

SLOUGH BOROUGH COUNCIL

REPORT TO: Cabinet **DATE:** 15th October 2018

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WARD(S): ALL

PORTFOLIO: Cllr Pavitar Mann - Cabinet Member for Regulation & Consumer Protection

PART I **KEY DECISION**

FEES FOR THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018

1 Purpose of Report

For members to review and approve the proposed fees for new licenses under The Animal Welfare Licensing Regulations as set out in Appendix A.

2 Recommendation(s)/Proposed Action

The Cabinet is requested to resolve that the new animal licensing fees as set out at Appendix A be approved.

3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan

3a. Slough Joint Wellbeing Strategy Priorities

3b Five Year Plan Outcomes

New fees need to be set to cover 'reasonable anticipated costs'. The new Animal Welfare Licensing regime will contribute to the Five Year Plan with the specific outcomes of:

- Slough will be an attractive place where people choose to live, work and visit.
- Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents

4 Other Implications

(a) Financial

The duration of licenses under new animal licensing legislation and the types of licensable activities will depend on a risk rating, with some licences being granted for a longer period than others and some of our existing licensees may not be suitable for licensing under the new legislation, which could reduce licence fee revenue – although this in turn would reduce administration and costs incurred by the Council. In addition to this, there may be an increase in the number of licences that are

granted as the threshold for requiring a licence will be reducing, and increased enforcement powers could lead to more businesses being identified.

(b) Risk Management

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
The Cabinet is requested to resolve to approve the new animal licensing fees as set out at Appendix A	The new legislation authorises local authorities to set their own fees to cover 'reasonable anticipated costs' of administration and enforcement of the new licensing regime.	Fees are currently in place under current legislation for some animal licensing activities. These will be rescinded once the new fees are approved.	2	At this time the fees have been set at an anticipated level to cover reasonable costs of administration and enforcement, however, the fees will need to be reviewed after a maximum of 3 year as licenses can be issued for a period from 1 year to 3 years dependant on the risk rating.

(c) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of a licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(d) Equalities Impact Assessment

An Equality Impact Assessment has not been conducted as this is primary legislation and applies nationally to all local authorities in England and Wales. The level of fees to be set is a matter for each local authority.

5 **Supporting Information**

5.1 Schedule One of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 defines 5 new animal licensing activities, i.e.

- (1) **Selling animals as pets** – (or with a view to their being later resold as pets in the course of a business including keeping animals in the course of a business with a view to making a profit or earning a commission or fee.
- (2) **Providing or arranging for the provision of boarding for cats of dogs** - Providing or arranging for the provision of accommodation for other people’s cats or dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business by—
 - (a) providing boarding for cats;
 - (b) providing boarding in kennels for dogs;
 - (c) providing home boarding for dogs; or
 - (d) providing day care for dogs.
- (3) **Hiring out horses** - Hiring out horses in the course of a business for either or both of the following purposes—
 - (a) riding;
 - (b) instruction in riding.
- (4) **Breeding Dogs** - Either or both of the following—
 - (a) breeding three or more litters of puppies in any 12-month period (unless none of the animals are sold);
 - (b) breeding dogs and advertising a business of selling dogs.
- (5) **Keeping or training animals for exhibition** - Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes—
 - (a) to any audience attending in person, or
 - (b) by the recording of visual images of them by any form of technology that enables the display of such images.

(Zoo’s and Dangerous Wild Animals will continue to be covered by their own specific legislation)

5.2 In setting the proposed fees, regard has been given to Open for Business: LGA guidance on locally set licence fees, which sets out the steps that must be taken to set fair and reasonable fees, and explains the EU Services Directive upon which the LGA guidance is based. Regard has also been given to the BEIS Guidance for Business on the Provision of Services Regulations. As with other areas of licensing, regard has also been had to the principles in the Regulators’ Code. “Reasonable anticipated costs” will be fact specific and dependent on the local authority in question.

5.3 Regulation 13 of the Regulations set out what a local authority may charge such fees as it considers necessary for:

- (a) The costs of consideration of an application, including any inspection relating to that consideration for the grant, renewal or variation of a licence;
- (b) The reasonable anticipated costs of consideration of a licence holder’s compliance with the Regulations and the licence conditions to which a licence holder is subject. This includes the costs of any further inspections related to compliance;
- (c) The reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator; and

(d) The reasonable anticipated costs of the local authority compiling and submitting the data required by regulation 29 to the Secretary of State.

- 5.4 The new animal licensing scheme falls within the definition of ‘Services’, and is subject to the EU Services Directive, incorporated into UK law under the ‘Provision of Services Regulations 2009’.
- 5.5. The proposed fees (attached at **Appendix A**) are split into two parts – the application fees, payable at the time of the submission to cover the Council’s costs in considering and determining the application and conducting an initial inspection, or inspections, and the licence grant fee, which covers the administration of the grant of the licence and ongoing enforcement and compliance requirements.
- 5.7 All current licence holders whose licenses expire on the 31st December each year due to the current legislative requirements, have been appraised of the impending changes and advised that an application form (yet to be published by DEFRA) and guidance will be provided to them together with the new applicable licence fee as soon as possible.
- 5.8 The regulations came into effect on 1st October 2018 and therefore the fees need to be approved in order for existing operators to submit their application with the new fee before the 31st December 2018.

6 **Comments of Other Committees**

None

7 **Conclusion**

Cabinet is requested to resolve to approve the new animal licensing fees as set out at Appendix A.

8 **Appendices Attached**

‘A’ - Proposed fees.

9 **Background Papers**

‘1’ - The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

‘2’ - DEFRA - The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 – Procedural guidance notes for local authorities (July 2018)

‘3’ - Animal Licensing Costings Project for 2018 (Excel Format)

APPENDIX A

Licence Activity	Application Fee – Non-Refundable	Grant Fee	Additional Cost to Applicant	Total Fee
Selling Animals as Pets	£219.60	£170.80	N/A	£390.40
Renewal	£340.60	N/A	N/A	£340.60
Variation	£183.00	N/A	N/A	£183
Re-Rating Visit	£158.60	N/A	N/A	£158.60
Transfer due to death of licensee	£48.80	N/A	N/A	£158.60
Boarding Cats and Dogs (Including Dog Day Care/Home Boarding)	£219.60	£170.80	N/A	£390.40
Renewal	£340.60	N/A	N/A	£340.60
Variation	£183.00	N/A	N/A	£183.00
Re-rating Visit	£158.60	N/A	N/A	£158.60
Transfer due to death of licensee	£48.80	N/A	N/A	£48.80
Hiring Out Horses	£219.60	£170.80	Vets fee for inspections on application and annually throughout the duration	£390.40
Renewal	£340.60	N/A	As above	£340.60
Variation	£183.00	N/A	N/A	£183.00
Re-Rating Visit	£158.60	N/A	N/A	£158.60
Transfer due to death of licensee	£48.80	N/A	N/A	£48.80
Breeding Dogs	£219.60	£170.80	Vets fee for inspections on application and annually throughout the duration	£390.40
Renewal	£340.60	N/A	As above	£340.60
Variation	£183.00	N/A	N/A	£183.00
Re-Rating Visit	£158.60	N/A	N/A	£158.60
Transfer due to death of	£48.80	N/A	N/A	£48.80

licensee				
Keeping or Training Animals for Exhibition	£195.20	£73.20	N/A	£268.40
Renewal	£244.00	N/A	N/A	£244.00
Variation	£183.00	N/A	N/A	£183.00
Transfer due to death of licensee	£48.80	N/A	N/A	£48.80
Combination of Activities	Equal to the highest activity fee	Equal to the highest activity fee	Vets fees where required as above	Equal to highest activity fee

NOTES:

1. The procedural guidance notes for local authorities (July 2018) have been used, together with the new regulations, to estimate reasonable fees required in order to recover the costs of these applications.
2. Fees are the same for each activity included on a licence, irrelevant of the time period of the duration of the licence (one to three years) as the cost to the Council is expected to be very similar.
3. Fees will apply to new businesses from the 1st October 2018, existing businesses will need to apply for a new licence before the 31st December 2018.