

	<h2>Licensing Committee</h2> <h3>12th November 2018</h3>
<p style="text-align: right;">Title</p>	<p>Licensing for Animal Activities - Proposed New Fees and Charges</p>
<p style="text-align: right;">Report of</p>	<p>Commissioning Director for Environment</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>No</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix 1 – Proposed Fees and Charges</p>
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Summary

This report seeks approval from Members to adopt the attached new fees and charges in relation to animal activity applications.

Officers Recommendations

1. That the draft fees be approved by the Committee with immediate effect.
2. To send the fees to the next policy and resources committee for noting.

1. WHY THIS REPORT IS NEEDED

- 1.1 In April 2018 the Government passed the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (hereinafter referred to as “the Regulations”). The Regulations replaced a number of pieces of legislation that governed the licensing of animals.
- 1.2 The main purpose of the Regulations is to introduce an updated licensing system in England for five activities involving animals:
 - a) selling animals as pets;
 - b) providing for or arranging for the provision of boarding for cats or dogs;
 - c) hiring out horses;
 - d) dog breeding; and,
 - e) keeping or training animals for exhibition.
- 1.3 The Regulations primarily repeal or amend the following pieces of legislation:
 - Animal Boarding Establishments Act 1963;
 - Breeding of Dogs Act 1973;
 - Breeding of Dogs Act 1991;
 - Pet Animals Act 1951;
 - Performing Animals (Regulation) Act 1925;
 - Riding Establishments Act 1964.
- 1.4 The Regulations amend the licensing regime in a number of ways but the key changes are:
 - a) A premises can have a single licence covering a number of licensed activities (similar to premises licences under the Licensing Act 2003);
 - b) A licence can last for 1 – 3 years depending upon a risk assessment
 - c) More activities are now covered within the scope of the legislation, and the regulations require a higher standard of animal welfare
- 1.5 Following an application for a new or renewal licence premises must be inspected for their suitability to hold a licence. Within the London Borough of Barnet this inspection will be undertaken by the Animal Health & Welfare Services of the Corporation of the City of London. The London Borough of Barnet have contracted the City of London in relation to these inspections to ensure visits are undertaken by competent officers in the most cost effective way.
- 1.6 Having undertaken an inspection of a premises the London Borough of Barnet may impose conditions on the licence where it is deemed appropriate to do so. This is in accordance with Regulation 4(3).
- 1.6 The London Borough of Barnet may vary a premises licence at any time with the consent of the licence holder or without the consent of the licence holder when
 - the licence conditions are not being complied with,
 - there has been a breach of the Regulations,

- Information supplied by the licence holder is false or misleading, or
 - When it is necessary to protect the welfare of an animal
- 1.7 A licence holder has a right under regulation 16(4) to make written representations to the Council against the suspension or variation of their licence, and this will be heard by a sub-committee of the Licensing Committee
- 1.8 As part of the inspection process the Council will determine the level of risk posed by the activities on site using the DEFRA guidance. This risk assessment will determine the length of time that a licence will last for. Due to the reduction in administration, longer licences are much better value for money than shorter licences. This should encourage applicants to improve their welfare standards in order to obtain longer licences, which is an obvious benefit to both applicants and the Council.
- 1.9 A person can appeal against a risk assessment score, and this appeal can be made in writing to the Licensing Department. This will be determined by the Group Manager for the team (or equivalent level post holder).
- 1.10 A licensee can also request a re-score visit at any time, however the Council can charge for the reasonable costs that they incur in attending the premises and re-scoring them.
- 1.11 At Section 13(2), the Regulations allows licensing authorities to charge a reasonable amount that does not exceed the cost of considering the grant, renewal or variation of a licence.
- 1.12 Fees that the London Borough of Barnet propose to charge can be found in Appendix 1 of this Report.
- 1.13 The Regulations will have an impact on the numbers of premises licenced. With some premises finding they are now no longer suitable for the type of licence they hold, and other now being caught by the legislation. This has made forecasting the fees more difficult than usual. The Licensing team will therefore ensure that the fees are kept under review over the next 12 months to ensure that they are set at a cost recovery level.
- 1.14 Although some applicants will see the fee that they are charged increased, as mentioned earlier licences can now be granted for up to 3 years. Responsible operators who are awarded a full three year licence will therefore make a significant cost saving as opposed to applicants who have to apply/renew every year.
- 1.15 A policy for these applications is currently being drafted in line with recent guidance. Due to the late publication of the guidance by the Department for Environment, Food and Rural Affairs the draft is not yet ready for consultation. The draft policy will be submitted for the next Licensing Committee.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The London Borough of Barnet has not yet set any fees for licensing applications arising out of the Regulations.
- 2.2 Regulation 13 of the Regulations allows the licensing authority to charge fees for applications made under the Regulations.
- 2.3 The fees proposed have been set on a cost recovery basis, as required by the Regulations.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The alternative option would be for the Council not to set any fees for carrying out the licensing functions required by the Regulations.
- 3.2 The Council has a statutory obligation to administer this licensing scheme and issue licenses. If no fees were set the Council would not be able to charge a fee or seek recovery of its costs of operating a licensing scheme in accordance with the Regulations from service users.
- 3.3 The operations of the licensing scheme set out in the Regulations would have to be carried out at cost to the Council.

4. POST DECISION IMPLEMENTATION

- 4.1 The fees will take immediate effect.
- 4.2 The Committee are being asked to send the fees, once agreed, to the Policy and Resources Committee for noting.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 Fees and charges need to be reviewed to ensure value for money and cost recovery. This complies with the 2015-2020 Corporate Plan priority for Barnet to be in the lowest 25% of all Councils (Boroughs and County Councils) for expenditure per head of population. The fees support the Corporate plan priorities of “safer Communities” “Building Compliance” and “financial planning”

5.1.2 The Fees and Charges review is a means of ensuring that net costs are kept under control.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 With public and Member expectations increasing, fees and charges should be set so that sufficient resources are made available to manage and prioritise those expectations.
- 5.2.2 All fees and charges will ensure effective cost recovery for delivering the service; prices listed do not include VAT.
- 5.2.3 The Constitution requires that all new charges, and charges that are proposed to be increased by more than inflation plus 2%, are agreed by the relevant Theme Committee, and also reported to Policy and Resources Committee for noting.
- 5.2.4 Administration and enforcement of the legislation will be carried out by the Licensing team within Re, together with support from HB Public Law and from Governance Services.
- 5.2.5 The recommendations within this report have no financial implications as this will be delivered within existing resources.

5.3 Social Value

- 5.3.1 Not relevant to this report

5.4 Legal and Constitutional References

- 5.4.1 The Regulations allow the Council to charge a fee for processing applications for licences made under the Regulations.
- 5.4.2 Charges must be made on a cost recovery basis. That is to say that the charges applied by the Council must not exceed the cost of providing the service.
- 5.4.3 Section 13 of the Regulations states:

“13(1) 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 relating 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 Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in subparagraph (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.

(2) 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.”

5.5 Risk Management

5.5.1 It is important that the London Borough of Barnet processes licences in relation to animal activities in an efficient and cost neutral way.

5.6 Equalities and Diversity

5.6.1 The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.

5.6.2 A consistent approach will be adopted when considering applications. All applications will be considered in line with the relevant legislation and policy.

5.6.3 An initial equalities impact screening has been completed and there is no identified impact on any of the groups with protected characteristics. Therefore a full impact assessment is not required.

5.7 Corporate Parenting

5.7.1 There will be no impact on looked after children and care leavers.

5.8 Consultation and Engagement

5.8.1 All Current licence holders have been contacted to make them aware of the changes to the legislation. Once the fees have been approved these will be publicised on the London Borough of Barnet’s webpage and also sent to all licence holders.

5.9 Insight

5.9.1 Not relevant to this report

5 BACKGROUND PAPERS

5.4 None

Appendix 1 – Proposed New fees

The fees have been set broken down into 3 fees.

- Fee 1 is the application fee which is non-refundable and covered the administration process.
- Inspection fee – covers the cost of the inspection
- Fee 2 is an annual fee payable every year of the holder of a valid licence and covers the costs of compliance and enforcement activities

Description of Charge	UNIT	Subject to VAT	Proposed Fee
Animal Welfare (Licensing of Activities)			
Animal Welfare (Licensing of Activities) - New Application	Each Application	VAT not applicable	Fee 1 £125 plus inspection fee Fee 2 - Annual fee £150
Animal Welfare (Licensing of Activities) - Variation of Licence	Each Application	VAT not applicable	£125 plus inspection fee (if required)
Animal Welfare (Licensing of Activities) - Transfer	Each Application	VAT not applicable	£125
Animal Welfare (Licensing of Activities) - Change of details	Each Application	VAT not applicable	£25
Animal Welfare (Licensing of Activities) - Duplicate Licence	Each Application	VAT not applicable	£20
Animal Welfare (Licensing of Activities) - Request revisit	Each Application	VAT not applicable	£40 plus inspection fee

