

Subject: **Approval of Revised Fees for Animal Welfare Licences**

Report to Policy and Resources Committee

Full Committee

Report by: Sarah Flatman - Commercial Team Manager

#### **SUBJECT MATTER/RECOMMENDATIONS**

The report provides an overview of the new legislative changes to animal welfare licensing in the United Kingdom and recommends that Committee approve the revised fees and charges payable by applicants for Animal Welfare licences as set for the period from 1st October 2018 to 31st March 2019.

## **1 BACKGROUND**

- 1.1 The Council is at present responsible for the regulation of a variety of animal-related businesses, as well as the keeping of specified dangerous animals by individuals.

The licence types currently issued by the Council are:-

- **Animal boarding establishment licences** (for businesses accommodating dogs or cats – e.g. kennels, catteries, home boarders, pet day care)
- **Dog breeding establishment licences** (premises used for, or in connection with, the breeding of dogs)
- **Pet shop licences** (any business which keeps animals with a view to selling them as pets)
- **Riding establishment licences** (premises which keep horses, donkeys and ponies for hire for riding, or for riding tuition – excluding livery stables)
- **Zoo licences** and **Dangerous Wild Animal licences** are also issued by the Council but there are currently no changes proposed to the way these licences are issued.

- 1.2 Numerous pieces of legislation and secondary legislation regulate the six licences and how these licences have been administered. There is a strong public expectation that animal welfare standards will be robustly enforced by local authorities, however, the current laws, and their specific requirements, are in many cases decades old. It is difficult to adapt to the changing types of animal-related businesses and to new standards of good practice in animal welfare.

- 1.3 Currently all types of licence are standalone, so a business that offers two or more of the licensable activities (for example a pet shop that also offers accommodation for dogs and cats while their owners are away) would have to apply for both a pet shop and animal boarding establishment licence, with the additional expenditure incurred.

- 1.4 The Animal Welfare Act 2006 has since introduced additional legislation, which overrides past provisions. Included in the Act was a new licensing power, which enabled nationally, set regulations to be made for any animal-related activities that had been specified in secondary legislation. As a result, The Animal Welfare (Licensing of activities involving animals) (England) regulations 2018 were published earlier this year. These significantly change the way animal related businesses are inspected and licensed.
- 1.5 The Government believes that this new legislation is needed to establish a licensing system that is up to date with modern practices and modern animal welfare standards.
- 1.6 It has now been confirmed that the implementation date will be 1 October 2018 and guidance on the implementation of the new Regulations was received from DEFRA in late July 2018, although Local Authorities are still waiting for template application forms and licences, which are expected in September.

## **2 FORTHCOMING CHANGES**

- 2.1 The new regulations provide for the licensing of persons involved in England in selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs and keeping or training animals for exhibition. This replaces the requirement in England, to be registered under the Performing Animals (Regulation) act 1925 or to obtain a licence under the Pet Animals Act 1951; the Animal Boarding Establishments Act 1963; the Riding Establishments Act 1964 or the Breeding of Dogs Act 1973.
- 2.2 The Regulations implement a single establishment licence that covers the four activities: dog breeding, dog/cat boarding, selling pets, hiring out horses for riding, keeping or training animals for exhibition. This licence can be granted or renewed for a period of one, two or three years.
- 2.3 Legislation governing performing animals has previously fallen to Norfolk County Council. This will now come under this Council's remit under the new regulations and will go wider to cover animals that are exhibited, such as mobile animal exhibits and companies offering animal parties.
- 2.4 Local authorities will be required to submit an annual data return in electronic format to DEFRA on the number of licences and registrations held for the animal activities.
- 2.5 Any person wishing to operate with these activities will need to comply with the new conditions, and will be assessed before the licence is granted to make sure they can meet them.

## **3 INSPECTION**

- 3.1 Under the new arrangements, the inspection process will be much more comprehensive, and built around providing the premises with a 'risk rating'. This

process will establish whether the business is 'low risk' or 'higher risk' based on the level to which it meets the standards set out in regulations and guidance, and award between one and five stars, thus determining the length of the licence (with the exception of 'Keeping and Training Animals for Exhibition' for which all licences will be issued for 3 years as default). The star rating will be displayed on the licence.

- 3.2 Operators of businesses will be able to appeal their risk rating, or request a re-assessment if they have made improvements.

## **4 FEES**

- 4.1 The Council currently has fees that have been agreed for animal welfare licences for this financial year (See Appendix A). Ahead of the implementation date of the new regulations, revised fees need to be set to accommodate this new licensing regime and the additional time that will be required by Officers to carry out inspections and complete the new administrative requirements.

- 4.2 A local authority may charge such fees, as it considers necessary for:-

- the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,
- the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions including any inspection relating to that consideration,
- the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and
- the reasonable anticipated costs completing any annual returns.

- 4.2 The fees are now split into two parts – the application fee, payable at the time of submission to cover the Council's costs in considering and determining the application, and the licence fee, which covers ongoing enforcement and compliance requirements.

- 4.3. The proposed table of fees for the period 1 October 2018 to 31 March 2019 are set out at Appendix 2. These cover the new licences and new fees for applications for variation of licences and requests for re-rating. Following the inspections that will be completed under the new licensing regime later this year, these fees will be reviewed for the next financial period.

## **5 RECOMMENDATIONS**

- 5.1 That Committee agrees the fees and charges payable by applicants for Animal Welfare licences as set out in Annex 2 of the report, for the period from 1st October 2018 to 31st March 2019.

## **6 BACKGROUND PAPERS**

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 available here [Animal Welfare Regulations](#)

DEFRA- Procedure Guidance for Animal Welfare Licensing [Guidance Notes](#)

## None

*Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?*

Area for consideration	Comment
Monitoring Officer Consultation:	<b>No</b>
Section 151 Officer Consultation:	<b>No</b>
Existing Council Policies:	<b>No</b>
Financial Implications:	<b>Yes</b>
Legal Implications (including human rights):	<b>Yes</b>
Risk Implications:	<b>Yes</b>
Equality Issues/EQIA assessment:	<b>No</b>
Crime & Disorder:	<b>No</b>
Every Child Matters:	<b>No</b>

## Appendix 1 Existing fees for the period 1 October 2018 to 31 March 2019

Licence activity type(s)	Application Fee
Animal Boarding	£119
Pet Shop	£119
Keeping Animals for Exhibition	N/A
Breeding	£209
Riding Establishment	£55

## Appendix 2

### Table of proposed fees for the period 1 October 2018 to 31 March 2019

Licence activity type(s)	Application Fee	Grant Fee	Additional Costs to Applicant	Total Fee
Animal Boarding	£55	£100	N/A	£155
Pet Shop	£75	£120	N/A	£195
Keeping Animals for Exhibition	£55	£100	N/A	£155
Breeding and Riding	£55	£100	Vets fees for inspections on application and throughout duration of licence	155 (plus vets fees)
Riding Establishment	£55	120	Vets fees for inspections on application and throughout duration of licence	£175
Combination of activities	Equal to highest activity fee	Equal to highest activity fee	Vets fees where required (as above)	Equal to highest activity fee
Variation to licence/re-evaluation of rating Animal Boarding, pet shops and Keeping Animals for Exhibition	£25	N/A	£50 for inspection	£75
Variation to licence/re-evaluation of rating including Breeding and Riding activities	£25	N/A	£50 plus fee for vet inspection	£75 (plus vets fees)
Variations to reduce the licensable activities or numbers of animals	£25	N/A	N/A	£25

#### Notes:

1. The procedural guidance notes for local authorities (July 2018) has been used, together with the new regulations, to estimate the fees required in order to recover costs of these applications.
2. Fees are the same for each activity included on a licence, irrelevant of how long the licence lasts (one to three years) as the cost to the Council is expected to be very similar.
3. Fees will apply to new businesses from 1st October 2018, existing businesses will not need to apply for a new licence until the end of the year. Fees will be reviewed in line with the existing licensing fees prior to 1st April 2019.