

Licensing Committee Agenda



To: Councillor Chris Clark (Chair)
Councillor Pat Clouder (Vice-Chair) and Councillor Michael Neal (Vice-Chair)
Councillors Patricia Hay-Justice, Maddie Henson, Karen Jewitt, Niroshan Sirisena, Toni Letts, Margaret Bird, Steve O'Connell, Badsha Quadir and Robert Ward

Reserve Members: David Wood, Sherwan Chowdhury, Pat Ryan, Robert Canning, Felicity Flynn, Jerry Fitzpatrick, Nina Degrad, Simon Brew, Helen Redfern, Sue Bennett, Scott Roche and Oni Oviri

A meeting of the **Licensing Committee** which you are hereby summoned to attend, will be held on **Wednesday, 17 October 2018** at **6.30 pm** in **Council Chamber - Town Hall**

JACQUELINE HARRIS BAKER
Director of Law and Governance
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www.croydon.gov.uk/meetings
Tuesday, 9 October 2018

Members of the public are welcome to attend this meeting.
If you require any assistance, please contact the person detailed above, on the righthand side.

N.B This meeting will be paperless. The agenda can be accessed online at www.croydon.gov.uk/meetings

AGENDA – PART A

1. Apologies for Absence

To receive any apologies for absence from any members of the Committee.

2. Minutes of the Previous Meeting (Pages 5 - 8)

To approve the minutes of the meeting held on 12 September 2018 as an accurate record.

3. Disclosure of Interests

In accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, Members and co-opted Members of the Council are reminded that it is a requirement to register disclosable pecuniary interests (DPIs) and gifts and hospitality to the value of which exceeds £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve month period. In addition, Members and co-opted Members are reminded that unless their disclosable pecuniary interest is registered on the register of interests or is the subject of a pending notification to the Monitoring Officer, they are required to disclose those disclosable pecuniary interests at the meeting. This should be done by completing the Disclosure of Interest form and handing it to the Democratic Services representative at the start of the meeting. The Chair will then invite Members to make their disclosure orally at the commencement of Agenda item 3. Completed disclosure forms will be provided to the Monitoring Officer for inclusion on the Register of Members' Interests.

4. Urgent Business (if any)

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

5. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 - Setting of Licence Fees (Pages 9 - 60)

6. Exclusion of the Press and Public

The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt

information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

PART B

Licensing Committee

Meeting of Licensing Committee held on Wednesday, 12 September 2018 at 6.35pm in Council Chamber, Town Hall, Katharine Street, Croydon, CR0 1NX

MINUTES

Present: Councillor Chris Clark (Chair);
Councillor Michael Neal (Vice-Chair);
Councillors Patricia Hay-Justice, Maddie Henson, Karen Jewitt,
Niroshan Sirisena, Margaret Bird and Robert Ward

Apologies: Councillors Pat Clouder (Vice-Chair) and Steve O'Connell

PART A

8/17 **Minutes of the Previous Meeting**

The minutes of the meeting held on Wednesday 27 June 2018 were agreed as an accurate record.

9/17 **Disclosure of Interests**

No disclosures were made.

10/17 **Urgent Business (if any)**

There were no items of urgent business.

11/17 **Minutes of the Last Sub-Committee Meetings**

The Committee **RESOLVED** to approve the minutes of the following Sub-Committee meetings:

- 27 June 2018
- 28 June 2018
- 30 July 2018

12/17 **Applications for Street Designation Orders - London Local Authorities Act 1990**

The Committee considered the application for a street designation order for **46 Surrey Street** (Appendix A).

The Licensing Manager introduced the item, explaining the process of applying for street designation orders and the details of the application before the Committee. The Committee was informed that the application had been sent to responsible authorities and advertised in the local press; no representations had been received.

At 6:43pm Councillor Bird arrived at the meeting.

The applicant was not present to provide any comment on the application.

In response to questions from the Committee it was confirmed by the licensing manager that a premises has to be able to take table and chairs back into the premises every night but that they don't have to take them in. They just have to be able to do so if required.

The Committee **RESOLVED**:

1. To designate 46 Surrey Street, Croydon for the purposes of street trading.
2. To grant a street trading licence to the Applicant.

The Committee considered the application for a street designation order at **1 Matthews Yard** (Appendix B).

The Licensing Manager introduced the item, explaining the details of the application before the Committee. The Committee was informed that the application had been sent to responsible authorities and advertised in the local press; no representations had been received.

The applicant was not present to provide any comment on the application.

In response to questions from the Committee the licensing manager advised that exchange square is private land. It is not council, but under private ownership.

The Committee **RESOLVED**:

1. To designate 1 Matthews Yard for the purposes of street trading.
2. To grant a street trading licence to the Applicant.

The Committee considered the application for a street designation order at **11 Central Parade** (Appendix C).

The Licensing Manager introduced the item, explaining the details of the application before the Committee. The Committee was informed that the application had been sent to responsible authorities and advertised in the local press; no representations had been received.

The highway in question was a Council maintained road.

The Applicant was present and informed that his new business was to only sell fruit and vegetables.

In response to a question from the Committee it was clarified by the licensing manager that there was no saturation policy on Central Parade.

The Committee **RESOLVED**:

1. To designate 11 Central Parade for the purposes of street trading.
2. To grant a street trading licence to the Applicant.

The Committee considered the application for a street designation order at **50 Thornton Road** (Appendix D).

The Licensing Manager introduced the item, explaining the details of the application before the Committee. The Committee was informed that the application had been sent to responsible authorities and advertised in the local press; no representations had been received.

In addition, no representations had been received from Transport for London (TfL), whom maintained the highway in question.

The Applicant was not present to provide any comment on the application.

The Committee **RESOLVED**:

1. To designate 50 Thornton Road for the purposes of street trading.
2. To grant a street trading licence to the Applicant.

The Committee considered the application for a street designation order at **772 London Road** (Appendix E).

The Licensing Manager introduced the item, explaining the details of the application before the Committee. The Committee was informed that the application had been sent to responsible authorities and advertised in the local press; no representations had been received.

In addition, no representations had been received from Transport for London (TfL), whom maintained the highway in question.

The Applicant was present and provided no further comment on the application.

In response to a question from the Committee it was clarified by the applicant that the wheels attached to the display unit had locks for the wheels to be locked and therefore provided safety.

The Committee **RESOLVED**:

1. To designate 772 London Road for the purposes of street trading.
2. To grant a street trading licence to the Applicant.

13/17 **Exclusion of the Press and Public**

Not required.

The meeting ended at 7:22pm

Signed:

Date:

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REPORT TO:	LICENSING COMMITTEE 17 OCTOBER 2018
AGENDA ITEM:	
SUBJECT:	The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 – Setting of Licence Fees
LEAD OFFICER:	EXECUTIVE DIRECTOR, PLACE DEPARTMENT
CABINET MEMBER:	Cllr. Hamida Ali, Cabinet Member for Safer Croydon and Communities
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT:	
<p>The setting of fees under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 is a statutory requirement.</p>	
FINANCIAL SUMMARY:	
<p>The Council is the Licensing Authority for the purposes of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (the ‘Regulations’) which came into force on 1 October 2018, under the provisions of the Animal Welfare Act 2006.</p> <p>The Regulations permit the Council to charge such fees as it considers necessary for:</p> <ul style="list-style-type: none"> • 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; • 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; • the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator; and • the reasonable anticipated costs of providing information to the Secretary of State. <p>Under a variety of existing legislation, which are replaced by the new Regulations, Croydon Council currently licences 11 Pet Shops, 10 Animal Boarding premises (Cats/Dogs), 28 Home Dog Boarding or Dog Day Care</p>	

premises and has 1 current Performing Animals Registration. The holders of the above licences will be invited to apply for a licence under the new Regulations before their current licence expires on 31 December 2018.

FORWARD PLAN KEY DECISION REFERENCE NO.: N/A

For general release

1. RECOMMENDATIONS

The Committee is recommended to:

- 1.1 Adopt the new fee structure set out at Appendices 1 & 2 to this report. The new fee structure has been determined on the principle of cost recovery in line with statutory guidance;
- 1.2 Delegate to the Director of Public Realm authority, in consultation with the Chair of Licensing Committee, to undertake reviews of fees and fee setting under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“The Regulations”). Such delegation does not preclude the Director from bringing the matter back before the Committee should the Director consider it appropriate to do so;
- 1.3 Delegate to the Licensing Manager authority to make decisions regarding the determination of applications (including the determination of the length of the license and star rating of a business), renewals, variations and suspensions; processing requests for re-inspection and all associated functions under the Regulations;
- 1.4 Delegate authority to the Director of Public Realm to consider and determine a review of a decision on variation or suspension, make re-rating determinations or changes to star ratings following appeal/re-inspection under the Regulations and all associated functions under the Regulations;
- 1.5 Delegate to the Director of Public Realm authority to consider and determine any decision to revoke a license under the Regulations;
- 1.6 Note the delegation of powers of entry and investigative and enforcement powers in respect of the legislation set out in Appendix 3 within the borough of Croydon to the identified officers from the City of London Corporation set out in paragraph 3.31 below.

2. EXECUTIVE SUMMARY

- 2.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“The Regulations”) came into force on 1 October 2018. Local Authorities are responsible for licensing premises that are used for the activities listed in the Regulations.
- 2.2 Croydon Council currently licences 11 pet shops, 10 animal boarding premises, 28 dog home boarding or dog day care premises and has 1 performing animal’s registration.
- 2.3 The Council will administer licenses under the new Regulations and undertake inspections of premises to ensure compliance with licence terms and conditions.

3. DETAIL

- 3.1 The Regulations came into force on 1 October 2018. The Department of Environment, Food & Rural Affairs (DEFRA) has issued statutory guidance, dated October 2018, to which the Council shall have regard in undertaking its functions under the Regulations. The Regulations replace a number of separate statutory powers in relation to animal welfare licensing that were considered by legislators to be outdated and cumbersome. For example, the licensing of pet shops was historically regulated by the Pet Animals Act 1951 and the boarding of cats and dogs regulated by the Animal Boarding Establishments Act 1963. The Government also wanted to ensure there was consistency in enforcement, as they believed that there was strong public expectation for enforcement of animal welfare standards.
- 3.2 Rather than have individual licences for individual activities, as was the case under the existing legislation, the Regulations provide for a single licence for animal activities. DEFRA indicate that the Regulations will provide modern and as far as possible, evidence based welfare requirements. The regulations cover home and online based businesses and will provide:
- Generic licence conditions and specific, activity based licence conditions (as set out in the Regulations)
 - Risk based assessments
 - Longer licences for compliant businesses applying higher standards
 - Greater controls on pet sales and dog breeding
- 3.3 When application premises are inspected – by appropriately qualified officers – a risk based assessment method will be used and the new Regulations incorporate a Star Rating System, running from 1 Star to 5 Stars. If premises are considered suitable to be licensed but only receive a 1 Star rating, they will only be granted a licence of 1 year duration and they will be subject to a minimum of one unannounced inspection within that 12 month period. If premises receive a 5 Star rating, they will be issued with a licence of 3 years in duration and will be subject to a minimum of one unannounced inspection during that 36 month period.
- 3.4 Under the Regulations, Local Authorities will now issue licences for the following activities:
- Selling Animals as Pets
 - Providing or Arranging for the Provision of Boarding for Cats or Dogs*
 - Hiring out Horses
 - Breeding Dogs
 - Keeping or Training Animals for Exhibition

*With regard to boarding for dogs, this incorporates:

- Providing boarding in kennels
- Providing home boarding for dogs and
- Providing day care for dogs

- 3.5 Under the Regulations, Local authorities are able to set licence application fees, based on the principle of cost recovery and in accordance with the

parameters set by Regulation 13 and the provisions of the guidance. The Regulations permit the Council to charge such fees as it considers necessary for:

- 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;
- 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 subparagraph (a) including any inspection relating to that consideration;
- the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator; and
- the reasonable anticipated costs of providing information to the Secretary of State

- 3.6 Licensing is an integral part of councils' broader regulatory services. While economic growth is a priority for every council in the country, there is also the need to ensure that licensing regimes can continue to protect communities and visitors; manage public health risks; and remain responsive to local concerns. All of this work requires funding and it is an accepted principle that licensed activities should be funded on a cost-recovery basis, paid for by those benefiting from the licensed activity, rather than drawing on the public purse. However, in setting the fees under this and many other Licensing regimes which the Council is required to operate, the Council is required to have regard to a number of different considerations and legislative requirements and parameters, including in relation to the European Services Directive ("the Directive"). This Directive, which remains applicable in the UK, aims to make it easier for service and retail providers to establish a business anywhere within Europe. It includes the principle of ensuring that regulation is transparent and that the burdens placed on businesses are kept to a minimum. The legal requirements in the Directive do have practical implications for local licensing regimes, including fee setting.
- 3.7 The general principles of the Services Directive apply to all processes and administrative procedures that need to be followed when establishing or running a service or retail business, including the setting, charging and processing of fees for licences. The core principles of the Directive: non-discriminatory; justified; proportionate; clear; objective; made public in advance; transparent and accessible, apply to fee setting.
- 3.8 Whilst the majority of the principles are self-explanatory, in the context of fee setting, the principle of 'non-discrimination' requires a little more explanation. In the Directive it is defined as meaning 'the general conditions of access to a service, which are made available to the public at large by the provider [and] do not contain discriminatory provisions relating to the nationality or place of residence of the recipient'.
- 3.9 This applies to the Council when considering fee setting meaning that all applicants must be treated equally irrespective of location and/or nationality. The Council should not, for instance, seek to subsidise businesses operating in one geographical area by offering comparatively lower fees than required of those operating in another. Such an approach discriminates against those

businesses located elsewhere in the locality.

- 3.10 In the licensing context, the importance of this approach has also been established by case law on taxi and PHV (Private Hire Vehicles) licensing. *Cummings v Cardiff* ruled that the charges within a licensing regime for different categories of licence should not subsidise each other; so a surplus gained on hackney carriage licences should not reduce the cost of a private hire vehicle licence. Guidance in this area indicates that this analogy be extended to mean that the fees received under one licensing regime must not subsidise fees charged under another. For instance, a surplus generated by taxi fees must be reinvested back into taxi licensing and not used to reduce the cost of, for instance, a scrap metal dealer's licence.
- 3.11 Under the Directive councils need to ensure that details of any fees are easily accessible online, including the ability to make payments online. Councils should be able to separate out the cost of processing an initial application from those costs associated with the ongoing administration of a scheme, because this latter element cannot be charged to unsuccessful licence applicants.
- 3.12 This was a key issue in the *Hemming v Westminster* case, in which the Supreme Court asked the European Court of Justice (ECJ) to rule on how Westminster applied its licence fees. The Supreme Court identified two different approaches to charging fees:
- (a) Whereby a council charged a fee upon application (covering the costs of authorisation procedures) and a subsequent fee to successful applicants (covering the cost of administering and enforcing the framework) - the 'type A' approach;
 - (b) Where a council charged a single fee on application covering all costs, on the basis that the relevant proportion of the fee would be refunded to unsuccessful applicants – the 'type B' approach.
- 3.13 The ECJ published its ruling on the issue on 16 November 2016, following an earlier opinion by the Advocate General in July 2016. The ECJ ruled that the type B approach of fee setting is not compatible with the Services Directive, arguing that the Directive 'precludes the requirement for the payment of a fee, at the time of submitting an application for the grant or renewal of an authorisation, part of which corresponds to the costs relating to the management and enforcement of the authorisation scheme concerned, even if that part is refundable if that application is refused.'
- 3.14 Therefore, in setting the current fees the Council will need to ensure that the fee structures for fees covered by the Services Directive relate solely to the cost of authorisation procedures (i.e. the costs associated with reviewing an application and granting/refusing a licence). Under the type A approach, on which the Supreme Court ruling is still relevant, successful licence applicants could subsequently be charged an additional fee relating to the costs of administering and enforcing the relevant licensing framework. Not all legislation in England and Wales permits councils to separate out elements of the fee in this way. For instance, the Licensing Act 2003 has fees set nationally, which constrains councils' ability to adopt this approach. However, Regulation 13 of the Regulations provides that the Council may charge animal welfare fees for:

- “(a) The costs of consideration of an application, including any inspection relating to that consideration;
- (b) The reasonable anticipated costs of consideration of a licence holder’s compliance with the Regulations and the licence conditions to which a licence holder is subject. This includes the costs of any further inspections related to compliance;
- (c) The reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator; and
- (d) The reasonable anticipated costs of the local authority compiling and submitting the data required by regulation 29 to the Secretary of State.

- 3.15 The Directive also includes specific requirements that apply to the charging of fees. Charges must be reasonable and proportionate to the cost of the processes associated with a licensing scheme. Councils must not use fees covered by the Directive to make a profit or act as an economic deterrent to deter certain business types from operating within an area.
- 3.16 The Guidance anticipates that fees should be broadly cost neutral in budgetary terms, so that, over the lifespan of the licence, the budget should balance. Those benefitting from the activities permitted by the various licences should not, so far as there is discretion to do so, be subsidised by the general fund.
- 3.17 To ensure that fees remain reasonable and proportionate it is necessary to establish a review process. It is for this reason, and due to the fact that it will entail an administrative assessment of the costs to be recovered rather than an engagement of discretion by Members’, that a delegation is sought to the Director of Public Realm to undertake reviews and fee setting under the Regulations in respect of Animal Welfare in future. Such delegation should not preclude the Director from bringing the matter back before the Committee should the Director consider it appropriate to do so. In addition, if members are minded to agree the delegation, exercise of this delegation could be reported back to members for information following the annual fee review.
- 3.18 Under the provisions of Regulation 14 of the Regulations the Council must have regard to the guidance issued by the Secretary of State in carrying out its functions under the Regulations. The “Procedural guidance notes for Local Authorities” issued by DEFRA in July 2018 is relevant in relation to the setting of fees for Animal Welfare Licensing and provides as follows at paragraph 59:

“59. When setting fees, local authorities should have regard to Open for business: LGA guidance on locally set licence fees, which sets out the steps that must be taken to set fair and reasonable fees, and explains the EU Services Directive upon which the LGA guidance is based. Local authorities should also have regard to the BEIS Guidance for Business on the Provision of Services Regulations. As with other areas of licensing, regard should also be had to the principles in the Regulators’ Code. “Reasonable anticipated costs” will be fact specific and dependent on the local authority in question. The “Open for business: LGA guidance on locally set licence fees” guidance includes information on what could be considered reasonable.”

- 3.19 In this regard, the LGA guidance makes a number of suggestions as to which elements (subject to legislative restrictions) the Council may wish to consider

including within the fees set. In accordance with the Case law set out above, these suggested fees are broken down into two separate elements: initial application costs (“Application fee”) and further compliance and enforcement costs (“Grant/Enforcement fee”).

3.20 The Guidance suggests that initial application costs (“Application fee”) could include:

- Administration – this could cover basic office administration to process the licence application, such as resources, photocopying, postage or the cost of handling fees through the accounts department. This could also include the costs of specialist licensing software to maintain an effective database, and printing licences.
- Initial visit/s – this could cover the average cost of officer time if a premises visit is required as part of the authorisation process. Councils will need to consider whether the officer time includes travel. It would also be normal to include ‘on-costs’ in this calculation. Councils will need to consider whether ‘on costs’ include travel costs and management time.
- Third party costs – some licensing processes will require third party input from experts, such as veterinary attendance during licensing inspections at animal related premises.
- Liaison with interested parties – engaging with responsible authorities and other stakeholders will incur a cost in both time and resources.
- Management costs – councils may want to consider charging an average management fee where it is a standard process for the application to be reviewed by a management board or licensing committee. However, some councils will include management charges within the ‘on-costs’ attached to officer time referenced below.
- Local democracy costs – councils may want to recover any necessary expenditure in arranging committee meetings or hearings to consider applications.
- On costs – including any recharges for payroll, accommodation, including heating and lighting, and supplies and services connected with the licensing functions. Finance teams should be able to provide a standardised cost for this within each council.
- Development, determination and production of licensing policies – the cost of consultation and publishing policies can be fully recovered where they pertain to the licensing regime in question.
- Web material – the EU Services Directive requires that applications, and the associated guidance, can be made online and councils should effectively budget for this work.
- Advice and guidance – this includes advice in person, production of leaflets or promotional tools, and online advice.

- Setting and reviewing fees – this includes the cost of time associated with the review, as well as the cost of taking it to a committee for approval.

3.21 The Guidance suggests that further compliance and enforcement costs (“Grant/Enforcement fee”) could include:

- Additional monitoring and inspection visits – councils may wish to include a charge for risk based visits to premises in between licensing inspections and responding to complaints. As with the initial licensing visit, councils can consider basing this figure on average officer time, travel, administration, management costs and on costs as suggested above.
- Local democracy costs – councils may want to recover any necessary expenditure in arranging committee meetings or hearings to review existing licences or respond to problems.
- Registers and national reporting – some licensing schemes require central government bodies to be notified when a licence is issued. The costs of doing this can be recovered.
- Charging for action against unlicensed traders Councils’ ability to charge for these costs as part of a licensing scheme depends on the licensing scheme in question. The Animal Welfare Regulations make specific provision in regulation 13 to recover such costs.

3.22 In terms of the level of involvement required by officers to administer the new regime, this has increased substantially by virtue of the changes introduced by the Regulations. For example, the star rating regime, encompassing as it does, an initial extensive risk based assessment including measuring compliance against not only minimum standards expected, but also higher standards to which operators can adhere with a view to achieving a higher star rating; various inspection visit requirements dependant on star rating and length of licence; the appeals process; the ability to apply for re-inspection ratings and the associated administrative tasks. The new regime will place new training requirements on Council officers which will need to be reflected in the costs of the licensing regime and there are also additional reporting requirements to the Secretary of State.

3.23 Historically, the fees charged for animal welfare related licensing only required and encompassed involvement of a more administrative nature and as a result, were lower than the fees currently proposed for Members’ consideration. It is also fair to say that where veterinary or qualified animal health staff have required to become involved under the previous legislation, the Council has not recovered its full costs for the process. There is a disadvantage to current operators in increasing the fees particularly if they achieve a low star rating. There is also the risk that increasing the license fees may encourage unlicensed activity and thereby increase risk to animal welfare. Increase in unlicensed activity would require additional reactive investigation and enforcement by officers. There is, however, a potential advantage to those operators who achieve the highest star rating because of their compliance with higher animal welfare standards as they will be paying the same fee for a three year licence as those with a lower star rating may be paying for a one or two year licence, albeit that the license fee overall will increase to a degree for all licensed activities under these fee proposals. It is hoped that this overall lower charge for greater compliance might encourage more operators to strive to achieve the higher animal welfare standards set out in the Guidance. The

increased requirements on Council officers have been reflected in the proposed fees, as set out more fully in Appendix 1.

- 3.24 In setting the proposed fees, an hourly rate for the particular role(s) that will undertake the particular task(s) has been calculated. This is the 'on costed' hourly rate for the particular role(s) that perform the task(s) and this also includes basic office administration such as resources, photocopying, postage, processing fees through the accounts department, recharges for payroll, accommodation, including heating and lighting, supplies and services connected with the licensing functions and management and supervision costs (where relevant). Appendix 1 then sets the associated processes out into a series of tasks and the relevant hourly rate was then multiplied by the amount of time, in minutes, that it was considered, based on previous experience that the individual tasks of that nature would take to complete. In addition, there are also fixed inspection fees for veterinary staff that have been factored in. These figures were then added together to give a recommended fee for Members' consideration. Members will note that the proposed fees have been split between application and enforcement parts. When someone applies for a licence, they will be asked to pay the application portion when they apply (Application fee) and then, if their application is granted, they will be asked to pay the enforcement part (Grant/Enforcement fee) prior to the licence being issued to them. There are also a list of additional fee items which may or may not arise depending on the circumstances. These fees are qualified and set out separately. The table at Appendix 2 sets out the total fee (encompassing application fee and grant/enforcement fee) proposed for the various types of matter as well as including a list of the optional extras and the proposed charges for these.
- 3.25 In light of the above referenced guidance and increased requirements on Council officers, Members are asked to consider Appendices 1 and 2 - which set out the fees for the various types of establishment which may be licensed under the Regulations and the component elements of the fees which are recommended for approval.
- 3.26 Unlike the Licensing and Gambling regimes, where the Council may receive objections to applications for licenses which ought properly to be considered and determined by Councillors, the Animal Welfare legislation does not make the same provision in respect of objections to applications/renewals, nor does it have a similar regime around responsible authorities seeking to review such licenses. Currently the Council has 50 "animal welfare" type licenses under the existing regimes. It is anticipated that there will be an increase in the number of premises as the new legislation captures within it, new categories of animal welfare licensing. The current licenses expire on 31 December 2018.
- 3.27 Under former legislation, animal welfare licensing legislation has been dealt with administratively by officers and accordingly, authority is sought for the delegation of such functions to officers under the revised animal welfare legislation. It is proposed that the decisions regarding the determination of applications (including the determination of the length of the license and star rating of a business), renewals, variations and suspensions and processing requests for re-inspection, including all associated functions pursuant to the Regulations, be delegated to the Licensing Manager. Where a licensee is dissatisfied with the

outcome of a variation or suspension, there is the right to make representations requesting a review of the decision on variation or suspension. In such circumstances, it is recommended that authority is delegated to the Director of Public Realm to consider such written representations and make a decision on the variation or suspension sought to be reviewed. In addition, delegation is sought to the Director of Public Realm to undertake re-rating determinations or changes to star ratings following appeal/re-inspection. Where it is proposed to revoke a license, the license holder has recourse directly to the First Tier Tribunal if they are dissatisfied with the outcome of the decision. It is therefore recommended that any decision to revoke a license under the Regulations is delegated to the Director of Public Realm.

3.29 The guidance referenced particularly in paragraph 3.18-21 above regarding fee setting considerations can be accessed via the below links:

LGA Guidance:

https://local.gov.uk/sites/default/files/documents/5%2013%20%20OpenForBusiness_02_web.pdf

BEIS guidance:

<http://webarchive.nationalarchives.gov.uk/20121205034810/http://www.bis.gov.uk/files/file53100.pdf>

Regulator's Code:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf

3.30 The London Borough of Croydon has a contractual relationship with the City of London Corporation with regard to the provision of statutory functions required by the Animal Health Acts 1981 and 2002 and other related Animal Welfare Acts as set out in Appendix 3, to assist the Council in fulfilling its functions in this regard. The Council does not currently employ staff with the requisite expertise.

3.31 With the introduction of the Regulations, this delegation to City of London Corporation officers has been updated to encompass the Regulations provisions and includes authority for the City of London Corporation staff set out below to undertake the following functions on behalf of Croydon:

- Any visits to establishments and persons required by or as a result of any of the Acts set out above, with resultant written reports. The fixed fees reflected in Appendix 1 in relation to inspections and re-inspections encompass City of London's current costs for undertaking this work;
- The discharge of statutory functions, obligations and duties required by and under the Acts set out above and ensuring compliance with same by relevant persons and establishments, including the powers of entry and enforcement and the preparation of cases for prosecution by the London Borough of Croydon of persons and establishments alleged to have committed offences under the Acts, such prosecutions to be at the discretion of the London Borough of Croydon.

This authorisation has been granted to the following named officers of the City of London Corporation to enable them to enter relevant licensed premises in

the borough of Croydon at all reasonable hours and take enforcement and compliance action, as appropriate in pursuance of their official duties:

Deborah Bradfield	Animal Health Inspector
Sharon Edwards	Animal Health Inspector
Joel Theobald	Animal Health Inspector
Lissa Ireland	Animal Health Officer
Bethany Mantle	Animal Health Officer
Roger Cook	Animal Health Officer
Michael Seton	Veterinary Surgeon
Monica David	Veterinary Surgeon

4. POLICE COMMENTS

4.1 As this report relates to local authority fee setting, comments have not been sought from the Croydon Police licensing officer regarding this matter.

5. APPEALS

5.1 There are no direct appeal provisions within the legislation with regard to fee setting. However, the local authority must only set fees that the Authority considers necessary to cover the costs set out in Regulation 13 as set out more fully at paragraph 3.5 above. An aggrieved party may seek judicial review if they believe the fees set are excessive or unreasonable. Judicial review proceedings present financial and reputational risk to the Council.

6. CONSULTATION

6.1 There are no statutory consultation or advertisement requirements with regard to fee setting under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

7. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

7.1 The Council is entitled to set fees that will generate income to offset the estimated cost to the Council of providing the service. The estimated fees from the standard hourly rates set will offset the costs to the Council of providing the service.

(Approved by: Flora Osiyemi, Head of Finance Place, Residents & Gateway)

8. COMMENTS OF THE COUNCIL SOLICITOR

8.1 The Solicitor to the Council comments that the setting of fees associated with the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 is to be set having due regard to the provisions of Regulation 13 and the relevant statutory and other guidance referenced within the body of the report and more particularly in paragraphs 3.18-3.21 above.

(Approved by: Sandra Herbert, Head of Litigation and Corporate Law, for and on behalf of Jacqueline Harris-Baker, Director of Law and Governance and Monitoring Officer.)

9. HUMAN RESOURCES IMPACT

- 9.1 There are no perceived human resources implications associated with this report.
- 9.2 (Approved for and behalf of Sue Moorman, HR Director, by Jennifer Sankar, Head of HR Place).

10. CUSTOMER IMPACT

- 10.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 impact on existing and potential licence holders. The proposed fees represent an increase against the current fees and thus a financial disadvantage to current operators, particularly those who achieve a lower star rating. There is also the risk that in increasing the license fees this may encourage unlicensed activity and thereby increase risk to animal welfare. Increase in unlicensed activity would require additional reactive investigation and enforcement by officers. There is, however, a potential advantage to those operators who achieve the highest star rating because of their compliance with higher animal welfare standards as they will be paying the same fee for a three year licence as those with a lower star rating may be paying for a one or two year licence, albeit that the license fee overall will increase for all licensed activities under these fee proposals. Well managed licensed premises ensure high standards of animal welfare are provided and maintained, attract customers and contribute to a vibrant local economy.

11. EQUALITIES IMPACT ASSESSMENT (EIA)

- 11.1 This report does not require a separate Equality Impact Assessment.

12. ENVIRONMENTAL AND DESIGN IMPACT

- 12.1 The licensed animal welfare premises in Croydon are not considered to adversely impact on the local environment.

13. CRIME AND DISORDER REDUCTION IMPACT

- 13.1 There is also the risk that in increasing the license fees this may encourage unlicensed activity and thereby increase risk to animal welfare. Increase in unlicensed activity would require additional reactive investigation and enforcement by officers.

14. HUMAN RIGHTS IMPACT

- 14.1 Article 1 of the First Protocol provides a right to peaceful enjoyment of possessions. Both a person's business and an existing licence are a possession and cannot be taken away or interfered with unless the law allows it and the action is justified.

Further, when determining applications under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, it is necessary to ensure that, as far as possible, the Council's procedures are compliant with the principles in Article 6 of the Convention – the right to a fair trial.

15. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

15.1 Information that is provided to or held by the Council in relation to applications must only be processed and disclosed strictly in accordance with the Freedom of Information Act and Data Protection Act 2018 and other appropriate legislation.

CONTACT OFFICER: Michael Goddard, Licensing Manager
Tel. Ext. 61838

BACKGROUND DOCUMENTS:
None

REFERENCE DOCUMENTS:
Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018)

Animal Welfare Act 2006

LGA Guidance:

https://local.gov.uk/sites/default/files/documents/5%2013%20%20OpenForBusiness_02_web.pdf

BEIS guidance:

<http://webarchive.nationalarchives.gov.uk/20121205034810/http://www.bis.gov.uk/files/file53100.pdf>

Regulator's Code:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf

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Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Fees Assumptions 2018/19

SELLING ANIMALS AS PETS

- A. Hourly Licensing Officer (LO) Rate: £34.69**
- B. Hourly Head of Service (HoS) Rate: £53.61**
- C. Hourly Director of Public Realm (DPR) Rate: £74.43**
- D. Fixed fee for inspection & report writing elements: £220 (multiplied as applicable as set out below)**
- E. Fixed fee for re-inspection: £110 (multiplied as applicable as set out below)**

Application for New Licence

Part A: Application Fee elements

Initial enquiry and send forms - **£5.80** (LO 10 mins.)

Receipt application, check forms & enquiries of applicant - **£17.40** (LO 30 mins.)

Load application details onto IT database - **£11.60** (LO 20 mins.)

IO conduct inspection* of application premises and provide inspection report (to include suggested Star Rating) - **£220** (fixed fee) multiplied as applicable*

*Where an inspection is conducted where the application seeks two or more distinct activities, distinct application fees will accordingly apply. For example, should there be an application for dog boarding and cat boarding at the same premises, two inspection fees of £220 would be levied. If however the application sought home dog boarding and dog day care at the same premises, only one inspection fee of £220 would be levied. Prospective applicants are recommended to check with Council's licensing team prior to submitting their application regarding the appropriate fee in such circumstances.

Consider IO report, including assessment of Star Rating and where applicable consider previous compliance history and make decision on application – **£26.70** (HoS 30 mins.)

Draft licence with appropriate conditions and Star Rating and send to applicant or draft reasons for refusal of application and send to applicant with details of appeal process - **£17.40** (LO 30 mins.)

Part A fee = £299 (rounded)

Part B: Grant/Enforcement fee elements:

Conduct minimum of one unannounced inspection/compliance* visit during term of licence – frequency dependent on premises Star Rating**, as follows:

- 1 Star 1 Year Licence – one inspection within 12 months **£110** (fixed fee)
- 2 Star 1 Year Licence – one inspection within 12 months **£110** (fixed fee)
- 3 Star 2 Year Licence – one inspection within 24 months **£110** (fixed fee)
- 4 Star 2 Year Licence – one inspection within 24 months **£110** (fixed fee)
- 5 Star 3 Year Licence – one inspection within 36 months **£110** (fixed fee)

All of the above = £110 multiplied as applicable where there are two or more distinct licensable activities

**Note - guidance indicates that it is not possible for an applicant for a new license to be awarded a 5 star rating due to lack of previous evidence of compliance and adherence to animal welfare requirements. Accordingly, this does not apply to applications from persons who held a licence under the previous animal welfare legislation with an expiry date of 31 December 2018.

Licence renewal reminder notification process – **£5.80** (LO 10 mins).

Additional Miscellaneous Costs Included

Staff training (relevant Level 3 qualification training course provided by accredited trainer at £990 – two officers to be sent), City of London Animal Welfare Contract basic annual fee (£1200), provision for officer response to service requests (“SR’s”) and investigation of complaints relating to licensed premises – assumption of 12 SR’s/Complaints per year across all premises at fixed inspection rate of £110 – total divided by 50 premises (number of current licensed premises) = £4500/50 = **£90**

Complaints about unlicensed operators – assumption of 12 service requests(SR’s)/complaints per year across all forms of licensable activity – £626.40 (LO 12 x 90 mins. per investigation including premises visit) 626.40 divided by 50 = **£12.52**

There are currently 50 licensed animal welfare premises and we make the assumption that all will renew and make application under the new Regulations. All will require a risk based assessment inspection and will be given a star rating. We make the assumption that 10% of these premises will be ultimately dissatisfied with their star rating and will submit appeals to the First Tier Tribunal. It is difficult to properly assess the full costs to the Council of such an appeal at this stage but in the first instance, there will be the receipt of an appeal notice to consider, load onto IT database and liaise with legal services colleagues - (HoS 5 x 30 mins.) = £134 divided by 50 = **£2.68**

Fees review and setting including drafting reports and preparing documentation for decision maker –

£864 (HoS x 14.4 hours/864 minutes) = 864 divided by 50 = **£17.28**

£111.64.43 (DPR x 1.5 hours/90 minutes) = 111.64 divided by 50 = **£2.23**

Compliance with Regulation 29 requirements: Collating, providing and uploading information for Secretary of State – £145 (LO 50 licences at 5 minutes per licence) = 145 divided by 50 = **£2.90**

Part B fee = £244 (rounded)

Total fee if licence granted = £543

Optional elements:

Appeal against Star Rating given at initial application stage:

Receive request for re inspection for re rating purposes, including loading details of request onto IT database - **£11.60** (LO 20 mins.)

Consider* content of appeal and either replace Star Rating already given or uphold original Star Rating - **£74.43** (DPR 60 mins., includes consideration of inspection report)

*Consideration of Star Rating will in most circumstances also require a re - inspection of the premises, the cost of which to be borne by the applicant

Re inspection fee due to appeal against Star Rating – as above, if an applicant is not satisfied with the Star Rating given following an Inspection Report, a further inspection will be carried out*. The applicant will be charged the fee for this inspection – which will be **£220** (fixed fee) multiplied as applicable dependent on the number of distinct licensable activities it is proposed to provide. Prospective applicants are recommended to check with Council's licensing team prior to submitting their application regarding the appropriate fee in such circumstances.

Following Star Rating appeal consideration*, re draft licence with appropriate conditions and updated Star Rating and send to applicant with details of appeal process - **£17.40** (LO 30 mins.)

*If Star Rating has increased for any distinct licensable activity, the re inspection fee (£220 or a multiple thereof as applicable) will be returned. If Star Rating has stayed same or decreased for any distinct licensable activity, fee will be retained. However, if improvements have been made to the licensed premises between the original inspection and the re inspection, in order to achieve a higher rating, the inspection fee will not be refunded.

Request for Variation:

Where a licence holder requests a variation to their already issued licence, this will entail an inspection visit to the premises.

Receipt and consideration of request for re-inspection, consideration of reasons for re-inspection - **£11.60** (LO 20 mins.)

Conduct re inspection with fee payable prior to the inspection visit being conducted - £220 or £110 (both fixed cost) – the fee will be dependent on the nature of the variation sought but will be either **£110 or £220**, multiplied as applicable according to the number of distinct licensable activities. License holders are advised to contact the Council Licensing Team to discuss relevant fee prior to submitting a variation

Issuing updated licence or sending letter refusing variation request following inspection - **£17.40** (LO 30 mins.)

Re-inspection:

Where an unannounced inspection is made during the term of a licence, if non-compliance with terms of the licence is found and a further inspection after a given time period is required to check on the progress of improvement works, the cost of that further inspection will fall to the licence holder – **£110 or £220** (fixed fee) dependent on the nature of the non compliance and multiplied as applicable according to the number of distinct licensable activities provided at the premises

Request for re-inspection during term of licence for re rating of Star Rating purposes:

Where a licence holder requests a re inspection of their premises during the term of their licence for the purpose of re assessing the premises Star Rating, an inspection may be required*.

*Licence holders should be aware that re inspection for re rating purposes could lead to a lower rating being awarded rather than an increase in rating.

Receive request for re inspection for re rating purposes, make enquiries of applicant and load details of request onto IT database - **£17.40** (LO 30 mins.)

Consider request for re inspection for purposes of re rating of Star Rating - **£26.70** (HoS 30 mins.)

Request declined, draft & send refusal letter to licence holder - **£26.70** (HoS 30 mins.)

If request accepted, IO conduct inspection of licensed premises and provide inspection report (to include suggested Star Rating) - **£220** (fixed fee) multiplied as applicable according to the number of distinct licensable activities provided at the premises

Consider IO report, including assessment of Star Rating and where applicable consider previous compliance history and make decision on application – **£26.70** (HoS 30 mins.)

Draft updated licence with appropriate conditions and Star Rating and send to licence holder including setting out reasons for any adverse re rating - **£17.40** (LO 30 mins.)

If appeal made against Star Rating given, consider* content of appeal and either replace Star Rating already given and re issue licence or uphold original Star Rating and write to licence holder with details of decision - **£74.43** (DPR 60 mins., includes consideration of inspection report).

*Consideration of Star Rating will in most circumstances require a re- inspection of the premises, the cost of which to be borne by the applicant

Re inspection fee due to appeal against Star Rating* – if an applicant is not satisfied with the Star Rating given following an Inspection Report, a further inspection will be carried out. The applicant will be charged the fee for this inspection – which will be **£220** (fixed fee) multiplied as applicable according to the number of distinct licensable activities provided at the premises

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Replacement/Additional Copy of License:

A licence holder may request a copy of their licence at a fixed fee of **£10.50**

Please note – hourly officer rates and fixed inspection fee rates will be subject to review and possible amendment as part of a future fees review.

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Fees Assumptions 2018/19

PROVISION OF BOARDING FOR CATS (Cattery) OR DOGS (Kennels)

- A. Hourly Licensing Officer (LO) Rate: £34.69**
- B. Hourly Head of Service (HoS) Rate: £53.61**
- C. Hourly Director of Public Realm (DPR) Rate: £74.43**
- D. Fixed fee for inspection & report writing elements: £220 (multiplied as applicable as set out below)**
- E. Fixed fee for re-inspection: £110 (multiplied as applicable as set out below)**

Application for New Licence

Part A: Application Fee elements

Initial enquiry and send forms - **£5.80** (LO 10 mins.)

Receipt application, check forms & enquiries of applicant - **£17.40** (LO 30 mins.)

Load application details onto IT database - **£11.60** (LO 20 mins.)

IO conduct inspection* of application premises and provide inspection report (to include suggested Star Rating) - **£220** (fixed fee) multiplied as applicable*

*Where an inspection is conducted where the application seeks two or more distinct activities, distinct application fees will accordingly apply. For example, should there be an application for dog boarding and cat boarding at the same premises, two inspection fees of £220 would be levied. If however the application sought home dog boarding and dog day care at the same premises, only one inspection fee of £220 would be levied. Prospective applicants are recommended to check with Council's licensing team prior to submitting their application regarding the appropriate fee in such circumstances.

Consider IO report, including assessment of Star Rating and where applicable consider previous compliance history and make decision on application – **£26.70** (HoS 30 mins.)

Draft licence with appropriate conditions and Star Rating and send to applicant or draft reasons for refusal of application and send to applicant with details of appeal process - **£17.40** (LO 30 mins.)

Part A fee = £299 (rounded)

Part B: Grant/Enforcement fee elements:

Conduct minimum of one unannounced inspection/compliance* visit during term of licence – frequency dependent on premises Star Rating**, as follows:

- 1 Star 1 Year Licence – one inspection within 12 months **£110** (fixed fee)
- 2 Star 1 Year Licence – one inspection within 12 months **£110** (fixed fee)
- 3 Star 2 Year Licence – one inspection within 24 months **£110** (fixed fee)
- 4 Star 2 Year Licence – one inspection within 24 months **£110** (fixed fee)
- 5 Star 3 Year Licence – one inspection within 36 months **£110** (fixed fee)

All of the above = £110 multiplied as applicable where there are two or more distinct licensable activities

**Note - guidance indicates that it is not possible for an applicant for a new license to be awarded a 5 star rating due to lack of previous evidence of compliance and adherence to animal welfare requirements. Accordingly, this does not apply to applications from persons who held a licence under the previous animal welfare legislation with an expiry date of 31 December 2018.

Licence renewal reminder notification process – **£5.80** (LO 10 mins).

Additional Miscellaneous Costs Included

Staff training (relevant Level 3 qualification training course provided by accredited trainer at £990 – two officers to be sent), City of London Animal Welfare Contract basic annual fee (£1200), provision for officer response to service requests (“SR’s”) and investigation of complaints relating to licensed premises – assumption of 12 SR’s/Complaints per year across all premises at fixed inspection rate of £110 – total divided by 50 premises (number of current licensed premises) = **£4500/50 = £90**

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Compliance with Regulation 29 requirements: Collating, providing and uploading information for Secretary of State – £145 (LO 50 licences at 5 minutes per licence) = 145 divided by 50 = **£2.90**

Part B fee = £244 (rounded)

Total fee if licence granted = **£543**

Optional elements:

Appeal against Star Rating given at initial application stage:

Receive request for re inspection for re rating purposes, including loading details of request onto IT database - **£11.60** (LO 20 mins.)

Consider* content of appeal and either replace Star Rating already given or uphold original Star Rating - **£74.43** (DPR 60 mins., includes consideration of inspection report)

*Consideration of Star Rating will in most circumstances also require a re - inspection of the premises, the cost of which to be borne by the applicant

Re inspection fee due to appeal against Star Rating – as above, if an applicant is not satisfied with the Star Rating given following an Inspection Report, a further inspection will be carried out*. The applicant will be charged the fee for this inspection – which will be **£220** (fixed fee) multiplied as applicable dependent on the number of distinct licensable activities it is proposed to provide. Prospective applicants are recommended to check with Council's licensing team prior to submitting their application regarding the appropriate fee in such circumstances.

Following Star Rating appeal consideration*, re draft licence with appropriate conditions and updated Star Rating and send to applicant with details of appeal process - **£17.40** (LO 30 mins.)

*If Star Rating has increased for any distinct licensable activity, the re inspection fee (£220 or a multiple thereof as applicable) will be returned. If Star Rating has stayed same or decreased for any distinct licensable activity, fee will be retained. However, if improvements have been made to the licensed premises between the original inspection and the re inspection, in order to achieve a higher rating, the inspection fee will not be refunded.

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Conduct re inspection with fee payable prior to the inspection visit being conducted - £220 or £110 (both fixed cost) – the fee will be dependent on the nature of the variation sought but will be either **£110 or £220**, multiplied as applicable according to the number of distinct licensable activities. License holders are advised to contact the Council Licensing Team to discuss relevant fee prior to submitting a variation

Issuing updated licence or sending letter refusing variation request following inspection - **£17.40** (LO 30 mins.)

Re-inspection:

Where an unannounced inspection is made during the term of a licence, if non-compliance with terms of the licence is found and a further inspection after a given time period is required to check on the progress of improvement works, the cost of that further inspection will fall to the licence holder – **£110 or £220** (fixed fee) dependent on the nature of the non compliance and multiplied as applicable according to the number of distinct licensable activities provided at the premises

Request for re-inspection during term of licence for re rating of Star Rating purposes:

Where a licence holder requests a re inspection of their premises during the term of their licence for the purpose of re assessing the premises Star Rating, an inspection may be required*.

*Licence holders should be aware that re inspection for re rating purposes could lead to a lower rating being awarded rather than an increase in rating.

Receive request for re inspection for re rating purposes, make enquiries of applicant and load details of request onto IT database - **£17.40** (LO 30 mins.)

Consider request for re inspection for purposes of re rating of Star Rating - **£26.70** (HoS 30 mins.)

Request declined, draft & send refusal letter to licence holder - **£26.70** (HoS 30 mins.)

If request accepted, IO conduct inspection of licensed premises and provide inspection report (to include suggested Star Rating) - **£220** (fixed fee) multiplied as applicable according to the number of distinct licensable activities provided at the premises

Consider IO report, including assessment of Star Rating and where applicable consider previous compliance history and make decision on application – **£26.70** (HoS 30 mins.)

Draft updated licence with appropriate conditions and Star Rating and send to licence holder including setting out reasons for any adverse re rating - **£17.40** (LO 30 mins.)

If appeal made against Star Rating given, consider* content of appeal and either replace Star Rating already given and re issue licence or uphold original Star Rating and write to licence holder with details of decision - £74.43 (DPR 60 mins., includes consideration of inspection report).

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A licence holder may request a copy of their licence at a fixed fee of £10.50

Please note – hourly officer rates and fixed inspection fee rates will be subject to review and possible amendment as part of a future fees review.

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Fees Assumptions 2018/19

Home Dog Boarding/Dog Day Care – SIX (6) DOGS & UNDER

- A. Hourly Licensing Officer (LO) Rate: £34.69**
- B. Hourly Head of Service (HoS) Rate: £53.61**
- C. Hourly Director of Public Realm (DPR) Rate: £74.43**
- D. Fixed fee for inspection & report writing elements: £76 (plus any other applicable inspection fees as set out below)**
- E. Fixed fee for re-inspection: £76 (plus any other applicable inspection fees as set out below)**

Application for New Licence

Part A: Application Fee elements

Initial enquiry and send forms - **£5.80** (LO 10 mins.)

Receipt application, check forms & enquiries of applicant - **£17.40** (LO 30 mins.)

Load application details onto IT database - **£11.60** (LO 20 mins.)

IO conduct inspection* of application premises and provide inspection report (to include suggested Star Rating) - **£76** (fixed fee) plus any other applicable inspection fees*

*Where an inspection is conducted where the application seeks two or more distinct activities, distinct application fees will accordingly apply. For example, should there be an application for dog day care and selling animals as pets at the same premises, two inspection fees of £76 & £220 would be levied. If however the application sought home dog boarding and dog day care at the same premises, only one inspection fee of £76 would be levied. Prospective applicants are recommended to check with Council's licensing team prior to submitting their application regarding the appropriate fee in such circumstances.

Consider IO report, including assessment of Star Rating and where applicable consider previous compliance history and make decision on application – **£26.70** (HoS 30 mins.)

Draft licence with appropriate conditions and Star Rating and send to applicant or draft reasons for refusal of application and send to applicant with details of appeal process - **£17.40** (LO 30 mins.)

Part A fee = £155 (rounded)

Part B: Grant/Enforcement fee elements:

Conduct minimum of one unannounced inspection/compliance* visit during term of licence – frequency dependent on premises Star Rating**, as follows:

- 1 Star 1 Year Licence – one inspection within 12 months **£76** (fixed fee)
- 2 Star 1 Year Licence – one inspection within 12 months **£76** (fixed fee)
- 3 Star 2 Year Licence – one inspection within 24 months **£76** (fixed fee)
- 4 Star 2 Year Licence – one inspection within 24 months **£76** (fixed fee)
- 5 Star 3 Year Licence – one inspection within 36 months **£76**(fixed fee)

*All of the above = £76 plus other relevant inspection fee where there are two or more distinct licensable activities

**Note - guidance indicates that it is not possible for an applicant for a new license to be awarded a 5 star rating due to lack of previous evidence of compliance and adherence to animal welfare requirements. Accordingly, this does not apply to applications from persons who held a licence under the previous animal welfare legislation with an expiry date of 31 December 2018.

Licence renewal reminder notification process – **£5.80** (LO 10 mins).

Additional Miscellaneous Costs Included

Staff training (relevant Level 3 qualification training course provided by accredited trainer at £990 – two officers to be sent), City of London Animal Welfare Contract basic annual fee (£1200), provision for officer response to service requests (“SR’s”) and investigation of complaints relating to licensed premises – assumption of 12 SR’s/Complaints per year across all premises at fixed inspection rate of £110 – total divided by 50 premises (number of current licensed premises) = **£4500/50 = £90**

Complaints about unlicensed operators – assumption of 12 service requests(SR’s)/complaints per year across all forms of licensable activity – £626.40 (LO 12 x 90 mins. per investigation including premises visit) 626.40 divided by 50 = **£12.52**

There are currently 50 licensed animal welfare premises and we make the assumption that all will renew and make application under the new Regulations. All will require a risk based assessment inspection and will be given a star rating. We make the assumption that 10% of these premises will be ultimately dissatisfied with their star rating and will submit appeals to the First Tier Tribunal. It is difficult to properly assess the full costs to the Council of such an appeal at this stage but in the first instance, there will be the receipt of an appeal notice to consider, load onto IT database and liaise with legal services colleagues - (HoS 5 x 30 mins.) = £134 divided by 50 = **£2.68**

Fees review and setting including drafting reports and preparing documentation for decision maker –

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£111.64.43 (DPR x 1.5 hours/90 minutes) = 111.64 divided by 50 = **£2.23**

Compliance with Regulation 29 requirements: Collating, providing and uploading information for Secretary of State – £145 (LO 50 licences at 5 minutes per licence) = 145 divided by 50 = **£2.90**

Part B fee = £210 (rounded)

Total fee if licence granted = **£365**

Optional elements:

Appeal against Star Rating given at initial application stage:

Receive request for re inspection for re rating purposes, including loading details of request onto IT database - **£11.60** (LO 20 mins.)

Consider* content of appeal and either replace Star Rating already given or uphold original Star Rating - **£74.43** (DPR 60 mins., includes consideration of inspection report)

*Consideration of Star Rating will in most circumstances also require a re - inspection of the premises, the cost of which to be borne by the applicant

Re inspection fee due to appeal against Star Rating – as above, if an applicant is not satisfied with the Star Rating given following an Inspection Report, a further inspection will be carried out*. The applicant will be charged the fee for this inspection – which will be **£76** (fixed fee) plus any other relevant inspection fee where there are two or more licensable activities it is proposed to provide. Prospective applicants are recommended to check with Council's licensing team prior to submitting their application regarding the appropriate fee in such circumstances.

Following Star Rating appeal consideration*, re draft licence with appropriate conditions and updated Star Rating and send to applicant with details of appeal process - **£17.40** (LO 30 mins.)

*If Star Rating has increased for any distinct licensable activity, the re inspection fee (£76 and any other inspection fee, as applicable) will be returned. If Star Rating has stayed same or decreased for any distinct licensable activity, fee will be retained. However, if improvements have been made to the licensed premises between the original inspection and the re inspection, in order to achieve a higher rating, the inspection fee will not be refunded.

Request for Variation:

Where a licence holder requests a variation to their already issued licence, this will entail an inspection visit to the premises.

Receipt and consideration of request for re-inspection, consideration of reasons for re-inspection - **£11.60** (LO 20 mins.)

Conduct re inspection with fee payable prior to the inspection visit being conducted - **£76** (fixed cost).

Issuing updated licence or sending letter refusing variation request following inspection - **£17.40** (LO 30 mins.)

Re-inspection:

Where an unannounced inspection is made during the term of a licence, if non-compliance with terms of the licence is found and a further inspection after a given time period is required to check on the progress of improvement works, the cost of that further inspection will fall to the licence holder – **£76** (fixed fee).

Request for re-inspection during term of licence for re rating of Star Rating purposes:

Where a licence holder requests a re inspection of their premises during the term of their licence for the purpose of re assessing the premises Star Rating, an inspection may be required*.

*Licence holders should be aware that re inspection for re rating purposes could lead to a lower rating being awarded rather than an increase in rating.

Receive request for re inspection for re rating purposes, make enquiries of applicant and load details of request onto IT database - **£17.40** (LO 30 mins.)

Consider request for re inspection for purposes of re rating of Star Rating - **£26.70** (HoS 30 mins.)

Request declined, draft & send refusal letter to licence holder - **£26.70** (HoS 30 mins.)

If request accepted, IO conduct inspection of licensed premises and provide inspection report (to include suggested Star Rating) - **£76** (fixed fee) plus any other relevant inspection fee where there are two or more licensable activities .

Consider IO report, including assessment of Star Rating and where applicable consider previous compliance history and make decision on application – **£26.70** (HoS 30 mins.)

Draft updated licence with appropriate conditions and Star Rating and send to licence holder including setting out reasons for any adverse re rating - **£17.40** (LO 30 mins.)

If appeal made against Star Rating given, consider* content of appeal and either replace Star Rating already given and re issue licence or uphold original Star Rating and write to licence holder with details of decision - **£74.43** (DPR 60 mins., includes consideration of inspection report).

*Consideration of Star Rating will in most circumstances require a re- inspection of the premises, the cost of which to be borne by the applicant

Re inspection fee due to appeal against Star Rating* – if an applicant is not satisfied with the Star Rating given following an Inspection Report, a further inspection will be carried out. The applicant will be charged the fee for this inspection – which will be **£76** (fixed fee) plus any other relevant inspection fee where there are two or more licensable activities at the premises.

*If Star Rating has increased for any distinct licensable activity, the re inspection fee will be returned. If Star Rating has stayed same or decreased for any distinct licensable activity, fee will be retained. However, if improvements have been made to the licensed premises between the original inspection and the re inspection, in order to achieve a higher rating, the inspection fee will not be refunded.

Replacement/Additional Copy of License:

A licence holder may request a copy of their licence at a fixed fee of **£10.50**

Please note – hourly officer rates and fixed inspection fee rates will be subject to review and possible amendment as part of a future fees review.

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Fees Assumptions 2018/19

Home Dog Boarding/Dog Day Care – OVER SIX (6) DOGS

- A. Hourly Licensing Officer (LO) Rate: £34.69**
- B. Hourly Head of Service (HoS) Rate: £53.61**
- C. Hourly Director of Public Realm (DPR) Rate: £74.43**
- D. Fixed fee for inspection & report writing elements: £110 (plus any other applicable inspection fees as set out below)**
- E. Fixed fee for re-inspection: £110 (plus any other applicable inspection fees as set out below)**

Application for New Licence

Part A: Application Fee elements

Initial enquiry and send forms - **£5.80** (LO 10 mins.)

Receipt application, check forms & enquiries of applicant - **£17.40** (LO 30 mins.)

Load application details onto IT database - **£11.60** (LO 20 mins.)

IO conduct inspection* of application premises and provide inspection report (to include suggested Star Rating) - **£110** (fixed fee) plus any other applicable inspection fees*

*Where an inspection is conducted where the application seeks two or more distinct activities, distinct application fees will accordingly apply. For example, should there be an application for dog day care (over 6 dogs) and selling animals as pets at the same premises, two inspection fees of £110 & £220 would be levied. If however the application sought home dog boarding and dog day care at the same premises, only one inspection fee of £110 would be levied. Prospective applicants are recommended to check with Council's licensing team prior to submitting their application regarding the appropriate fee in such circumstances.

Consider IO report, including assessment of Star Rating and where applicable consider previous compliance history and make decision on application – **£26.70** (HoS 30 mins.)

Draft licence with appropriate conditions and Star Rating and send to applicant or draft reasons for refusal of application and send to applicant with details of appeal process - **£17.40** (LO 30 mins.)

Part A fee = £189 (rounded)

Part B: Grant/Enforcement fee elements:

Conduct minimum of one unannounced inspection/compliance* visit during term of licence – frequency dependent on premises Star Rating**, as follows:

- 1 Star 1 Year Licence – one inspection within 12 months **£110** (fixed fee)
- 2 Star 1 Year Licence – one inspection within 12 months **£110** (fixed fee)
- 3 Star 2 Year Licence – one inspection within 24 months **£110** (fixed fee)
- 4 Star 2 Year Licence – one inspection within 24 months **£110** (fixed fee)
- 5 Star 3 Year Licence – one inspection within 36 months **£110**(fixed fee)

*All of the above = £110 plus other relevant inspection fee where there are two or more distinct licensable activities

**Note - guidance indicates that it is not possible for an applicant for a new license to be awarded a 5 star rating due to lack of previous evidence of compliance and adherence to animal welfare requirements. Accordingly, this does not apply to applications from persons who held a licence under the previous animal welfare legislation with an expiry date of 31 December 2018.

Licence renewal reminder notification process – **£5.80** (LO 10 mins).

Additional Miscellaneous Costs Included

Staff training (relevant Level 3 qualification training course provided by accredited trainer at £990 – two officers to be sent), City of London Animal Welfare Contract basic annual fee (£1200), provision for officer response to service requests (“SR’s”) and investigation of complaints relating to licensed premises – assumption of 12 SR’s/Complaints per year across all premises at fixed inspection rate of £110 – total divided by 50 premises (number of current licensed premises) = **£4500/50 = £90**

Complaints about unlicensed operators – assumption of 12 service requests(SR’s)/complaints per year across all forms of licensable activity – £626.40 (LO 12 x 90 mins. per investigation including premises visit) 626.40 divided by 50 = **£12.52**

There are currently 50 licensed animal welfare premises and we make the assumption that all will renew and make application under the new Regulations. All will require a risk based assessment inspection and will be given a star rating. We make the assumption that 10% of these premises will be ultimately dissatisfied with their star rating and will submit appeals to the First Tier Tribunal. It is difficult to properly assess the full costs to the Council of such an appeal at this stage but in the first instance, there will be the receipt of an appeal notice to consider, load onto IT database and liaise with legal services colleagues - (HoS 5 x 30 mins.) = £134 divided by 50 = **£2.68**

Fees review and setting including drafting reports and preparing documentation for decision maker –

£864 (HoS x 14.4 hours/864 minutes) = 864 divided by 50 = **£17.28**

£111.64.43 (DPR x 1.5 hours/90 minutes) = 111.64 divided by 50 = **£2.23**

Compliance with Regulation 29 requirements: Collating, providing and uploading information for Secretary of State – £145 (LO 50 licences at 5 minutes per licence) = 145 divided by 50 = **£2.90**

Part B fee = £244 (rounded)

Total fee if licence granted = **£433**

Optional elements:

Appeal against Star Rating given at initial application stage:

Receive request for re inspection for re rating purposes, including loading details of request onto IT database - **£11.60** (LO 20 mins.)

Consider* content of appeal and either replace Star Rating already given or uphold original Star Rating - **£74.43** (DPR 60 mins., includes consideration of inspection report)

*Consideration of Star Rating will in most circumstances also require a re - inspection of the premises, the cost of which to be borne by the applicant

Re inspection fee due to appeal against Star Rating – as above, if an applicant is not satisfied with the Star Rating given following an Inspection Report, a further inspection will be carried out*. The applicant will be charged the fee for this inspection – which will be **£110** (fixed fee) plus any other relevant inspection fee where there are two or more licensable activities it is proposed to provide. Prospective applicants are recommended to check with Council's licensing team prior to submitting their application regarding the appropriate fee in such circumstances.

Following Star Rating appeal consideration*, re draft licence with appropriate conditions and updated Star Rating and send to applicant with details of appeal process - **£17.40** (LO 30 mins.)

*If Star Rating has increased for any distinct licensable activity, the re inspection fee (£110 and any other inspection fee, as applicable) will be returned. If Star Rating has stayed same or decreased for any distinct licensable activity, fee will be retained. However, if improvements have been made to the licensed premises between the original inspection and the re inspection, in order to achieve a higher rating, the inspection fee will not be refunded.

Request for Variation:

Where a licence holder requests a variation to their already issued licence, this will entail an inspection visit to the premises.

Receipt and consideration of request for re-inspection, consideration of reasons for re-inspection - **£11.60** (LO 20 mins.)

Conduct re inspection with fee payable prior to the inspection visit being conducted - **£110** (fixed cost).

Issuing updated licence or sending letter refusing variation request following inspection - **£17.40** (LO 30 mins.)

Re-inspection:

Where an unannounced inspection is made during the term of a licence, if non-compliance with terms of the licence is found and a further inspection after a given time period is required to check on the progress of improvement works, the cost of that further inspection will fall to the licence holder – **£110** (fixed fee).

Request for re-inspection during term of licence for re rating of Star Rating purposes:

Where a licence holder requests a re inspection of their premises during the term of their licence for the purpose of re assessing the premises Star Rating, an inspection may be required*.

*Licence holders should be aware that re inspection for re rating purposes could lead to a lower rating being awarded rather than an increase in rating.

Receive request for re inspection for re rating purposes, make enquiries of applicant and load details of request onto IT database - **£17.40** (LO 30 mins.)

Consider request for re inspection for purposes of re rating of Star Rating - **£26.70** (HoS 30 mins.)

Request declined, draft & send refusal letter to licence holder - **£26.70** (HoS 30 mins.)

If request accepted, IO conduct inspection of licensed premises and provide inspection report (to include suggested Star Rating) - **£110** (fixed fee) plus any other relevant inspection fee where there are two or more licensable activities .

Consider IO report, including assessment of Star Rating and where applicable consider previous compliance history and make decision on application – **£26.70** (HoS 30 mins.)

Draft updated licence with appropriate conditions and Star Rating and send to licence holder including setting out reasons for any adverse re rating - **£17.40** (LO 30 mins.)

If appeal made against Star Rating given, consider* content of appeal and either replace Star Rating already given and re issue licence or uphold original Star Rating and write to licence holder with details of decision - **£74.43** (DPR 60 mins., includes consideration of inspection report).

*Consideration of Star Rating will in most circumstances require a re- inspection of the premises, the cost of which to be borne by the applicant

Re inspection fee due to appeal against Star Rating* – if an applicant is not satisfied with the Star Rating given following an Inspection Report, a further inspection will be carried out. The applicant will be charged the fee for this inspection – which will be **£110** (fixed fee) plus any other relevant inspection fee where there are two or more licensable activities at the premises.

*If Star Rating has increased for any distinct licensable activity, the re inspection fee will be returned. If Star Rating has stayed same or decreased for any distinct licensable activity, fee will be retained. However, if improvements have been made to the licensed premises between the original inspection and the re inspection, in order to achieve a higher rating, the inspection fee will not be refunded.

Replacement/Additional Copy of License:

A licence holder may request a copy of their licence at a fixed fee of **£10.50**

Please note – hourly officer rates and fixed inspection fee rates will be subject to review and possible amendment as part of a future fees review.

Animal Welfare (Licensing of Activities Involving Animals) (England)
Regulations 2018

Fees Assumptions 2018/19

DOG BREEDING

- A. Hourly Licensing Officer (LO) Rate: £34.69**
- B. Hourly Head of Service (HoS) Rate: £53.61**
- C. Hourly Director of Public Realm (DPR) Rate: £74.43**
- D. Fixed fee for inspection & report writing elements: £220 (multiplied as applicable as set out below)**
- E. Fixed fee for re-inspection: £110 (multiplied as applicable as set out below)**

Application for New Licence

Part A: Application Fee elements

Initial enquiry and send forms - **£5.80** (LO 10 mins.)

Receipt application, check forms & enquiries of applicant - **£17.40** (LO 30 mins.)

Load application details onto IT database - **£11.60** (LO 20 mins.)

IO conduct inspection* of application premises and provide inspection report (to include suggested Star Rating) - **£220** (fixed fee) multiplied as applicable*

*Where an inspection is conducted where the application seeks two or more distinct activities, distinct application fees will accordingly apply. For example, should there be an application for dog boarding and cat boarding at the same premises, two inspection fees of £220 would be levied. If however the application sought home dog boarding and dog day care at the same premises, only one inspection fee of £220 would be levied. Prospective applicants are recommended to check with Council's licensing team prior to submitting their application regarding the appropriate fee in such circumstances.

Consider IO report, including assessment of Star Rating and where applicable consider previous compliance history and make decision on application – **£26.70** (HoS 30 mins.)

Draft licence with appropriate conditions and Star Rating and send to applicant or draft reasons for refusal of application and send to applicant with details of appeal process - **£17.40** (LO 30 mins.)

Part A fee = £299 (rounded)

Part B: Grant/Enforcement fee elements:

Conduct minimum of one unannounced inspection/compliance* visit during term of licence – frequency dependent on premises Star Rating**, as follows:

- 1 Star 1 Year Licence – one inspection within 12 months **£110** (fixed fee)
- 2 Star 1 Year Licence – one inspection within 12 months **£110** (fixed fee)
- 3 Star 2 Year Licence – one inspection within 24 months **£110** (fixed fee)
- 4 Star 2 Year Licence – one inspection within 24 months **£110** (fixed fee)
- 5 Star 3 Year Licence – one inspection within 36 months **£110** (fixed fee)

All of the above = £110 multiplied as applicable where there are two or more distinct licensable activities

**Note - guidance indicates that it is not possible for an applicant for a new license to be awarded a 5 star rating due to lack of previous evidence of compliance and adherence to animal welfare requirements. Accordingly, this does not apply to applications from persons who held a licence under the previous animal welfare legislation with an expiry date of 31 December 2018.

Licence renewal reminder notification process – **£5.80** (LO 10 mins).

Additional Miscellaneous Costs Included

Staff training (relevant Level 3 qualification training course provided by accredited trainer at £990 – two officers to be sent), City of London Animal Welfare Contract basic annual fee (£1200), provision for officer response to service requests (“SR’s”) and investigation of complaints relating to licensed premises – assumption of 12 SR’s/Complaints per year across all premises at fixed inspection rate of £110 – total divided by 50 premises (number of current licensed premises) = £4500/50 = **£90**

Complaints about unlicensed operators – assumption of 12 service requests(SR’s)/complaints per year across all forms of licensable activity – £626.40 (LO 12 x 90 mins. per investigation including premises visit) 626.40 divided by 50 = **£12.52**

There are currently 50 licensed animal welfare premises and we make the assumption that all will renew and make application under the new Regulations. All will require a risk based assessment inspection and will be given a star rating. We make the assumption that 10% of these premises will be ultimately dissatisfied with their star rating and will submit appeals to the First Tier Tribunal. It is difficult to properly assess the full costs to the Council of such an appeal at this stage but in the first instance, there will be the receipt of an appeal notice to consider, load onto IT database and liaise with legal services colleagues - (HoS 5 x 30 mins.) = £134 divided by 50 = **£2.68**

Fees review and setting including drafting reports and preparing documentation for decision maker –

£864 (HoS x 14.4 hours/864 minutes) = 864 divided by 50 = **£17.28**

£111.64.43 (DPR x 1.5 hours/90 minutes) = 111.64 divided by 50 = **£2.23**

Compliance with Regulation 29 requirements: Collating, providing and uploading information for Secretary of State – £145 (LO 50 licences at 5 minutes per licence) = 145 divided by 50 = **£2.90**

Part B fee = £244 (rounded)

Total fee if licence granted = **£543**

Optional elements:

Appeal against Star Rating given at initial application stage:

Receive request for re inspection for re rating purposes, including loading details of request onto IT database - **£11.60** (LO 20 mins.)

Consider* content of appeal and either replace Star Rating already given or uphold original Star Rating - **£74.43** (DPR 60 mins., includes consideration of inspection report)

*Consideration of Star Rating will in most circumstances also require a re - inspection of the premises, the cost of which to be borne by the applicant

Re inspection fee due to appeal against Star Rating – as above, if an applicant is not satisfied with the Star Rating given following an Inspection Report, a further inspection will be carried out*. The applicant will be charged the fee for this inspection – which will be **£220** (fixed fee) multiplied as applicable dependent on the number of distinct licensable activities it is proposed to provide. Prospective applicants are recommended to check with Council's licensing team prior to submitting their application regarding the appropriate fee in such circumstances.

Following Star Rating appeal consideration*, re draft licence with appropriate conditions and updated Star Rating and send to applicant with details of appeal process - **£17.40** (LO 30 mins.)

*If Star Rating has increased for any distinct licensable activity, the re inspection fee (£220 or a multiple thereof as applicable) will be returned. If Star Rating has stayed same or decreased for any distinct licensable activity, fee will be retained. However, if improvements have been made to the licensed premises between the original inspection and the re inspection, in order to achieve a higher rating, the inspection fee will not be refunded.

Request for Variation:

Where a licence holder requests a variation to their already issued licence, this will entail an inspection visit to the premises.

Receipt and consideration of request for re-inspection, consideration of reasons for re-inspection - **£11.60** (LO 20 mins.)

Conduct re inspection with fee payable prior to the inspection visit being conducted - £220 or £110 (both fixed cost) – the fee will be dependent on the nature of the variation sought but will be either **£110 or £220**, multiplied as applicable according to the number of distinct licensable activities. License holders are advised to contact the Council Licensing Team to discuss relevant fee prior to submitting a variation

Issuing updated licence or sending letter refusing variation request following inspection - **£17.40** (LO 30 mins.)

Re-inspection:

Where an unannounced inspection is made during the term of a licence, if non-compliance with terms of the licence is found and a further inspection after a given time period is required to check on the progress of improvement works, the cost of that further inspection will fall to the licence holder – **£110 or £220** (fixed fee) dependent on the nature of the non compliance and multiplied as applicable according to the number of distinct licensable activities provided at the premises

Request for re-inspection during term of licence for re rating of Star Rating purposes:

Where a licence holder requests a re inspection of their premises during the term of their licence for the purpose of re assessing the premises Star Rating, an inspection may be required*.

*Licence holders should be aware that re inspection for re rating purposes could lead to a lower rating being awarded rather than an increase in rating.

Receive request for re inspection for re rating purposes, make enquiries of applicant and load details of request onto IT database - **£17.40** (LO 30 mins.)

Consider request for re inspection for purposes of re rating of Star Rating - **£26.70** (HoS 30 mins.)

Request declined, draft & send refusal letter to licence holder - **£26.70** (HoS 30 mins.)

If request accepted, IO conduct inspection of licensed premises and provide inspection report (to include suggested Star Rating) - **£220** (fixed fee) multiplied as applicable according to the number of distinct licensable activities provided at the premises

Consider IO report, including assessment of Star Rating and where applicable consider previous compliance history and make decision on application – **£26.70** (HoS 30 mins.)

Draft updated licence with appropriate conditions and Star Rating and send to licence holder including setting out reasons for any adverse re rating - **£17.40** (LO 30 mins.)

If appeal made against Star Rating given, consider* content of appeal and either replace Star Rating already given and re issue licence or uphold original Star Rating and write to licence holder with details of decision - £74.43 (DPR 60 mins., includes consideration of inspection report).

*Consideration of Star Rating will in most circumstances require a re- inspection of the premises, the cost of which to be borne by the applicant

Re inspection fee due to appeal against Star Rating* – if an applicant is not satisfied with the Star Rating given following an Inspection Report, a further inspection will be carried out. The applicant will be charged the fee for this inspection – which will be £220 (fixed fee) multiplied as applicable according to the number of distinct licensable activities provided at the premises

*If Star Rating has increased for any distinct licensable activity, the re inspection fee (£220 or a multiple thereof as applicable) will be returned. If Star Rating has stayed same or decreased for any distinct licensable activity, fee will be retained. However, if improvements have been made to the licensed premises between the original inspection and the re inspection, in order to achieve a higher rating, the inspection fee will not be refunded.

Replacement/Additional Copy of License:

A licence holder may request a copy of their licence at a fixed fee of £10.50

Please note – hourly officer rates and fixed inspection fee rates will be subject to review and possible amendment as part of a future fees review.

Animal Welfare (Licensing of Activities Involving Animals) (England)
Regulations 2018

Fees Assumptions 2018/19

KEEPING OR TRAINING ANIMALS FOR EXHIBITION*

***No Star Rating System – all licences issued for 3 year duration**

- A. Hourly Licensing Officer (LO) Rate: £34.69**
- B. Hourly Head of Service (HoS) Rate: £53.61**
- C. Hourly Director of Public Realm (DPR) Rate: £74.43**
- D. Fixed fee for inspection visit & report writing elements: £211**
- E. Fixed fee for On Location inspection: £110**

Application for New Licence

Part A: Application Fee elements

Initial enquiry and send forms - **£5.80** (LO 10 mins.)

Receipt application, check forms & enquiries of applicant - **£17.40** (LO 30 mins.)

Load application details onto IT database - **£11.60** (LO 20 mins.)

IO conduct inspection* of application premises and provide inspection report - **£211**
(fixed fee) plus other inspection fees as applicable*

*Where an inspection is conducted where the application seeks two or more distinct activities, distinct application fees will accordingly apply. For example, should there be an application for dog boarding and cat boarding at the same premises, two inspection fees of £220 would be levied. If however the application sought home dog boarding and dog day care at the same premises, only one inspection fee of £220 would be levied. Prospective applicants are recommended to check with Council's licensing team prior to submitting their application regarding the appropriate fee in such circumstances.

Consider IO report including where applicable previous compliance history and make decision on application – **£26.70** (HoS 30 mins.)

Draft licence with appropriate conditions and send to applicant or draft reasons for refusal of application and send to applicant with details of appeal process - **£17.40** (LO 30 mins.)

Part A fee = £290 (rounded)

Part B: Grant/Enforcement fee elements:

Licence renewal reminder notification process – **£5.80** (LO 10 mins).

Additional Miscellaneous Costs Included

Staff training (relevant Level 3 qualification training course provided by accredited trainer at £990 – two officers to be sent), City of London Animal Welfare Contract basic annual fee (£1200), provision for officer response to service requests (“SR’s”) and investigation of complaints relating to licensed premises – assumption of 12 SR’s/Complaints per year across all premises at fixed inspection rate of £110 – total divided by 50 premises (number of current licensed premises) = £4500/50 = **£90**

Complaints about unlicensed operators – assumption of 12 service requests(SR’s)/complaints per year across all forms of licensable activity – £626.40 (LO 12 x 90 mins. per investigation including premises visit) 626.40 divided by 50 = **£12.52**

There are currently 50 licensed animal welfare premises and we make the assumption that all will renew and make application under the new Regulations. It is difficult to properly assess the full costs to the Council if any applicants appeal a refusal of their application but in the first instance, there will be the receipt of an appeal notice to consider, load onto IT database and liaise with legal services colleagues - (HoS 5 x 30 mins.) = £134 divided by 50 = **£2.68**

Fees review and setting including drafting reports and preparing documentation for decision maker –

£864 (HoS x 14.4 hours/864 minutes) = 864 divided by 50 = **£17.28**

£111.64.43 (DPR x 1.5 hours/90 minutes) = 111.64 divided by 50 = **£2.23**

Compliance with Regulation 29 requirements: Collating, providing and uploading information for Secretary of State – £145 (LO 50 licences at 5 minutes per licence) = 145 divided by 50 = **£2.90**

Part B fee = £134 (rounded)

Total fee if licence granted = £424

Optional elements:

Request for Variation:

Where a licence holder requests a variation to their already issued licence, this will entail an inspection visit to the premises.

Receipt and consideration of request for re-inspection, consideration of reasons for re-inspection - **£11.60** (LO 20 mins.)

Conduct re inspection with fee payable prior to the inspection visit being conducted - **£211** (fixed cost).

Issuing updated licence or sending letter refusing variation request following inspection - **£17.40** (LO 30 mins.)

Re-inspection:

Where an unannounced inspection is made during the term of a licence, if non-compliance with terms of the licence is found and a further inspection after a given time period is required to check on the progress of improvement works, the cost of that further inspection will fall to the licence holder – **£211**(fixed fee).

Replacement/Additional Copy of License:

A licence holder may request a copy of their licence at a fixed fee of **£10.50**

Please note – hourly officer rates and fixed inspection fee rates will be subject to review and possible amendment as part of a future fees review.

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Fees Assumptions 2018/19

Hiring Out Horses

- A. Hourly Licensing Officer (LO) Rate: £34.69**
- B. Hourly Head of Service (HoS) Rate: £53.61**
- C. Hourly Director of Public Realm (DPR) Rate: £74.43**
- D. Fixed fee for inspection & report writing elements: Variable - as below (plus any other applicable inspection fees as set out below)**
- E. Fixed fee for re-inspection: Variable - as below (plus any other applicable inspection fees as set out below)**

Application for New Licence

Part A: Application Fee elements

Initial enquiry and send forms - **£5.80** (LO 10 mins.)

Receipt application, check forms & enquiries of applicant - **£17.40** (LO 30 mins.)

Load application details onto IT database - **£11.60** (LO 20 mins.)

IO conduct inspection* of application premises and provide inspection report (to include suggested Star Rating) –

30 & over horses - **£630** (fixed fee)

15-29 horses - **£490** (fixed fee)

Under 15 horses - **£315** (fixed fee)

plus any other applicable inspection fees*

*Where an inspection is conducted where the application seeks two or more distinct activities, distinct application fees will accordingly apply. For example, should there be an application for dog day care (over 6 dogs) and selling animals as pets at the same premises, two inspection fees of £110 & £220 would be levied. If however the application sought home dog boarding and dog day care at the same premises, only one inspection fee of £110 would be levied. Prospective applicants are recommended to check with Council's licensing team prior to submitting their application regarding the appropriate fee in such circumstances.

Consider IO report, including assessment of Star Rating and where applicable consider previous compliance history and make decision on application – **£26.70** (HoS 30 mins.)

Draft licence with appropriate conditions and Star Rating and send to applicant or draft reasons for refusal of application and send to applicant with details of appeal process - **£17.40** (LO 30 mins.)

Part A fee = **£79** (rounded) + requisite inspection fee listed above as per number of horses

Part B: Grant/Enforcement fee elements:

For licences for Hiring Out Horses, there is a requirement for one annual inspection by a vet, irrespective of length of licence –

Conduct annual inspection –

30 & over horses - **£630** (fixed fee)

15-29 horses - **£490** (fixed fee)

Under 15 horses - **£315** (fixed fee)

plus any other applicable inspection fees*

*All of the above plus other relevant inspection fee where there are two or more distinct licensable activities

**Note - guidance indicates that it is not possible for an applicant for a new license to be awarded a 5 star rating due to lack of previous evidence of compliance and adherence to animal welfare requirements. Accordingly, this does not apply to applications from persons who held a licence under the previous animal welfare legislation with an expiry date of 31 December 2018.

Licence renewal reminder notification process – **£5.80** (LO 10 mins).

Additional Miscellaneous Costs Included

Staff training (relevant Level 3 qualification training course provided by accredited trainer at £990 – two officers to be sent), City of London Animal Welfare Contract basic annual fee (£1200), provision for officer response to service requests (“SR’s”) and investigation of complaints relating to licensed premises – assumption of 12 SR’s/Complaints per year across all premises at fixed inspection rate of £110 – total divided by 50 premises (number of current licensed premises) = **£4500/50 = £90**

Complaints about unlicensed operators – assumption of 12 service requests(SR’s)/complaints per year across all forms of licensable activity – £626.40 (LO 12 x 90 mins. per investigation including premises visit) 626.40 divided by 50 = **£12.52**

There are currently 50 licensed animal welfare premises and we make the assumption that all will renew and make application under the new Regulations. All will require a risk based assessment inspection and will be given a star rating. We make the assumption that 10% of these premises will be ultimately dissatisfied with their star rating and will submit appeals to the First Tier Tribunal. It is difficult to properly assess the full costs to the Council of such an appeal at this stage but in the first instance, there will be the receipt of an appeal notice to consider, load onto IT database and liaise with legal services colleagues - (HoS 5 x 30 mins.) = £134 divided by 50 = **£2.68**

Fees review and setting including drafting reports and preparing documentation for decision maker –

£864 (HoS x 14.4 hours/864 minutes) = 864 divided by 50 = **£17.28**

£111.64.43 (DPR x 1.5 hours/90 minutes) = 111.64 divided by 50 = **£2.23**

Compliance with Regulation 29 requirements: Collating, providing and uploading information for Secretary of State – £145 (LO 50 licences at 5 minutes per licence) = 145 divided by 50 = **£2.90**

Part B fee = **£134** (rounded) + requisite inspection fee listed above as per number of horses and per duration of licence, as annual inspection required

Total fee if licence granted = £212.31 + requisite inspection fees (two) as set out above dependent on number of horses and dependent on length of licence, as annual vet inspection required

Optional elements:

Appeal against Star Rating given at initial application stage:

Receive request for re inspection for re rating purposes, including loading details of request onto IT database - **£11.60** (LO 20 mins.)

Consider* content of appeal and either replace Star Rating already given or uphold original Star Rating - **£74.43** (DPR 60 mins., includes consideration of inspection report)

*Consideration of Star Rating will in most circumstances also require a re - inspection of the premises, the cost of which to be borne by the applicant

Re inspection fee due to appeal against Star Rating – as above, if an applicant is not satisfied with the Star Rating given following an Inspection Report, a further inspection will be carried out*. The applicant will be charged the fee for this inspection – which will be –

30 & over horses - **£630** (fixed fee)

15-29 horses - **£490** (fixed fee)

Under 15 horses - **£315** (fixed fee)

plus any other relevant inspection fee where there are two or more licensable activities it is proposed to provide. Prospective applicants are recommended to check with Council's licensing team prior to submitting their application regarding the appropriate fee in such circumstances.

Following Star Rating appeal consideration*, re draft licence with appropriate conditions and updated Star Rating and send to applicant with details of appeal process - **£17.40** (LO 30 mins.)

*If Star Rating has increased for any distinct licensable activity, the re inspection fee will be returned. If Star Rating has stayed same or decreased for any distinct licensable activity, fee will be retained. However, if improvements have been made to the licensed premises between the original inspection and the re inspection, in order to achieve a higher rating, the inspection fee will not be refunded.

Request for Variation:

Where a licence holder requests a variation to their already issued licence, this will entail an inspection visit to the premises.

Receipt and consideration of request for re-inspection, consideration of reasons for re-inspection - **£11.60** (LO 20 mins.)

Conduct re inspection with fee payable prior to the inspection visit being conducted -
30 & over horses - **£630** (fixed fee)
15-29 horses - **£490** (fixed fee)
Under 15 horses - **£315** (fixed fee)
plus any other applicable inspection fees*

Issuing updated licence or sending letter refusing variation request following inspection - **£17.40** (LO 30 mins.)

Re-inspection:

Where an unannounced inspection is made during the term of a licence, if non-compliance with terms of the licence is found and a further inspection after a given time period is required to check on the progress of improvement works, the cost of that further inspection will fall to the licence holder –

30 & over horses - **£630** (fixed fee)
15-29 horses - **£490** (fixed fee)
Under 15 horses - **£315** (fixed fee)
plus any other applicable inspection fees*

Request for re-inspection during term of licence for re rating of Star Rating purposes:

Where a licence holder requests a re inspection of their premises during the term of their licence for the purpose of re assessing the premises Star Rating, an inspection may be required*.

*Licence holders should be aware that re inspection for re rating purposes could lead to a lower rating being awarded rather than an increase in rating.

Receive request for re inspection for re rating purposes, make enquiries of applicant and load details of request onto IT database - **£17.40** (LO 30 mins.)

Consider request for re inspection for purposes of re rating of Star Rating - **£26.70** (HoS 30 mins.)

Request declined, draft & send refusal letter to licence holder - **£26.70** (HoS 30 mins.)

If request accepted, IO conduct inspection of licensed premises and provide inspection report (to include suggested Star Rating) –
30 & over horses - **£630** (fixed fee)

15-29 horses - **£490** (fixed fee)
Under 15 horses - **£315** (fixed fee
plus any other applicable inspection fees*

Consider IO report, including assessment of Star Rating and where applicable consider previous compliance history and make decision on application – **£26.70** (HoS 30 mins.)

Draft updated licence with appropriate conditions and Star Rating and send to licence holder including setting out reasons for any adverse re rating - **£17.40** (LO 30 mins.)

If appeal made against Star Rating given, consider* content of appeal and either replace Star Rating already given and re issue licence or uphold original Star Rating and write to licence holder with details of decision - **£74.43** (DPR 60 mins., includes consideration of inspection report).

*Consideration of Star Rating will in most circumstances require a re- inspection of the premises, the cost of which to be borne by the applicant

Re inspection fee due to appeal against Star Rating* – if an applicant is not satisfied with the Star Rating given following an Inspection Report, a further inspection will be carried out. The applicant will be charged the fee for this inspection – which will be – 30 & over horses - **£630** (fixed fee)

15-29 horses - **£490** (fixed fee)
Under 15 horses - **£315** (fixed fee
plus any other applicable inspection fees*

*If Star Rating has increased for any distinct licensable activity, the re inspection fee will be returned. If Star Rating has stayed same or decreased for any distinct licensable activity, fee will be retained. However, if improvements have been made to the licensed premises between the original inspection and the re inspection, in order to achieve a higher rating, the inspection fee will not be refunded.

Replacement/Additional Copy of License:

A licence holder may request a copy of their licence at a fixed fee of **£10.50**

Please note – hourly officer rates and fixed inspection fee rates will be subject to review and possible amendment as part of a future fees review.

Croydon Animal Welfare Regulations License fees 2018/19

New & Renewal Licence Fees	Part A		Part B		Total Renewal Fee (Part A + Part B)
	Application Fee	Grant/Enforcement Fee	Application Fee	Grant/Enforcement Fee	
Home Boarding for dogs 6 Dogs or less	£155	£210	£155	£210	£365
Home Boarding for dogs Over 6 Dogs	£189	£244	£189	£244	£433
Dog Day Care 6 Dogs or less	£155	£210	£155	£210	£365
Dog Day Care Over 6 Dogs	£189	£244	£189	£244	£433
Breeding Dogs	£299	£244	£299	£244	£543
Boarding for Dogs	£299	£244	£299	£244	£543
Boarding for Cats	£299	£244	£299	£244	£543
Selling animals as Pets	£299	£244	£299	£244	£543
Hiring out Horses Under 15 horses*	£394	£449	£394	£449	£843 (one year licence)*
Hiring out Horses Under 15-29 horses*	£569	£624	£569	£624	£1193 (one year licence)*
Hiring out Horses 30 & over horses*	£709	£764	£709	£764	£1473 (one year licence)*
*Licensed Riding Establishments are required to be inspected by a veterinary officer every year during the term of the licence. The fees shown are for a one year licence and so incorporate one further inspection fee. Accordingly, if a two year licence is granted, two further vet inspection fees will be incorporated into the licence fee and if a three year licence is granted, three further vet inspection fees will be incorporated into the licence fee					
Keeping or training animals for exhibition	£290	£134	£290	£134	£424
Individual/Additional Fee Elements					
Request for additional copy of License			Application Fee		
Request for Re-inspection (re-inspection undertaken)			£10.50		
Request for Re-inspection (declined)			Variable – please contact the Licensing Team at licensing@croymdon.gov.uk for permutations		
			Variable – please contact the Licensing Team at		

APPENDIX 2

	licensing@croymdon.gov.uk for permutations
Appeal against Star Rating (where re-inspection required and no rating change or decrease in rating)	Variable – please contact the Licensing Team at licensing@croymdon.gov.uk for permutations
Appeal against Star Rating (where re-inspection required and rating increases)	Variable – please contact the Licensing Team at licensing@croymdon.gov.uk for permutations
Appeal against Star Rating (where no re-inspection is required)	Variable – please contact the Licensing Team at licensing@croymdon.gov.uk for permutations
Request for Transfer/Variation	Variable – please contact the Licensing Team at licensing@croymdon.gov.uk for permutations
Each Additional Licensable Activity	Variable – please contact the Licensing Team at licensing@croymdon.gov.uk for permutations

Please note – hourly officer rates and fixed inspection fee rates will be subject to review and possible amendment as part of a future fees review.

The Animal Welfare Act 2006

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

The Microchipping of Dogs (England) Regulations 2015

The Docking of Working Dogs Tails (England) Regulations 2007

The Mutilations (Permitted Procedures) (England) Regulation 2007 as amended

The Welfare of Wild Animals in Travelling Circuses (England) Regulation 2012

The Welfare of Racing Greyhounds Regulations 2010

Zoo Licensing Act 1981

Dangerous Wild Animals Act 1976

The Animal Health Act 1981

The Animal Health and Welfare Act 2002

Animal By-Products (Enforcement) (England) Regulations 2013

Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015

Animal Health and Welfare Act 1984

Avian Influenza (Preventative Measures) (England) Regulations 2006

Cattle Identification Regulations 2007

European Communities Act 1972

Food and Environment Protection Act 1985

Food Safety and Hygiene (England) Regulations 2013

Food Safety Act 1990

Forgery and Counterfeiting Act 1981 and 1988

Fraud Act 2006

The Equine Identification (England) Regulations 2018

Official Feed and Food Controls (England) Regulations 2009

Products of Animal Origin (Disease Control) (England) Regulations 2008

Transmissible Spongiform Encephalopathies (England) Regulations 2010

Veterinary Surgeons Act 1966

Welfare of Animals at Slaughter Act 1991

Wild Mammals (Protection) Act 1996

The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015

Animal By-Products (Enforcement) (England) Regulations 2013

Animal By-Products (Enforcement) (England) (Amendment) Regulations 2015

Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015

Avian Influenza (Preventative Measures) (England) Regulations 2006

Bluetongue Regulations 2008

Cattle Identification Regulations 2007

Cattle Identification (Amendment) Regulations 2007

Cattle Identification (Amendment) Regulations 2013

Cattle Identification (Amendment) Regulations 2015

Food Safety and Hygiene (England) Regulations 2013

Official Feed and Food Controls Regulations 2009

Pigs (Records, Identification and Movement) Order 2011

Products of Animal Origin (Disease Control) (England) Regulations 2008

Registration of Establishments (Laying Hens) (England) Regulations 2003

Sheep and Goats (Records, Identification & Movement) (England) Order 2009

Sheep & Goats (Records, Identification & Movement) (England) (Amendment) Order 2016

Trade in Animals & Related Products Regulations 2011

Transport of Animals (Cleansing & Disinfection) (England) (No.3) Order 2003

Transport of Animals (Cleansing & Disinfection) (England) (No.3) (Amendment) Order 2007

Transmissible Spongiform Encephalopathies (England) Regulations 2010

Veterinary Medicines Regulations 2013

The Veterinary Medicines (Amendment) Regulations 2014

Welfare of Animals (Transport) (England) Order 2006

Welfare of Animals at Markets Order 1990

Welfare of Animals at Markets (Amendment) Order 1993

Welfare of Horses at Markets (and Other Places of Sale) Order 1990

Welfare of Animals at Time of Killing (England) Regulations 2015

Welfare of Farmed Animals (England) Regulations 2007

Welfare of Farmed Animals (England) (Amendment) Regulations 2010

Zoonoses (Monitoring) (England) Regulations 2007

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