

LICENSING, AUDIT & GENERAL PURPOSES COMMITTEE

24 SEPTEMBER 2018

DIRECTORATE OF COMMUNITY AND ENVIRONMENT
ENVIRONMENTAL HEALTH & HOUSING
REPORT NO. EHH1825

FEES AND CHARGES (ANIMAL WELFARE LICENSING AND SKIN PIERCING REGISTRATION)

1 INTRODUCTION

- 1.1 This report seeks Committee approval for revised fees for animal welfare licensing and skin piercing registration provided by the Environmental Health Service.

2 BACKGROUND

- 2.1 The Local Authority (Functions & Responsibilities) (England) Regulations 2000 place responsibility for the determination of these fees and charges on the Licensing, Audit & General Purposes Committee.
- 2.2 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 come into force on 1st October 2018 and seek to consolidate licensing regimes into one piece of law. Transitional guidance is in the process of being released with guidance on the setting of fees recently issued. The fees proposed are in line with this guidance.
- 2.3 Members are also invited to consider the setting of a fee for skin piercing registration. These fees were last uplifted on 1st April 2018 and it is proposed that these be uplifted in line with inflation.

3 ANIMAL WELFARE LICENSING

- 3.1 The Government has published the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 under s13 of the Animal Welfare Act 2006. The effect of the regulations is to consolidate and replace some existing legislation, and put in place a new licensing regime to control the following “licensable activities”:
- selling animals as pets (pet shops)
 - boarding for cats or dogs (home, kennels, catteries, day care)
 - hiring out horses
 - breeding dogs
 - keeping or training animals for exhibition
- 3.2 The new regulations replace the licensing regimes under the Pet Animals Act 1951, Animal Boarding Establishments Act 1963, Riding Establishments Acts 1964 & 1970, Breeding of Dogs Act 1973 & Breeding and Sale of Dogs (Welfare) Act 1999 and the Performing Animals (Regulation) Act 1925.

3.3 Licences current under previous legislation on 1st October 2018 will continue to be valid until they expire. Licences will then be applied for under the new regime.

4 ANIMAL WELFARE LICENSING - METHOD OF FEE CONSTRUCTION

4.1 Traditionally the fees charged for animal welfare licences have included the costs of processing the application, the costs of monitoring compliance, and the costs of enforcing against unlicensed and licensed operators. Until recently, application fees have been payable in full at the time of making an application. However, the case of *Hemming v Westminster City Council* has clarified the costs that local authorities can include when setting licence fees. The courts also concluded that the licence fees should be made up of two parts, A and B.

4.2 Part A is to cover the direct costs associated with processing the application, to the point where a decision is made and a licence is issued. This includes handling applications and payments, and carrying out pre-licensing inspections. The Part A fee is payable in full on submission of the application, and is non-refundable.

4.3 Part B is to cover the costs associated with running the licensing function. This includes investigating complaints and enforcement. The Part B fee would only become payable if a licence is granted, and would need to be paid before the licence becomes operational.

4.4 In accordance with the guidance issued, the methodology used to calculate fees allocates estimated officer time throughout the year against each element of Part A and Part B. The hourly rate (of direct costs and indirect costs) has then been applied to give an overall cost. Members are invited to note that these estimates are based on our recent experience of similar licensing regimes although the differing requirements of the new regime may mean further adjustments to the fees are necessary at the time of the next fee review.

4.5 Appendix 1 provides the calculated cost of each licence (including Part A and Part B fees) and provides a comparison to the current fees. In each case, the fee has increased to recognise the additional requirements of the new legislation on the Council which include new training requirements for officers and the implementation of a new “star rating” system.

4.6 Certain licensable activities require vet inspections and the cost of this may be added to the licence fee where applicable.

5 SKIN PIERCING

- 5.1 The fees in respect of skin piercing registration (acupuncture, tattooing, ear piercing and electrolysis) were last uplifted ready for 1st April 2019. It is proposed that these fees be uplifted by the appropriate rate of inflation using the RPIx figure approved by Cabinet for use with similar uplifts, currently 3.4%.
- 5.2 The case of *Hemming v Westminster City Council* does not need to be taken into account for these registration processes. The Council can only grant registration following application and therefore fees do not need to be split into Part A and Part B.
- 5.3 It is therefore proposed that the existing fee of £167 (per premises) and £94 (per person) be increased to £173 and £97 respectively, to take effect from 1st April 2019.

6 IMPLICATIONS

Legal Implications

- 6.1 The setting of appropriate fees is a necessary part of the Council's duty to implement the new animal welfare licensing regulations, and part of the annual review of our existing skin piercing registration regimes.

Financial and Resource Implications

- 6.2 The regulations and associated guidance permit the Council to recover the costs of the provision of these regimes. The fees set take account of this. The new animal welfare licensing regime consolidates existing legislation and practice. This, together with skin piercing registration will be delivered within existing resources.

7 RECOMMENDATIONS

- 7.1 Members are recommended to approve the revised fees as set out in this report, with the fees in respect of animal welfare licensing taking effect as of 1st October 2018, and the fees for skin piercing registration taking effect from 1st April 2019.

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Appendix 1 – Comparison of current with proposed licence fees (*RENEWAL* and *NEW*)

LICENCE RENEWAL FEES	A	B	PROPOSED Total Renewal Application Fee (A + B)	CURRENT Renewal Application Fee	% Change
	PROPOSED Renewal Application Fee	PROPOSED Enforcement Fee			
Home boarding of dogs or dog day care ¹	£101	£59	£160	£143	12%
Breeding dogs ¹	£125	£72	£197	£171	15%
Boarding for cats or dogs (in a cattery/kennel) ¹	£101	£71	£172	£143	20%
Hiring out horses ²	£139	£79	£218	N/A ³	N/A
Pet Shops ¹	£125	£72	£197	£171	15%
Keeping or training animals for exhibition ^{1,4}	£101	£59	£160	N/A ⁵	N/A

NEW LICENCE FEES	A	B	PROPOSED Total New Application Fee (A + B)	CURRENT New Application Fee	% Change
	PROPOSED New Licence Application Fee	PROPOSED Enforcement Fee			
Home boarding of dogs or dog day care ¹	£212	£59	£271	£242	12%
Breeding dogs ¹	£240	£72	£312	£271	15%
Boarding for cats or dogs (in a cattery/kennel) ¹	£219	£71	£290	£242	20%
Hiring out horses ²	£240	£79	£319	£285	12%
Pet Shops ¹	£240	£72	£312	£271	15%
Keeping or training animals for exhibition ^{1,4}	£212	£59	£271	N/A ⁵	N/A

Each Additional Licensable Activity	£50
Application for re-rating	£75
Transfer /Variation	£50
Additional Copy of Licence	£30

¹ Plus additional vet fee where applicable

² Plus additional fee for a listed, specialist vet on each inspection

³ No existing renewal fee

⁴ Three year licence

⁵ Previously enforced by HCC