

Report of the Chief Executive

ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 20181. Purpose of report

To advise on the changes in the licensing of animal activities legislation and to seek approval for the authorisation of officers, proposed fees and charges and associated policy and procedures arising from the new legislation.

2. Background

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on 1st October 2018. The legislation introduces an updated licensing system in England for activities including the sale of animals as pets, providing or arranging boarding for cats and dogs (including home dog sitting), hiring out horses, dog breeding and keeping or training animals for exhibition.

The legislation gives updated powers to ensure high standards of animal welfare and provides the mechanism for local authorities to effectively recover the cost of administering the licences.

Under the new legislation, licences can be issued for 1, 2 or 3 years instead of the current annual licence. Licences will be issued with a rating based on the history of compliance and the control of activities and risks. Local Authorities are encouraged to publish ratings.

Additional background information is shown in appendix 1. The proposed fees are detailed in the attached appendix 2 and are based on national guidance on what can be included in fees and an estimation of the cost to administer and licence such activities.

Recommendation

The Committee is asked to:

i) RESOLVE that Environmental Health Officers and Environmental Health Technical Officers in Public Protection are authorised under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

ii) RESOLVE that the Chief Executive, Head of Public Protection, and the Chief Environmental Health Officer are delegated responsibility for the issue, refusal, variation and amendment of animal licences and associated conditions.

iii) RECOMMEND the proposed fees and charges in respect of animal activities licensing to Finance and Resources Committee for approval and thereafter be subject to the regular review in accordance with other fees and charges.

iv) To determine a date to publish premises ratings.

APPENDIX 1

Background to the legislation

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 replaces a number of pieces of legislation covering the licensing and registration of animals, widens the range of activities requiring a licence and permits local authorities to set fees for the cost of considering such licences, including any inspections required to monitor conditions at premises carrying out such activities.

Existing licences will continue to their expiry date (31st December 2018 for animal boarding, dog breeding and pet shops, within the next 12 months for riding establishments and by the end of March 2019 for existing performing animals registrations).

Dangerous Wild Animals and Zoos are outside the scope of the new legislation and will continue to be regulated in accordance with the existing specific legislation. New licences are issued for 1, 2 or 3 years depending on their rating and activities carried out. A national rating scheme has been introduced and takes into account the compliance history of premises, the risk of the activity being offered and the control of such risks. Many existing businesses will not be able to achieve higher than a 3 star rating. This is due to the higher standards requiring larger accommodation sizes for animals which may not be easily achievable in existing premises.

An overview of the scoring matrix is detailed below and includes an indication of frequency of inspection.

Scoring Matrix		Welfare Standards		
		Minor Failings	Minimum standards	Higher standards
Risk	Low Risk	1 Star (1 year licence) Min 1 unannounced visit within 12 month period	3 Star (2 year licence) Min 1 unannounced visit within 24 month period	5 Star (3 year licence) Min 1 unannounced visit within 36 month period
	Higher Risk	1 Star (1 year licence) Min 1 unannounced visit within 12 month period	2 Star (1 year licence) Min 1 unannounced visit within 12 month period	4 Star (2 year licence) Min 1 unannounced visit within 24 month period

Multiple activities will be covered on one licence with the activity with the lowest rating determining the overall rating of the premises. Due to the additional time on site to check these activities, fees must be paid for each of the activities if applied for at the same time but a 30% reduction on the least expensive additional activity will be given to account for reduction in travel time and some reduced processing costs.

Frequency of inspections, including interim inspections are determined by the risk rating, the type of activity being carried out and the compliance history of the premises.

Appeals against the risk rating must be submitted within 21 days of the decision and will initially be dealt with by the Chief Environmental Health Officer. Re-course to the Licensing and Appeals Committee will be available if an appeal is made following this decision.

Performing animal licences are issued for 3 years and are not risk rated. Appeals for refusals can be made to a first tier tribunal.

Re-rating requests can be submitted and will be chargeable. Conditions and requirements have been determined nationally for each activity type and introduce significant changes for certain sectors – for example home dog boarders and dog crèches and extend the scope of licensing to those providing animal boarding even if they do not directly look after the dog. New licences will incorporate all of these standard licence conditions.

Standard applications and inspection proformas will be implemented as part of the licensing process.

An annual return is required to be submitted to confirm the number of licences within each category, the ratings and the fees charged.

Publishing of Ratings

Authorities are encouraged to publicise ratings of premises. Whilst such information would be available on request under the Freedom of Information Act, a decision needs to be made on whether Broxtowe publish such information proactively on a regular basis in order to assist customers in making decisions about which premises to use (There is a requirement for the rating to be detailed on the licence and a copy of the licence to be displayed at the premises).

The proposal considers whether the ratings shall be published on our website within a short timescale of being issued or whether publication should be deferred for a set period (for example 18 months) to allow premises to complete any additional works and let the system be settled in.

APPENDIX 2

Proposed licence fees

An application for a licence must be accompanied by a fee. The fee is to be set locally by each local authority on a cost recovery basis having had due regard to the guidance from the Home Office and relevant legal decisions. The basis of fees must proportionately reflect the time and cost in administering such licences.

The fees have been determined using a cost calculator and are predicted for considering the grant of a licence, the cost of enforcement and inspection (including where required by a nominated Veterinarian), the cost of training Officers and the cost of completing the statutory annual return. The fees have been based on an inspection before grant or renewal and a minimum of one additional unannounced inspection during the period of the licence. Fees have not taken into account the cost of enforcement against unlicensed premises.

Fees must not be set to make a profit and fees will need to be reviewed. It is proposed to review the fees tri-annually.

Each fee incorporates an element relating to the grant of a licence. In the event of a licence not being granted, this element of the fee would be refunded to the applicant.

Proposed Charges – 1 October 2018 – 31 March 2020

Activity	Cost*	Additional Comments
Animal Boarding Establishment ¹		
Grant/Renewal – Cats only or Dogs only – less than 40 animals.	£260	¹
Grant/Renewal – Cats and Dogs – less than 40 animals.	£295	¹
Grant/Renewal – Cats and/or Dogs – for every 50 additional animals or part thereof.	£52.50 per 50 animals	¹ e.g. £347.50 for up to 90 animals, £400 for 91 – 141 animals.
Home Boarding Establishment (Domestic)¹		
Grant/Renewal – up to 4 dogs	£185	¹
Grant/Renewal -Providers/franchisors boarding at hosts (add cost for each host listed on application)	£145	¹ This may just involve matching customers with hosts rather than direct provision of boarding. Inspection covered by host fee.
Hosts	£185	¹ May be in other local authority areas. If not licensed in own right as home boarder
Day Care (Crèche Commercial) for Dogs¹		
Grant/Renewal	£295	¹
Dog Breeding		
Grant – Domestic up to 5 breeding bitches	£205	Vet inspection required before issue and actual cost will be invoiced separately
Renewal – Domestic up to 5 breeding	£205	¹

bitches		
Grant – Domestic 6 to 12 breeding bitches	£260	Vet inspection required before issue and actual cost will be invoiced separately
Renewal – Domestic 6 to 12 breeding bitches	£260	¹
Grant – Commercial up to 10 breeding bitches	£260	Vet inspection required before issue and actual cost will be invoiced separately
Renewal – Commercial up to 10 breeding bitches	£260	¹
Grant – Commercial – for every additional 6 (or part thereof) breeding bitches	£35	Vet inspection required before issue and actual cost will be invoiced separately
Renewal – Commercial – for every additional 6 (or part thereof) breeding bitches above	£35	¹
Hiring of Horses		
Grant/Renewal	£260	Vet inspection required before issue and actual cost will be invoiced separately
Variation/Addition of Horses	£50	Vet inspection of horses and actual cost will be invoiced separately.
Pet Vending¹		
Grant/Renewal Single Species	£260	¹
Grant/Renewal Multiple Species	£305	¹
Performing/Exhibiting/Training Animals¹		
Grant/Renewal	£260	¹
Variation of Activities – e.g. additional species/additional bitches need adding to licence	£60	¹ Where visit required. For certain activities, additional vets fees will also be charged
Combination of Activities	Combined fees – less 30% of lowest fee	¹
Re-rating Inspection	£120	¹ On request of licence holder

¹ Any additional Veterinary inspections (at officers discretion or following complaint) will be recharged in addition to the licence fee.

*A grant fee of £50 is included in all application and renewal fees – this element will be refunded if the application is refused. Where more than one activity is carried out on the same premises the cost of additional activities should also be paid for.

The fees and charges set will aim to achieve the full cost recovery of providing the service. Fees are not set to be an economic deterrent to certain activities or to raise funds.