefits of the preferred option are very likely to outweigh any costs. Benefits will be provided through cost savings to both keepers and possibly local authorities. No costs can be monetised, but the only potential cost would appear to be the possibility of increased risk to the public and this has been addressed in the previous paragraph.

## **8. Administrative burden on keepers**

### **Applications**

- 8.1 As considered in the cost benefit analysis there are administrative costs involved for keepers i.e. the time taken (and ensuing cost) of actually completing the application form. The reduction in administrative burden is estimated to be £2000 per year on average. We have assumed an application completion time of half an hour but we have little information on the overall costs to keepers in this respect.
- 8.2 The Act's licensing regime is administered by over 400 local authorities and different authorities place differing weights of importance to this piece of legislation. Subsequently it is very difficult to gauge how proactive these authorities are in respect to licensing, including the amount of guidance they produce about the Act or about the completion of the application. In addition there is no standard application form, subsequently the information requested and the length of time for keepers to complete the forms is not known.

### **Inspections**

- 8.3 There is another burden on keepers, that of being available and accompanying inspectors when premises are required to be inspected. Currently inspections are required when someone first applies for a licence and at the time of renewal (currently on a yearly basis). From responses to the consultation we can take an average time of an hour and a quarter for an inspection and, using the population of 375 (based on the survey of keepers in 2000), this gives an indicative collective administrative burden for keepers of £10,000 for attending inspections each year.
- 8.4 The proposed simplification detailed in the proposals – to increase the licence period validity to two years – would lead to a reduction in burden of 50%, giving an average saving of £5,000 per year. This would give an overall saving per applicant, on application fees, application completion time and reduced inspection time at licence issue, of £164 per year. Over an appraisal period of 4 years the total cost saving will provide a present value collective benefit of approximately £229,313.
- 8.5 The impact on the Admin Burdens Baseline, to include those savings identified above in reduced time completing applications and attending inspections, equates to a decrease of £7,000 – reduced further, to allow for inflation between 2005 and 2007 – to a figure of £6647 as shown at the foot of page 2 of this impact assessment.

### **Compliance**

- 8.6 The “new burden” or costs to keepers who are currently acting outside of the law and now decide to comply and seek licences for their animals have not been included in this assessment.

## **9. Competition Assessment**

- 9.1 The intended proposals are unlikely to affect competition between businesses involved in selling or keeping of dangerous wild animals. The provisions will apply across the board and, if anything, are likely to aid smaller organisations more, as licence fees may represent a proportionately larger outgoing for them.

## **10. Small Business Impact Test**

- 10.1 The legislation is primarily aimed at private animal keepers and exempts many commercial keepers such as pet shops, zoos, circuses and scientific establishments. However, some small businesses such as farms, are affected by the legislation. Appropriate representative organisations have been consulted during the Act's review and have consistently supported revision of the legislation to make it less burdensome and the new proposals will help reduce the administrative burden on them.
- 10.2 It is confidently expected that small businesses will welcome the changes that will make the Act more credible and proportionate, and which aim to reduce burdens to the minimum consistent with meeting the legislation's objectives.

## **11. Enforcement, Sanctions and Monitoring**

### **Enforcement**

- 11.1 Local authorities will remain responsible for enforcement of the legislation and the most recent consultation exercise (regarding the proposal to give local authorities more discretion with regard to inspections, subsequently dropped as there was no appetite within the authorities for such discretion) has highlighted that they take their responsibilities with regard to the Act seriously.
- 11.2 Reform of the legislation should assist with buy-in from keepers, encouraging an improved level of compliance. Clubs and keeper organisations are also more likely to require compliance with the Act as a condition of membership if the Act is more credible. This level of self-regulation will support local authority enforcement.
- 11.3 The 2007 revision of the Schedule of species (where some 30 plus species were removed from control) will also assist by ensuring that only those species deemed sufficiently dangerous to warrant regulation under the Act are listed.

### **Sanctions**

- 11.4 The general requirement to be licensed to keep dangerous wild animals will be retained along with all the other current provisions of the Act including; the offences, penalties, existing standard licence conditions, and powers to seize unlawfully held dangerous animals. This will ensure that the necessary protections of the Act are retained but no further sanctions imposed.

### **Monitoring**

- 11.5 A review of the new provisions, to see whether they are meeting the original objective to reduce administrative burdens and improve compliance with the Act, will be undertaken after four years. This will allow time for the new process to bed in over two licensing periods. It is likely that the questionnaires contained in the 2008 consultation package will again be used and comparisons made between each of the three year periods i.e. pre-amendment to the Act and post-amendment. Defra will lead on this exercise.
- 11.6 Defra will also seek feedback from affected stakeholders, by electronic means through amendment of relevant web pages, to gauge the affects, positive or negative, of the new provisions and will also seek comment on the published

guidance for local authorities which will be produced. The guidance is likely to be a “living document” which can be revised and updated where circumstances require it.

## **12. Implementation and delivery plan**

12.1 These changes will be implemented by a super-affirmative Statutory Instrument (SI) which Defra will be responsible for preparing. The outline timetable is below;

- Draft Order laid – November 2009
- Statutory Instrument comes into force – January 2010
- Guidance published for local authorities - July 2009

## **13. Post-implementation review**

13.1 The local authorities and other key stakeholders, such as the RSPCA and keeper groups, will want to monitor the effectiveness of any new legislation. We will need to consider how best to evaluate it once it has had time to bed down (and local authorities have had the opportunity to come to grips with the new guidance), but will commit to a review after four years. The number of licences issued by local authorities, as well as their geographic spread, (possibly reflecting increased compliance), the number of prosecutions and public awareness of the controls are all potential measures.

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## Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

**Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.**

<b>Type of testing undertaken</b>	<b><i>Results in Evidence Base?</i></b>	<b><i>Results annexed?</i></b>
Competition Assessment	<b>Yes</b>	No
Small Firms Impact Test	<b>Yes</b>	No
Legal Aid	No	<b>Yes</b>
Sustainable Development	No	<b>Yes</b>
Carbon Assessment	No	<b>Yes</b>
Other Environment	No	<b>Yes</b>
Health Impact Assessment	No	<b>Yes</b>
Race Equality	No	<b>Yes</b>
Disability Equality	No	<b>Yes</b>
Gender Equality	No	<b>Yes</b>
Human Rights	No	<b>Yes</b>
Rural Proofing	No	<b>Yes</b>

## **Outcome of Impact Tests not referred to in the Evidence Base**

### **Legal Aid**

The proposals do not create any new criminal sanctions or civil penalties, those currently contained in the Act will be retained.

### **Sustainable Development**

The proposals will have very little impact on sustainable development.

### **Carbon Impact Assessment**

The proposals will have no significant effect on carbon emissions.

### **Other Environmental**

The proposals have little or no implications in relation to climate change, waste management, air quality, landscapes, water and floods, habitat or noise pollution.

### **Health Impact Assessment**

The proposals will not directly impact on health or well being and will not result in health inequalities.

### **Race /Disability/Gender**

There are no limitations on meeting the requirements of the proposals on the grounds of race, disability or gender. The proposals do not impose any restriction or involve any requirement with which a person of a particular racial background, disability or gender would find it difficult to comply. Conditions apply equally to all individuals and businesses involved in the activities covered by the proposals.

### **Human Rights**

The proposals are consistent with the Human Rights Act 1998.

### **Rural Proofing**

The proposals will not have a different impact in rural areas.