

**IMPLEMENTATION OF A NEW LICENSING REGIME UNDER THE ANIMAL WELFARE
(LICENSING OF ACTIVITIES INVOLVING ANIMALS) (SCOTLAND) REGULATIONS 2021****1.0 EXECUTIVE SUMMARY**

1.1	The Animal Welfare (Licensing of Activities Involving Animals)(Scotland) Regulations 2021 come into effect on the 1 st September 2021, and place new statutory duties on Councils to licence certain activities concerning animals and also modernises the existing animal welfare licence regimes. This report advises members of this new requirement which will be carried out by Environmental Health, and seeks members approval to introduce appropriate fees and charges
1.2	The Regulations replace previous legislation covering pet sales and dog breeding and introduces new licensing requirements for cat and rabbit breeders, animal welfare establishments (such as animal sanctuaries and rehoming centres) and other pet rehoming activities, subject to operators meeting the licensing threshold for each activity. Work is ongoing to introduce the licensing scheme although Scottish Government Guidance to local authorities was only received on the 14 th July 2021. There will be a delay in fully implementing the scheme in Argyll and Bute to allow appropriate processes and fees to be in place, for this reason existing businesses will be able to continue to operate, unless there are significant animal welfare issues.
1.3	The Regulations make provision for local authorities to charge a fee for the consideration of an application for grant, renewal or variation of a licence and the subsequent grant, renewal and variation of the licence. A fee for the reasonable anticipated costs of enforcement action in relation to any licensable activity of unlicensed operators, although all costs must be reasonable and transparent. The proposed fees are detailed in sections 4.4/4.5 of the report and in the recommendations, and are based on full cost recovery
1.4	<p>Recommendation: Committee is asked to:-</p> <ol style="list-style-type: none"> 1. Note the introduction of a new licensing regime under the Animal Welfare (Licensing of Activities Involving Animals)(Scotland) Regulations 2021; and 2. Recommend to Council, agreement of the fees and charges as outlined in Section 4.5 of the report.

**IMPLEMENTATION OF A NEW LICENSING REGIME UNDER THE ANIMAL WELFARE
(LICENSING OF ACTIVITIES INVOLVING ANIMALS) (SCOTLAND) REGULATIONS 2021**

2.0 INTRODUCTION

2.1 The Animal Welfare (Licensing of Activities Involving Animals)(Scotland) Regulations 2021 come into effect on the 1st September 2021, and place new statutory duties on Councils to licence certain animal activities under the Regulations. This report advises members of this new regime, which undertaken by Environmental Heath, and seeks Committee approval to introduce appropriate fees and charges

3.0 RECOMMENDATIONS

3.1 Committee is asked to:-

1. Note the introduction of a new licensing regime under the Animal Welfare (Licensing of Activities Involving Animals)(Scotland) Regulations 2021; and
2. Recommend to Council, agreement of the fees and charges as outlined in Section 4.5 of the report.

4.0 DETAIL

4.1 The Regulations replace previous legislation covering pet sales and dog breeding and introduce new licensing requirements for cat and rabbit breeders, animal welfare establishments (such as animal sanctuaries and rehoming centres) and other pet rehoming activities, subject to operators meeting the licensing threshold for each activity.

4.2 Work is ongoing to introduce the licensing scheme. Scottish Government Guidance was issued to local authorities the 14th July 2021, and there will be a delay in fully implementing the scheme in Argyll and Bute. This will allow appropriate processes and fees to be in place. Existing businesses will be able to continue to operate, unless there are significant animal welfare issues. The target is all compliant premises to be licensed by 31st March 2022, as appropriate.

4.3 The licensing scheme introduces a new licensing regime for some premises, which are currently licenced by the Council, including pet shops and dog breeders. They will continue to operate under their current licence until it expires and then come within the new regime thereafter. There will be a new requirement for additional animal welfare establishments, which include:

- a. Cat and rabbit breeders

- b. Animal welfare establishments, including animal rehoming centres, anyone selling animals as pets in the course of their business and animal sanctuaries

There will be additional work arising from the new licensing regime and total number of premises are unknown at present. However, the Council are aware of 14 premises which includes 7 premises currently licensed as pet shops or dog breeders.

- 4.4 The licensing regime is to be self-funded through licensing fees on a full costs recovery basis. Fees and charges have been developed in liaison with other local authorities. Fees will cover all costs associated with determining an application, including initial inspections by officers and any monitoring visits. There will be full recovery of veterinary costs from the licensee as is currently done for other licences (e.g. riding establishments licensing etc.). A fee for formal enforcement visits is proposed for any licensable activity or unlicensed operators once a decision has been made that formal enforcement is necessary. There will be a fee for the first formal enforcement visit, and subsequent action will be at an hourly officer rate. The “fee for enforcement” will be charged to non-compliant businesses and this may encourage licensees to effectively manage their business.
- 4.5 The table below lists the proposed fees and charges, and Appendix 1 provides further detail on how these were calculated. A 50% discount for registered charities for new applications or renewals is proposed. The discount will not apply for variations or to enforcement visits and they will be liable for all veterinary charges. This recognises the important role they play on this sector (particularly rehoming) and reduces the financial impact of the new licensing scheme.

	Sale of pet animals	Animal rehoming activities	Animal welfare establishments	Breeding of dogs	Breeding of cats	Breeding of rabbits
New application/renewal (note 1)	£197.93	£197.93	£228.38	£182.70	£182.70	£182.70
Variation of licence	£152.25	£152.25	£182.70	£137.03	£137.03	£137.03
Charitable discount (to registered charities to new applications renewals and variations) (Note 2)	50%	50%	50%	50%	50%	50%
Licensing Enforcement Visit No 1	£175.09	£175.09	£190.31	£159.86	£159.86	£159.86
Subsequent enforcement visits (includes officer time, travel and reports etc)	Charged at hourly rate in 30-minute period.	Charged at hourly rate in 30-minute period.	Charged at hourly rate in 30-minute period.	Charged at hourly rate in 30-minute period.	Charged at hourly rate in 30-minute period.	Charged at hourly rate in 30-minute period.
Hourly officer rate	£30.45	£30.45	£30.45	£30.45	£30.45	£30.45

Notes:

1. Full vets fees/SSPCA fees will be recovered in full from the applicant/licensee
2. Charitable discount does not apply to charges for enforcement action.

5.0 CONCLUSION

- 5.1 The new licensing requirements under the Animal Welfare (Licensing of Activities Involving Animals)(Scotland) Regulations 2021 are designed to protect animal

welfare and introduce a new requirement for licensing some a number of animal welfare establishments. Arrangements are in place to introduce a licensing regime to deliver the Councils statutory duties.

- 5.2 Resourcing to deliver the scheme will be initially from within the existing environmental health resource. Income generated will fund an additional resource, as the service does not have sufficient capacity to deliver its wide range of statutory core duties.

6.0 IMPLICATIONS

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|-------|--------------------------------------|--|
| 6.1 | Financial : | Scheme will be full costs recovery |
| 6.2 | Legal : | New statutory duty on local authority to licence animal welfare establishments |
| 6.3 | HR | HR : Additional resources will be funded from income |
| 6.4 | Fairer Scotland Duty: | None |
| 6.5.1 | Equalities protected characteristics | - No impacts |
| 6.5.2 | Socio-economic Duty: | Propose reduction in fees for charitable organisations |
| 6.5.3 | Islands : | None |
| 6.6 | Risk: | <ul style="list-style-type: none">• The delay in delivering the new licensing regime• Lack of available resource to deliver the licensing scheme. |
| 6.7 | Customer Service: | There will be a proactive communication strategy to advise business of the new requirements |

Executive Director with responsibility for Regulatory Services: Kirsty Flanagan

Policy Lead: Cllr David Kinniburgh

9th August 2021

For further information contact:

Alan Morrison, Regulatory Services Manager/ Jo Rains, Environmental Health Manager

APPENDICES

Appendix 1: Detailed breakdown of fees

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Summary: Animal Welfare Licensing Fees and charges

	Sale of pet animals	Animal rehoming activities	Animal welfare establishments	Breeding of dogs	Breeding of cats	Breeding of rabbits
New application/renewal (note 1)	£197.93	£197.93	£228.38	£182.70	£182.70	£182.70
Variation of licence	£152.25	£152.25	£182.70	£137.03	£137.03	£137.03
Charitable discount (to registered charities to new applications renewals and variations) (Note 2)	50%	50%	50%	50%	50%	50%
Licencing Enforcement Visit No 1	£175.09	£175.09	£190.31	£159.86	£159.86	£159.86
Subsequent enforcement visits (includes officer time, travel etc.)	Charged at hourly rate in 30-minute period.	Charged at hourly rate in 30-minute period.	Charged at hourly rate in 30-minute period.	Charged at hourly rate in 30-minute period.	Charged at hourly rate in 30-minute period.	Charged at hourly rate in 30-minute period.
Hourly officer rate	£30.45	£30.45	£30.45	£30.45	£30.45	£30.45

Notes:

1. Full vets fees will be recovered in full from the applicant/licensee
2. Charitable discount does not apply to charges for enforcement action.

Detailed breakdown of fees

Animal Welfare Licencing - Fees						
	Sale of pet animals	Animal rehoming activities	Animal welfare establishments	Breeding of dogs	Breeding of cats	Breeding of rabbits
New application/renewal	£197.93	£197.93	£228.38	£182.70	£182.70	£182.70
Receipt and check of application	0.5	0.5	0.5	0.5	0.5	0.5
Process of fee	0.5	0.5	0.5	0.5	0.5	0.5
LA assess fit and proper person	0.5	0.5	0.5	0.5	0.5	0.5
LA arrange compliance inspection	0.5	0.5	0.5	0.5	0.5	0.5
LA compliance inspection	3.00	3.00	4.00	2.5	2.5	2.5
LA arrange vet inspection	0.5	0.5	0.5	0.5	0.5	0.5
Consideration of vet report	0.5	0.5	0.5	0.5	0.5	0.5
Issue of licence	0.5	0.5	0.5	0.5	0.5	0.5

Variation of licence	152.25	152.25	£182.70	£137.03	£137.03	£137.03
Receipt and check of application	0.5	0.5	0.5	0.5	0.5	0.5
Process of fee	0.5	0.5	0.5	0.5	0.5	0.5
LA arrange compliance inspection	0.5	0.5	0.5	0.5	0.5	0.5
LA compliance inspection	2.00	2.00	3.00	1.5	1.5	1.5
LA arrange vet inspection	0.5	0.5	0.5	0.5	0.5	0.5
Consideration of vet report	0.5	0.5	0.5	0.5	0.5	0.5
Re-issue of licence	0.5	0.5	0.5	0.5	0.5	0.5
Licence compliance inspection (LA)	£91.35	£91.35	£121.80	£76.13	£76.13	£76.13
Travel, average time on site	2.00	2.00	3.00	1.5	1.5	1.5
Prep of report	1.00	1.00	1.00	1.00	1.00	1.00
Licence enforcement inspection (LA)	£175.09	£175.09	£190.31	£159.86	£159.86	£159.86
Consideration of enforcement reason	0.75	0.75	0.75	0.75	0.75	0.75
Travel, average time on site (LA)	2.00	2.00	2.5	1.5	1.5	1.5
LA arrange vet inspection	0.5	0.5	0.5	0.5	0.5	0.5
Consideration of vet report	0.5	0.5	0.5	0.5	0.5	0.5
Prep and issue of enforcement report	2.00	2.00	2.00	2.00	2.00	2.00
		Hourly rate		Half hour		
Further hourly officer rate for additional enforcement work		30.45		15.23		

Note

The licence fee is the same whether 1,2 or 3 year duration

No licence compliance inspections will be carried out mid-cycle

Licence enforcement inspections will be carried out on receipt of a justified complaint. Non-justifiable complaints will not be charged for.

All veterinary/SSPCA fees will be charged back to the licensee