

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: POLICY AND RESOURCES COMMITTEE

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ANIMAL LICENSING CHANGES

PURPOSE OF REPORT

To inform Committee of the proposed changes, to agree to alter the scheme of delegation to include applications under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and to agree the fees.

RECOMMENDATIONS

- (1) That the Council be recommended to amend the Scheme of Delegation in the Constitution to authorise the Planning, Building Control and Licensing Services Manager to deal with all licensing activities covered by the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- (2) That the Council be recommended to approve the fees for the applications as set out in the report.

REASON FOR RECOMMENDATIONS

To enable the Council to fully implement the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

ISSUE

- 1 Licensing of activities involving animals is presently covered under a range of legislation such as the Performing Animals (Regulation) Act 1925 or the Pet Animals Act 1951. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“the Regulations”) replace these and effectively bring all animal licensing activities under the umbrella of District Councils or Unitary Authorities. We estimate that this will involve Pendle licensing 38 activities.

- 2 The activities that are covered by the Regulations include:- boarding for cats and dogs, selling animals as pets, hiring out horses, breeding dogs, keeping or training animals for exhibition.
- 3 For all licenses activities the Regulations have General Conditions that must be met and these are set out in Schedule 2. The General Conditions cover administrative matters such as displaying the license and keeping records. They also cover matters such as staffing levels, suitable environments for keeping the animals, diet, monitoring of behaviour and training animals and protection from pain, suffering injury and disease.
- 4 There are also specific conditions contained in the Schedules 3 to 7 relating to:
 - Selling animals as pets
 - Boarding for cats or dogs
 - Hiring out horses
 - Breeding dogs
 - Keeping and training of animals
- 5 The Regulations introduce a risk based approach to the length of time a license will be granted for. The accompanying guidance indicates that for a first license it will be granted for a period of one year. Whilst this is not specified in the Regulations explicitly regulation 14 requires that regard has to be had to Guidance issued by the Secretary of State.
- 6 The basis for assessing the risks is set out in in the Guidance. It works on a scoring matrix set around low and high risks and a premises having minor failings, meeting minimum standards or meeting higher standards.
- 7 The United Kingdom Accreditation Service (“UKAS”) accredits schemes. Where a business using an UKAS accredited certificate is in operation, and that business meets the higher standards, it must automatically be assumed that the business meets the higher standards and hence the higher standards in the scoring matrix will be applied. That is unless there is there is significant evidence of poor animal welfare or non-compliance is identified during the inspection.
- 8 Inspectors have to be appointed for each application. These will normally be staff from Environmental Health or the Licensing section. Inspectors have to inspect the premises at which the licensable activity will take place. These Inspectors must make a report upon which the decision as to whether or not to grant a license will be based. For specified activities such as the breeding of dogs or hiring out horses a veterinarian must be appointed to inspect the premises. The vet can also be the appointed inspector but in Pendle we will use staff as the Inspector and the final report will in turn have a sub-report from the appointed vet.
- 9 We are required to submit details of the number of licenses in forced and the average level of fees charged to the Secretary of State on an annual basis prior to 31st May each year.
- 10 Schedule 8 contains a list of people who are prevented from applying for a license. This is a departure from what we normally deal with in that normally anyone can apply for a license and then we have to decide if they it should be granted. The Regulations prevent specified people from being able to apply for a license. The Schedule lists circumstances in which licenses have been revoked and those who have had licenses revoked are excluded.

11 The processing of applications will initially be commenced by the Licensing Service in the Planning, Building Control and Licensing Services section. Inspections of premises will be carried out by suitably qualified staff in Environmental Health. Where a vet is required this will be procured from an external provider. Only three premises are anticipated to need a visit by a vet.

Fees

12 The Regulations set out that Local Authorities may charge “such fees as it considers Necessary” for:

- Considering an application for the grant, renewal or variation of a license
- The reasonable anticipated costs of considering a license holder’s compliance with the Regulations
- The reasonable anticipated costs of enforcement in relation to any licensable activity
- The reasonable anticipated costs of making a return to the secretary of state.

13 Regards must be had to the guidance “Open for Business: LGA guidance on locally set license fees”.

14 The fees require different inspection regimes to be applied for different categories of license. Every premises licensed however has now to have an inspection and a report by an appointed Inspector. Some licenses, hiring out horses, require annual vets inspections as well as an accompanying report from an inspector. Dog breeding requires a vet to inspect it at the application stage but no further vets reports for the remainder of the license.

15 The fees will reflect the processing time taken to both register the application, consider it and issue the decisions notice as well as the time taken for the Inspector to carry out a site visit, assess the score of the premises under the risk rating regime and send the report back to the licensing section.

16 Sites will all be monitored once in the lifetime of the license and the fees include this. An estimated amount for enforcement has been added in based on a total of 30 hours’ time taken on enforcement per annum.

		1 Year		2 Year		3 Year	
1	Hiring out Horses 0-5 animals	275	186	275	303	275	420
2	Hiring out Horses 5-15 animals	275	186	275	303	275	420
3	Hiring out Horses 15-30 animals	275	186	275	303	275	420
4	Breeding dogs	275	147	276	147	276	147
5	Keeping and training of animals for exhibition	131	147	131	147	131	147
6	Selling animals as pets	136	109	136	109	136	109
7	Home boarding for dogs	155	147	155	147	155	147
8	Boarding cats or dogs	155	147	155	147	155	147
9	Day care for dogs	155	147	155	147	155	147
10	Activities 5, 6,7,8,9 plus breeding dogs	276	147	276	147	276	147
11	Activities 5,6,7,8,9 plus 1,2 or 3 will be charged at the rate for 1,2 or 3 plus the rate of the individual activity						

12	Appeals	£266
13	Rescoring request	£106 (plus any Vets fees necessary)
	Vets charges per visit (for any license involving hiring horses or breeding dogs)	£250

NB: The fees are split into two. The first charge is the cost of applying for the license. If the license is refused there will be no further charges. If the license is granted further fees are required for monitoring, enforcement, Government returns and costs associated with re-inspection based on the length of the license issued.

- 17** The Regulations have within them two appeals processes. The first is an internal appeals process where an applicant can challenge the rating they have been awarded. The appeal can only be based on information that has been gathered and cannot be undertaken on the basis of where improvements or other alterations to a premises or processes have been implemented. The Guidance states that these appeals should be undertaken by the Head of Department and should be determined based on the paperwork associated with the inspection. A charge can be made against the costs for undertaking such an appeal unless a higher rating is awarded. There is no further right of appeal with the only option thereafter being a judicial review of the decision. It is recommended that the Planning, Building Control & Licensing Services Managers the person who should consider these appeals.
- 18** There is a right of appeal against refusals to grant or renew licenses or to vary or revoke a license. These appeals are to the First-tier Tribunal.
- 19** The current scheme of delegation does not include processing of license applications for any application made under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. It is recommended that all activities associated with these regulations be delegated to the Planning, Building Control & Licensing Services Manager to deal with.

IMPLICATIONS

Policy: None

Financial: The implementation of the Regulations will involve both staff time and direct costs from employing veterinarians. Costs can be recovered based on the reasonable anticipated costs of processing the application, compliance of applicants with the Regulations and reasonable anticipated costs of enforcement in relation to any licensable activity.

Legal: None

Risk Management: None

Health and Safety: None

Sustainability: None

Community Safety: None

Equality and Diversity: None