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13 November 2018

To: All Members of the Regulatory Committee

Dear Member,

Regulatory Committee - Tuesday, 20th November, 2018

I attach a copy of the following reports for the above-mentioned meeting which were not available at the time of collation of the agenda:

8. ANNUAL FEES AND CHARGES FOR LICENSING (PAGES 1 - 12)

This report sets out the proposed fees for those licensing regimes where the Council has the power to set its own fees for 2019/20. The proposed fees will enable the Council to recover its costs in managing and administering these licensing regimes.

9. ANIMAL WELFARE REGULATIONS AND FEE SETTING REPORT (PAGES 13 - 22)

The report is to advise the Committee of the new Animal Welfare Regulations which will change the existing licencing regime for animal establishments and seek approval for the fees to be charged under the new regime.

Yours sincerely

Felicity Foley, Acting Committees Manager
Principal Committee Co-Ordinator

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Report for: Regulatory Committee 20th November 2018

Title: Review of Fees and Charges 2019-20 - Licences

Report

authorised by: David Murray – Interim Director of Environment and Neighbourhoods

Lead Officer: Daliah Barrett

Ward(s) affected: ALL

Report for Key/

Non Key Decision: Key.

1. Describe the issue under consideration

- 1.1. The Council's income policy, requires an annual review of the level of the fees and charges levied upon service users. The aim of the review, is to ensure that income generated ensures full cost recovery.
- 1.2. Cabinet will consider changes to a number of fees and charges at their meeting on 12th February 2019, however a small number of items (relating to certain approvals, consents, permits and licenses) cannot be made by the Executive and are, therefore, reserved for consideration and decision by the Council's Regulatory Committee.
- 1.3. This report sets out the proposed fees for those licensing regimes where the Council has the power to set its own fees for 2019/20. The proposed fees will enable the Council to recover its costs in managing and administering these licensing regimes.

2. Cabinet Member Introduction

- 2.1. It is important that, as part of our on-going financial planning, we comply with the Council's policy to review annually our fees and charges taking account of issues such as the general economic climate and the Council's overall financial position.
- 2.2. Taking all relevant factors into account, I believe that the increases in fees and charges proposed in this report are appropriate.

3. Recommendations

- 3.1. To approve the increases to the Council's licensing fees and charges, as set out in the attached Appendix A, with effect from 1st April 2019.
- 3.2. That members approve the street trading fees for adoption as shown in Appendix 1. Once agreed the fees will be subject to a further public notice for the adoption.

4. Reason for Decision

- 4.1. It is a requirement of the Council's income policy to review fees and charges annually. The financial position of the Council supports the view that levels of fees and charges should be maximised commensurate with the full recovery of costs, taking into account all relevant factors including the effect on service users and any consequent demand for services. Fees/charges are required to be set correctly so as

to comply with the requirements of the Provision of Services Regulations 2009, based on the EU Services Directive. Under these regulations any charges which applicants incur under a licensing scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme, and must not exceed the cost of those procedures and formalities. Failure to do this could result in the Authority levying a fee that is subsequently considered to have been set unlawfully.

- 4.2 It is a requirement of the London Local Authorities Act 1990 that fees are reviewed to ensure that fees are set to cover the full cost recovery to the Local Authority. The Supreme Court case of (*R (Hemming and Others) v Westminster City Council*) concluded that the amount of the fee is required to be determined every year and further to that a Local Authority was precluded from making a profit from the licensing regime.

5. Alternative options considered

- 5.1. This report summarises the need for an inflationary only increase for 2019/20. Benchmarking has been carried out on Massage and Special treatment fees. There was an extensive review of the Street trading fees in 2017 and it is planned for a further review to be undertaken on 2020, therefore only an inflationary increase is appropriate at this time to ensure that we are maintaining full cost recovery. The number of applications have remained static.

6. Background information

- 6.1. The Regulatory Committee have responsibility for the determination of certain specified fees and charges, namely:

- Fees for applications for Special Treatment Licensing under the London Local Authorities Act 1991.
- Fees for applications for Street Trading under the London Local Authorities Act 1990
- Fees for applications for Animal Activities Licensing are normally included but are subject to a separate report this year due to the new regulations coming into effect in October 2018.
- Fees for applications for Hypnotism, Sex Shops, Sexual Entertainment Venues, Scrap Metal & Motor Salvage Operators licences.
- Gambling Act 2005 and Licensing Act 2003.

- 6.2. The requirement or ability to levy a fee/charge for these matters are provided for in statute, either being set down as a fixed amount (statutory prescribed) that the Council cannot vary/set, or by providing the authority with the power to set a fee/charge in accordance with the requirement of the legislation (e.g. up to a maximum amount, or cost recovery only, or reasonable cost etc.) (statutory discretionary).

- 6.3 This report meets the requirements of the Council's external income policy for the 2019-20 financial year and as such contains details of the current and proposed levels of fees and charges to take effect from 1st April 2019. Appendix A contains the

full details of current licensing fees and charges, the proposed charge and corresponding increases.

- 6.4 Officers have noted the comments made at this committee in February 2016 regarding applying suitable rounding to proposed changes in fees and charges, and the figures presented in this report reflect that principle.

7. Contribution to strategic outcomes

- 7.1. The Council also has a set of strategic and policy objectives, and fees and charges should be set in accordance with such objectives.
- 7.2. The principles underpinning the Council's external income policy are that all fees and charges are reviewed annually and income is maximised within current service and policy objectives. The competitiveness of the market in which the service operates and the effect of price on demand and overall income yield should be considered. Some services are restricted to cost recovery.
- 7.3. As a minimum, fees and charges should be increased by a minimum of RPI (annual average as at October 2018 is 2.6%). However, some charges remain unchanged from 2018-19 as these charges are already set to the statutory maximum.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Chief Finance Officer

- 8.1 In general fees and charges recover some or all of the costs of services from users. Inflationary increases are proposed to all Licensing processes for 2019/20 fees and charges that are not set statutorily, in order to maintain cost recovery performance.

Estimated financial effect arising from the implementation of the 2018-19 fees and charges rates as set out in this report (assuming no impact on volumes) is an increase in income of approximately £1335 in relation to Massage and Special Treatment licence fees.

Assistant Director of Corporate Governance

- 8.2 The Assistant Director of Corporate Governance has been consulted in the preparation of this report and advises as follows:

8.2.1 There are a variety of legislative powers that entitle the Council to charge fees for different licensing activities. In some instances, the Council has no discretion as to the level of the charge. In other cases, the specific legislative provisions allow authorities to decide whether to charge and how much.

8.2.2 Regulation 18(4) of the Provision of Services Regulations 2009 requires that any charges that the Council imposes must be reasonable and proportionate to the costs of the procedures and formalities under the licensing scheme and must not exceed the cost of those procedures and formalities.

8.2.3 In reviewing fees and charges, services need to demonstrate that they have had due regard to the overarching Public Sector Equality Duty as set out in the Equality Act 2010.

8.2.4 Certain fees may not be set by the Cabinet. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provides that decisions on certain approvals, consents permits and licenses (for example premises licences; licenses for street trading) cannot be made by the Executive (Cabinet). Likewise charges for such approvals, consents, permits and licenses may not be made by the Cabinet. These fees will be set by the Regulatory Committee and are the subject of this report.

Equalities

8.3 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who share those characteristics and people who do not.

8.4 The proposals within this report are within the RPI 2.6% and an EQIA screening tool has been prepared. These changes will have a low impact overall and are not expected to have a disproportionate impact on any protected groups.

9 Use of Appendices

Appendix 1 Schedule of Licensing Fees 2019-20

Appendix 2 Equalities Impact Assessment

Regulatory Services contd.	Current Charge	Proposed Charge	% Increase	
	£	£		
THE FEE MAXIMUMS ARE PRESCRIBED BY THE SECRETARY OF STATE AND THE LEVEL OF FEE APPLIED LOCALLY IS DETERMINED BY THE FULL LICENSING COMMITTEE (Fees set to comply with Secretary of State Maximum Levels)				
6. Sex Entertainment Venue				
New Registration fee:	3,000	3078.00	2.60%	3072
Annual Renewal fee	1,935	1985.31	2.60%	1981
Hypnosis	500	513.00	2.60%	512
7. Special Treatment Premises(See Regulations for Class Classification)				
Class 1:				
Applicants fee	530	542.72	2.60%	543
Per additional person authorised to give treatment	385	394.24	2.60%	394
Class 2:				
Applicants fee	530	542.72	2.60%	543
Per additional person authorised to give treatment	100	102.4	2.60%	102
Class 3:				
Applicants fee	200	204.8	2.60%	205
Per additional person authorised to give treatment	95	97.28	2.60%	97
Class 4:				
Applicants fee	150	153.6	2.60%	153
Per additional person authorised to give treatment	85	87.04	2.60%	84
Scrap Metal				
Collectors	250	256.00	2.60%	
Site	350	358.40	2.60%	358

Regulatory Services contd.	Current Charge	Proposed Charge	% Increase
	£	£	
THE FEE MAXIMUMS ARE PRESCRIBED BY THE SECRETARY OF STATE AND THE LEVEL OF FEE APPLIED LOCALLY IS DETERMINED BY THE FULL LICENSING COMMITTEE (Fees set to comply with Secretary of State Maximum Levels)			
Premises Licence			
Bingo Club			
New Application	3,150	3150.00	N/A
Annual Fee	900	900.00	N/A
Application to Vary	1,575	1575.00	N/A
Application to transfer	1,080	1080.00	N/A
Application for re-Instatement	1,080	1080.00	N/A
Application for Provisional Statement	3,150	3150.00	N/A
Licence Application (provisional Statement Holder)	1,080	1080.00	N/A
Copy Licence	15	15.00	N/A
Notification of change	23	23.00	N/A
Betting Premises (excluding Tracks)			
New Application	2,700	2700.00	N/A
Annual Fee	580	580.00	N/A
Application to Vary	1,350	1350.00	N/A
Application to transfer	1,080	1080.00	N/A
Application for re-Instatement	1,080	1080.00	N/A
Application for Provisional Statement	2,700	2700.00	N/A
Licence Application (provisional Statement Holder)	1,080	1080.00	N/A
Copy Licence	15	15.00	N/A
Notification of change	23	23.00	N/A
Tracks			
New Application	2,250	2250.00	N/A
Annual Fee	900	900.00	N/A
Application to Vary	1,125	1125.00	N/A
Application to transfer	855	855.00	N/A
Application for re-Instatement	855	855.00	N/A
Application for Provisional Statement	2,250	2250.00	N/A
Licence Application (provisional Statement Holder)	855	855.00	N/A
Copy Licence	15	15.00	N/A
Notification of change	23	23.00	N/A
Family Entertainment Centres			
New Application	1,800	1800.00	N/A
Annual Fee	675	675.00	N/A
Application to Vary	900	900.00	N/A
Application to transfer	855	855.00	N/A
Application for re-Instatement	855	855.00	N/A
Application for Provisional Statement	1,800	1800.00	N/A

Licence Application (provisional Statement Holder)	855	855.00	N/A
Copy Licence	15	15.00	N/A
Notification of change	23	23.00	N/A
Adult Gaming Centres			
New Application	1,800	1800.00	N/A
Annual Fee	900	900.00	N/A
Application to Vary	900	900.00	N/A
Application to transfer	1,080	1080.00	N/A
Application for re-Instatement	1,080	1080.00	N/A
Application for Provisional Statement Licence Application (provisional Statement Holder)	1,800	1800.00	N/A
Licence Application (provisional Statement Holder)	1,080	1080.00	N/A
Copy Licence	15	15.00	N/A
Notification of change	23	23.00	N/A
Temporary Use Notices - £500.00 per application			
	500	500.00	N/A
Licensed Premises Gaming Machine Permit (more than two machines) Occasion on which fee may be payable			
Grant	150	150.00	N/A
Existing operator Grant	100	100.00	N/A
Variation	100	100.00	N/A
Transfer	25	25.00	N/A
Annual Fee	50	50.00	N/A
Change of name	25	25.00	N/A
Copy of Permit	15	15.00	N/A
Licensed Premises Automatic Notification Process (Up to two machines) Occasion on which fee may be payable			
On notification- up to 2 category C or D machines only	50	50.00	N/A
Club Gaming Permits Occasion on which fee may be payable			
Grant	200	200.00	N/A
Grant (Club Premises Certificate holder)	100	100.00	N/A
Existing operator Grant	100	100.00	N/A
Variation	100	100.00	N/A
Renewal	200	200.00	N/A
Renewal (Club Premises Certificate holder)	100	100.00	N/A
Annual Fee	50	50.00	N/A
Copy of Permit	15	15.00	N/A
<i>Club Machine Permits Occasion on which fee may be payable</i>			
Grant	200	200.00	N/A
Grant (Club Premises Certificate holder)	100	100.00	N/A
Existing operator Grant	100	100.00	N/A
Variation	100	100.00	N/A
Renewal	200	200.00	N/A
Renewal (Club Premises Certificate holder)	100	100.00	N/A
Annual Fee	50	50.00	N/A

Copy of Permit	15	15.00	N/A
<i>Family Entertainment Centre Gaming Machine</i>			
<i>Permits Occasion on which fee may be payable</i>			
Grant	300	300.00	N/A
Renewal	300	300.00	N/A
Existing operator Grant	100	100.00	N/A
Change of name	25	25.00	N/A
Copy of Permit	15	15.00	N/A
Prize Gaming Permits Occasion on which fee may be payable			
Grant	300	300.00	N/A
Renewal	300	300.00	N/A
Existing operator Grant	100	100.00	N/A
Change of name	25	25.00	N/A
Copy of Permit	15	15.00	N/A
Registration of small Lotteries			
Fee for initial registration:	40	40.00	N/A
Fee for annual renewal:	20	20.00	N/A
Scrap Metal Dealers			
Site License	350	350.00	N/A
Collectors License	250	250.00	N/A
1. REGISTRATION OF PREMISES FOR COMPETITIVE BIDDING (Locally set – no present holders) (GREATER LONDON COUNCIL GENERAL POWERS ACT 1984)			
Fee for Registration	320	320.00	N/A
2. REGISTRATION OF PREMISES FOR THE STORAGE OF EXPLOSIVES (Set by Government) (Manufacture & Storage of Explosives Regulations 2005)			
New Registration fee: (1 Year)	105	105.00	N/A
Annual Renewal fee	52	52.00	N/A
New Registration fee: (2 Years)	136	136	N/A
Annual Renewal fee	83	83	N/A
New Registration fee: (3 Years)	166	166	N/A
Annual Renewal fee	115	115	N/A
New Registration fee: (4 Years)	198	198	N/A
Annual Renewal fee	146	146	N/A
New Registration fee: (5 Years)	229	229	N/A
Annual Renewal fee	178	178	N/A
3 LICENCE TO SELL FIREWORKS ALL YEAR ROUND (Set by Government)			
Application / Renewal Fee	500	500.00	N/A
Transfer	35	35.00	N/A
Duplicate	35	35.00	N/A

Regulatory Services contd. Exhibition Licenses	Propose d Charge		
	£		
(Licensing Fees set locally) (Only one Licence at the present time – Alexandra Palace)			
FEES PAYABLE ARE ON THE FOLLOWING SCALES Capacity (Maximum permitted number of persons)			
Up to100	976.00		
101-200	1,940.65		
201-300	2,916.60		
301-400	3,849.55		
401-500	4,826.55		
501-1000	6,590.20		
1001-1500	8,964.55		
1501-2000	12,557.35		
2001-2500	15,532.25		
2501-5000	32,814.80		
5001 plus	53,383.25		
For new applicants an introductory discount of 50% for the Licenses up to 100 persons non- refundable			
Additional charge for each extension of hours beyond 11.00 p.m. per day	976.00		
Additional charge for each extension of hours beyond 2.00 a.m. per day	1,940.65		
Transfer Fee	2,916.60		
Duplicate Licence	3,849.55		
Exhibition Licenses	4,826.55		
Booking Office Licence	6,590.20		
Transfer of above	8,964.55		
Variation of Annual Licence	12,557.35		

Regulatory Services	Current Charge	Proposed Charge	% Increase	
	£	£		
1. STREET TRADING				
a) APPLICATION FEES FOR LICENCES				
Traditional Stalls, Tottenham Hotspur Match day	130	133.38	2.60%	133
Trading and Displays Outside Shop Premises	130	133.38	2.60%	133
Application/renewal for 3 Years	130	133.38	2.60%	133
Application/renewal for 2 years or less	88	90.29	2.60%	90
Application for temporary licence for six months or less	53	54.38	2.60%	54
Application for temporary licence for six month or less on private land	248	254.45	2.60%	254
Street Festivals/approved events Temporary licence for 1 day	25	25.65	2.60%	26
Tables and chairs outside catering establishments Application/renewal for 1 year	70	71.82	2.60%	72
Temporary Licence for six months or less	43	44.12	2.60%	44
Variations of Licences				
Application for variation made at time of renewal	no charge	no charge		
Application for variation made during term of Licence	86	88.24	2.60%	88
b) WEEKLY CHARGES PAYABLE IN ADDITION TO ABOVE FEES				
Tottenham Hotspur Match day stalls selling refreshments	52	53.35	2.60%	53
Tottenham Hotspur match day non-food stalls	21	21.55	2.60%	22
Small stalls trading 6 days or more	36	36.94	2.60%	37
Temporary small stalls trading two fixed days	25	25.65	2.60%	26
Refreshment and all other large stalls	69	70.79	2.60%	70
Approved extensions to large stalls (per sq. metre)	17	17.44	2.60%	17
Displays of good outside shops (per Sq. metre)	17	17.44	2.60%	17
Tables and chairs outside catering establishments (per sq. metre)	15	15.39	2.60%	15
Temporary Stall at Street Festival	no charge	no charge		
Subsidised charge for First time temp trader up 6months				50% of standard charges above price on request
community events/promotional events				
Temporary licence for 6 months or less on private land	25	25.65	2.60%	26
Other Additional Charges				

Removal by council of goods, stalls, tables, chairs left in street outside trading hours	228	233.93	2.60%	233
Daily storage of same by Council	130	133.38	2.60%	161
Removal and disposal of refuse by council in default of licence holder				
	Actual cost incurred + 30%			
	Establishment Charge	Actual cost incurred + 30% Establishment Charge	0.00%	
Refunds by Council Refusal to renew licence (other than temporary licence)	Whole Fee	Whole Fee	0.00%	
Refusal to grant a licence	50% of fee	50% of fee	0.00%	
Enforcement				
Release fee for the removal and one day storage of a vehicle seized In lieu of legal proceedings	251	257.53	2.60%	257
Additional daily charge (excluding Saturdays, Sundays and Public Holidays)	143	146.72	2.60%	146
Refunds by council Refusal to renew licence	Whole Fee	Whole Fee	0.00%	
Refusal to grant licence	50% of fee	50% of fee	0.00%	
Markets in Haringey (POP UPS)				
Temp licence for 6 days trading. provided they are within the s:		25	0%	25

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Report for: Regulatory Committee 20th November 2018

Title: Animal Welfare Regulations 2018.

Report

authorised by : David Murray Interim Assistant Director of Environment & Neighbourhood

Lead Officer: Daliah Barrett, 0208489 8232, daliah.barrett@haringey.gov.uk

Ward(s) affected: 'All'

Report for Key/

Non Key Decision: Key decision

1. Describe the issue under consideration

1.1 The report is to advise the Committee of the new Animal Welfare Regulations which will change the existing licencing regime for animal establishments and seek approval for the fees to be charged under the new regime.

2. Recommendations

2.1 That the Regulatory Committee notes the contents of the briefing and agree fee levels required to administer the new arrangements as set out in Appendix 1.

3 Background information

3.1 The Council is at present responsible for the regulation of a variety of animal related businesses, as well as the keeping of specified dangerous animals by individuals, the various existing licence types issued by the Council are:

- Animal boarding establishment's licences – for businesses accommodating dogs or cats- e.g. kennels, catteries home boarders, pet day care.
- Dog breeding establishments – premises used for or in connection with the commercial breeding of dogs.
- Pet shop licences – any business that keeps animals with a view to selling them as pets.
- Riding establishment licences – premises which keep horses and ponies for hire for riding or for riding tuition – excluding livery stables. – Haringey has none of these.
- Zoo licences and Dangerous Wild Animals licences
- Performing animals licensing

3.2 Currently, numerous pieces of legislation and adoption of local policy and conditions regulate the six licence types set out 3.1. In addition, some business that offers two or more of the licensable activities e.g. pet shop that also offers accommodation for dogs and cats while their owners are away, would have to apply for both a pet shop and animal boarding establishment licence attracting two sets of fees.

3.3 In order to simplify, rationalise and bring legislation together the Animal Welfare (Licensing of activities involving animals) (England) Regulations 2018 were published earlier this year. They significantly change the way animal related businesses are inspected and licensed and came into effect on 1st October 2018.

4. **The main changes**

4.1 The Animal Welfare (Licensing of activities involving animals) (England) regulations 2018 define the animal based activities that require licences as follows:

- selling animals as pets (or with a view to their being later resold as pets) ; the online sales of pets is also included
- providing or arranging for the provision of boarding for cats or dogs - on any premises where the provision of that accommodation is a purpose of the business.
- activity of hiring out horses – riding, instruction in riding or both
- activity of breeding dogs – breeding of three or more litters in a 12 month period, or breeding dogs and advertising a business selling dogs including online
- keeping or training animals for exhibition – or education or entertainment purposes, whether to an audience attending in person or by the recoding of visual images of them by any form of technology or both,

4.2 The first significant change is that all six activities are brought into one new Animal Activity Licence. The regulation sets out the general approach the Council will take when carrying out its regulatory role under the Act. If an applicant is running more than one licensable animal related activity, each activity will be assessed separately and set out in one licence. The duration of the licence may be anything between one year and three years dependant on the outcome of their inspections and the type of licence.

4.3 The Regulations provide for local authorities to be the licensing authorities. Any person wishing to carry on any of these activities in England must obtain a licence from their local authority. Any person carrying on any of these activities without a licence would commit an offence and that person would be liable to imprisonment for up to six months, a fine or both.

4.4 Part 2 of the Regulations set out how a person may apply for a licence and the matters in respect of which the local authority must be satisfied when considering the grant or renewal of a licence. A local authority may charge fees to cover the costs of performing this function. Officers will have powers to inspect premises and also to take samples from animals.

4.5 Part 3 sets out the circumstances and procedures under which a licence may be suspended, varied or revoked. It also makes it an offence to breach a condition or obstruct any inspector appointed for the purposes of enforcement of these regulations.

- 4.6 The new provisions contain nationally set regulations for each animal based activity, which cannot be changed in anyway and forms the basis for conditions that are imposed on the new licences.
- 4.7 Breeding of dogs and advertising a business selling dogs and or breeding three or more litters of puppies in any 12 month period are now covered by the Regulations.
- 4.8 The Regulations also introduces specific requirements about advertisements for the sale of dogs which will need to include the licence number, the local authority that issued the licence, a recognisable photo of the dog being advertised and the age of the dog being advertised.
- 4.9 The sale of puppies below eight weeks of age will be prohibited.
- 4.10 Part 4 sets out the appeal provision if the grant of a licence is refused or the licence is suspended the operator will be able to appeal to a First Tier Tribunal which would be made up of a panel with specialist knowledge administered by HM Courts and Tribunal services.
- 4.11 There a raft of new general conditions that apply to each activity. These have been distributed to the existing licence holders and will be available on the Councils website.
- 4.12 Authorities will be required to submit an annual data return in electronic format to DEFRA on the number of licences and registrations held for the animal activities. The publishing of this information nationally should assist to reduce the time spent on Freedom of information requests which are common on animal welfare licensing matters.

5 Inspection Process

- 5.1 The new regime requires a 'qualified inspector' to carry out the inspections and in the case of the grant of a dog breeding establishment and at grant or renewal of horse riding establishments they must be accompanied by a veterinary surgeon. To qualify to inspect these premises a person must hold a Level 3 certificate granted by a body recognised and regulated by the Office of Qualifications and Examinations Regulations, which oversees training and assessments of persons inspecting and licensing certain animal activities businesses and must have passed an independent exam. Their certificate must apply to the specific type of activities they are inspecting. If an inspector is not available then a qualified veterinary surgeon must carry out the inspection. The Council will consider the use of the City of London Vets to fulfil this requirement on behalf of the Council.
- 5.2 Under the new arrangements, the inspection process will be much more comprehensive and built around providing the premises with a risk rating. This process will establish whether the business is low risk or higher risk based on the level to which it meets the standards set out in regulations and guidance and award between one to five stars, these determine the length of the licence (with the exception of 'Keeping and Training Animals for Exhibition' for which all Licences will be issued for 3 years as default). The star rating will be displayed on the licence and included in the Councils public register.

- 5.3 Businesses established will attain a star rating between one and four stars. One being the highest risk.
- 5.4 If one or two stars are issued they will be issued a one year licence and can expect a minimum of one announced visit during that period. If four stars are attained the licence will be issued for two years and the licence holder can expect one unannounced visit during the two year period.
- 5.5 Lower risk businesses can be issued a licence for any period between one to three years. Licence holders can expect a minimum of one unannounced visit at any time during the period specified on the licence. Businesses that are certified by a UKAS accredited body to operate animal welfare certification it should be considered low risk and receive a higher star rating (unless there is evidence of poor animal welfare or non-compliance. Existing businesses that are not certified must be assessed using a risk scoring table which is also set out in the guidance to ascertain their score, and from this their star rating. New business that are not certified will automatically be considered high risk as they have no operational history.

6 Finance

- 6.1 The Council aims to cover the cost of the service when setting discretionary charges, which accurately reflect the full cost of provision including recharges. Fees must be reasonable and proportionate however. It is also a requirement of the Council's policy that fees be reviewed annually to ensure that costs are appropriately recovered. It is not lawful however, for the council to seek to make a profit from licence fees that are within its discretion.

6.2 Method of Fee Construction

- 6.3 Traditionally the fees charged for licences have included the costs of processing the application, the costs of monitoring compliance, and the costs of enforcing against unlicensed and licensed operators. Until recently, application fees have been payable in full at the time of making an application. However, the case of Hemming's v Westminster City Council has clarified the costs that local authorities can include when setting licence fees. The courts also concluded that the licence fee is essentially made up of two parts, A and B as follows:-

Part A is to cover the direct costs associated with processing the application, to the point where a decision is made and if appropriate a licence is issued. This includes handling applications and payments, and carrying out pre-licensing inspections. The Part A fee is payable in full on submission of the application, and is non-refundable.

Part B is to cover the costs associated with running the licensing function. This includes investigating complaints, enforcement, and general administration. The Part B fee would only become payable if a licence is granted, and would need to be paid before the licence becomes operational.

- 6.4 The methodology that will be used to calculate fees is to allocate officer time throughout the year against each of the elements of Part A and Part B. The

appropriate proportion of an hourly rate (constructed from direct costs and indirect costs for all officers involved in the process) is then applied and totalled to give an overall cost. Direct costs are made up of salaries and salary on-costs. Indirect costs (overheads) include support recharges, general accommodation and operational running costs and insurance.

- 6.5 The hourly rates for each officer, including salary on-costs and overheads, are then applied to the time allocations and divided by the number of licences in each category to give the cost per licence.
- 6.6 The proposed fees are found at Appendix 1, and are separated in order to ensure the Council has a two stage process. At present fees have been estimated and need to be reviewed on a yearly basis as the new regulations become embedded. Significant non-compliance and poorly rated premises may have the effect of increasing the fee structure.
- 6.7 Members are asked to note the new regulatory requirements and the need to ensure that costs are recovered has meant there is significant increase in fees. The requirements are complex and require an experienced competent person to carry out the inspections and ratings. This is currently carried out by the City of London Vets.
- 6.8 Current Animal licences issued in Haringey:

Table showing breakdown by licence type

Animal Licence type	
Cat Boarding	1
Pet Shops	2
Doggy Day care/Boarding	3

7. Legal

- 7.1 The Assistant Director of Corporate Governance has been consulted in the preparation of this report and confirms that the legal implications are as set out in the body of the report.

8. Procurement

- 8.1 The Council has an existing contract with City of London Vets which will be renewed to ensure the Council is compliant with the new requirements.

9. Equality

- 9.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- a) Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- b) Advance equality of opportunity between people who share those protected characteristics and people who do not; and

- c) Foster good relations between people who share those characteristics and people who do not.
- 9.2 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnerships status applies to the first part of the duty.
- 9.3 The new regulations will improve the standards of animal-based activities listed in the report. The regulations will improve the wellbeing for pets in the borough and ensure that individual breeders are keeping their animals in appropriate conditions.
- 9.4 The regulations are likely to reduce puppy and kitten farming in the borough as they will restrict the ability for individuals to sell puppies and kittens if they have imported them or acquired them from a separate breeder.
- 9.5 License holders in the borough will be required to keep extensive records of their activities, which will ensure that they are held accountable for any negligence and can be more easily prosecuted if they are found to be operating illegally.
- 9.6 As a consequence of the new regulations, the levels at which the Council is proposing to set its licensing service fees in this area are commensurate with other Local Authorities across the country.
- 9.7 The Council does not hold data on the protected characteristics of individuals who engage in the defined list of animal-based activities. The Council holds data on individuals and groups who share protected characteristics for the borough as a whole. This information is available publicly on the Council's website (https://www.haringey.gov.uk/sites/haringeygovuk/files/equalities_profile_of_haringey.pdf). However, a comparatively small number of individuals currently engages in the defined list of animal-based activities. Therefore, it is considered reasonable to suggest that there is no reason to think that any group who share a particular protected characteristic would be overrepresented in the cohort of individuals engaging the defined list of animal-based activities or disproportionately impacted by the proposed changes.
- 9.8 The Council will work with the individuals affected to identify any potential equality impacts during the implementation of the regulations and fees. The Council will continue to ensure that the changes are well communicated in the borough so that individuals have time to prepare for the transition.
- 10. Use of Appendices**
- 10.1** The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- 11 Local Government (Access to Information) Act 1985**
- 11.1 Appendix 1 – Fee costing and comparison

Appendix 1- Proposed Animal Licensing fees and existing fees for comparison.

Licence Activity		Fee Type 1 year	2 year	3 Year	Additional Costs to applicant	Current fees for comparison Annual Vets cost is £4k
Animal Boarding		Application-425.00 Grant Fee - 160.00 Total – £585.00	£160.00- additional	£320.00 additional	Vets fees	£357.00
Animal Boarding inside domestic premises	0 - 5 Animals	Application-425.00 Grant Fee - 160.00 Total – £585.00	£160.00- additional	£320.00 additional		As above
“	6 - 25 Animals	Application-425.00 Grant Fee - 160.00 Total – £585.00	£160.00- additional	£320.00 additional		“
“	26 - 50 Animals	Application-425.00 Grant Fee - 160.00 Total – £585.00	£160.00- additional	£320.00 additional		“
“	50+ Animals	Application-425.00 Grant Fee - 160.00 Total – £585.00	£160.00- additional	£320.00 additional		“

Dog Breeding	0 - 5 Animals (only pay) (£130 if also applying for Animal Boarding- SEE ABOVE)	Application- 425.00 Grant Fee - 160.00 Total – £585.00	£160.00- additional	£320.00 additional		215.46
“	6 - 25 Animals	Application- 425.00 Grant Fee - 160.00 Total – £585.00	£160.00- additional	£320.00 additional		“
“	26 + Animals	Application- 425.00 Grant Fee - 160.00 Total – £585.00	£160.00- additional	£320.00 additional		“
Pet Shops		Application- 425.00 Grant Fee - 160.00 Total – £585.00	£160.00- additional	£320.00 additional		363.20
Keeping or training animals for exhibition (3 year licence by default)		N/A	N/A	Application- 425.00 Grant Fee - 160.00 Total – £585.00		£102.00
Dangerous Wild Animal 1 Species (Add £160 per additional species on application or		Application- 425.00 Grant Fee - 160.00 Total – £585.00	£160.00- additional	N/A	Additional Vets fees	£592.00

variation						
Additional Licensable activities*		£160.00- Application fee				N/A
Variation to licence/re-evaluation of star rating • Animal boarding • Pet Shops • Keeping animals for exhibition		£160.00				N/A
Variation to licence/re-evaluation of star rating • Dog breeding • Hiring out horses		£160				N/A
Transfer of licence due to death of licensee		£160				N/A
Replacement of licence	10.50					N/A

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