

LEISURE, ENVIRONMENT AND COMMUNITY COMMITTEE – 16 OCTOBER 2019

PART I – PART DELEGATED

7. ANIMAL ACTIVITY LICENSING FEES REVIEW (DCES)

1 Summary

- 1.1 This report sets out the proposed fees for licenses that fall under the scope of the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018.
- 1.2 On 5 November 2018 Policy and Resources Committee resolved that the licensing fees for animal related licenses be determined for 2018/9 on consideration of the information contained in the report but that applicants be given 14 days to pay the Part B fee and that a review of the fees and charges be made after the first year of operation to ensure they are correct; with a further report should any necessary adjustments be identified. Minute PR35/18 Animal Activities Licensing Fees and Charges refers. Council in December 2018 resolved that the proposed fees and charges in relation to animal licensing be adopted with the amendment that applicants be given 14 days to pay the Part B fee. Minute CL57/18 refers.
- 1.3 It is in the remit of the Committee to deal with this fee. The current fees were only set by Policy and Resources Committee and Council originally as it was new legislation which required new policies and procedures and Council had to formally adopt it.
- 1.4 The current fees, attached to this report as Appendix 1, were determined using the old regime as a guide for the estimation of time per application. The new regime has proven to be more onerous than anticipated and due to the change in conditions and the level of work required, the existing fees have been reviewed and amended.
- 1.5 The proposed fees, attached to this report as Appendix 2, will enable the Council to recover its reasonable costs in processing and determining applications and ensuring compliance with the Regulations and conditions of the licence.
- 1.6 The fees have been calculated by assessing the time it takes for each step in the process from receipt of an application to issuing a licence, with the costs based on an hourly rate constructed by direct and indirect costs for all officers involved. There is also a portion attributed to management time as well as estimated costs for compliance and enforcement functions carried out by the Animal Welfare and Licensing Inspector. These costs have then been applied to the time allocations and divided by the number of licences to give the cost per licence. In calculating these fees officers have taken into account the Supreme Court's rulings in the Hemmings v Westminster City Council case.

2 Details

- 2.1 The Animal Welfare (Licensing of Activities Involving Animals)(England)Regulations 2018 came into force in October 2018. The enabling legislation was the Animal Welfare Act 2006 and the stated aim was to maintain and improve existing animal welfare standards by modernising the current animal licensing system in England.
 - 2.1.1 The Regulations cover the following activities: dog /cat boarding (kennel /cattery), home boarding for dogs, dog day care, dog breeding, selling animals as pets (which

includes online sales), hiring out horses for riding and keeping or training animals for exhibition. All previous legislation relating to these activities has been revoked.

2.1.2 The Regulations provide for licenses to be granted or renewed for a period of one, two or three years in respect of that activity (except for the keeping or training of animals for exhibition).

2.1.3 Keeping or training animals for exhibition previously fell to the County Council (under the Performing Animals (Regulation) Act 1925); but became this Council's remit under the new Regulations and now include mobile animal exhibits and animal encounters. If operators of these activities meet the minimum standards, an automatic 3 year licence is issued.

3 Options and Reasons for Recommendations

3.1 Animal activity licensing and the new licensing regime is a statutory function legislated by the Animal Welfare Act 2006 and no other options are available. Although it is for the Local Authority to determine the appropriate fees and charges.

3.1.1 To ensure compliance with statutory requirements placed on the Council, while keeping costs to business operators to a minimum.

3.1.2 The Committee is being asked to recommend the amended fees with immediate effect to enable officers to begin the renewal applications of operators licensed this time last year and awarded a licence duration of 1 year. This will ensure that all operators are included in the fee increase.

4 Policy/Budget Reference and Implications

4.1 The recommendations in this report are within the Council's policy but not within the Council's agreed budgets. The revised fees will be noted as part of the overall budget setting process in the same way as all revised fees and charges are dealt with.

5. Environmental, Community Safety, Public Health, Customer Services Centre

5.1 None specific.

6. Financial Implications

6.1 When setting the fees there is a statutory requirement to consider the income received for a licensing scheme compared to the overall cost of delivering the scheme. The fee level must be set to not generate income in excess of the cost associated with delivery. The proposed fees should enable the Council to recover its reasonable costs.

7. Legal Implications

7.1 This is nationally set legislation with which we are obliged to comply.

7.2 The regulations have broadened the scope of activities covered and clarity given to offences. This may lead to an increase in regulation and enforcement.

8. Equal Opportunities Implications

8.1 Relevance Test

Has a relevance test been completed for Equality Impact?	Yes
--	-----

Did the relevance test conclude a full impact assessment was required?	No
--	----

9 Staffing Implications

- 9.1 Additional qualifications are required for officers carrying out this work. This has been defined as a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations, which oversees the training and assessment of persons inspecting and licensing animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity. This is a week long course with assignments and must be completed. All officers involved in this work must have undertaken and passed the qualification by 2021. The Animal Welfare and Licensing Inspector has completed two thirds of the course; with assignments still to be completed. The cost element to this has been met by existing budget, but will be recovered through fees and charges.
- 9.2 In the light of the additional requirements of this legislation, the resource that is available has been considered and it has been identified that there is additional statutory function to be undertaken and that there is insufficient resource for this.

10. Communications and Website Implications

- 10.1 All licensed businesses are listed on the Council website under a public register.
- 10.2 Information about only using a licensed operator will be put on the website and social media groups.

11. Risk and Health & Safety Implications

- 11.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Due to the increase a number of people will operate unlicensed	Animal welfare will be jeopardised in these premises.	Promote the requirement to be licensed. Actively seek and take enforcement for unlicensed operators.	Treat	2
The Council may receive challenge on its decisions or the way the	Decisions and their determination	All guidance will be followed to	Treat	1

decisions are determined.	may be scrutinised	reduce risk to the Council.		
---------------------------	--------------------	-----------------------------	--	--

11.2 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- ▼ Remote	Low	High	Very High	Very High
	4	8	12	16
	Low	Medium	High	Very High
	3	6	9	12
	Low	Low	Medium	High
	2	4	6	8
	Low	Low	Low	Low
	1	2	3	4
	Impact			
	Low	-----▶		Unacceptable

Impact Score

4 (Catastrophic)

3 (Critical)

2 (Significant)

1 (Marginal)

Likelihood Score

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Unlikely (6-20%))

1 (Remote (≤5%))

11.3 In the officers’ opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

12. Recommendation

Recommend to Council:

12.1 That the proposed fees for Animal Activities Licenses attached to this report as Appendix 2 be approved.

12.2 That the proposed fees commence with immediate effect to ensure all licensed operators are included in the increase.

Report prepared by: Debra Sandling, Animal Welfare and Licensing Inspector

Data Quality

Data sources:

Data checked by: Malcolm Clarke, Waste and Environment Manager

Data rating:

1	Poor	
2	Sufficient	X
3	High	

Background Papers

The Animal Welfare (Licensing of Activities Involving Animals)(England)Regulations
2018

APPENDICES / ATTACHMENTS

Appendix 1 – Current fees

Appendix 2 – Proposed fees

CURRENT FEES (APPENDIX 1)

	New Application			Renewal			2 year		3 year	
	App £	Grant £	Total £	App £	Grant £	Total £	Grant £	Total £	Grant £	Total £
Home Board	150	27	177	130	29	159	142	272	255	385
Dog Day Care (commercial)	190	47	237	130	49	179	222	352	395	525
Exhibit ≤5 species	150	255	405	130	255	385				
Exhibit ≥6 species	210	435	645	130	435	565				
Breeding (residential)	159	27	186*	130	29	159*	150	280*	271	401*
Breeding (commercial)	239	47	286*	130	49	179*	270	400*	491	621*
Kennels	210	47	257	130	49	179	242	372	435	565
Cattery	210	47	257	130	49	179	242	372	435	565
Hiring Horses	116**	47	163**	130	49	179**	242	372**	435	565**
Selling Pets (retail)	210	47	257	130	49	179	242	372	435	565
Selling Pets (small)	170	27	197	130	29	159	162	292	295	425

Combination Kennel & Cattery	253	94	347	233	98	331	334	567	569	802
Franchises	77	Per host 142		77	Per host 121		Per host 185		Per host 247	

***Plus Inspector costs at hourly rate * Plus vet fees**

Additional costs to all applications – all costs relating to any appeal; vet/expert fees if necessary for inspections throughout duration of licence; Variation/transfer (£100); re-inspection (£40 per hour)

PROPOSED FEES (APPENDIX 2)

New Application			Renewal			2 year		3 year		
	App £	Grant £	Total £	App £	Grant £	Total £	Grant £	Total £	Grant £	Total £
Home Board	233	32	255	143	34	177	167	310	300	443
Dog Day Care (commercial)	243	25	295	143	54	197	247	390	440	583
Exhibit ≤5 species	233	300	523	143	300	443				
Exhibit ≥6 species	263	480	743	143	480	623				
Breeding (residential)	232	32	264*	183	34	217*	175	358*	316	499*
Breeding (commercial)	292	52	344*	183	54	237*	295	478*	536	719*
Kennels	263	52	315	143	54	197	267	410	480	623
Cattery	263	52	315	143	54	197	267	410	480	623
Hiring Horses	149* *	52	201**	143	54	197**	172	315**	291	434**
Selling pets (retail)	263	52	315	183	54	237	267	450	480	663

Selling Pets (small)	243	32	275	163	34	197	187	350	340	503
Combination Kennel & Cattery	306	103	409	246	108	354	363	609	619	865
Franchises	84	Per host 173		84	Per host 133		Per host 196		Per host 259	

***Plus Inspector costs at hourly rate * Plus vet fees**

Additional costs to all applications – all costs relating to any appeal; vet/expert fees if necessary for inspections throughout duration of licence. Variation/transfer; re-inspection - no change proposed to existing fees