

Report to:	EXECUTIVE CABINET
Date:	28 November 2018
Executive Member/Reporting Officer:	Councillor Allison Gwynne - Executive Member (Neighbourhood Services) Emma Varnam – Assistant Director, Operations and Neighbourhoods
Subject:	INTRODUCTION OF ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018
Report Summary:	The Regulations have been introduced to protect animal welfare and came into effect on 1 October 2018. This report outlines the changes to the licensing of activities involving animals and the proposed fees associated with administering and enforcing the legislation.
Recommendations:	That the fees outlined in this report are approved by Executive Cabinet.
Links to Community Strategy:	The licensing of activities involving animals contributes towards the Community Strategy theme of providing a safe Borough.
Policy Implications:	There is a statutory requirement for the Council to comply with the legislation and to have a licensing regime in place. Fees will also have to be set by the authority in line with national guidance.
Financial Implications: (authorised by Section 151 Officer)	The fees have been calculated based upon time spent historically issuing and inspecting animal licensable activities and anticipated time to be spent based upon the requirements set out within the Regulations. They are broadly in line with other authorities and will be reviewed on an annual basis to ensure that the maximum income possible from these activities is received.
Legal Implications: (authorised by Borough Solicitor)	The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 consolidate and improve previous licensing controls principally over the welfare, breeding boarding and sale of animals for pets, the hire of horses for riding, and performing animals. Any fee structure should be fair and proportionate, with a clear rationale, based on a correct analysis of required resources and in accordance with national guidance. Given this is a new regime, it will need to be kept under regular review to ensure this balance is struck, and to avoid successful challenge of this policy through either a request for judicial review by the courts, or to the Local Government and Social Care Ombudsman due to failure to implement the agreed process.
Risk Management :	With regards to the setting of adequate fees, it is important that the service cover's the costs of delivering the new licensing regime. The fees need to carefully reflect costs and be justifiable to minimise the risk of challenge from service users. As this is new legislation the fees have been calculated based on an estimation of time that it will take to issue and inspect the

businesses, these fees will need to be reviewed in 12 months.

There is potentially an economic risk to businesses as the fees have increased substantially compared to those set under the existing legislation.

Access to Information :

The background papers relating to this report can be inspected by contacting Emma Varnam, Assistant Director, Operations and Neighbourhoods



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1 INTRODUCTION

- 1.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 were passed by Parliament on 16 April 2018 and came into effect on 1 October 2018.
- 1.2 The new legislation under the Animal Welfare Act 2006 replaces a number of pieces of legislation that previously governed the licensing of animals.

2 SUMMARY

- 2.1 The Regulations will be the primary legislation and control the following licensable activities;
- Providing or arranging for the provision of boarding for cats or dog
 - Selling animals as pets
 - Hiring out horses
 - Breeding dogs
 - Keeping or training animals for exhibition
- 2.2 The Regulations will consolidate and replace the following legislation;
- Animal Boarding Establishments Act 1963
 - Pet Animals Act 1951
 - Riding Establishments Act 1964 & 1970
 - Breeding of Dogs Act 1973 & Breeding and Sales of Dogs (Welfare) Act 1999
 - Performing Animals (Regulation) Act 1925
- 2.3 The Regulations have amended the previous licensing regime in a number of ways however, the key changes are;
- A premises can have a single licence covering a number of licensable activities.
 - A licence can be granted or renewed for a period of between 1 – 3 years. The duration of the licence is determined by compliance history, star rating and associated risk. The scoring matrix is shown at **Appendix 1**.

3 SETTING FEES

- 3.1 The legislation provides that a local authority may charge such fees as it considers necessary for;
- a) the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,
 - b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration,
 - c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and
 - d) the reasonable anticipated costs of compliance with regulation 29.
- 3.2 The fees have been calculated based upon time spent historically issuing and inspecting animal licensable activities and anticipated time to be spent based upon the requirements set out within the Regulations.

- 3.3 There will be a review of the fees after the first year of operation to assess whether the level of fees continue to be appropriate. Any necessary adjustments can then be made as appropriate on an annual basis.
- 3.4 The proposed fees are set on a cost recovery basis and are shown in **Appendix 2**.
- 3.5 The methodology detailing how the fees have been set is shown at **Appendix 3**.

4. RECOMMENDATIONS

- 4.1 As set out on the front of the report.

APPENDIX 1

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	3 Star 2yr licence Min 1 unannounced visit within 24 month period	5 Star 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	2 Star 1yr licence Min 1 unannounced visit within 12 month period	4 Star 2yr licence Min 1 unannounced visit within 24 month period

APPENDIX 2

Animal Licensing Fees (excluding vet costs)

Effective 1st October 2018

Home Boarding of Dogs (including Day Care)		
Application Fee		£143
Grant Fee	1 year	£169
	2 year	£203
	3 year	£236
Dog Breeding Licence		
Application Fee		£143
Grant Fee	1 year	£226
	2 year	£266
	3 year	£308
Boarding of Cats and/or Dogs (Kennels and Catteries)		
Application Fee		£143
Grant Fee	1 year	£203
	2 year	£252
	3 year	£286
Keeping of Animals for Exhibition		
Application Fee		£143
Grant Fee	3 year licence	£169
Hiring out Horses		
Application Fee		£143
Grant Fee	1 year	£235
	2 year	£286
	3 year	£337
Selling animals as pets		
Application Fee		£143
Grant Fee	1 year	£184
	2 year	£200
	3 year	£217

Grant Fee - 3 year licence	Hrs	0.30	0.30	2.00	1.00	0.30	0.30			
	Chrg	24.53	18.18	56.74	24.78	9.07	7.41	141.00	169.00	
Hiring out Horses	Hrs	0.15	0.30	2.00	1.00	0.30	0.30			
Application Fee	Chrg	12.26	18.18	56.74	24.78	9.07	7.41	119.00	143.00	143.00
Grant Fee - 1 year	Hrs	0.30	0.30	4.00	1.00	0.30	0.30			
	Chrg	22.63	18.18	113.48	24.78	9.07	7.41	196.00	235.00	
Grant Fee - 2 Years	Hrs	0.30	0.30	5.30	1.00	0.30	0.30			
	Chrg	22.63	18.18	156.03	24.78	9.07	7.41	238.00	286.00	
Grant Fee - 3 Years	Hrs	0.30	0.30	7.00	1.00	0.30	0.30			
	Chrg	22.63	18.18	198.59	24.78	9.07	7.41	281.00	337.00	
Selling Animals as Pets	Hrs	0.15	0.15	2.00	1.00	0.30	0.30			
Application Fee	Chrg	12.26	9.09	56.74	24.78	9.07	7.41	119.00	143.00	143.00
Grant Fee - 1 Year	Hrs	0.30	0.30	2.30	1.00	0.30	0.30			
	Chrg	22.63	18.18	70.92	24.78	9.07	7.41	153.00	184.00	

Grant Fee - 2 Years	Hrs	0.30	0.30	3.00	1.00	0.30	0.30			
	Chrg	22.63	18.18	85.11	24.78	9.07	7.41	167.00	200.00	
Grant Fee - 3 Years	Hrs	0.30	0.30	3.30	1.00	0.30	0.30			
	Chrg	22.63	18.18	99.29	24.78	9.07	7.41	181.00	217.00	