

**REPORT TO:** Cabinet

**MEETING DATE:** 10 November 2020

**BY:** Depute Chief Executive (Resources and People Services)

**SUBJECT:** Setting of fee for Animal Dealing Licence

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**1 PURPOSE**

- 1.1 To advise Cabinet of the proposed fee for a new category of licence in respect of Animal Dealing activities.

**2 RECOMMENDATIONS**

- 2.1 That Cabinet approve the fees proposed in paragraph 3.6 below.

**3 BACKGROUND**

- 3.1 The Council has been responsible for various licences in respect of animals for many years, in particular in respect of Dog Breeding establishments and animal boarding businesses.
- 3.2 The Animal Health & Welfare (Scotland) Act 2006 empowered Scottish Ministers to promote regulations that require the licensing of certain activities relative to the dealing in (rather than breeding of) dogs and cats. The relevant regulations are the Licensing of Animal Dealers (Young Cats & Young Dogs) (Scotland) Regulations 2009, which came into force on 31 March 2009 for activities after 30 April 2009.
- 3.3 The Regulations require a licence for carrying on the business of acquiring and keeping with a view to sale, and selling, a young cat or dog (defined as less than 84 days old). The Regulations make it an offence to carry on such an activity unless a licence is held. Applicants will therefore require to apply for, pay for and obtain the licence prior to undertaking any of the activities falling under the definition of animal dealing. The Council is required to process an application for this licence within a period of three months from the date of receipt of an application. The regulations specifically state that they do not apply to dog breeding establishments under the Breeding of Dogs Act 1973, pet shops, the sale of the offspring

of a family pet, or where no more than two young animals are sold in any 12 month period. So a person in the commercial business of breeding dogs and then selling them, will require to be licenced under the Breeding of Dogs Act and not under the above-mentioned Regulations, as the two regimes are made mutually exclusive.

- 3.4 It would appear that general awareness of these regulations is not as wide as may have been expected, and East Lothian Council did not introduce an Animal Dealers licence under these Regulations at the time of their introduction. As there have been no applications for such a licence for many years, this position was not initially noted.
- 3.5 This position has, however, now being rectified and the category of Animal Dealers Licence is being added to our system. As a new licence, a fee for it requires to be set, which is the purpose of the present report.
- 3.6 It is proposed that the fee for this licence be in line with other licences for similar and related activities. The present fee in respect of licences for Dog Breeding, Animal Boarding, Riding Establishments etc is £126 per annum in each case. It is therefore proposed that the fee for the Animal Dealers Licence be set initially at the same level, **£126 per annum**. The fee would be revised annually along with all other non-fixed licence fees with regard to RPI.

#### **4 POLICY IMPLICATIONS**

- 4.1 None - Standing Orders empower Cabinet to set fees for new categories of licence.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – The new licence will be a new potential income source, though it is not anticipated that there will be a high number of licences issued under the regime.
- 6.2 Personnel - None.
- 6.3 Other - None

#### **7 BACKGROUND PAPERS**

- 7.1 None

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