



EXECUTIVE MEMBER DECISION

REPORT OF:	Executive Member for Environment
LEAD OFFICERS:	Director of Environment and Leisure
DATE:	1 October 2018

PORTFOLIO/S AFFECTED:	Environment
WARD/S AFFECTED:	All

SUBJECT: Animal Welfare Licence Fees and Private Water Supplies Fees 2018

1. EXECUTIVE SUMMARY

1.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 change the licensing regime for 5 areas of business activity involving animals. These are:

- Selling animals as pets
- Providing or arranging for the provision of boarding for cats or dogs
- Hiring out horses
- Breeding dogs and
- Keeping or training animals for exhibition

1.2 According to Regulation 13 the fees can include fees for the consideration of the application, the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations, the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator and any fees in relation to the provision of information to the secretary of state.

1.3 Fees which cover the reasonable costs of operating the licensing regime must be set locally and are payable for all applicants for licences and those who are granted licences.

1.4 The Private Water Supplies (England) Regulations 2016 requires the Local Authority to carry out risk assessments in relation to certain private water supplies (i.e. sources of water which are not linked to mains water supplies). Regulation 21 and Schedule 5 permitted a local authority to recover the costs of sampling and analysis, subject to a statutory maximum figure. A recent amendment to the Schedule 5 has now removed this statutory maximum figure, allowing the local authority to recover its reasonable costs associated with risk assessing and sampling a private water supply.

2. RECOMMENDATIONS

That the Executive Member:

2.1 Approves the fees laid down in this report for the licences issued by Blackburn with Darwen Borough Council under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

2.2 Approves the removal of stated maximum fees for work under the Private Water Supplies (England) Regulations 2016.

3. BACKGROUND

3.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 introduce a new system for local authorities to use for licensing of businesses who carry out a range of activities involving animals, namely:

- a. Selling animals as pets
- b. Providing or arranging for the provision of boarding for cats or dogs
- c. Hiring out horses
- d. Breeding dogs and
- e. Keeping or training animals for exhibition

3.2 The new system simplifies the licences needed by businesses, ensuring all businesses working with animals are covered with the aim of driving up animal welfare standards.

3.3 A key part of the new licence regime is a “star rating” (out of five). This rates businesses on welfare and other grounds, and helps buyers make informed choices about which businesses they wish to use.

3.4 The licences have an application, grant and other fees which are determined locally.

3.5 Under the Private Water Supplies (England) Regulations 2016, the Local Authority is required to carry out risk assessments on water supplies which are off the mains supply. Typically, risk assessments can involve multiple visits and sampling analysis.

Typically, officers will take water samples and send them for analysis at an approved laboratory. Once the results have been obtained, officers will then develop a risk assessment which identifies measures necessary to make the water safe. Prior to the removal of statutory maximum amounts, the amount a local authority could charge was capped in relation to various elements of the work (e.g. a maximum charge of £500 could be made for a risk assessment, or £100 for sampling costs). These caps have now been removed, meaning that the Local Authority is able to charge reasonable costs which can now include for officer time spent on private water supply work, and recover full laboratory analysis fees.

4. KEY ISSUES & RISKS

4.1 Work has been carried out to estimate the officer time and other associated costs involved in operating the animal welfare licence regime. In carrying out this work reference has been made to Regulation 13 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 which sets out more specifically the scope of local authorities’ charging powers, the guidance on the Regulations issued by DEFRA and “Open for business” the Local Government Association’s guidance on locally set licence fees <https://www.local.gov.uk/open-business-lga-guidance-locally-set-licence-fees>

4.2 The proposed fees are as follows:

Item	Fee
Application fee (Part A) (new licence)	£250 plus associated vet fees where applicable
Renewal application fee (Part A)	£250 plus associated vet fees where applicable
Fee for successful applicants (Part B)	£125 plus associated vet fees where applicable

Review of star rating	£165
-----------------------	------

4.3 The Part A fee is payable by all licence applicants to cover initial application costs and is none refundable. The Part B fee is payable by successful applicants and covers the further compliance and enforcement costs associated with the licensing regime.

4.4 In terms of private water supplies, the removal of the cap on recovering costs will have a variable effect on the business/individual affected, depending on the nature of the supply. For most supplies the increase is likely to be small (around an additional £20 for analysis costs). For four supplies however (two business and two private) the costs of analysis is expected to increase from around £40 to £220, plus risk assessment and officer time. This is due to the Regulations imposing additional sampling requirements. Risk assessments must be reviewed every 5 years.

5. POLICY IMPLICATIONS

5.1 None

6. FINANCIAL IMPLICATIONS

6.1 Minimal

7. LEGAL IMPLICATIONS

7.1 Minimal

8. RESOURCE IMPLICATIONS

8.1 None

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

None

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151

Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	1
-----------------	----------

CONTACT OFFICER:	Denise Andrews
-------------------------	-----------------------

DATE:	1 October 2018
--------------	----------------

BACKGROUND PAPER:	None
--------------------------	------