

# Officer Decision under delegated powers

## Title:

Approval of fees for Animal welfare licensing

## Background:

### Officer Scheme of Delegation: General Financial Management

Para 2.7 authorises appropriate Head of Service in consultation with Chief Finance Officer and appropriate Executive Member to :

Design, set, waive and levy individual fees and charges which the Council is entitled to levy (statutory and non-statutory)

## Consultation:

The following officers and members have been consulted:

Morag Williams, Head of Neighbourhood Operations

Pat Main, Interim Head of Finance & Assets, on behalf of Jocelyn Convey, Director of Finance and Organization

Michael Leonard, Assistant Business Accountant

Cllr James Durrant, Executive member, with Portfolio for Enforcement Services

## Decision(s):

### Describe the decision being made.

Approval of fees and charges to be levied when determining licence applications and associated activities according to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

## Reason(s) for decision:

### Explain the reason(s) for the decision.

Legislative changes as explained in attached Fees and Charges Change control document (Annexe 1)

The Regulations allow a local authority to charge such fees as it considers necessary to determine applications, undertake compliance and enforcement etc. All fees have been calculated having regard to the Procedural guidance notes to Local Authorities on fee setting produced by DEFRA and are intended to allow recovery of all reasonable costs

## Alternative option(s):

To use alternative methods to calculate the fees. This is not recommended as the current methodology is in accordance with the DEFRA Procedural guidance on fee setting and is consistent with the approach used by other Surrey authorities.

## Appendices:

1. Annexe 1 – Fees and Charges – Change control document

## Declarations of interest:

Please refer to the [Code of Conduct](#) for guidance on interests.

If you think you have an interest in this Officer Decision, please Contact [Democratic Services](#) (01737 276182).

**Decision taken by:** Authorisation undertaken by email in accordance with Officer Scheme of Delegations

**Signature:**

**Date:** 11 January 2019

**Post held:**

**Note:** Once this is signed it must be published by the Decision Maker via the Modern.gov Officer Decision portal. If this document contains exempt information, you must upload it as an exempt document. Further instructions are available in the guidance on the [web library](#).

Annexe

## FEES AND CHARGES – CHANGE CONTROL

Please complete as required. Fields marked \* are mandatory.

Fields marked \*\* are mandatory for New Products only

<b>1. Description</b> (Product description 35 char max)	Animal welfare fees
<b>2. Product code</b> (If new Finance will allocate)	See column 2 in table below where current fees exist
<b>3. Discount applicable</b>	None
<b>4. Account code</b>	6400
<b>5. Cost centre code</b>	KK 42000
<b>6. Tax code</b>	N/A
<b>7. Duration</b> (For Groupwise bookings)	N/A
<b>8. Old price</b>	See column 3 table below, where applicable
<b>9. New price</b>	See column 4 table below
<b>10. Effective from</b>	1 <sup>st</sup> October 2018
<b>Contact</b>	Name: Dianne Mitchell..... Extn 6804

Officer Decision Record, 07 March 2019

1.Activity	2. Product code	3.Old price	4.New price
Providing boarding for cats and dogs <ul style="list-style-type: none"> <li>Initial application</li> <li>Renewal</li> </ul>	XPR003 XPR004	£284.00 (1 yr licence) £109.00 (1 yr licence)	£474 (1 – 3 yr licence) £398 (1 – 3 yr licence)
Arranging boarding and day care for cats or dogs <ul style="list-style-type: none"> <li>Initial application</li> <li>Renewal</li> </ul>		No current licence requirements	£474 (1 – 3 yr licence) in 1-5 premises £398 (1 – 3 yr licence) in 1-5 premises Applications above 5 premises to increase by £50 for each multiple of 5
Providing home boarding for dogs <ul style="list-style-type: none"> <li>Initial Application</li> <li>Renewal</li> </ul>	XPR005 XPR006	£109.00 (1 yr licence) £109.00 (1 yr licence)	£413 (1 – 3 yr licence) £337 (1 – 3 yr licence)
Providing day care for dogs <ul style="list-style-type: none"> <li>Initial application</li> <li>Renewal</li> </ul>		No current licence requirements	£474 (1 – 3 yr licence) up to 10 dogs £398 (1 – 3 yr licence) up to 10 dogs Applications for more than 10 dogs subject to additional fee £50
Breeding dogs <ul style="list-style-type: none"> <li>Initial application</li> <li>Renewal</li> </ul>	XPR009 XPR010	£211.00 (1yr licence)* £72.00 (1yr licence)	£474* (1 – 3 yr licence) £398 (1 – 3 yr licence)
Keeping or training animals for exhibition <ul style="list-style-type: none"> <li>Initial application</li> <li>Renewal</li> </ul>		Surrey County Council currently register under different legislation until April 2019	£474 (3 yr licence only) £398 (3 yr licence only)
Selling animals as pets <ul style="list-style-type: none"> <li>Initial application (domestic /small shop)</li> <li>Initial application (large retail/industrial unit)</li> <li>Renewal (domestic etc)</li> <li>Renewal (large retail etc)</li> </ul>	XPR011  XPR012	£262.00 (1 yr licence)  £262.00 (1 yr licence) £107.00 (1 yr licence) £107.00 (1 yr licence)	£474 (1 – 3 yr licence)  £524 (1-3 yr licence) £398 (1 – 3 yr licence) £448 (1 - 3 yr licence)
Hiring out horses <ul style="list-style-type: none"> <li>Initial application</li> <li>Renewal</li> </ul>	XPR013 XPR014	£312.00*(1 yr licence) £140.00*(1 yr licence)	£474* (1-3 yr licence) plus statutory annual vet inspection fee £398*(1-3 yr licence) plus statutory annual vet inspection fee
Each additional licence activity		Process not currently available	£104

Variation		Process not currently available	£171*
Re-evaluation of rating		Process not currently available	£171*
Transfer		Process not currently available	£50
Copy of licence		No current fee set	£30
		*Applications/renewals requiring veterinary inspection - fee subject to additional of vet fee at cost	

### Explanation

The [Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#) came into effect on 1 October 2018, repealing eight previous regulations. The following activities must now be licensed (activities in **bold have not previously** been licensed by the Council)

- Selling animals as pets
- Providing or **arranging boarding** for cats or dogs.
- **Providing Day care for dogs**
- Hiring out horses
- Breeding dogs (now subject to a business test and not merely number of litters)
- **Keeping or training animals for exhibition** (previously dealt with by Surrey CC)

The new statutory requirements and procedures are more complex and onerous than the previous regimes. For each licensable activity DEFRA has produced mandatory conditions and associated guidance detailing minimum and maximum standards. Whilst meeting higher standards is optional, it is the only way a business can gain higher star ratings which lead to longer term licences (up to a maximum of 3 years). In addition each activity must now be risk rated.

All applications will be subject to:

- a) an assessment of the operator (applicant) as to whether they are a fit and proper person to carry out the licensable activity, their knowledge, experience, compliance history, ability to meet their licence conditions and whether they are currently disqualified from making an application;
- b) an inspection of the site of the licensable activity by a suitably qualified inspector (and where applicable accompanied by a registered veterinarian);
- c) following the inspection the inspector must provide a report which will contain information about the operator, details of the premises, records, conditions of the animals, the risk rating score (high or low) , compliance details and a statement on whether licence conditions will be met;

At least one unannounced inspection must be carried out during the life of the licence.

Licences, which were previously issued for one year only, will be issued for a period of either one, two or three years depending on the risk rating and level of compliance seen at the time of the inspection. The scoring matrix below determines the Star Rating and licence period for the establishment.

Scoring matrix		Welfare standards		
		Minor Failings	Minimum Standards	Higher Standards
Risk	Low risk	<b>1 star</b> (1 year licence)	<b>3 star</b> (2 year licence)	<b>5 star</b> (3 year licence)
	High Risk	<b>1 star</b> (1 year licence)	<b>2 star</b> (1 year licence)	<b>4 star</b> (2 year licence)

An appeal against a star rating must be made in writing within 21 days of the issue of the licence and will be assessed and determined by an appointed manager. If the business disagrees with the outcome of the appeal they can challenge the decision by means of judicial review.

A business can apply for an inspection to re assess the rating during the term of the licence. They can do this if they have completed works to rectify any non-compliance or made improvements identified at a licensing inspection with a view to achieving a higher star rating. The cost of this inspection is recoverable.

The Regulations confirm that fees should be based on full cost recovery. The EU Services Directive requires the fee to be split into 2 parts;

- Part A - To cover all cost associated with determining the licence application and includes all administration and inspection costs.
- Part B – includes recoverable reasonably expected enforcement cost (licensed and unlicensed premises), including training and the cost of an interim compliance visit during the licence period

Part A and B fees will be collected on application with the Part B fee being refunded if the application is refused.

Where legislation requires a vet inspection, the applicant will be invoiced separately for the total costs of the vet inspection plus VAT