

PROPOSAL: the setting of Licence fees to cover all the activities under Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

REPORT OF THE ASSISTANT DIRECTOR OF NEIGHBOURHOODS

1. Reason for report

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 will come in to force in England on 1st October 2018 and will replace the current licences made under the following Acts:

Animal Boarding Establishment Act 1963

Breeding of Dogs Act 1973 and 1991, as amended by the Breeding and Sale of Dogs (Welfare) Act 1999

Pet Animals Act 1951

Riding Establishments Acts 1964 and 1970

The Regulations will also remove the requirement for registration under the Performing Animals (Regulation) Act 1925, and replace it with a requirement for a licence

To Set Licensing Fees

2. Need for a Decision

Without the agreement of the committee the Authority will be unable to charge an application fee for licences under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the authority also is required to establish the procedure for Star Rating Appeals and a system for suspension, variation or revocation of a licence.

In setting fees, we should have regard to Open for business: LGA guidance on locally set licence fees, which sets out the steps that must be taken to set fair and reasonable fees, and explains the EU Services Directive upon which the LGA guidance is based. We should also have regard to the BEIS Guidance for Business on the Provision of Services Regulations. As with other areas of licensing, regard should also be had to the principles in the Regulators' Code. "Reasonable anticipated costs" will be fact specific and dependent on this Authority. The "Open for business: LGA guidance on locally set licence fees" guidance includes information on what could be considered reasonable.

3. Recommendation

3.1 Fees

Article 13, of the 20018 Regulations allows

A Local Authority may charge such fee as it considers necessary for -

- (a) 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,
- (b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration,
- (c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and
- (d) the reasonable anticipated costs of compliance with regulation 29 (Provision of information to the Secretary of State)

The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

Under the current Acts the discretionary annual charge is £106, it is proposed that the new Licensing fees should be divided in to a number of areas, these would be

Licence Application Fee (New applicant) – this will be for the reasonable anticipated cost of the application process, review of the activity history of the licensee, the licence inspection, travel to the premises, administration costs and review of licence documentation by a Senior Officer.

Licence Application Fee (Renewal or Transitional) – this will be for the reasonable anticipated cost of the application process, review of the activity history of the licensee, the licence inspection, travel to the premises, administration costs and review of licence documentation by a Senior Officer.

Licence Grant Fee – this will be for the reasonable anticipated cost of the Grant of the licence, a mid-term visit, to include, review of the activity history of the licensee, the visit, travel to the premises, administration costs and review of documentation by a Senior Officer, along with provision of information to the Secretary of State.

Variation of Licence – this will be for the reasonable anticipated cost for either a minor or major variation to the licence.

Start Rating Reassessment – this will be for the reasonable anticipated cost for review of the activity history of the licensee, the licence inspection, travel to the premises, administration costs and review of licence documentation by a Senior Officer.

Appendix 1 gives the guidance on the cost associated with the Licensing of animal function and **Appendix 2** is the worked example for each animal licence type.

Appendix 3 Defra Procedural guidance notes for local authorities

Table A is the proposed chargers in compliance with Article 13 of the Regulations

Activity	Fee on Application (New)	Fee on Application (Renewal or Transitional)	Fee on grant of Licence	Start Rating Reassessment	Variation of Licence (Major)
Home Boarding	£172.74	£172.74	£127.62	£164.82	£164.82
Home Boarding Franchise	£172.74 for each premises used by the franchise	£172.74 for each premises used by the franchise	£127.62 for each premises used by the franchise	£164.82 for each premises reassessed	£164.82 for each premises variation
Commercial Boarding and Dog Day Care (1 to 25 cats/dogs)	£227.00	£227.00	£182.00	£209.38	£209.38
Commercial Boarding and Dog Day Care (26 or more cats/dogs)	£254.58	£254.58	£195.82	£236.66	£236.66
Pet Shop	£200.02	£200.02	£154.90	£192.10	£192.10
Dog Breeding (1 to 10 bitches)	£227.00 + Vet inspection Cost	£227.00	£182.00	£209.38	£209.38
Dog Breeding (11 or more bitches)	£254.58 + Vet inspection Cost*	£254.58	£195.82	£236.66	£236.66
Horse Riding Establishment (less than 10 horses)	£227.00 + Vet inspection Cost*	£227.00	£182.00 in each year of the licence period + Vet inspection Cost*	£209.38	£209.38
Horse Riding Establishment (more than 10 horses)	£254.58 + Vet inspection Cost	£254.58	£195.82 in each year of the licence period + Vet inspection Cost	£236.66	£236.66
Performing Animal	£172.74	£172.74	NA	NA	£164.82
Copy of Licences	£30				
Variation of Licence (minor e.g. adding horses to licence mid-term)	£30 for each Variation				

*The Vet fees will be determined by the actual time spent by the vet undertaking the visit, travel and the production of the report

4. Background

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5. Consultation

No Consultation Required

6. Financial Implications

Without the fees set then no charge can be made for the Licence Application or Grant, this would leave a financial gap of £21,600 over a 3 year licence

7. Corporate Implications

Reputational damage to the Council by failure to set licence fees.

8. Options

- a. No fees for Animal Licences
- b. The fees as proposed
- c. An alternative fee

10. Appendices

Appendix 1 Gives the guidance on the cost associated with the Licensing of animal function

Appendix 2 is the worked example for each area

Appendix 3 Defra Procedural guidance notes for local authorities

FOR FURTHER INFORMATION ON THIS REPORT CONTACT:

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DOCUMENTS USED IN THE PREPARATION OF THE REPORT:

Open for business: LGA guidance on locally set licence fees
The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

DOCUMENTS ARE AVAILABLE FOR INSPECTION AT:

Licensing Unit, Town Hall, Halifax. HX1 1UJ