

Chichester District Council

CABINET

7 January 2020

Revised Fees and Charges 2020 for the Animal Welfare Licensing Regime

1. Contacts

Report Author

Timothy Horne – Principal Environmental Health Officer

Telephone: 01243 534598 E-mail: thorne@chichester.gov.uk

Cabinet Member

Penny Plant, Cabinet Member for Environment and Chichester Contract Services

Tel: 01243 575031 E-mail: pplant@chichester.gov.uk

2. Recommendation

- 2.1 **That Cabinet recommends the revised Animal Licensing fees and charges for 2020 as set out in the appendix to this report, for consideration by the General Licensing Committee.**

3. Background

- 3.1 The Council is responsible for the grant of licences under 1) the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 which regulate; animal boarding, dog breeding, pet shops, performing animals and riding stables and 2) the Dangerous Wild Animals Act 1976 (DWA). The Council has currently issued 69 Animal Welfare Licences and three under DWA.
- 3.2 The new licensing regime, which aims to provide benefits for animal welfare came into force on 1 October 2018. Despite being accompanied by the introduction of a new fee system, the regulatory regime was generally well received by operators as there has been a general view that it has levelled the playing field between operators.
- 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.
- 3.4 The fee levels presented to Cabinet in November 2018 were based on an estimate of how long the licensing process would take under the new regulatory regime. It is now proposed to adjust fees to take account of actual time taken based on the experience gained from the first year of implementation.

4. Outcomes to be Achieved

- 4.1 That proposed fees are deemed to be 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 licensing system. The proposed fees have regard to the reasonable anticipated costs for:

- Consideration of an application, including any related inspection;
- Consideration of a licence holder's compliance with the Regulations and their licence conditions. 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
- The 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 revised fee structure is introduced on 1 April 2020 (as set out in the Appendix) which ensures the animal licensing system achieves cost recovery, including for 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, dangerous wild animal inspections 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 has resulted in some significant increases in fees for operators, some licences now run for two or three years, instead of being renewed annually, so the cost to fully compliant businesses may be relatively modest over the life of the licence.

6. Alternatives Considered

- 6.1 That fees are retained at the current levels. This will not however comply with the legislation because the full cost of administering the regulations would not be recovered and this deficit will be borne by the Council.
- 6.2 There is a time lag for renewing licences that have been issued for two or three years so any delay in introducing revised regulatory costs may compound the Council's costs in the animal licensing regime and not incentivise higher risk rated licencees from making changes necessary to extend their licences.

7. Resource and Legal Implications

- 7.1 The animal licensing system is administered from the existing staff resources of the Environmental Protection team. There are no further legal implications.

8. Consultation

- 8.1 When the new animal welfare licensing regime was introduced on 1 October 2018 all the existing licence holders were written to, explaining the changes to animal licences and the new application process. The Council's website was updated to provide further guidance.
- 8.2 There has been no further consultation about these proposals. On approval of the proposed fees, current licencees will be advised at the time of licence renewal.

9. Community Impact and Corporate Risks

- 9.1 The changes in legislation and increased licence fees are a challenge for a regulated business although the thrust of the 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 recovered.

10. Other Implications

Are there any implications for the following?		
	Yes	No
Crime and Disorder The 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.	x	
Climate Change and Biodiversity		X
Human Rights and Equality Impact		X
Safeguarding and Early Help		X
General Data Protection Regulations (GDPR)		X
Other		X

11. Appendices

- 11.1 Table of proposed Animal Licence Fees for 2020

12. Background Papers

- 12.1 None