

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory	(a) Be entirely within Cabinet's powers to decide	YES	
		(b) Need to be recommendations to Council	NO	
		(c) Is it a Key Decision	NO	
Lead Member: Cllr Adrian Lawrence E-mail: cllr.adrian.lawrence@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: VICKI HOPPS E-mail: vicki.hopps@west-norfolk.gov.uk Direct Dial: 01553 616307		Other Officers consulted: Marie Malt		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment YES	Risk Management Implications NO

Date of meeting: 2nd October 2018

CHANGES TO ANIMAL WELFARE LICENSING REGIME AND FEE STRUCTURE

Summary

New regulations coming into force on 1st October 2018 change the way in which animal boarding establishments, dog breeding establishments, pet shops and riding establishments are licensed. In addition to this, a new category of animal licensing will be introduced for the day care of dogs and the responsibility for the licensing of exhibition of animals will move from Norfolk County Council to The Borough Council. This report is to make Members aware of the changes and to approve a new cost recovery based fee structure.

Recommendation

That Members approve the new fee structure for animal welfare licensing.

Reason for Decision

The Council has to set reasonable fees based on cost recovery for the service provided.

1.0 Introduction / Background

1.1 The Animal Welfare Act 2006 (the Act) came into force on 6th April 2007 and introduced a 'duty of care' on people to ensure that the needs of any animals for which they are responsible are met. The Secretary of State has exercised powers under the Act to lay statutory instruments before Parliament and has introduced The Animal Welfare Act 2006 The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 (the Regulations).

1.2 The Regulations change the way we licence animal establishments with effect from 1st October 2018.

1.3 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. The licence types and numbers currently issued by the Council are:

- (a) 62 X Animal boarding establishment licences (for businesses accommodating dogs or cats – e.g. kennels, catteries and home boarders).
- (b) 29 X Dog breeding establishment licences (premises used for, or in connection with, the breeding of dogs).
- (c) 10 X Pet shop licenses (any business which keeps animals with a view to selling them as pets).
- (d) 12 X Riding Establishment licenses (premises which keep horses and ponies for hire for riding, or for riding tuition, excluding livery stables).
- (e) *Zoo licenses (wild animals kept for exhibition to members of the public)
- (f) *Dangerous wild animal licence (certain types of wild animals kept for personal use)

*Zoo licences and Dangerous wild animal licenses are not affected by the new regulations coming into effect on 1st October 2018 and will not be mentioned further within this report.

1.4 There are numerous pieces of legislation and secondary legislation that regulate the existing licence types. Inspections are conducted annually by an officer and/or where legally required a veterinary surgeon, and subject to a satisfactory inspection the licence is granted/renewed for twelve months. Existing legislation will be repealed from 1st October 2018 and all licences granted thereafter will be subject to the new regulations.

2.0 Summary of Changes

2.1 The following changes are being introduced from 1st October 2018:

- i) All activities to be covered by one licence where more than one activity occurs on a premises, such as dog boarding and breeding.
- ii) Introduction of a new star rating scheme (based on standards of welfare and risk)
- iii) Up to three year licence durations, depending on the star rating of a premises.
- iv) Council discretion to set conditions has been removed. All conditions are now statutory.
- v) Statutory guidance for each specific licensable activity has been introduced, as well as statutory procedural guidance that officers must have regard to.
- vi) New definitions of what is, and what isn't a licensable activity.
- vii) The right for a licence holder to request a re-rating.
- viii) The right for officers to suspend, vary or revoke licences, with an appeal system to First-Tier Tribunal.
- ix) Obligatory training for all inspecting officers.

Further information is available within the regulations and guidance documents listed at the background papers section of this report.

3.0 Fees

3.1 The introduction of the new regime requires a new fee structure to be set. The proposed fees look to recover the actual processing costs and costs to the Council for providing the service.

3.2 The 2018 regulations introduce 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, will be charged separately.

3.3 Table of Fees

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	
Boarding – Cats, Dogs, Home & Day Care	£135.00	£100.00	£110.00	£160.00	£210.00	£260.00	£10.50
Boarding as additional activity	£40.00	£40.00	£40.00	£50.00	£60.00	£70.00	
Selling animals as pets	£135.00	£100.00	£110.00	£165.00	£220.00	£270.00	£10.50
Pets as additional activity	£40.00	£40.00	£40.00	£54.00	£68.00	£82.00	
Horse Riding	£175.00	£135.00	£150.00	£215.00	£280.00	£350.00	£10.50
Riding as additional activity	£50.00	£50.00	£50.00	78.00	106.00	£134.00	
Dog Breeding	£175.00	£120.00	£150.00	£210.00	£270.00	£335.00	£10.50
Breeding as additional activity	£50.00	£50.00	£50.00	£74.00	£98.00	£122.00	
Exhibition of animals	£230.00	£200.00	£95.00	N/A (3 yr licence – costs already calculated within application fee)			£10.50

3.4 Where an animal welfare premises conducts more than one licensable activity on the same licence, only one initial application fee will be payable. However, this will consist of the highest activity application fee combined with the additional activity fee. For example, a premises that breeds dogs and sells animals as pets will pay £215.00 (£175.00 + £40.00) upon initial application, plus the additional compliance fees depending on which star rating has been achieved after the first inspection. The application fee will be £215.00 and the compliance/enforcement fee for a 1 year licence will be £264.00 (£210.00 + £54.00), a 2 year licence £338.00 (£270.00 + £68.00) or a 3 year licence £417.00 (£335.00 + £82.00).

3.5 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 at 3.3 above.

3.6 If an existing premises licence holder requests a re-inspection or variation to their licence the inspection re-rating & variation fee above will apply before such an inspection is carried out.

3.7 Where licensable animal activities are taking place under a primary authority partnership such as that set up between The Pet Industry Federation and The City of London Corporation, it is possible for a franchise holder to obtain a licence, but 'hosts' don't have to. For example, a licence can be held at a premises to home board dogs but no dogs are boarded there, instead 'hosts' at different locations board dogs on behalf of the licence holder and the owner of the dog. In such circumstances, it is necessary to charge the application fee for a home boarder, £135.00 plus an inspection re-rating & variation fee for each of the 'hosts'. If a licence holder had 5 hosts, the fee would be £135.00 + £550.00 (5 X £110.00), plus the appropriate compliance/enforcement fee.

3.8 Once approved, 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.

4.0 Policy Implications

4.1 There is no requirement for a separate animal welfare licensing policy as this would duplicate the regulations and comprehensive guidance already prescribed.

5.0 Financial Implications

5.1 The regulations provide that the licensing regime should be subject to full cost recovery.

6.0 Background Papers

6.1 The Animal Welfare Act 2006.

6.2 The Animal Welfare Act 2006 The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018.

6.3 DEFRA Animal Welfare Licensing of Activities Involving Animals)(England) Regulations 2018

6.4 Procedural guidance notes for local authorities, July 2018

6.5 Guidance notes for conditions for selling animals as pets, July 2018

6.6 Guidance notes for conditions for providing boarding for cats, July 2018

6.7 Guidance notes for conditions for providing boarding in kennels for dogs, July 2018

6.8 Guidance notes for conditions for providing day care for dogs, July 2018

6.9 Guidance notes for conditions for hiring horses, July 2018

6.10 Guidance notes for conditions for breeding dogs, July 2018

6.11 Guidance notes for conditions for keeping or training animals for exhibition, July 2018

6.12 Guidance notes for conditions for providing home boarding for dogs, July 2018

6.13 LGA Open for Business guidance on locally set licence fees

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

6.15 City of London Corporation & Pet Industry Federation Primary Authority Advice

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



Name of policy/service/function	Licensing				
Is this a new or existing policy/ service/function?	New				
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	Regulations made under the Animal Welfare Act 2006 come into effect on 1 st October 2018 which change the way in which animal licensing is carried out. All changes are prescribed in regulations and guidance.				
Question	Answer				
<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			X	
	Disability			X	
	Gender			X	
	Gender Re-assignment			X	
	Marriage/civil partnership			X	
	Pregnancy & maternity			X	
	Race			X	
	Religion or belief			X	
	Sexual orientation			X	
	Other (eg low income)			X	
Question	Answer	Comments			
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	Actions:			
		Actions agreed by EWG member:			
Assessment completed by: Name	Vicki Hopps				
Job title	Date: 6 th September 2018				

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.