



# Report to Licensing (Regulatory) Committee

**Date:** 16<sup>th</sup> April 2024

**Title:** Approval of Animal Licence Fees and Charges

**Author(s):** Lindsey Vallis, Service Director – Transport & Regulatory Services

**Recommendation:**

**To approve a 4% increase in animal licence fees and charges as set out in Appendix 1 to ensure that the animal licence regime remains cost neutral. Once approved the new fees and charges shall be applied from 1<sup>st</sup> May 2024.**

## **1. Background**

- 1.1 In accordance with the Animal Welfare Act 2006, Buckinghamshire Council, in its role as Licensing Authority, is responsible for authorising businesses that provide animal activities and ensuring that these activities meet statutory licensing and welfare standards that are prescribed by DEFRA. In addition, the Council is also responsible for licensing kept animals that are defined as dangerous wild animals under the Dangerous Wild Animals Act 1976 and for the licensing of zoos under the Zoo Licensing Act 1981.
- 1.2 The purpose of this report is to provide the Licensing Committee with an update on the current position regarding animal licence fees and to seek approval to apply a 4% increase in licence fees for the period 2024/25 to ensure that the animal licence regime is cost neutral. It is proposed that the new fees take effect from 1<sup>st</sup> May 2024.
- 1.3 Licence fees should be subject to full review on a rolling 3-year cycle. Animal licence fees and charges were last subject to a full review in July 2022, when the current fees were set. It is therefore proposed that a full 3-year review is carried out towards the end of the 2024/25 period and a further report is provided to the Licensing Committee at that time.

## **2. Main content of report**

- 2.1 **Statutory provisions**

- 2.2 The relevant statutory provisions that enable the local authority to set and recover fees for animal licensing activities are set out within the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, made under the Animal Welfare Act 2006, the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981. DEFRA and the Local Government Animal Welfare Group also issue guidance to local authorities to support fee setting.
- 2.3 **Animal Welfare Act 2006 and Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018**
- 2.4 The Licensing Authority is responsible for issuing licences to an individual (or ‘operator’) under the Animal Welfare Act and associated regulations, including for the following primary activities, providing or arranging provision of boarding for cats and dogs, the breeding of dogs for commercial purposes, keeping or training animals for exhibition, selling animals as pets and hiring out horses. The legislation and associated statutory guidance (produced by DEFRA and which the Council must operate to) are very prescriptive in nature and have become increasingly so in recent years as growing public concern and awareness around animal welfare issues has been reflected in statute. There are very significant obligations placed on Licensing Authorities to ensure that licenced premises meet at least the minimum standards of animal welfare required.
- 2.5 As at the 1<sup>st</sup> April 2024 Buckinghamshire Council licensed 197 operators under the Regulations; 12 dog breeders, 21 operators hiring out horses, 19 animal exhibitors, 18 operators selling animals as pets, and 130 operators providing or arranging of boarding cats or dogs. Note that some operators hold licences for more than one activity.
- 2.6 Under Regulation 13 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, local authorities can charge fees for:
- a) considering an application, including any inspections,
  - b) compliance checks on existing licence holders, this includes the costs of inspections
  - c) enforcement costs against an unlicensed operator doing licensable activities
  - d) compiling and submitting data needed by the Secretary of State
- 2.7 **Dangerous Wild Animals Act 1976**
- 2.8 The Licensing Authority is responsible for issuing licences to private individuals (the ‘keeper’ of the animal) that keep certain species of dangerous wild animals with the intention of ensuring that they do so in circumstances that create no risk to the public and safeguard the welfare of the animals. The Council has statutory duties to licence the keeping of any animal controlled by the Act. This requirement does not

apply to dangerous wild animals kept in a zoo or a circus, nor to premises licensed for selling animals as pets, or a place which is a designated establishment within the meaning of the Animals (Scientific Procedures) Act 1986. The types of animals that require a licence are specified within the Schedule to the Act and include primates, wild cats and dogs, bears, ostriches, crocodiles and alligators and some species of snakes, lizards, scorpions and spiders.

- 2.9 As at the 1<sup>st</sup> April 2024 Buckinghamshire Council licensed 4 dangerous wild animal keepers to keep lemurs, black buck, sitatunga, nilgai, capuchin, and lynx.
- 2.10 Section 1(2)(e) of the Act states that a local authority shall not grant a licence unless the application for it is 'accompanied by such fee as the authority may stipulate (being a fee which is in the authority's opinion sufficient to meet the direct and indirect costs which it may incur as a result of the application)'.
- 2.11 **Zoo Licensing Act 1981**
- 2.12 The Licensing Authority is responsible for issuing zoo licences under the Zoo Licensing Act 1981 to anyone who keeps an establishment where wild animals (as defined in Act) are kept for exhibition to the public, other than for purposes of a circus or pet shop, and the public have access with or without charge on seven days or more in a 12-month period.
- 2.13 On the 1<sup>st</sup> April 2024 Buckinghamshire Council licensed 3 zoos. All are small scale specialist collections and as such have been given statutory dispensation by the Animal and Plant Health Agency (APHA) which reduces the requirements under the Act. Inspections of zoos with an APHA dispensation are carried out by a licensing officer and an APHA nominated expert veterinarian.
- 2.14 Under section 15 of the Act local authorities have the power to charge such reasonable fees as they may determine in respect of applications for the grant, renewal, or transfer of licences and subsequent action. Local authorities may also charge for reasonable expenses incurred by them in respect of inspections. This charge includes both the costs incurred by the local authority in appointing their own inspectors and the costs incurred in meeting the cost of services and expenses of those inspectors appointed by the Secretary of State (where required). Under section 15(5) the local authority is required to ensure that the amount of all fees and other sums charged in a particular year is sufficient to cover the reasonable expenditure incurred by the authority in that year by virtue of the Act.
- 2.15 The general methodology behind the review of fees is determined by the document Local Government Association (LGA) guidance on locally set licensing fees. The core principles in the LGA guidance are that fees should be non-discriminatory; justified; reasonable and proportionate to the cost of the processes associated with a licensing scheme; clear; objective; made public in advance; transparent; and accessible. It is also 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. Fees should be set at a level to ensure full cost recovery whilst also being fair and providing value for money for the businesses. Councils are required to take a reasonable and proportionate approach and should aim to set a fee level that is sufficient to cover the cost, but not make a surplus.

- 2.16 The Council's constitution provides delegated responsibility to officers to set fees but recognises that it may be appropriate, under consultation with the portfolio holder, to refer a decision to the relevant Committee. The Licensing Committee is delegated with responsibility to determine and set fees associated with animal licensing.
- 2.17 Animal licensing fees were subject to a full review and were last set by the Licensing Committee in July 2022. At this meeting it was reported that fees would continue to be reviewed annually in relation to any increase in RPI, or alternate inflationary measure used by the Government, and where appropriate an increase would be applied to the fee to recover related increased costs to the council. The Committee requested that an update report was provided when fees were next proposed to be increased. This report details the first inflationary increase since fees were last set at full review in 2022.
- 2.18 As background the comprehensive review in 2022 considered the average time spent on each regime activity and included receipt, review and validation of the application, research, travel, inspections (initial and mid-term) and report writing as well as issue of the licence documents. Compliance and enforcement costs for administering the regime were also attributed as well as recoverable costs incurred by the Council such as Democratic Services and Committees, corporate governance, IT provision, administration, supplies and services etc.
- 2.19 Some animal licensing inspections are undertaken alongside an expert veterinarian including for operators breeding dogs (at first inspection), hiring out horses and those keeping a dangerous wild animal. The services of a vet are also used occasionally on an ad-hoc basis, as required to support decision-making. Where the services of a vet are required, the third-party vet fees are separated from the application fee and reflect the cost of the vet visit solely for that particular operator. This is considered fairer to businesses than including the vet fee within the application fee, as inspections of smaller operators and those that are more compliant tend to require less input and time from a vet than a larger, and/or non-compliant business and will be cheaper. The Licensing Service sources the approved vet and pays the practice directly. The fee is then recovered from the operator/keeper.
- 2.20 Having reviewed the budgetary position, licence fees should now increase by 4%, which reflects the CPI measure of inflation for the preceding 12 months, to ensure that income from animal licence fees continue to meet the costs incurred in

administering the licence regime. This increase is consistent with other increases across the varying licensing regimes.

- 2.21 Current licence fees are shown at Appendix 1, together with the proposed fees reflecting a 4% increase. There is no statutory requirement for public consultation when setting fees under the Acts and the proposed increased fees and charges are included within this report solely for the purposes of consideration and approval by the Committee.
- 2.22 Licence fees should be subject to full review on a rolling 3-year cycle. Animal licence fees and charges were last subject to a full review in July 2022, when the current fees were set. It is therefore proposed that a full 3-year review is carried out towards the end of the 2024/25 period and a further report is provided to the Licensing Committee at that time.

### **3. Next steps and review**

- 3.1 If approved, it is intended that the fee changes will be communicated to existing licence holders and the changes will take effect from 1<sup>st</sup> May 2024.
- 3.2 The Government has recently published new regulations under the Animal Welfare (Primate Licences)(England) Regulations 2023 regarding the keeping of primates which will make it illegal for private keepers in England to own and keep primates without a licence from April 2026. Licensing Authorities will be expected to consider applications and issue licences under these regulations. Once the expected guidance on the new regulations has been published by the Government a report will be presented to the Licensing Committee for review setting out the implementation plans for the new regime, including any proposed licence fees for consideration and approval.
- 3.3 These activities will introduce some additional resource requirements for the Council. It is anticipated that some new burdens funding may accompany this additional work but the amount is not yet known.

### **4. Other options considered**

- 4.1 None. The setting of fees is a statutory requirement. Animal licensing fees are required to be cost neutral and a reasonable fee must be charged to cover the cost of the service.

### **5. Legal and financial implications**

- 5.1 Animal licensing legislation allows for the recovery of a reasonable fee for the grant of a licence. The fees must be set at a level which ensures that the Council does not make a profit and any deficit or surplus should be taken into consideration in

subsequent fee reviews, to be recovered or refunded over a rolling three-year cycle. There are no impacts on the Councils medium term financial plan.

## **6. Corporate implications**

6.1 Property – N/A

6.2 HR – N/A

6.3 Climate change – N/A

6.4 Sustainability – N/A

Equality – N/A Data – N/A

6.5 Value for money – the Licensing Service has ensured that the costs involved in delivering the service are kept to a minimum.

6.6 **Key documents:**

[LGA Guidance on locally set licensing fees](#)

