

**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

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**Report
Approved**



06/11/18

Specialist Implications Officer(s) List information for all

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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