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Document Title	New Licensing Regime for Activities Involving Animals

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Designation	Head of Corporate Support
Date	11/08/21

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REPORT TO: Cabinet (Summer Recess Arrangements – Standing Order 15.6)

MEETING DATE:

BY: Head of Corporate Support

SUBJECT: New Licensing Regime for Activities Involving Animals

1 PURPOSE

- 1.1 To provide Cabinet with details of the new licensing regime about to be introduced in respect of activities involving animals and the proposed licence fee structure for a licence for such activities under the new licensing regime.

2 RECOMMENDATIONS

- 2.1 That Cabinets agree to fix the licence fees for licences to be issued under the 2021 Regulations (as defined at paragraph 3.1 below) at the levels proposed at paragraph 3.6. below.
- 2.2 That Cabinet authorises the new licence to be used for all applications for a licence under the new regime from 1 September 2021, and for renewal of existing licences under previous legislation, as these fall due for renewal on or after 1 September 2021.

3 BACKGROUND

- 3.1 Introduced under the Animal Health & Welfare Act 2006, a new licensing regime in respect of activities involving animals is being introduced by the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 (hereinafter referred to as “The 2021 Regulations”). The new regime takes effect from 1 September 2021.
- 3.2 The new regime will replace the current licensing regime for dog breeding under the Breeding of Dogs Act 1973, and shall also replace the current regime in respect of Pet Shop licensing under the Pet Animals Act 1951.

Saving provisions will have the effect that licences issued under these previous systems shall remain in force and valid until the expiry of those licences, after which a licence under the new regime will be required.

- 3.3 The new regime also introduces new areas of activity which shall require to be licenced for the first time. These new areas are cat breeding, rabbit breeding, animal welfare activities, and animal rehoming services. Scottish Ministers shall be the licensing authority in respect of the latter of these, in cases where the applicant neither resides nor has a place of business in Scotland, while local authorities shall be the licensing authority for the others and for rehoming where the applicants are resident or have a place of business in Scotland.
- 3.4 The 2021 Regulations make arrangements for the inspection of premises by the Council (which would be carried out by Environmental Health officers). Further inspections by a vet or SSPCA officer may also be required in some circumstances. The 2021 Regulations additionally make provision for local authorities to charge a fee for processing an application for the grant, renewal or variation of a licence under the new regime. The licence can also be issued for a period of one, two or three years depending on the circumstances. Scottish Government guidance recommends that first-time applicants should be limited to a licence for one year only, and that where a licence is granted for a longer period, the cost should not exceed the figure for a one-year licence. Finally, the 2021 Regulations also require local authorities to establish and maintain a public register of licence holders for each of the activities under the new regime and outlines the information to be contained in such register.
- 3.5 As the activities covered by the new regime are either new licensed activities, or are replacing arrangements made under legislation which is being superseded, authorisation of the proposed new fee structure is required. The guidance issued by Scottish Government encourages local authorities to recognise that many animal welfare businesses are run by charities, and to do all that they can to minimise the cost of obtaining a licence for such organisations.
- 3.6 The fee levels being proposed are based on a methodology and chargeable officer hourly rates. These are annexed hereto. It is proposed that the level of fee for this new licence regime should be as follows:
- Grant – £180
- Renewal – £191
- Variation of licence – £135
- Issue of duplicate licence – £26
- 3.7 In line with the Scottish Government guidance, it is proposed that these fees will apply notwithstanding the duration of the licence granted. It is also proposed that, where the applicant is a registered charity, the charge will be zero.

4 POLICY IMPLICATIONS

- 4.1 None. The new regime is created by statute and secondary legislation and local authorities are responsible for the administration of licensing of such activities under the 2021 Regulations. In that connection the Council requires to set an appropriate fee in respect of new licensed activities.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – This is updating the existing licensing regime in respect of activities involving animals and creates a new income stream with regard to the fee as agreed in respect of the new licensing activities outlined above.
- 6.2 Personnel – None
- 6.3 Other – None

7 BACKGROUND PAPERS

- 7.1 Animal Health & Welfare (Scotland) Act 2006
- 7.2 Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021

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DESIGNATION	Senior Solicitor
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DATE	2 August 2021

Animal Welfare Licensing – Fee calculation						
	Animal Seller	Rehoming Activities	Welfare Establishments	Dog Breeding	Cat Breeding	Rabbit Breeding
New application	6.5 hrs	6.5 hrs	6.5 hrs	6.5 hrs	6.5 hrs	6.5 hrs
Receipt and check of application	0.5	0.5	0.5	0.5	0.5	0.5
Processing fee	0.5	0.5	0.5	0.5	0.5	0.5
Assessment of Fit & Proper person test	0.5	0.5	0.5	0.5	0.5	0.5
Arranging compliance inspection	0.5	0.5	0.5	0.5	0.5	0.5
Compliance inspection	3.0	3.0	3.0	3.0	3.0	3.0
LA arrange Vet/ SSPCA inspection	0.5	0.5	0.5	0.5	0.5	0.5
Consideration of addition inspection	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

Animal Welfare Licensing – Fee calculation						
	Animal Seller	Rehoming Activities	Welfare Establishments	Dog Breeding	Cat Breeding	Rabbit Breeding
Renewal application	7.0 hrs	7.0 hrs	7.0 hrs	7.0 hrs	7.0 hrs	7.0 hrs
Issue of renewal reminder	0.5	0.5	0.5	0.5	0.5	0.5
Receipt and check of application	0.5	0.5	0.5	0.5	0.5	0.5
Processing fee	0.5	0.5	0.5	0.5	0.5	0.5
Assessment of Fit & Proper person test	0.5	0.5	0.5	0.5	0.5	0.5
Arranging compliance inspection	0.5	0.5	0.5	0.5	0.5	0.5
Compliance inspection	3.0	3.0	3.0	3.0	3.0	3.0
LA arrange Vet/ SSPCA inspection	0.5	0.5	0.5	0.5	0.5	0.5
Consideration of addition inspection	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

Animal Welfare Licensing – Fee calculation						
	Animal Seller	Rehoming Activities	Welfare Establishments	Dog Breeding	Cat Breeding	Rabbit Breeding
Variation of application	5.0 hrs	5.0 hrs	5.0 hrs	5.0 hrs	5.0 hrs	5.0 hrs
Receipt and check of application	0.5	0.5	0.5	0.5	0.5	0.5
Processing fee	0.5	0.5	0.5	0.5	0.5	0.5
Arranging compliance inspection	0.5	0.5	0.5	0.5	0.5	0.5
Compliance inspection	2.0	2.0	2.0	2.0	2.0	2.0
LA arrange Vet/ SSPCA inspection	0.5	0.5	0.5	0.5	0.5	0.5
Consideration of addition inspection	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	3.0 hrs	3.0 hrs	3.0 hrs	3.0 hrs	3.0 hrs	3.0 hrs
Travel, average time on site	2.0	2.0	2.0	2.0	2.0	2.0
Preparation of report	1.0	1.0	1.0	1.0	1.0	1.0

	Hourly rate	Half hour
Environmental Health officer	33.76	16.88
Licensing officer	22.47	11.24

Note:

The licence fee is the same whether for 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 and charged to the licence holder

All veterinary / SSPCA inspection fees will be charged to the applicant/licence holder

Charitable status Welfare Establishments to be charged zero cost (as agreed by K MacNeill)

2021/22 HOURLY RATE CALCULATION

Employee Name - Licensing Officer

Employee Number -

Business Unit -

Cost Centre (if applicable) -

Grade / Scale Point - 064 £

Salary 25,092

National Insurance 2,250

Superannuation 5,621

32,963

Est Overhead (5%) 1,648

TOTAL 34,611

Total Hours Available 1,820

Annual Leave -210

Public Holidays / Absence -70

Chargeable Hours 1,540

HOURLY RATE £22.47

2021/22 HOURLY RATE CALCULATION

Employee Name - Env Health Officer
Employee Number -
Business Unit -
Cost Centre (if applicable) -
Grade / Scale Point - 095

£
Salary 37,246
National Insurance 3,927
Superannuation 8,343
49,516
Est Overhead (5%) 2,476

TOTAL 51,992

Total Hours Available 1,820

Annual Leave -210

Public Holidays / Absence -70

Chargeable Hours 1,540

HOURLY RATE £33.76