

**Decision under Delegated Powers  
Fees and Charges for Animal Activity Licensing**

**Officer Requesting Decision**

Kerry Bowley – Health and Safety and Business Engagement Manager

**Officer Making the Decision**

Alan Twells – Head of Regulatory Services

**Recommendation**

To approve the Animal Activity Licensing Fees for 2018/19.

**Reason**

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on 1<sup>st</sup> October 2018 and reviews and replaces existing legislation that covered dog breeding, animal boarding, pet shops and riding establishments, activities that Charnwood Borough Council currently licence, into one 'Animal Activity Licence'.

The new legislation also brings the licensing of the exhibition of animals to local authorities, which was previously a registration requirement with the county council.

Their activities will now be risk rated; the licence will be granted in accordance with that risk rating and could be a 1, 2 or a 3 year licence, instead of just an annual licence renewal process. In addition to the application and renewal fees the Council can charge for a visit to re risk rate or for a variation in their licence.

The existing fees and charges were made for the existing legislation and were not appropriate for the 'Animal Activity Licences' to be issued under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 from 1<sup>st</sup> October 2018 and therefore a new 'Animal Licensing Activity' fee structure needs to be approved for these licences.

**Authority for Decision**

By virtue of the Delegation to Heads of Service in section 8 of the Constitution, Heads of Service are delegated to undertake the periodic review of fees and charges raised within their service areas and falling within the scope of the Council's Income and Charging Policy Framework.

**Decision and Date**

## Background

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on 1<sup>st</sup> October 2018 and requires individuals who are carrying out the following business activities in our borough to apply for a licence;

- Selling animals as pets
- Providing or arranging for the provision of boarding for cats or dogs
- Hiring out of horses
- Breeding of dogs
- Keeping or training of animals for exhibition

The new legislation has updated and reviewed a number of dated legislation into one as follows;

- Pet Animals Act 1951
- Animal Boarding Establishment Act 1963
- Riding Establishment Act 1964
- Breeding of Dogs Act 1973
- Performing of Animals (Regulation) Act 1925

Existing licence expiry dates still apply, which is 31<sup>st</sup> December 2018, except for Riding Establishments that will continue into next year.

Leicestershire County Council has informed the Council of the 5 registrations that they have under the Performing of Animals (Regulations) Act 1925 and their existing registration will expire on 31<sup>st</sup> March 2019.

From 1<sup>st</sup> October 2018 all new and renewal licences will be under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

All existing licence holders have been informed of the new legislation, the general and specific licence conditions and the guidance on how to comply, and the Council have also held two drop in sessions.

All new applications can only be granted a one year licence. However on their renewal, and all existing licensees can be granted a 1, 2 or 3 year licence depending on their compliance with the welfare standards and whether they are assessed as low or high risk by the licensing officer, where previously it was only an annual licence. They will also be provided with a star rating and further guidance on this is available in the document from DEFRA - Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 – Procedural guidance notes for local authorities (July 2018).

In setting the fees the Council have taken into account the Open for business: LGA guidance on locally set fees; the BEIS Guidance for Business on the Provision of Services Regulations and the Regulators' Code.

Regulations 13 of the Regulations set out what a local authority may charge fees for:

- a) The costs of consideration of an application, including any inspection relating to that consideration;
- 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;
- d) The reasonable anticipated costs of the local authority compiling and submitting the data required by regulation 29 to the Secretary of State.

The animal licensing activities are provided by the Occupational Health and Welfare team within Environmental Health. The hourly rates of the different job roles involved in animal activity licensing were determined with our Finance team, with appropriate on costs for the animal activity licensing added.

The processes involved in each category of animal activity were assessed and recorded with a minimum time that someone would spend carrying out that task, and the officer involved, so that the fees are reasonable and proportionate to the activity being licensed. The full details of this are recorded in the documents Charnwood Borough Council - Animal Activity Licence Fees notes and Spreadsheets. These documents will be reviewed annually.

The following fees are proposed to be in place from 1<sup>st</sup> October 2018:

<b>ANIMAL ACTIVITY LICENCE FEES</b>			
<i>If only one animal activity is being applied for then the following fees will apply.</i>			
ANIMAL ACTIVITY	APPLICATION FEE (Paid at the time of application)	LICENCE FEE (Paid once the licence has been granted)	TOTAL LICENCE FEE
SELLING ANIMALS AS PETS	£130	£70	£200
PROVIDING BOARDING FOR CATS AND DOGS DOMESTIC - 6 or less dogs and accommodated inside the domestic premises.	£110	£60	£170
PROVIDING BOARDING FOR CATS AND DOGS COMMERCIAL - 7 + animals and / or animals accommodated outside the domestic premises.	£130	£70	£200
HIRING OUT HORSES	£130*	1 Year - £70	£200
		2 Years - £85 **	£215 **
		3 Years - £100 ***	£230 ***
BREEDING DOGS	£130 ****	£70	£200
KEEPING OR TRAINING ANIMALS FOR EXHIBITION	£130	£70	£200
<b>Additional Fees</b>			
* There is a requirement for a veterinary inspection on the granting and renewal of a hiring out of horses licence which the operator will be invoiced separately following the visit.			
** For a 2 year hiring out of horses licence there will also be an additional charge for the veterinary inspection that needs to be carried out at 12 months.			
*** For a 3 year hiring out of horses licence there will also be two additional charges for the veterinary inspections that need to be carried out at 12 and 24 months.			
**** There is also a requirement for a veterinary inspection on the granting of a new breeding dogs licence which the operator will be invoiced separately following the visit.			

	APPLICATION FEE (Paid at the time of application)	LICENCE FEE (Paid once the licence has been granted)	TOTAL LICENCE FEE
ADDITIONAL ANIMAL ACTIVITY	£55	£35	£90
<b>Additional Notes</b>			
The hiring out horses will always be considered as the primary application that additional animal activities are added to. A breeding dogs' licence would still require a veterinary inspection on the granting of a licence.			
<b>MISCELLANEOUS ANIMAL ACTIVITY FEES</b>			
RE RISK RATING			£120
VARIATION TO THE LICENCE – ADMIN ONLY			£17
VARIATION TO THE LICENCE – VISIT REQUIRED			£70
ADDITIONAL COPY OF THE LICENCE			£4

Although the fees are in the main the same across the activities, as the process is the same for each activity and both involve the assessment of general and specific conditions, the Council have created two separate categories of application for the 'Providing or arranging for the provision of boarding for cats or dogs' due to the amount of time needed on site. There are two types under this category;

1. Licence to accommodate 6 or less dogs (home boarding and / or day care) accommodated inside the domestic premises.
2. Licence to accommodate 7 or more animals and / or animals accommodated in building external to the domestic premises.

The granting of a breeding of dogs licence requires a veterinary inspection which the operator will be separately invoiced for following completion of the visit. This also applies to the granting of a hiring out of horses licence and they are still required to have an annual veterinary inspection, regardless of the length of their licence.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 does not include the dangerous wild animals, therefore the existing fees and charges will continue to apply to those applications.

The Council have benchmarked these fees with other Leicestershire local authorities to try and ensure consistency in approach.

As with all Environmental Health Fees and Charges, these will be reviewed annually, to ensure that they remain representative of the service the Council provides and are calculated in accordance with any guidance provided.

For all existing licensees Charnwood Borough Council had the lowest fees for animal licensing across Leicestershire. In 2014/15 there was a benchmarking exercise across Leicestershire that identified the Council were charging between 20 – 35% below the county average for these fees. This was still significantly below the actual costs. Although the Council introduced a small increase to £82 we had been waiting for the introduction of these regulations to bring the fees in line with the rest of Leicestershire but also to make them more representative of the minimum costs that the Council entails in granting or renewing these licences. As operators should

be aiming for a minimum of a 2 year licence, and there is the requirement of the unannounced inspections, then the new fees and charges will have approximately a 18% increase per year than under the previous licensing scheme.

### **Financial Implications**

As new licences can be granted for 1, 2 or 3 years and the cost of the licence will only be counted in the year it was granted as an income in F105, then this total amount will not be consistent for each year and will fluctuate significantly and in 2019/20 may be below the present income level expected from animal licence fees (£5,700).

The expected income for animal licence will be met in 18/19 as all existing licences are subject to renewal. The Council are anticipating that most existing licences should be granted for 2 years; however this will not be known until the existing licences are renewed in November / December 2018. Over time these fluctuations in income may become minimal due to new applications. In January 2019 the Council will be able to work out with the finance team to estimate the income from animal activity licence fees for the next few years and whether any amendment to the budget expectation is required.

### **Risk Management**

Although we are expecting an increase in the number of applications for the breeding of dogs, priority will be given to these applications and the Council will review the staffing allocation if necessary.

Key Decision: No

Background Papers: Charnwood Borough Council - Animal Activity Licence Fees notes and Spreadsheets