

<b>Subject:</b>	<b>Animal Activity Licensing</b>		
<b>Date of Meeting:</b>	<b>29<sup>th</sup> November 2018</b>		
<b>Report of:</b>	<b>Executive Director for Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Nick Wilmot</b>	<b>Tel: Tel: 01273 292157</b>
	<b>Email:</b>	<b>nick.wilmot@brighton-hove.gcsx.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All Wards</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 To inform the committee of legislative changes to the licensing of Animal Activities.
- 1.2 The report sets out revised fees and charges to be implemented from 1<sup>st</sup> October 2018 based upon cost recovery in relation to the licensing of Animal Activities and sets out the delegation of authority for the granting, refusing, suspending or revoking of licences.
- 1.3 The Animal Welfare (licensing of activities involving animals) (England) Regulations 2018 come into effect on 1<sup>st</sup> October 2018.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee notes the legislative changes to the licensing of Animal Activities.
- 2.2 That the Committee ratifies the fees and charges detailed in table 3.2.3.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 The Animal Welfare (licensing of activities involving animals) (England) Regulations 2018 (to be referred to as 'the regulations' from this point on) came into effect on 1<sup>st</sup> October 2018. See Appendix 2.
- 3.1.1 The regulations will be the primary legislation for the licensing of the following animal activities;
- Animal Boarding (Catteries and Kennels)
  - Home Boarding of Dogs
  - Dog day care
  - Dog breeding
  - Riding establishments
  - Sales of animals (formerly pet shops)
  - Performing animals

### 3.1.2 The regulations amend or repeal the following legislation:

- The Breeding of Dogs Act 1973 – Repealed
- The Breeding of Dogs Act 1991(b) - Repealed.
- The Pet Animals Act 1951 – Amended
- Breeding and Selling of Dogs (welfare) act 1999 – repealed
- Riding Establishments Acts 1964 & 1970 – amended
- Performing Animals (Regulation) Act 1925 – Amended
- Animal Boarding Establishments Act 1963 – Amended
- Local Government Act 1974 – Amended
- Dangerous Wild Animals Act 1976 – Amended
- Zoo Licensing Act 1981 – Amended

## 3.2. FEES and CHARGES

3.2.1 The fees and charges are locally set based upon full cost recovery, the regulations state:

A local authority may charge such fees 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\*.

### 3.2.2 Regulation 29. Provision of information to the Secretary of State

(1) Each local authority must provide the following information to the Secretary of State in writing for the purpose of assisting the Secretary of State to carry out the review in accordance with regulation 28

(a) the number of licences in force for each licensable activity in its area on each reference date, and

(b) the average level of fees it has charged for licences it has granted or renewed for each licensable activity in each reference period.

3.2.3 Current fees and charges and new charges based on cost recovery are detailed in table 3.2.3. Application fees have been calculated on the estimation that there are 100 businesses in the city that will come within the scope of the regime. If there are significantly more or less than 100 the fees will have to be reviewed.

3.2.4 Part A is to cover the cost of the application process and part B is the cost of running the enforcement and licensing regime if the application is successful.

**Table 3.2.3 Animal Welfare Licence Fees**

Licence Type	Application Fees wef 1/10/18			Vets Fees *
	Part A	Part B	Total	
Dog breeding (Dom)	£145.00	£130.00	<b>£275.00</b>	A recharge to the licensee of the cost to the Authority
Dog Breeding (Comm)	£180.00	£135.00	<b>£315.00</b>	
Dog Boarding (Dom)	£130.00	£120.00	<b>£250.00</b>	
Dog Boarding (Comm)	£180.00	£135.00	<b>£315.00</b>	
Cat Boarding	£135.00	£125.00	<b>£260.00</b>	
Dog Day Care	£130.00	£130.00	<b>£260.00</b>	
Exhibition of animals	£180.00	£135.00	<b>£315.00</b>	
Hiring horses	£205.00	£140.00	<b>£345.00</b>	
Pet vending	£145.00	£130.00	<b>£275.00</b>	

\* where applicable

Variation / Transfer of Licence	£105.00	
Appeals / site visit	Price on application	

Licence Type	Application Fee to 30/09/18
Domestic Animal Boarding	£255.00*
Commercial Animal Boarding	£510.00*
Dangerous Wild Animals	£255.00
Dog Breeding	£510.00*
Pet Shops	£510.00*
Performing Animals	£255.00
Riding Establishments	£510.00*

\*Includes vet fees

### 3.3 THE REGIME

All animal activities, as set out in 3.1.1 above will be subject to the same regime. Conditions are nationally set for each defined activity as contained within the regulations.

### **3.4 THE REGULATIONS**

#### 3.4.1 Changes from the Current Scheme:

- a) The majority of animal related licensing will now be administered under one regime.
- b) Introduction of a star rating system. See Appendix 1 for a copy of Defra's 'The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018- Procedural guidance notes for local authorities, July 2018' for further details.
- c) Officers undertaking inspections must be suitably qualified. See page six of Appendix 1 for further information.
- d) The definition of dog breeders is reducing the number of litters per annum from five to three and/or will include anyone selling for a profit.
- e) Pet shops will no longer be premises based only and will include animal sales online.
- f) Dog Day Care has been clarified to be a licensable activity.
- g) The introduction of one, two and three year licences based upon compliance history, star rating and associated risk.
- h) Introduction of statutory returns to the secretary of state.

#### 3.4.2 Conditions

All licence conditions are nationally set and are contained within the regulations. The conditions relate to the activity being applied for under the licensing regime. The general conditions to be applied to all licences are contained within Schedule 2 of the regulations. Activity Specific conditions are contained within Schedules 3 – 7 of the regulations.

#### 3.4.3 The Star Rating System

Within the regulations is a star rating system to allow customers to see how businesses preform against the regulation standards. The star rating will be issued by the inspecting licensing officer/animal specialist. See Appendix 1 for details.

#### 3.4.4 Appeals Against Star Ratings

National guidance states:

To ensure fairness to businesses, local authorities must have an appeal procedure in place for businesses to dispute the star rating given in respect of their business. The appeal procedure is relevant where the business wishes to dispute the star rating given as not reflecting the animal welfare standards and risk level of their business at the time of the inspection. This should not be used if the business has made improvements to their business and wishes to be reassessed – in this case, they should apply for re-inspection. See Appendix 1 for further guidance.

### 3.4.5 Period of Licence

A local authority may grant or renew a licence—

(a) for a period of one, two or three years in respect of the activity or any part of the activity described in paragraph 2, 4, 6 or 8 of Schedule 1 if it is satisfied that a period of one, two or three years, as the case may be, is appropriate on the basis of its assessment, having regard to such guidance as may be issued by the Secretary of State, of—

(i) the risk of an operator breaching any licence conditions;

(ii) the impact on animal welfare of any such breaches; and

(iii) whether the operator is already meeting higher standards of animal welfare than are required by the licence conditions;

(b) for a period of three years in respect of the activity or any part of the activity described in paragraph 10 of Schedule 1 namely Keeping or training animals for exhibition The scoring matrix shown in 3.5.1 above demonstrates how the length of licences will be determined.

## 3.5 DELEGATION and AUTHORISATION

3.5.1 Delegation of powers is proposed as set out below:

a) Granting and renewal of a licence – delegated to Officers.

b) Refusal of a licence – delegated to officers. Appeal of the council's decision to be heard by First Tier Tribunal.

c) Suspension or variation of a licence – delegated to officers to be authorised by Team Leader or above.

d) Revocation of a licence – delegated to Officers.

3.5.2 Within the regulations is a star rating system to allow customers to see how businesses perform against the regulation standards. The star rating will be issued by the inspecting licensing officer/animal specialist. Any appeal against the star rating assigned to the business will be dealt with by the Animal Warden Team Manager or Head of Safer Communities.

## ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

None

## 4 COMMUNITY ENGAGEMENT & CONSULTATION

All current licence holders have been advised of the changes.

## 6. CONCLUSION

- 6.1 The changes are detailed in the report. The national guidance produced by Defra, which the Council must have regard to is specific and detailed.
- 6.2 Fees and Charges have been calculated on a cost recovery basis.

## 7. FINANCIAL & OTHER IMPLICATIONS:

7.1

### Financial Implications:

The fees and charges have been calculated on a full cost recovery basis and activity will be closely monitored to ensure that they are set at the correct level. Actual income for 2017/18 for Animal Welfare licensing was £11,500.

*Finance Officer Consulted: Name Michael Bentley Date: 11/10/18*

7.2

### Legal Implications:

The new legal framework is addressed in the body of the report

7.3

### Equalities Implications:

The potential for any Equality and Diversity issues to arise has been considered and it is concluded that no issues relating to this, nor the Human Rights Act 1988 are relevant.

7.4

### Sustainability Implications:

None

7.5

### Any Other Significant Implications:

None

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018- Procedural guidance notes for local authorities, July 2018
2. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

**Documents in Members' Rooms**

None

**Background Documents**

None

