



**Notice of a public
Decision Session - Executive Member for Culture, Leisure &
Tourism**

To: Councillor Ayre (Executive Member)

Date: Monday, 19 November 2018

Time: 4.30 pm

Venue: The Thornton Room - Ground Floor, West Offices
(G039)

AGENDA

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democratic Services by **4:00 pm on Wednesday, 21 November 2018.**

*With the exception of matters that have been subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00 pm on Thursday, 15 November 2018.**

1. Declarations of Interest

At this point in the meeting, the Executive Member is asked to declare:

- any personal interests not included on the Register of Interests;
- any prejudicial interests;
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

- 2. Minutes** (Pages 1 - 2)
To approve and sign the minutes of the Decision Session held on 24 September 2018.

- 3. Public Participation**
At this point in the meeting, members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Friday, 16 November 2018**. Members of the public can speak on agenda items or matters within the Executive Member's remit.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

Filming, Recording or Webcasting Meetings

Please note that, subject to available resources, this meeting may be filmed and webcast, or recorded, including any registered public speakers who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if recorded, this will be uploaded onto the Council's website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at

https://www.york.gov.uk/downloads/file/11406/protocol_for_webcasting_film_and_recording_of_council_meetings_20160809

- 4. Licensing Fees - Animal Welfare** (Pages 3 - 8)
This report seeks approval to implement proposed new fees in relation to Animal Welfare licensing, in accordance with the new regulations that came into force on 1 October 2018.

5. Urgent Business

Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democracy Officer:

Fiona Young

Tel: 01904 552030

Email: fiona.young@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting.

- Registering to speak
- Written Representations
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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City of York Council

Committee Minutes

Meeting	Decision Session - Executive Member for Culture, Leisure & Tourism
Date	24 September 2018
Present	Councillor Ayre

5. Declarations of Interest

The Executive Member confirmed that he had no personal interests not included on the Register of Interests, nor any prejudicial or disclosable pecuniary interests, to declare in the business on the agenda.

6. Minutes

Resolved: That the minutes of the joint Decision Session held on 23 July 2018 be approved and signed as a correct record.

7. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

8. National Trading Standards

The Executive Member considered a report which provided an overview of the activities of the National Trading Standards (NTS) Regional Investigation and eCrime Team and sought approval for a revision to the distribution of Proceeds of Crime Act monies received under the government's Asset Recovery Incentivisation Scheme (ARIS).

As well as carrying out regional investigations, City of York Council (CYC) undertook national eCrime investigations / prosecutions as part of a partnership with North Yorkshire County Council (NYCC). Cases were often complex and lengthy, with multiple defendants and victims. Prosecutions during 2017/18 had resulted in the imposition of prison sentences totalling 60 years and Confiscation Orders totalling £3,562,840, from which compensation of £287,866 had been paid to victims.

As investigator and prosecutor, CYC received 37.5% of any monies paid under Confiscation Orders. Of this, 50% was returned to NTS, 25% was retained for spending on local issues and 25% was currently paid to the Yorkshire & Humber group of local authority trading standards services (YAHTSG) to fund regional trading standards projects. The recommended proposal (Option A) was to pay the 25% received from eCrime cases to NYCC instead, enabling them to develop and enhance the digital forensics capacity to support the work of CYC's eCrime investigators. Option B was to maintain the current position.

Resolved: That the revision to the distribution of the ARIS monies received from NTS eCrime prosecutions be approved, in accordance with paragraph 13 of the report and Option A in paragraph 15.

Reason: To enable funds to be available to NYCC for development and support of the eCrime function.

Cllr N Ayre, Chair

[The meeting started at 5.37 pm and finished at 5.41 pm].



**Decision Session Executive Member for
Culture, Leisure and Tourism**

19 November 2018

Report of the Director of Economy and Place

Licensing Fees – Animal Welfare

Summary

1. This report seeks permission to implement new proposed fees relating to Animal Welfare licensing from the 1 December 2018, following the implementation of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 which came into force on the 1 October 2018.

Recommendations

2. The Executive Member is asked to approve option 1 of this report and implement new proposed fees relating to Animal Welfare licensing covered by the new regulations from the 1 December 2018.

Reason: This will allow the Council to recover the cost of the licensing functions in relation to Animal Welfare licensing.

Background

3. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on the 1 October 2018. These regulations cover the licensing of:
 - selling animals as pets
 - providing or arranging for the provision of boarding for cats or dogs (including the provision of boarding for cats; kennels for dogs; home boarding; or day care for dogs)
 - hiring out horses
 - breeding of dogs
 - keeping or training of animals for exhibition

4. The regulations were implemented to introduced a more prescriptive and wider ranging legal requirement for licensing such functions. Especially with regards to hiring out horses, breeding of dogs and keeping or training of animals for exhibition.
5. The regulations have also introduced licence conditions and the requirement for licensing authority to 'rate' premises. There are means for the licence applicant/holder to appeal a 'rating', and for a licence applicant/holder to appeal a decision to refuse to licence, or to revoke a licence.
6. The Council currently issues the following number of licences which will be covered by the new regulations:

Pet Shops	-	8
Animal Boarding Establishments	-	6
Home Boarding Establishments	-	38
Riding Establishments	-	4
Dog Breeding	-	1 (currently process 2 new apps)
Performing Animals	-	10
7. A majority of the licences currently in force expire and need to be re-licensed prior to the 31 March 2019. It is a requirement of the regulations that every application is treated as a new grant, and therefore an inspection of every premise must be undertaken prior to a licence being issued.
8. The regulations have also introduced a provision that licences can be issued for a period of up to three years, however it is recommended that the initial grant of a licence is only issued for one year. It is a requirement that premises are inspected prior to renewal and that if a licence is issued for more than one year that an interim inspection also takes place.
9. Prior to their inclusion within the regulations, keeping or training of animals for exhibition (performing animals), only required a one off registration. It is now a requirement of the regulation that these premises are licensed by the 31 March 2019 and that licences are issued for a period of three years.

Consultation

10. A consultation has not taken place with regards to the implementation of revised fees. Every licence holder has been written to with regards to the new regulations.
11. DEFRA consulted widely prior to the implementation of the new regulations.

Options

12. Option 1 – approve the implementation of the new proposed fees relating to Animal Welfare licensing covered by the new regulations from the 1 December 2018. To prevent the Council undertaking the licensing function at a loss.
13. Option 2 – defer the decision in relation to the implementation of new proposed fees to budget Council in February for implementation from the 1 April 2019.

Analysis

14. Option 1 – the proposed fees have been set at a cost recovery level, to prevent the Council from undertaking this licensing function at a loss and also not making a profit from licence holders. If a vet is required for an inspection the cost will be covered by the licence holder and is a separate fee to those set by the Council. The fees cover the following:
 - Validation and processing of the application
 - Organising a vet for inspection of premises – if required
 - Premises inspection
 - Production and issue of inspection report
 - Premises rating
 - Enforcement
 - Other matters – for example policy and rating appeals
15. As recommended by guidance in the first instances licences will be granted for the maximum of one year. The proposed fees for the grant of a yearly licence are as follows, the differences within the fees relating to the time taken to undertake inspections, produce related reports and rate premises:

Animal Boarding	-	£318.00
Home Boarding	-	£207.00
Day Care for Dogs	-	£207.00
Dog Breeding	-	£318.00
Selling Animals as Pets	-	£318.00
Hiring Out Horses (1-10 horses)	-	£318.00
Hiring Out Horses (11-20 horses)	-	£400.00
Hiring Out Horses (21 or more horses)	-	£483.00

16. As required by the regulations licences for the keeping or training of animals for exhibition will be granted for a period of three years. The proposed grant fee for a three year licence is £ 339.00.
17. Option 2 – 32 of the current licences issued expire and new licences must be in place prior to the 31 March 2019. The 10 performing animal registrations will need to be licensed for keeping or training of animals for exhibition prior to the 31 March 2019. If new fees are not implemented from the 1 December 2018 the Council will be undertaking these licensing functions at a loss and could lead to a cost to York residents.

Council Plan

18. The implementation of a Licensing Policy will support the Council's plan of a prosperous city for all, where local businesses can thrive and a council that listens to residents.

Implications

19. The direct implications arising from this report are:
- (a) **Financial** – The proposed fees have been set at a cost recovery level. Failure to implement new fees from the 1 December 2018 will lead to the Council undertaking these functions at a loss and would therefore lead to a cost to York residents.
 - (b) **Human Resources (HR)** – There are no HR implications.
 - (c) **Equalities** – There are no equalities implications.
 - (d) **Legal** – Regulation 13 provides a discretion to charge such fees as the Council thinks necessary for the consideration of an

application for the grant, renewal or variation of a licence including any inspection relating to that consideration.

- (e) **Crime and Disorder** – There are no crime and disorder.
- (f) **Information Technology (IT)** - There are no IT implications.
- (g) **Property** - There are no property implications.
- (h) **Other** - There are no other implications.

Risk Management

20. There are no known risks associated with this report.

Contact Details

Author:

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Licensing Manager
Extn: 1515

Chief Officer Responsible for the report:

Mike Slater
Assistant Director Planning and Public
Protection

**Report
Approved**



06/11/18

Specialist Implications Officer(s) List information for all

Financial
Patrick Looker
Finance Manager
Extn: 1633

Legal
Alison Hartley
Legal Services Manager
Extn: 3487

Wards Affected: List wards or tick box to indicate all

All



For further information please contact the author of the report

Background Papers:

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

<https://www.legislation.gov.uk/ukdsi/2018/9780111165485>

Annexes

None

List of Abbreviations Used in this Report

None