

MUNICIPAL YEAR 2018/2019 REPORT NO.

ACTION TO BE TAKEN UNDER DELEGATED AUTHORITY

PORTFOLIO DECISION OF:

Cllr Guney Dogan - Cabinet Member for Environment

REPORT OF:

Executive Director
Place

Agenda – Part 1	KD Num:
Subject: Approval of new licence fees for animal welfare premises	
Wards: All	

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1. EXECUTIVE SUMMARY

The Council has a statutory duty to enforce The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 which comes into effect on 1 October 2018.

- 1.2 The new Regulations repeals a series of animal welfare Acts and consolidates the licensing requirements into one set of Regulations made under the Animal Welfare Act 2006.
- 1.3 Due to the changes made to the licensing requirements, new fees need to be set for licence applications for animal welfare establishments. The new fee structure requires approval.

2. RECOMMENDATIONS

- 2.1 To note the changes required by The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 2.2 To approve the new fees attached in Annex 1.

3. BACKGROUND

3.1 Introduction:

3.1.1 The Council is responsible for licensing premises which sell animals, and which provide accommodation to board or breed animals. This is to ensure that the operator and the conditions for welfare of animals are suitable.

3.1.2 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on 1st October 2018 and is made under the Animal Welfare Act 2006. It repeals the current legislation in England as follows:

- Pet Animals Act 1951
- Animal Boarding Establishments Act 1963
- Breeding of Dogs Act 1973
- Breeding of Dogs Act 1991
- Breeding and Sale of Dogs (Welfare) Act 1999

3.1.3 The reason for the new Regulations is that the Government is updating the old legislation, which pre-dates the Animal Welfare Act 2006, and are introducing new measures to ensure those conducting animal activities are doing so to the best standards of animal welfare.

3.1.4 The new regime covers the following animal activities:

- Performing animals
- Home boarding dogs
- Selling animals as pets
- Boarding cats
- Boarding dogs
- Breeding dogs
- Dog day care
- Hiring out horses.

3.1.5 There are no changes to the licensing requirements that we administer for Dangerous Wild Animals or Zoos.

3.2 Key changes:

3.2.1 The new Regulations introduce a single licence for pet selling, dog breeding and animal boarding establishments, including home boarders and day care establishments. The Regulations will introduce updated conditions (found in the Schedules of the Regulations) for each of these activities. The conditions have been drafted by the Government in collaboration with animal welfare organisations and enshrine the key requirements from the Chartered Institute of Environmental Health (CIEH) Model Licence Conditions into law.

- 3.2.2 The new Regulations will change to the issuing of for a fixed term, set at any point in the year. This will prevent all inspections having to take place at one time of year. At the present time, most legislation requires licences to run from 30 December each year and so the inspection take place before that date.
- 3.2.3 Local authorities are now required to use the standardised risk-based approach to licensing, which will mean that lower risk and high performing operators will be allowed a longer licence and fewer inspections. This will incentivise licence holders to operate at higher standard. Unannounced inspection visits will still be an important part of ensuring high standards under these Regulations. Following an inspection, the inspector will issue a rating. The premises licence must include the outcome of the risk rating, which will be published on the council's online register. The licence itself is also required to be displayed on the premises.
- 3.2.4 There will be new conditions that will apply to licences, and it is necessary to comply with both sets of conditions:
- A general set of conditions that apply to all licences and
 - A set of specific conditions that will apply to specific animal activity.
- 3.2.5 DEFRA has produced guidance documents to help current or prospective licence holders and Local Authorities understand what will be required of them under the new legislation. Licence holders will be advised to read the guidance and the specific documents relevant to the activities provided.

3.3 Fees

- 3.3.1 In addition to the streamlining process, the regulations allow for local authorities to charge fees that more effectively recover costs for this specific work.
- 3.3.2 New fees have been calculated for Enfield. The new regulations are more onerous on the local authority (as well as operators) and require more officer time and cost to the Council. Therefore, the fees need to be increased to recover these costs. More robust checks are required during inspections of animal selling/boarding establishments (whether upon new application or spot check inspection), and a detailed report and risk rating must be completed by the local authority to send to the applicant/licence holder. The fees also incorporate the City of London fees where a vet is required to carry out the inspection, for example on an initial dog breeding application or a riding establishment inspection.
- 3.3.3 Licence holders may now request and subsequently pay for a re-inspection, if works have been carried out in an attempt to improve the risk rating awarded by the licensing authority.

3.3.4 The proposed and former fees are provided in Annex 1.

3.3.5 The Licensing Team are required to write to the existing licence holders (with the new application forms under the new regulations) 12 weeks before 31 December 2018 (this is the expiry date of the current licence). The new fee will need to be charged, and the fee information needs to be provided in the covering letter. This does not meet the usual fee approval timeframe for the new financial year, so in this exceptional circumstance, the Cabinet Member is asked to approve the fees.

4. ALTERNATIVE OPTIONS CONSIDERED

There is no alternative. If we do not introduce the new licensing requirements in the Regulations, we will not be compliant, and neither will premises and operators in the Borough.

5. REASONS FOR RECOMMENDATIONS

The reason for the report is to approve new fees for licence applications for premises selling or boarding animals in accordance with the new more onerous requirements in The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. The licence fees have been calculated to take account of the costs that the Council will bear so that we are able to fully recover these costs from the licence fee.

6. COMMENTS FROM OTHER DEPARTMENTS

6.1 Financial Implications

6.1.1 The new Regulations are more onerous and will require more officer time to be incurred such as writing a more detailed inspection report and determining a risk rating for example.

6.1.2 In addition to the streamlining process, the regulations allow for local authorities to charge fees that more effectively recover costs for this specific work.

6.1.3 The fees have been calculated based on the estimated cost to the Council of undertaking the licensing process and are set at a level that will recover the full cost to the Council.

6.1.4 The proposed fees and the current fees are provided in Annex 1.

6.2 Legal Implications

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 were implemented on 1 October 2018. They require Councils to licence animal licensable activities within their borough. On receipt of an application, the Council is required, following inspection, to grant or renew a licence to the operator, if it is satisfied that the licence conditions will be met, any appropriate fee has been paid, and the grant or renewal is appropriate having taken into account the Inspector's inspection report. The local authority must attach to each licence granted or renewed, the general conditions, and the relevant specific conditions.

Regulation 13 states that a local authority may charge such fees as it considers necessary for—

- the consideration of an application for the grant, renewal or variation of a licence including any inspection.
- 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, including any inspection relating to that consideration,
- the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and
- the reasonable anticipated costs of compliance with regulation 29 (reporting on enforcement activity to the Secretary of State).

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.

6.3 Property Implications

There are no property implications as Council building are not involved.

7. KEY RISKS

The key risk is that if a new licence fee is not approved then the Council will only be able to charge the current fee. This will mean that the Council will not be recovering the full cost of the work incurred by the new licensing regime and so will be operating at a loss.

8. IMPACT ON COUNCIL PRIORITIES – CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD

8.1 Good homes in well-connected neighbourhoods

There is no direct impact on housing supply, environmental benefits or the public realm.

8.2 Sustain strong and healthy communities

There is a positive impact on the community's wellbeing from ensuring that premises and operators boarding or selling animals are compliant and ensuring that the animal's welfare needs are catered for.

8.3 Build our local economy to create a thriving place

Businesses that are compliant with animal welfare legislation are more likely to be successful with customers and fulfil their economic potential. Advice provided on inspections will help support these local businesses, and potentially help their business grow and increase jobs.

9. EQUALITIES IMPACT IMPLICATIONS

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 is primarily aimed at ensuring the best standards of animal welfare in premises and of operators towards the selling and boarding of animals. Therefore, there is no significant impact on equalities towards persons. The only real implication for operators is the increase in the licence fee. This might be more impact on those on low incomes. However, the Council needs to recover the costs of this licensing process. If there are applicants experiencing difficulty with paying the fee, we will see if we can accommodate two instalments.

Corporate advice has been sought in regard to equalities, and an agreement has been reached that, on this occasion, an equalities impact assessment/analysis is not relevant or proportionate for the approval of this Statement of Principles.

10. PERFORMANCE AND DATA IMPLICATIONS

Data is input and monitored in relation to the number of licences issued and inspections undertaken to ensure that they meet statutory timescales and the required performance standards.

11. HEALTH AND SAFETY IMPLICATIONS

Licensing inspections, processing and enforcement will be undertaken in accordance with health and safety risk assessments and systems of work.

12. HR IMPLICATIONS

We are required to appoint Inspectors under the Act who have a new specific qualification. One of our inspectors is undertaking the required training and qualification shortly.

13. PUBLIC HEALTH IMPLICATIONS

Whilst there are no direct public health implications for residents, there are indirect positive impacts on people's wellbeing. Animals that are boarded and sold in premises which are safe and cater for their welfare by suitable operators has a positive impact on consumer's emotional and mental wellbeing that use the operator's services or buy pets from such shops.

Background Papers

None.