



Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

COUNCIL

2 OCTOBER 2018

WARDS AFFECTED: ALL WARDS

THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018

Report of Director (Environment and Planning)

1. PURPOSE OF REPORT

- 1.1 Inform Council of the introduction of a new licensing regime for animal activities and to seek approval of a new charging scheme for such licences.

2. RECOMMENDATION

- 2.1 That Council endorse the implementation of the new regime and approve the new charging scheme.

3. BACKGROUND TO THE REPORT

- 3.1 The above legislation is due to come into force on 1 October 2018.
- 3.2 The legislation will significantly change the way that activities involving animals are licensed in England. Licences currently granted under the Pet Animals Act 1951, Animal Boarding Establishments Act 1963, Riding Establishments Act 1964, Riding Establishments Act 1970 and Breeding of Dogs Act 1973 will now be licensed under the 2018 Regulations.
- 3.3 Registrations under the Performing Animals (Regulation) Act 1925 previously regulated by Leicestershire County Council will now be a district function. The number of registrations currently held by County is 2 for the borough.
- 3.4 Guidance has recently been published by the Department for Environment Food and Rural Affairs (DEFRA). The guidance is statutory and details the procedural implementation of the new regime as well as additional guidance on the licence conditions which are specified in the Regulations and as such are not set locally as was the case with the previous regime. Unfortunately this has truncated the timeline for implementation and approval of fees by Council as required by constitution.

- 3.5 After 1 October 2018 current licences will remain in force under the existing legislation until the end of their current term. The licence holder will then be licensed under the new regime if they make an application.
- 3.6 A licence will only be issued if compliance with the statutory General Conditions and the statutory Specific Conditions for that licence type (Known as the Minimum Standards) is proved at time of inspection. A licence will not be issued unless all Minimum Standards are met. Some Minor Failings may be accepted for existing licence holders so long as they are not impacting on animal welfare – e.g. improvements required to paperwork – but this will affect the licence star rating. Details on the new standards are available at https://www.hinckley-bosworth.gov.uk/info/200201/animal_licences/1479/changes_to_animal_licensing_legislation
- 3.7 During inspection, it will be assessed if the Higher Standards (as detailed in the guidance and are colour coded) are being achieved. This will affect the star rating. To meet the Higher Standards the operator must achieve all Blue standards and 50% of the Red standards.
- 3.8 Following inspection, the licence will be ranked low or high risk.
- 3.9 The risk assessment and the level of compliance with the Minimum and Higher Standards will then be used to determine the star rating.
- 3.10 The star rating will determine if a 1, 2 or 3 year licence is granted. There will be no annual fee, only an application/renewal fee paid on a 1, 2 or 3 yearly basis dependant on what licence is granted.
- 3.11 The star rating can be appealed and on appeal will be reviewed by the Environmental Health Manager or Senior Environmental Health Officer.
- 3.12 See appendix 1 for the charging scheme.
- 3.13 Unlike the current schemes, all of the licenses will be of 1, 2 or 3 year duration. This is based on risk as discussed above (apart from animal exhibition which is a 3 year licence only). Therefore if all premises were low risk, they would not be required to submit an application for 3 years and so in the intervening 2 years, HBBC would have no income from the premises (a potential loss of income per year of £9,286 (based on current fees)). This is obviously a worse case scenario as we will get a mix of risks and so there will be a range of income over the years; but potentially not a steady annual income like under the current scheme. Until all premises are inspected and risk assessed, the potential income is an unknown.
- 3.14 See below comparison of current fees and proposed fees.

Pet Shops	Fee (£)
Current	120
Proposed	208
Riding	
Current	120
Proposed	257

Breeding	
Current	132
Proposed	170
Boarders <7	
Current	85
Proposed	125
Boarders >7	
Current	122-143 (dependant on no. of animals)
Proposed	167

- 3.15 It needs to be noted that HBBC will be getting additional income from the animal exhibition licences; however we only have 2 current registrations in the borough (1 for performances using a dog at the Concordia Theatre and 1 for a falconry display operating out of a premises in Markfield).

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 The report can be taken in open session.

5. FINANCIAL IMPLICATIONS [AG]

- 5.1 The proposed fees in the table above will generate additional income and will be reflected in 2018/19 budget. Future year fluctuations will be reported as part of the budget setting process.

6. LEGAL IMPLICATIONS (AR)

- 6.1 Set out within the body of this report.

7. CORPORATE PLAN IMPLICATIONS

- 7.1 The licensing scheme will help contribute towards the Councils priority of 'Encouraging growth, attracting businesses, improving skills and supporting regeneration' by ensuring a high standard of licensed premises throughout the borough through both education and enforcement as required.

8. CONSULTATION

- 8.1 All current licence holders have been notified in the changes in the legislation.

9. RISK IMPLICATIONS

- 9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project

have been identified, assessed and that controls are in place to manage them effectively.

- 9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Reputation from negative press coverage from enforcement	Ensure enforcement carried out competently and proportionately and in accordance with Enforcement Policies	Simon Smith
Knowledge and skills of staff	Ensure adequate training given to enforcement staff	Simon Smith
Adequate staff to deal with enquiries/enforcement activities	Ensure appropriate staff resources available to deal with demands of service	Simon Smith
Legal compliance	Ensure actions in compliance with Central Government Policy	Simon Smith

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 10.1 No implications as the scheme will be carried out consistently across the whole Borough.

11. CORPORATE IMPLICATIONS

- 11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: None

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Executive Member: Councillor K Morrell

APPENDIX 1

Animal Licencing Charges October 2018

Pet shops	£208
Riding establishments	£257
Dog breeding	£170
Keeping or training animals for exhibition	£145
Boarding for cats and dogs < 7 animals	£125
Boarding for cats and dogs > 7 animals	£167
Reassessment of star rating	£95

MULTIPLE ACTIVITIES

For those applicants who carry on more than one licensable activity, they will be charged the full licence application/renewal fee for the highest application fee activity that they carry on. They will then be charged 1 x hourly inspection rate for each other licensable activity carried on.