

1. **Review of fees for activities involving animals licensing** (Pages 2-13)

## **BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK**

### **RECORD OF DECISION TAKEN BY OFFICERS UNDER DELEGATED POWERS**

This is a record of a decision taken by an officers under delegated powers and where necessary taken in consultation with members and officers.

<b>REPORT TITLE:</b>	REVIEW OF FEES FOR ACTIVITIES INVOLVING ANIMALS LICENSING
<b>OPEN/EXEMPT</b>	OPEN
<b>LEAD OFFICER</b>	LORRAINE GORE
<b>IS DECISION SUBJECT TO CALL IN?:</b>	YES
<b>DATE DECISION ADVERTISED:</b>	Friday 13th October 2023
<b>DATE OF DECISION:</b>	Friday 20th October 2023
<b>DEADLINE FOR CALL IN:</b>	Friday 27th October 2023
<b>PRE-SCREENING EQUALITY IMPACT ASSESSMENT COMPLETED:</b>	YES

#### **Delegated Power**

As approved by Cabinet (CAB69) on 2nd October 2018, The Council has delegated authority to the Executive Director of the appropriate services (in consultation with the relevant portfolio holder and the Leader) to vary charges having regard to market conditions and the Council's policy framework.

#### **Decision Taken**

To increase fees relative to animal welfare licensing in accordance with the attached report.

#### **Reasons for the Decision**

To ensure full cost recovery of the function, having calculated the actual costs of providing the service over a 3 year period.

#### **Details of alternative options, if any, considered and rejected.**

No increase – not an option as the Council would be delivering the service at a loss.  
Phased increase – Fees have remained the same since the introduction of the new licensing regime in October 2018. Losses have already been made and have not been taken into account when recalculating fees.

**Any declarations of interest and details of any dispensations granted in respect of interests (in relation to officers and any Members consulted).**

None

**List of Background papers**

Open for Business: LGA guidance on locally set licence fees

BIS Guidance for Business on the Provision of Services Regulations

Animal Welfare Licence Fees – a Practical Guide to Fee Setting (Non Statutory DEFRA Guidance)

**Authorisation**

Post Held: Chief Executive [REDACTED]

Signature [REDACTED]

Date

13/10/23

**Consultation with members/officers**

**If the decision is taken following consultation with the members/officers, please give details:**

**Name of Members/officers consulted:**

Portfolio Cllr Sandra Squire and Leader Cllr Terry Parish

**Signed by Member/officer as consulted:** [REDACTED]

Date: 29.08.2023 [REDACTED]

**Pre-Screening Equality Impact Assessment**

Borough Council of  
**King's Lynn & West Norfolk**



Name of policy/service/function		Licensing, Legal Services & Licensing				
Is this a new or existing policy/ service/function?		Existing				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations		Review of fees for animal welfare licensing services to ensure ongoing cost recovery of the function as permitted in the legislation and associated guidance.				
<b>Question</b>		<b>Answer</b>				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>			Positive	Negative	Neutral	Unsure
		Age			√	
		Disability			√	
		Gender			√	
		Gender Re-assignment			√	
		Marriage/civil partnership			√	
		Pregnancy & maternity			√	
		Race			√	
		Religion or belief			√	
		Sexual orientation			√	
Other (eg low income)			√			
<b>Question</b>	<b>Answer</b>	<b>Comments</b>				
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No					
3. Could this policy/service be perceived as impacting on communities differently?	No					
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No					
5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	No	<b>Actions:</b>				
		<b>Actions agreed by EWG member:</b> Name .....				
Assessment completed by: Name	Marie Malt					
Job title	Date: 1 <sup>st</sup> September 2023					
<p><b>Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.</b></p>						

## **ANIMAL WELFARE LICENSING FEE STRUCTURE**

### **Summary**

The introduction of the new licensing regime required a new fee structure to be set in October 2018. Since then there has been no change to the existing fee structure. A re calculation of fees has been carried out, taking into account actual figures over the preceding 3 years.

### **Recommendation**

Consider revising the current fee levels to ensure cost recovery for the service provided, having regard to market conditions and the Council's policy framework.

### **Delegation**

On 2<sup>nd</sup> October 2018, Cabinet delegated authority to vary charges as follows -

*'The Council has delegated authority to the Executive Director of the appropriate services (in consultation with the relevant portfolio holder and the Leader) to vary charges having regard to market conditions and the Council's policy framework.'*

### **Process**

The 2018 regulations introduced the ability for licenses to last up to 3 years based on the star rating of the premises. The star rating/duration of a licence can only be assessed upon initial inspection of the premises, for which an application fee is payable. Once a premises has been star rated, the duration of the licence will be known and the cost of on-going compliance and enforcement, combined with additional inspection costs, is charged separately.

Where the 2018 regulations require inspection of a premises by a veterinarian, the full cost of that inspection is payable by the premises licence holder/applicant in addition to the figures in the table below.

A re-calculation of fees has been carried out, taking into account actual timings and costs over the preceding 3 year period.

## Legislation/Regulations

Section 13 of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 provides that a local authority may charge such fees as it considers necessary for—

- (1)
  - (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.*
- (2) *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.*

General fee setting principles are set out within 'Animal Welfare Licence Fees – A Practical Guide to Fee Setting (Non Statutory Guidance) Feb 2022' –

*The important underlying principles when looking at fee setting are that Local Authorities should*

1. *Recover any reasonable costs of administering and enforcing each licence,*
2. *Charge separately for application processing and enforcement*
3. *Continually seek service improvements to help reduce costs for businesses*
4. *Use evidence based data wherever possible as the basis of their fee charges, and retain this information for the purposes of transparency*

## Revised Fees

The new fee table below sets out the recalculated costs of the service, based on actual data provided over a 3 year period under the new animal welfare licensing regime. Current costs are shown in brackets below each fee and increase amounts are in red, reductions in blue.

Licensable Activity	Application fee		Inspection re-rating & variation fee	Compliance/Enforcement fee (includes additional inspection)			Copy of Licence
	New	Renewal		1 yr	2 yr	3 yr	
<b>Boarding – Cats, Dogs, Home &amp; Day Care</b>	£157.00 (£135.00) ↑ £22.00	£142.00 (£100.00) ↑ 42.00	£150.00 (£110.00) ↑ £40.00	£179.00 (£160.00) ↑ £19.00	£256.00 (£210.00) ↑ £46.00	£333.00 (£260.00) ↑ £73.00	£10.50 (£10.50)
Boarding as additional activity (same)	£40.00	£40.00	£40.00	£50.00	£60.00	£70.00	
<b>Selling animals as pets</b>	£172.00 (£135.00) ↑ £37.00	£157.00 (£100.00) ↑ £57.00	£160.00 (£110.00) ↑ £50.00	£186.00 (165.00) ↑ £21.00	£265.00 (£220.00) ↑ £45.00	£344.00 (£270.00) ↑ £74.00	£10.50 (£10.50)
Pets as additional activity (same)	£40.00	£40.00	£40.00	£54.00	£68.00	£82.00	
<b>Horse Riding</b>	£180.00 (£175.00) ↑ £5.00	£162.00 (£135.00) ↑ £27.00	£160.00 (£150.00) ↑ £10.00	£207.00 (£215.00) ↓ £8.00	£295.00 (£280.00) ↑ £15.00	£383.00 (£350.00) ↑ £33.00	£10.50 (£10.50)
Riding as additional activity (same)	£50.00	£50.00	£50.00	£78.00	£106.00	£134.00	
<b>Dog Breeding</b>	£175.00 (£175.00)	£147.00 (£120.00) ↑ £27.00	£160.00 (£150.00) ↑ £10.00	£194.00 (£210.00) ↓ £16.00	£284.00 (£270.00) ↑ £14.00	£374.00 (£335.00) ↑ £39.00	£10.50 (£10.50)
Breeding as additional activity (same)	£50.00	£50.00	£50.00	£74.00	£98.00	£122.00	
<b>Exhibition of animals</b>	£365.00 (£230.00) ↑ £135.00	£340.00 (£200.00) ↑ £140.00	£165.00 (£95.00) ↑ £70.00	N/A (3 yr licence – costs already calculated within application fee)			£10.50 (£10.50)

Note: Some premises (minority) are visited by 2 officers but the above fees are for attendance by one officer only.

### Breakdown of Costs

A breakdown of costs and the functions included within each cost section can be found below –

Licensable Activity	Boarding -Cats, Dogs, Home, Daycare			Selling animals as Pets			Horse Riding			Dog Breeding			Exhibition of Animals		
Activity	New	Renewal	Inspection/ re rating	New	Renewal	Inspection/ re rating	New	Renewal	Inspection/ re rating	New	Renewal	Inspection/ re rating	New	Renewal	Inspection/ re rating
<b>Admin</b>	£30.00	£30.00	£10.00	£30.00	£30.00	£10.00	£30.00	£30.00	£10.00	£30.00	£30.00	£10.00	£30.00	£30.00	£10.00
<b>Officer Office</b>	£32.00	£24.00	£10.00	£34.00	£27.00	£10.00	£38.00	£30.00	£10.00	£38.00	£30.00	£10.00	£36.00	£28.00	£10.00
<b>Inspection</b>	£63.00	£56.00	£63.00	£80.00	£72.00	£77.00	£80.00	£70.00	£73.00	£75.00	£55.00	£73.00	£71.50	£56.00	£71.00
<b>Travel</b>	£32.00	£32.00	£32.00	£28.00	£28.00	£28.00	£32.00	£32.00	£32.00	£32.00	£32.00	£32.00	£39.00	£39.00	£39.00
<b>Other</b>			£35.00			£35.00			£35.00			£35.00	£188.50	£187.00	£35.00
<b>Total</b>	<b>£157.00</b>	<b>£142.00</b>	<b>£150.00</b>	<b>£172.00</b>	<b>£157.00</b>	<b>£160.00</b>	<b>£180.00</b>	<b>£162.00</b>	<b>£160.00</b>	<b>£175.00</b>	<b>£147.00</b>	<b>£160.00</b>	<b>£365.00</b>	<b>£340.00</b>	<b>£165.00</b>

Licensable Activity	Boarding -Cats, Dogs, Home, Daycare			Selling animals as Pets			Horse Riding			Dog Breeding			Exhibition of Animals
Compliance/ enforcement	1 yr	2 yr	3 yr	1 yr	2 yr	3 yr	1 yr	2 yr	3 yr	1 yr	2 yr	3 yr	N/A (3 yr licence – costs already calculated within application fee)
<b>Admin</b>	£7.00	£7.00	£7.00	£7.00	£7.00	£7.00	£7.00	£7.00	£7.00	£7.00	£7.00	£7.00	
<b>Officer Office</b>	£10.00	£10.00	£10.00	£10.00	£10.00	£10.00	£10.00	£10.00	£10.00	£10.00	£10.00	£10.00	
<b>Inspection</b>	£53.00	£53.00	£53.00	£62.00	£62.00	£62.00	£70.00	£70.00	£70.00	£55.00	£55.00	£55.00	
<b>Travel</b>	£32.00	£32.00	£32.00	£28.00	£28.00	£28.00	£32.00	£32.00	£32.00	£32.00	£32.00	£32.00	
<b>Other</b>	£77.00	£154.00	£231.00	£79.00	£158.00	£237.00	£88.00	£176.00	£264.00	£90.00	£180.00	£270.00	
<b>Total</b>	<b>£179.00</b>	<b>£256.00</b>	<b>£333.00</b>	<b>£186.00</b>	<b>£265.00</b>	<b>£344.00</b>	<b>£207.00</b>	<b>£295.00</b>	<b>£383.00</b>	<b>£194.00</b>	<b>£284.00</b>	<b>£374.00</b>	

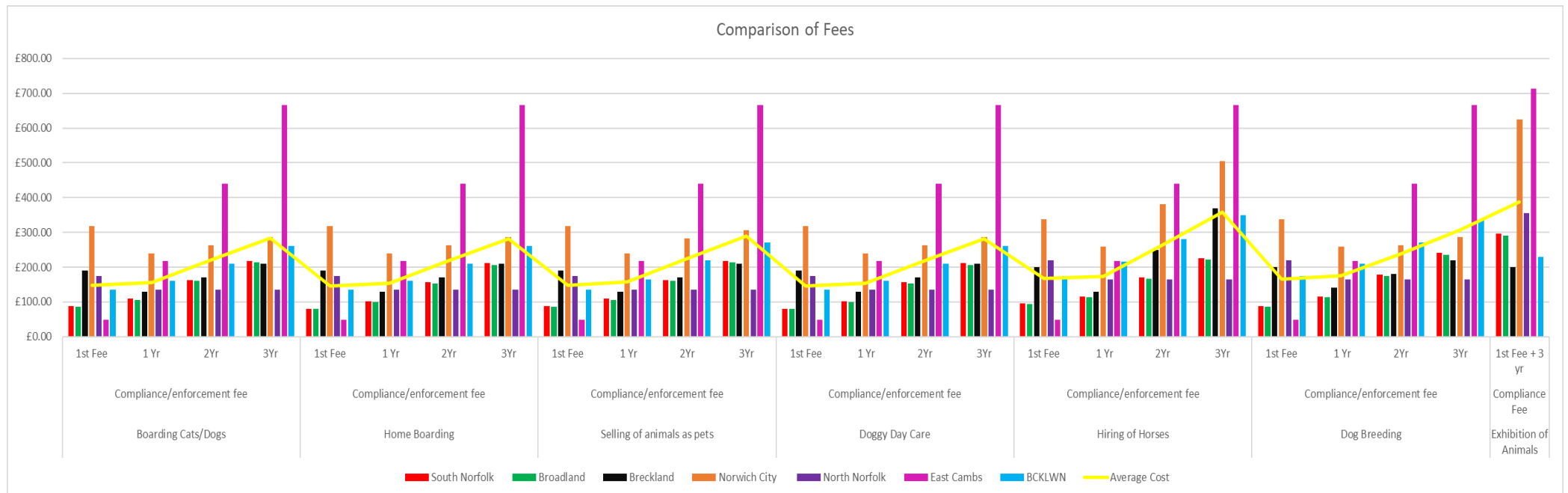


Admin	Officer Office	Inspection	Travel	Other
<ul style="list-style-type: none"> <li>• Receipt of application</li> <li>• Advice and guidance</li> <li>• Input into system, scan to DMS</li> <li>• Payment processing and receipt</li> <li>• Application front sheet</li> <li>• Letter/email re star rating &amp; requesting fee</li> <li>• Fee receipt</li> <li>• Update system and DMS</li> <li>• Grant licence, copy to DMS</li> </ul>	<ul style="list-style-type: none"> <li>• Receive and check application</li> <li>• Chase outstanding documents</li> <li>• Advice and guidance</li> <li>• Risk rating and star rating</li> <li>• Completion of paperwork</li> <li>• Arrange Vet inspection (where applicable)</li> <li>• Inputting to system</li> <li>• Check licence</li> </ul>	<ul style="list-style-type: none"> <li>• Inspection of premises</li> <li>• Completion of required inspection paperwork</li> </ul>	<ul style="list-style-type: none"> <li>• Time spent travelling to/from premises</li> <li>• Average mileage to/from each premises type</li> </ul>	<ul style="list-style-type: none"> <li>• Ongoing compliance and enforcement/Service requests</li> <li>• Specialist Training</li> <li>• Fee Setting calculation/report</li> <li>• National database</li> <li>• Advice and guidance</li> <li>• Authorisation process/manager decisions</li> <li>• General PPE</li> <li>• Specialist equipment</li> </ul>

## Fee Levels of Neighboring Authorities

For information purposes, below is a comparison between current BCKLWN fees and those set by neighboring authorities. There have been no increases since these fees were first introduced in October 2018.

	Boarding Cats/Dogs				Home Boarding				Selling of animals as pets				Doggy Day Care				Hiring of Horses				Dog Breeding				Exhibition of Animals				
	Compliance/enforcement fee				Compliance/enforcement fee				Compliance/enforcement fee				Compliance/enforcement fee				Compliance/enforcement fee				Compliance/enforcement fee				Compliance Fee				
	1st Fee	1 Yr	2Yr	3Yr	1st Fee	1 Yr	2Yr	3Yr	1st Fee	1 Yr	2Yr	3Yr	1st Fee	1 Yr	2Yr	3Yr	1st Fee	1 Yr	2Yr	3Yr	1st Fee	1 Yr	2Yr	3Yr	1st Fee	1 Yr	2Yr	3Yr	1st Fee + 3 yr
South Norfolk	£87.80	£108.60	£163.50	£218.50	£80.50	£101.20	£156.10	£211.10	£87.80	£108.60	£163.50	£218.50	£80.50	£101.20	£156.10	£211.10	£95.20	£116.00	£170.90	£225.90	£87.80	£116.00	£178.50	£240.90					£297.30
Broadland	£86.00	£106.00	£160.00	£213.00	£79.00	£99.00	£152.00	£206.00	£86.00	£106.00	£160.00	£213.00	£79.00	£99.00	£152.00	£206.00	£93.00	£113.00	£167.00	£221.00	£86.00	£113.00	£174.00	£235.00					£291.00
Breckland	£190.00	£130.00	£170.00	£210.00	£190.00	£130.00	£170.00	£210.00	£190.00	£130.00	£170.00	£210.00	£190.00	£130.00	£170.00	£210.00	£200.00	£130.00	£250.00	£370.00	£200.00	£140.00	£180.00	£220.00					£200.00
Norwich City	£317.00	£239.00	£263.00	£287.00	£317.00	£239.00	£263.00	£287.00	£317.00	£239.00	£283.00	£307.00	£317.00	£239.00	£263.00	£287.00	£337.00	£259.00	£381.00	£504.00	£337.00	£259.00	£263.00	£287.00					£624.00
North Norfolk	£173.50	£135.00	£135.00	£135.00	£173.50	£135.00	£135.00	£135.00	£173.50	£135.00	£135.00	£135.00	£173.50	£135.00	£135.00	£135.00	£220.00	£165.00	£165.00	£165.00	£220.00	£165.00	£165.00	£165.00					£355.00
East Cambs	£48.00	£218.00	£440.00	£666.00	£48.00	£218.00	£440.00	£666.00	£48.00	£218.00	£440.00	£666.00	£48.00	£218.00	£440.00	£666.00	£48.00	£218.00	£440.00	£666.00	£48.00	£218.00	£440.00	£666.00					£714.00
BCKLWN	£135.00	£160.00	£210.00	£260.00	£135.00	£160.00	£210.00	£260.00	£135.00	£165.00	£220.00	£270.00	£135.00	£160.00	£210.00	£260.00	£175.00	£215.00	£280.00	£350.00	£175.00	£210.00	£270.00	£335.00					£230.00
Average Cost	£148.19	£156.66	£220.21	£284.21	£146.14	£154.60	£218.01	£282.16	£148.19	£157.37	£224.50	£288.50	£146.14	£154.60	£218.01	£282.16	£166.89	£173.71	£264.84	£357.41	£164.83	£174.43	£238.64	£306.99					£387.33



## Number of BCKLWN animal welfare licenses

The chart below shows the average number of licenses held for each discipline over the past 3 years, the current number of licenses issued and those pending issue.

Licence Type	Average no. per year on actuals for 3 year period from Oct 2018	Current licences	Pending issue
Boarding - Cats	17	14	2
Boarding - Dogs	13	12	2
Boarding - Home	26	24	2
Boarding – Daycare	1	2	1
Pet Shop	10	9	1
Riding	7	6	6
Dog Breeding	67	73	8
Exhibition	4	5	1
Total	145	145	23

## Income from Animal Activities Licensing

The chart below provides the actual income received from animal activities over the previous 3 accounting periods. Projected income for 22/23 with existing and new fee levels has also been estimated as below, based on average numbers of 1,2 and 3 year licenses issued per year, for a period of one year.

Licence Type	April 19 to March 20	April 20 to March 21	April 21 to Feb 22	Projected income with current fee levels April 22 to Mar 23	Projected income with new fee levels April 22 to Mar 23
Boarding - Cats	£2625.00	£690.00	£2690.00	£3460.00	£5148.00
Boarding - Dogs	£2999.00	£2488.00	£4280.50	£2220.00	£3304.00
Boarding - Home	£1297.00	£1485.00	£3880.00	£5270.00	£7837.00
Boarding – Daycare	£2407.00	£210.00	£1315.00	£310.00	£461.00
Pet Shop	£3067.00	£590.00	£1720.00	£1965.00	£2989.00
Riding	£2887.00	£700.00	£1212.00	£1385.00	£1736.00
Dog Breeding	£8145.00	£7575.00	£19125.50	£18,035.00	£22,152.00
Exhibition	£490.00	£490.00	£245.00	£400.00	£680.00

<b>Total</b>	<b><u>£23917.00</u></b>	<b><u>£14228.00</u></b>	<b><u>£34468.00</u></b>	<b><u>£33,045.00</u></b>	<b><u>£44,307.00</u></b>
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## Options

Licensed animal welfare establishments, with the exception of dog breeders, have suffered some hardship as a result of the pandemic. Fewer people required the services of animal boarding establishments and non-essential businesses had to close for prolonged periods which impacted on riding establishments, pet shops and exhibition of animals.

1. No increase to fees
2. Delayed or phased increase to fees
3. Raise fees to ensure full cost recovery of the function - recommended
4. Anything else you wish to consider

## Consultation

There appears to be no mechanism to consult the public/trade on animal welfare licence fees. The LGA asked Defra to confirm whether public consultation is a requirement and we have received the following response –

*‘Jo has passed this on to me because it appears to be an enquiry about the fees which Local Authorities can charge for licences issued under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (LAIA). It is for Local Authorities to decide how to set the fees, using the guidance provided. There is nothing in LAIA stipulating a consultation, but LA’s will have their own processes to follow. So essentially consultation is a matter of local choice.’*

No consultation was carried out prior to the current fee levels being set in October 2018 and other authorities (Breckland/East Cambs/North Hertfordshire/Bath & Northeast Somerset) have not consulted.

However, a consultation was carried out with all current licence holders from 12<sup>th</sup> December 2022 to 27<sup>th</sup> January 2023 and one response was received.

## Background Papers

The Animal Welfare Act 2006.

The Animal Welfare Act 2006 The Animal Welfare (Licensing of Activities Involving

Animals)(England) Regulations 2018.

Animal Welfare Licence Fees – A Practical Guide to Fee Setting (Non Statutory Guidance) Feb 2022

LGA Open for Business guidance on locally set licence fees

Department for Business Innovation & Skills Guidance for Business on the Provision of  
Services Regulation October 2009

Department for Business Innovation & Skills Better Regulation Delivery Office Regulators' Code, April 2014