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## **ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018 – ADOPTION OF LICENSING FEES AND DELEGATIONS**

### **1 PURPOSE OF REPORT**

- 1.1 This report proposes the adoption of arrangements in relation to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

### **2 INTRODUCTION**

- 2.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on 1 October 2018, amalgamating and replacing a number of pieces of legislation that govern the licensing of animals. The new regulations introduced a single licensing system to regulate the selling of animals, boarding of cats and dogs (including day care), horse riding establishments and the keeping and training animals for exhibition. It is the primary legislation for the licensing of the following activities:-

- Animal boarding (Catteries and Kennels)
- Home boarding of dogs
- Dog day care
- Breeding of dogs
- Riding establishments
- Sale of animals
- Performing animals

- 2.2 The new regulations have amended the previous licensing regime but the key changes are:-

- A premises can have a single licence covering a number of licensed activities
- District Councils are now responsible for licences in relation to performing animals
- A licence can last for up to 3 years depending upon a risk assessment produced in line with Government guidance.
- In addition to the standard national conditions set by the Regulations, the Licensing Authority will be able to impose any conditions it deems appropriate and reasonable. Licence Holders can appeal to the Council if

they oppose the decision and it is proposed that this function is delegated to a Sub-Committee of the Licensing Committee.

- Inspections for applications must be carried out by a suitable qualified inspector being either Level 3 Certified for inspecting and licensing animal activities businesses, a person holding a formal veterinary qualification or, until October 2021, any person that can show evidence of at least one year of experience in licensing and inspecting animal activity businesses.
- Premises with licences will have a star rating system to allow customers to see how the businesses perform against regulation standards. Premises can request for a re-inspection to rescore their rating.

2.3 In accordance with the Regulations, if businesses wish to appeal the star rating given to them they have 21 days to do so from the issue of the rating. They should first speak to the 'Inspecting Officer' informally and, if possible, seek a resolution to the matter (the informal discussions do not change the 21 days appeal deadline). The business can appeal to the Assistant Director (Legal Services) or the Senior Licensing Officer or an equivalent in another local authority, who must issue a decision within 21 days of receiving the appeal. The officer who has inspected the premises and granted the rating shall not be involved in any appeal.

2.4 The Council may suspend, vary or revoke a licence condition if it is satisfied that:-

- The licence conditions are not being complied with;
- There is a breach of the 2018 Regulations;
- Information provided by the applicant was false or misleading; or
- It is necessary to protect the welfare of the animal.

The Licence Holder can make written representations to the authority which must be considered within 7 days of receipt.

2.5 It is proposed that Council delegates to the Licensing Committee authority to approve and agree any new amendments to policy. Appeals in relation to any refusal, revocation, suspension or variation of a licence can be heard by a Sub-Committee of the Licensing Committee.

2.6 Any further appeal can be made to the First Tier Tribunal by the applicant.

### **3 DELEGATIONS**

3.1 The proposed delegation of powers is as set out below:-

- a) The Licensing Committee and a Sub-Committee of the Licensing Committee has the authority to set policy and to hear appeals in relation

to any refusal, revocation, suspension or variation of a licence under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

- b) The grant and renewal of a licence – to the Assistant Director (Legal Services), Senior Licensing Officer and Licensing Officer.
- c) The refusal of a licence - to the Assistant Director (Legal Services), Senior Licensing Officer and Licensing Officer. Appeal of a decision to be heard by the Licensing Sub-Committee. Any appeal of the Council's decision will be heard by the First Tier Tribunal.
- d) The suspension, revocation or variation of a licence - to the Assistant Director (Legal Services), Senior Licensing Officer and Licensing Officer. An appeal to be heard by the Licensing Sub-Committee within 28 days.

#### **4 FEES**

- 4.1 The Regulations allow licensing authorities to charge a reasonable fee to cover the costs of considering the grant, renewal or variation of a licence (Regulation 13). The appended table shows the proposed fees.
- 4.2 The fees charged are locally set based upon full costs recovery. Regulation 7 states:-

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 relation 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 Regulation 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.

Regulation 29 is in relation to annual returns on data to the Secretary of State.

#### **5 RESOURCE IMPLICATIONS**

- 5.1 The proposed fees are set out at appendix 1 and detailed in section 4 of this report. The Council has the power to determine the appropriate level of fees based on the costs it incurs in delivering the services, which includes the activities detailed in paragraph 4.2.

- 5.2 No additional resources are required to delivering the new licensing services as these will be carried out by existing officers. However, there will be an opportunity cost to the Council as officer time will be diverted from other potential activity.

## **6 LEGAL IMPLICATIONS**

- 6.1 Failure to act in accordance with the new Regulations would make the Council non-compliant and may give rise to legal challenge or prevent appropriate regulatory action being taken to safeguard the welfare of animals in the district.

## **7 EQUALITY AND DIVERSITY IMPLICATIONS**

- 7.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

## **8 RECOMMENDATION**

- 8.1 It is proposed that Council **RESOLVES**

- (1) That authority to approve any amendments to the policy in relation to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be delegated to the Licensing Committee.
- (2) That authority be delegated for granting, refusing, renewing, varying, suspending or revoking licences under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 on the basis set out under paragraph 3.1 of the report.
- (3) That the licensing fees schedule appended to the report be adopted.



Angela Law

Assistant Director, Legal Services

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**Background Papers:-**

None.

For further information please contact Angela Law on:-

Phone: 01702 318131

Email: [Angela.law@rochford.gov.uk](mailto:Angela.law@rochford.gov.uk)

If you would like this report in large print, Braille or another language please contact 01702 318111.

## Appendix 1

## Animal Licensing Fees

Proposed fees for the period 1 October 2018 to 31 March 2019

<b>Licence Activity</b>	<b>Application Fee</b>	<b>Additional Costs to Applicant</b>
Animal Boarding	£220.00	N/A
Home Boarding	£190.00	N/A
Dog Day Care	£190.00	N/A
Dog Breeding	£214.00	Vet fees for inspection on application
Hiring out of Horses	£304.00 Charity £95.00	Vets fee for inspection on applications and annually
Keeping Animals for Exhibition	£226.00 Set 3 year licence	N/A
Selling Animals as pets	£232.00	N/A
Combination of Activities	Equal to highest activity fee	Vet Fees where required
Variation to licence/revaluation of rating	£76.00	£58 for inspection fee  Vet fees for dog breeding and hiring of horses
Appeal (all licences)	£58.00 for inspection	Inspection fee refunded if appeal upheld
Transfer of licence	£76.00	Inclusive of inspection fee