

REVIEW OF FEES AND CHARGES FOR THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS)(ENGLAND) REGULATIONS 2018

Cleaner and Greener Advisory Committee – 23rd November 2023

Report of: Richard Morris, Deputy Chief Executive and Chief Officer Planning and Regulatory Services

Status: For Decision

Also considered by:

- Cabinet

Key Decision: No

Executive Summary: A review of the fees and charges for licenses for animal related activities issued by the Council was undertaken. As a result of the evaluation it was found that the Council was not making adequate recovery of the costs incurred in providing the licensing service. New fees and charges are therefore proposed to reflect current costs and allow full recovery.

Portfolio Holder: Cllr. McArthur

Contact Officer: Colin Alden, Ext. 7186

Recommendation to Cleaner and Greener Advisory Committee

To support the adoption of the new fees for the licensing of activities under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981.

Recommendation to Cabinet

To agree the adoption of the new fees for the licensing of activities under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981.

Reason for recommendation: To enable the Environmental Health Team to recover full costs incurred administering and enforcing the animal licensing regime.

Introduction and Background

- 1 Sevenoaks District Council is responsible for the licensing and regulation of various animal-related activities including activities specified by the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018, the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981.. The Animal Welfare Officer carries out these functions on behalf of the District Council with the assistance of the Technical Administrators from Environmental Health and the Environmental Protection Team Leader.
- 2 Once an application for a licence has been received we have 10 weeks to determine and either issue or refuse the licence. This includes undertaking all the necessary checks.
- 3 As part of the licensing process our officers:
 - a. Review, assess and validate applications received
 - b. Gather details from the applicant regarding the proposed activity, including details of process, procedures and controls to protect animal welfare.
 - c. Undertake a detailed site inspection to assess compliance with conditions (where necessary accompanied by a veterinary inspector)
 - d. Determine if an activity can be licenced and award a 'star rating' based upon risk (including adherence to model and enhanced conditions) and compliance history.
 - e. Investigate complaints about licenced premises from members of the public
 - f. Undertake a minimum of one unannounced inspection during the operating period of the licence.
- 4 An officer who undertakes the inspection of a proposed animal activity is required to be suitably qualified and experienced. The Animal Welfare Officer has undertaken a specialist qualification to allow her to discharge this role for the District Council. Whilst the majority of inspections do not require a veterinary inspector they are required to assess animal welfare at activities involving the hire of horses or where an animal has complex or unusual welfare needs (such as exotic animals).
- 5 Under the licensing regime, the District Council issues licences of 1, 2 or 3 years. Higher rated businesses with a history of good compliance are able to obtain longer licences, and consequently pay lower fees reducing the burden upon them. It is believed that this incentivises businesses to perform at higher levels which in turn drives up animal welfare standards.

- 6 As with food businesses, animal establishments are issued with a “star rating”. This rating is published on the license and the District Council’s website. The “star rating” is determined at inspection using a published score matrices by the Animal Welfare Officer. Awarded “star ratings” are appealable to the Environmental Health Manager.
- 7 If the District Council refuse a licence, the applicant has a right of appeal to a Third Tier Tribunal.
- 8 The District Council invite existing license holders to reapply for their licence a minimum of 10 weeks before expiry. Where an existing licence holder renews there is a slight reduction in administration effort for the District Council and this is reflected within the proposed fees.
- 9 It is an offence under the Animal Welfare Act 2006 to operate a licensable animal activity without a relevant licence. The Animal Welfare Officer therefore undertakes intelligence based regulatory activities to ensure all relevant activities are licenced.
- 10 Sevenoaks District Council currently licence the following activities:

Animal Boarding commercial kennels/ catteries)	12
Animal Boarding (home boarding and day care)	11
Animal Boarding Franchise for cats or dogs (Kennel/Cattery)	0
Hiring out horses	6
Breeding of Dogs	4
Selling of animals as pets	6
Training animals for exhibition	4
Dangerous Wild Animal Licenses	0
Operating a Zoo	2

- 11 Legislation allows the District Council to seek full cost recovery for work and effort spent administering the licensing process.
- 12 The current fees and charges for the licensable animal activities were agreed by Cabinet on 9th October 2018 (shortly after the introduction of the 2018 regulations). At that time, officers were unable to accurately quantify the

regulatory effort required to administer the regime and so the proposed fees were based on an estimation of cost recovery derived from issuing licences under previous legislation.

- 13 It would normally be the intention of the Environmental Health Team to review the Animal Licensing fees on a bi-annual basis. However, whilst the fees set in 2018 have been subject to annual inflationary increases, a full review was initially delayed by the Covid-19 Pandemic and then subsequently to allow for the recovery of businesses whose trade had been impacted during this period.
- 14 Officers now consider that it is appropriate and necessary to recalculate our fees, using up to date officer costs and with greater knowledge of the time and resource implications that administering this regime takes.

Fee setting

- 15 The fee revision process considered the costs of administering the animal licensing process, the costs of undertaking premises inspections (including inspection software, officer time and resources), vehicle maintenance charges and ongoing training requirements for officers to ensure competency is maintained.
- 16 The review made adjustments for the reduction in administration costs due to process streamlining.
- 17 Unfortunately and in line with the ongoing inflationary pressures experienced across all sectors, staffing costs have increased as have costs associated with maintaining equipment and the designated animal welfare vehicle. Inflationary rises have also affected the costs required for officers to maintain competency (training costs).
- 18 As a result, we are proposing that the relevant fees need to increase to ensure that we are achieving cost recovery, this includes charging for pre-application advice.
- 19 We have identified that potential applicants for an animal licence will often make contact with our team prior to making an application to request:
 - a. A detailed explanation of the licensing requirements,
 - b. Help completing the application paperwork
 - c. A site visit prior to making an application.

This demand on officer time is not currently charged for. We believe that it is appropriate for Environmental Health to charge for this pre-application advice (similar mechanism to that operated through the planning process), with a portion of that fee being offset against the application fee if an application is made soon after the advice is given.

20 We propose that the fee for the advice is £100 or £160 if a site visit is requested to view premises. If the advice results in a valid application being received within 90 days of the pre-application advice, then the application fee will be reduced by £40.

21 The table below outlines our existing charges and the increases proposed.

Current and proposed animal license fees

License Type	Current License Fee	Proposed License Fee	Current Renewal Fee	Proposed Renewal Fee
Animal Boarding (commercial kennels/catteries)	£457	£629	£409	£590
Animal Boarding Franchise for cats or dogs (Kennel/Cattery)	£422 + £167 per registered franchise fee where incurred	£576 + £207 per registered franchise	£374 + £167 per registered franchise	£537 + £207 per registered franchise
Animal Boarding (home boarding and day care)	£422	£576	£374	£537
Hiring out horses (up to 10 horses)	£529 + Veterinary fee where incurred	£635 + Veterinary fee where incurred	£481 + Veterinary fee where incurred	£596 + Veterinary fee where incurred
Hiring out horses (more than 10 horses)	£529 + Veterinary fee where incurred	£735 + Veterinary fee where incurred	£481 + Veterinary fee where incurred	£696 + Veterinary fee where incurred
Breeding of Dogs	£457	£603	£409	£563
Selling of animals as pets	£457	£629	£409	£590
Training animals for exhibition	£422	£576	£374	£537
Dangerous Wild Animal Licenses	£529 + Veterinary	£629 + Veterinary	£410 + Veterinary	£590 + Veterinary

License Type	Current License Fee	Proposed License Fee	Current Renewal Fee	Proposed Renewal Fee
	fee where incurred	fee where incurred	fee where incurred	fee where incurred
Operating a Zoo	£2891 + Veterinary fee	£4334 + Veterinary fee	£2843 + Veterinary fee	£4294 + Veterinary fee

22 Officers recognise that should these fees be adopted that it will be necessary to carefully communicate the proposed increases to the affected business. If the fees are agreed we would seek to commence this process immediately so that existing businesses are aware of the changes well in advance of their implementation date.

Key Implications

Financial

The fees proposed are based on the cost recovery of the expenditure currently being incurred in the provision of this service. Therefore there is no negative financial impact.

Legal Implications and Risk Assessment Statement.

This is a statutory duty that allows full cost recovery for the provision of the service.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.]

Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment]

Appendices

N/A

Background Papers

N/A

Richard Morris

Deputy Chief Executive and Chief Officer – Planning & Regulatory Services