

## Portfolio Holder Decision

### **The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 – Fees for arranging for the provision of boarding for cats and dogs**

*Executive Portfolio Holder:* Angie Singleton, Strategic Planning (Place Making)  
*Director:* Martin Woods, Service Delivery  
*Lead Officer:* Rachel Lloyd, Licensing Officer Operational  
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#### **Purpose of the Report**

To set fees for the activity of arranging for the provision of boarding for cats or dogs that achieve full cost recovery.

#### **Public Interest**

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 provides the ability to set fees to cover the costs of processing and inspecting premises. Fees for The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 were set at Licensing Committee in September 2018, however the fee for those who arrange boarding was not set as guidance was still awaited from DEFRA. The proposed fees have been set using this latest guidance and the decision is required urgently to prevent prejudice to applicants and enable them to submit their applications under this Act.

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#### **Decision Taken**

The Portfolio Holder for Strategic Planning (Place Making) in consultation with the Director - Service Delivery and the S151 Officer, has agreed that the fees for the provision of boarding for cats or dogs under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be set as per these tables:-

<b>Application Fee<sup>1</sup></b>	
<b>Application administration</b>	<b>£20.00</b>
<b>Arranging and carrying out inspection (incl. travelling time avg. 40 min) (1st Host visit to include examination of paperwork and policies)</b>	<b>£80.00</b>
<b>Arranging and carrying out inspection (incl. travelling time avg. 40 min) (per host)</b>	<b>£60.00</b>
<b>Preparation of report/RA/Determination</b>	<b>£70.00</b>
<b>Customer feedback incl. appeals (not incl. inspection)</b>	<b>£15.00</b>
<b>Issue licence</b>	<b>£10.00</b>

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<sup>1</sup> Rounded up or down to the nearest £5 or £10

<b>On-going licence costs<sup>2</sup></b>	<b>1 yr licence</b>	<b>2 yr licence</b>	<b>3 yr licence</b>
<b>Compliance incl. unannounced visit (per host)</b>	<b>£60.00</b>	<b>£60.00</b>	<b>£60.00</b>
<b>Enforcement (including enforcement of unlicensed premises and investigation of complaints 3hrs based on 10% complaint)</b>	<b>£45.00</b>	<b>£90.00</b>	<b>£140</b>
<b>On going admin (including reminder letter and cost of providing information to Secretary of State)</b>	<b>£10.00</b>	<b>£20.00</b>	<b>£30.00</b>

## **Reason**

To ensure that fees for The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 ensure full cost recovery and that an appropriate fee is set for businesses that arrange boarding following further DEFRA guidance. The decision is in accordance with the authority delegated under Part 3, Section 4, Item 4.13 of the Council's Scheme of Delegation.

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## **Background**

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into effect on 1 October 2018. The purpose of this legislation is to increase standards of animal welfare in premises where licensable animal activities take place. The legislation introduces the ability for licences to last longer than one year, the ability for licences to be varied, and gives Councils powers to suspend and revoke licences. There will be a requirement to risk assess each premises and provide each premises with a star rating. The legislative changes to how these licences are administered and inspected means that new fees need to be set to cover the costs involved.

The licensable activities are:

- Selling animals as pets.
- Providing or arranging for the provision of boarding for cats and dogs (kennels, catteries, home boarding and day care).
- Hiring out horses (will continue to have an annual veterinary inspection regardless of length of the licence).
- Breeding dogs (breeders who produce 3 or more litters in any 12 month period must be licensed as well as people who intend to make a profit from breeding and selling fewer litters).
- Keeping or training animals for exhibition (registration of performing animals is currently carried out by Somerset County Council).

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<sup>2</sup> Rounded up or down to the nearest £5 or £10

Department for Environmental, Food and Rural Affairs (DEFRA) published guidance on the regulations earlier this year which assisted in understanding how to administer and inspect premises under the new regulations, and this information helped us to set fees. In October DEFRA published further guidance on licensing of dog boarding franchises.

The guidance explains that the people who arrange the boarding (e.g. franchise owners) are required to apply for a licence from each local authority where their host families (the people who provide accommodation and care for the dogs when their owners are on holiday etc.) are based. The guidance also explained that the local authority can inspect the host families even though they may not require licences in their own because they do not meet the business test.

The understanding of how licensing of people who arrange the provision of boarding showed that the fees we have set are not appropriate for this activity, because the fees include one inspection at the time the application is submitted and one unannounced visit during the period of the licence and there are likely to be multiple hosts.

The fee has been split into an application fee and licence fee. The reason for this is because once granted, the licence could last longer than a year, and therefore, the on-going enforcement costs, compliance and administration costs would be unknown. Section 13 from the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 states what we can charge for. The application fee includes the cost of the inspection and the licence fee included the cost of one unannounced inspection during the licensed period.

### **Fees**

**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 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 (provision of information to the Secretary of State).

---(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.

The application fee for arranging the provision of a boarding licence would be £195, which would include one inspection and there would be a £60 inspection fee for each host family.

The licence fee for a 1 year licence would be £115 (which includes one unannounced inspection) and there would be an additional cost of £60 for unannounced visits for host families.

The licence fee for a 2 year licence would be £170 (which includes one unannounced inspection) and there would be an additional cost of £60 for unannounced visits for host families.

The licence fee for a 3 year licence would be £230 (which includes one unannounced inspection) and there would be an additional cost of £60 for unannounced visits for host families.

## **Financial Implications**

The costs are designed to achieve full cost recovery. Costs have been estimated so will need to be monitored and reviewed to ensure that the fee reflects the actual costs incurred in issuing and enforcing licences.

## **Corporate Priority Implications**

Ensure safe, sustainable and cohesive communities and increase economic vitality and prosperity

## **Carbon Emissions and Climate Change Implications**

None.

## **Equality and Diversity Implications**

None

## **Background Papers**

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.  
Procedural Guidance for Animal Activity Licensing 2018  
Guidance in relation to licensing of dog boarding franchises.

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