

# Chichester District Council

GENERAL LICENSING COMMITTEE

7 November 2018

## Proposed Fees & Charges for the new Animal Welfare Licensing Regime

### 1. Contacts

#### Report Author

Timothy Horne – Principal Environmental Health Officer, Environmental Protection

Tel: 01243 534598 E-mail: [thorne@chichester.gov.uk](mailto:thorne@chichester.gov.uk)

#### Cabinet Member

John Connor, Cabinet Member for Environment Services

Tel: 01243 604243 E-mail: [jconnor@chichester.gov.uk](mailto:jconnor@chichester.gov.uk)

### 2. Recommendation

- 2.1 That the General Licensing Committee approves the new fees and charges in relation to the administration and enforcement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

### 3. Background

- 3.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 repeals and amends the existing legislation for animal licensing activities, namely; animal boarding, dog breeding, pet shops, performing animals and riding stables.
- 3.2 The new regulations aim to provide benefits for animal welfare and have amended the previous licensing regime in a number of ways. The three key changes which relate to fees are:
- Premises can have a single licence covering a number of licensed activities.
  - Performing animals, previously subject to a permitting regime administered by County Councils, are now included in this licensing regime and the licensing authority is, therefore, District Councils.

- With the exception of performing animals, all other business will be assessed against animal welfare model standards and awarded a risk rating which determines the length of the licence. Licences can last for between 1 to 3 years. Performing animal licenses automatically run for 3 years.

3.3 The legislation allows licensing authorities to charge a reasonable amount to recover the cost of considering the grant, renewal or variation of a licence.

#### **4. Outcomes to be achieved**

4.1 That new fees are set which are fair and reasonable based on the Open for Business: LGA guidance on locally set licence fees and which achieve recovery of the Council's costs in administering the new system. The proposed fees have regard to the reasonable anticipated costs for:

- Consideration of an application, including any inspection relating to that consideration;
- Consideration of a licence holder's compliance with the Regulations and the licence conditions to which a licence holder is subject. This includes the cost of any further inspections related to compliance;
- The reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator;
- The cost of the new requirement for officer training and the reasonable anticipated costs of the local authority compiling and submitting the data required by regulation 29 to the Secretary of State.

#### **5. Proposal**

5.1 That a new fee structure is introduced (as set out in Appendix 1) which will ensure the animal licensing system achieves cost recovery, including enforcement.

5.2 The fees and charges proposed are based on the statutory guidance for the new regime, issued by DEFRA.

5.3 In addition to the Council's fees, businesses may also be required to pay for an inspection and report from the Council's authorised vet. This cost will be in addition and is recharged to the licensee at the cost to the Council. Vet inspections are required for riding establishments, the first inspection of a dog breeder and for any premises, where an officer has concerns about animal welfare and a vet's opinion is required.

- 5.4 Whilst the cost of administering this licensing regime will result in a significant increase in fees for operators, some licences will run for 2 or 3 years, instead of being renewed annually, so the cost to fully compliant businesses may, in fact, be less over the life of the licence. An estimate of the fees over a 3 year period, based on current licence types and numbers, might be approximately £61,000 (£20300/year).

## **6. Alternatives that have been considered**

- 6.1 By leaving fees at the existing levels, they will not comply with the new legislation. Although the legislation provides for no transition period, the Council could introduce a sliding scale for the fees, over a period of, for example, 3 years as a means of supporting the transition for local businesses that may have additional costs of meeting the newer model conditions for animal welfare. This would however mean that the full cost of administering the new regulations would not be recovered.

## **7. Resource and legal implications**

- 7.1 Changes arising out of the new regime have resource implications but it is anticipated at this stage that no new staff resources will be required to administer the new licencing system but this will be kept under review.
- 7.2 There are no additional legal implications beyond those outlined above.

## **8. Consultation**

- 8.1 A Sussex-wide Animal Licensing Sub-Group produced a fee setting structure to ensure consistency in the fees across the County. The Council's proposed fees are in line with the fees proposed by neighbouring local authorities.
- 8.2 All current licence holders have been written to, explaining the changes to animal licences and the new application process. The Council's website has also been updated..

## **9. Community impact and corporate risks**

- 9.1 The changes in legislation may be a challenge for a regulated business although the thrust of the new legislation is to improve animal welfare standards, which should be seen as a positive move. Any increase in licensing of premises that currently operate unlicensed, will assist in achieving an even playing field for all businesses.

9.2 Failure to approve suitable fee levels for licensable activities will result in the Council's costs in administering the regime not being fully recovered.

## 10. Other implications

<b>Are there any implications for the following?</b>		
	<b>Yes</b>	<b>No</b>
<b>Crime &amp; Disorder:</b> The new legislation will result in more businesses now coming under the licensing regime which have previously been unregulated e.g. hobby breeders, dog day care franchises. The legislation also requires LA to look for businesses that continue to operate animal activities without a licence.	<b>x</b>	
<b>Climate Change and Biodiversity:</b> Are there any implications for the mitigation of/adaptation to climate change or biodiversity issues? If in doubt, seek advice from the Environmental Strategy Unit (ESU).		<b>X</b>
<b>Human Rights and Equality Impact:</b> You should complete an Equality Impact Assessment when developing new services, policies or projects or significantly changing existing ones. For more information, see Equalities FAQs and guidance on the intranet or contact Corporate Policy.		<b>X</b>
<b>Safeguarding and Early Help:</b> The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk? The Council has committed to dealing with issues at the earliest opportunity; do these proposals have any implication in reducing or increasing demand on Council services?		<b>X</b>
<p><b>General Data Protection Regulations (GDPR):</b> Does the subject of the report have significant implications for processing data likely to result in a high risk to the rights and freedoms of individuals? Processing that is likely to result in a high risk includes (but is not limited to):</p> <ul style="list-style-type: none"> <li>• systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals.</li> <li>• large scale processing of special categories of data or personal data relation to criminal convictions or offences.</li> <li>• Any larger scale processing of personal data that affects a large number of individuals; and involves a high risk to rights and freedoms e.g. based on the sensitivity of the processing activity.</li> <li>• large scale, systematic monitoring of public areas (including by CCTV).</li> </ul> <p>Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.</p>		<b>X</b>

<b>Other (Please specify):</b> eg health and wellbeing		<b>X</b>
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## 11. Appendices

Appendix 1. - Table of proposed Animal Licence Fees

## 12. Background Papers

- 12.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, Procedural guidance notes for local authorities, July 2018.

<http://www.cfsg.org.uk/The%20Animal%20Welfare%20Licensing%20of%20Activities%20Involvi/f.%20Defra%20Guidance%20Notes%20for%20Dog%20Boarding%20Kennels.pdf>

- 12.2 Open for Business – LGA guidance on locally set licence fees, Local Government Association, May/June 2017.

[https://www.local.gov.uk/sites/default/files/documents/5%2013%20%20OpenForBusiness\\_02\\_web.pdf](https://www.local.gov.uk/sites/default/files/documents/5%2013%20%20OpenForBusiness_02_web.pdf)