



SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer and Head of Licensing

Date and Time: Thursday 13th December 2018 at 10am

Subject: The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Author of Report: Steve Lonnia

Summary: To determine the proposed fees for licence applications under the above new regulations

Recommendations: Members of the Licensing Committee Consider the fees proposed for licence applications under the above regulations

Background Papers: [“The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#)
[Procedural guidance notes for local authorities](#)
[October 2018”](#)

Category of Report: OPEN

**The Animal Welfare (Licensing of Activities Involving Animals) (England)
Regulations 2018 – Proposed Application Fees**

1.0 SUMMARY

1.1 On the 1st October 2018 the Animal Welfare Act 2006 brought the above regulations into force and repealed the previous legislation which imposed licensing or registration requirements in relation to breeding dogs, pet animals, animal boarding establishments, riding establishments and performing animals.

1.2 The regulations provide a single licence for the following activities:

- Selling animals as pets;
- Providing or arranging for the provision of boarding for cats or dogs;
- Hiring out horses;
- Breeding dogs; and
- Keeping or training animals for exhibition.

1.3 Regulation 13 of the Regulations states a local authority may charge such fees as it considers necessary for the anticipated costs of the new regime.

1.4 The intended outcomes of this report are to ensure that:-

- Members are informed of the changes to the legislation and how they will affect operators
- The Licensing Service and the Animal Control Team recover the reasonable costs of the respective service for administering, inspecting and enforcing the terms and conditions of the relevant individual licensing systems; and
- The Council fees and charges are set in accordance with the Councils Fair Charging Principles set out in the Future Shape Policy Handbook; the Provision of Service Regulations 2009; and the regulations associated with the Animal Welfare Act 2006.

2.0 FAIR CHARGING POLICY

2.1 It is agreed that fees and charges should be set in a consistent way across the Council and that we are transparent about the fees we expect people to pay.

2.2 Licence fees must also be set in accordance with the relevant individual piece of legislation; The Provision of Services Regulations 2009; and any other associated legislation / regulations.

2.3 The fees have been set so that they enable the services and the Council to deliver on our priorities and also on the principle of the polluter pays where it is appropriate.

2.4 The fee has been calculated separately to ensure we are only recovering the costs in relation to that individual system.

3.0 LEGISLATION CHANGES

3.1 The Aim of the Legislation

- 3.1.1 The aim of the Animal Welfare Act is to improve the welfare of animals, impose greater responsibility on their carers, and provide greater investigation and entry powers for police and local authority staff to deal with offences.
- 3.1.2 Under section 9 of the Animal Welfare Act 2006, it is the duty of any person responsible for an animal to ensure that its welfare needs are met. This includes:
- The need for a suitable environment (how it is housed)
 - The need for a suitable diet (what it eats and drinks)
 - The need to exhibit normal behaviour patterns
 - Any need to be housed with or apart from other animals, and
 - The need to be protected from pain, suffering, injury and disease.
- 3.1.3 The legislation is raising the standards of those carrying on licensable activities giving the public more information in order to make an informed decision about the businesses they are using.

3.2 Who and What to Licence

3.2.1 “Licensable activity” now covers 5 activities:

1. Selling animals as pets
2. Providing for or arranging for the provision of boarding for cats or dogs (includes boarding in kennels or catteries, home boarding for dogs and day care for dogs)
3. Hiring out horses
4. Dog breeding
5. Keeping or training animals for exhibition.

3.2.2 Each activity has its own set of guidance notes and conditions published by the Department for Environment Food & Rural Affairs (DEFRA).

3.2.3 The guidance notes detail the criteria “in scope” and subject to licensing and “out of scope” and not subject to licensing.

3.2.4 The local authority must make sure “the operator” either:

- i. Does not need a licence due to not meeting the requirements in the Regulations;
- ii. Holds a licence in accordance with the Regulations; or
- iii. Appropriate enforcement action is taken on unlicensed activity.

3.2.5 The licence holder must not be disqualified from holding an animal related licence.

3.2.6 Responsibility for ensuring the correct licence has been obtained and is kept up to date falls to the licence holder or prospective licence holder.

3.3 How Long Licences Last

3.3.1 For the activity of “Keeping or Training Animals for Exhibition”, all licences are for three years on the basis that these activities have hitherto been subject to a simple registration system. There is no risk assessment applied to such activities.

- 3.3.2 For all other activities, if a new applicant (someone who has no compliance history with a local authority or UKAS) is successful, they will automatically be considered as high risk due to a lack of history.
- 3.3.3 Such operators will have the length of their licence determined by their risk rating (automatically high risk) and whether the operator is already meeting the specified higher standards of animal welfare rather than the minimum required by the licence conditions.
- 3.3.4 If an existing operator is applying for the renewal of a licence, then the length of time the licence is granted for will be determined by their risk rating and the licence length can be up to three years. Those with longer licences will receive fewer inspections because inspections tend to be on renewal, and therefore they will pay less for inspection fees as a result.
- 3.3.5 The risk model that must be used in determining the length of licence to award is set out in the “Procedural Guidance Notes for Local Authorities” and will be adhered to by both the Licensing Service and the Animal Control Team.

3.4 Transitional Provisions

- 3.4.1 Any unexpired licences granted under the previous legislation will continue in force for the rest of their terms under the relevant Act.
- 3.4.2 Any registration of a person under the Performing Animals (Regulation) Act 1925 will continue in force, for six months from the date on which these Regulations come into force. These Regulations came into force on 1 October 2018 so this registration will expire on 1 April 2019.
- 3.4.3 The majority of current licence holders have expiry dates of 31st December 2018 under the old regime. In order to ensure the business can continue trading after this date in line with the new legislation, we have arranged for applicants to submit their new applications *without a fee*.
- 3.4.4 This allows the Animal Control Team to go out and inspect the premises and, once the fee is determined and paid, the premises will be rated and the licence will be granted.

4.0 PROPOSED FEES

- 4.1 Regulation 13 of the Regulations sets out that a local authority may charge fees for:
- (a) The costs of consideration of an application, including any inspection relating to that consideration;
 - (b) The reasonable anticipated costs of consideration of a licence holder’s compliance with the Regulations and the licence conditions to which a licence holder is subject. This includes the costs of any further inspections related to compliance;
 - (c) The reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator; and
 - (d) The reasonable anticipated costs of the local authority compiling and submitting the data required by regulation 29 to the Secretary of State.

4.2 The following is being proposed and will be a standard fee for all activities:

	Application Fee		Grant Fee		Total fee
	Animal Control Team Portion	Licensing Team Portion	Animal Control Team Portion	Licensing Team Portion	465.70
All activities	£155.08	£39	£232.62	£39	

4.3 The fee has been proposed in collaboration with our colleagues in the Animal Control Team and reflects the actual estimated time spent examining the documents specified in the legislation and carrying out the inspection of the premises and business operation to ensure compliance with the legislation and conditions.

4.4 A sliding fee scale dependent on the size of the operator was considered but, from experience of inspecting premises under the previous regime, it has been found that the time spent is not substantially different between operators of different sizes.

4.5 The new legislation allows licences to be granted for up to a three-year period, provided the higher standard is reached, therefore meaning only one application is required every three years and the fee payable would be for the period of three years.

4.6 If the application does not meet the higher standard and is granted for two years, this will still be less than applying for a yearly licence under the previous regime.

4.6 The legislation's aim is to improve standards in animal welfare and the proposed fee offers an incentive to applicants to achieve the highest standard to benefit from the longest licence duration.

6.0 CONSULTATION

6.1 All current licensees have been contacted in writing about the legislation changes and the proposed new fee – see Appendix 'A'.

6.2 Any individuals/businesses making enquiries about becoming licensed have also been sent the consultation letter.

6.3 Five responses to the consultation have been received and are attached to the report at Appendix 'B'.

6.4 Members will note from the responses that the consultation raised a number of queries. The responses to the queries are attached to the relevant comment at Appendix 'B'.

7.0 PROPOSED TIMEFRAME

7.1 The determined fee will cover all applications under the new legislation that came into force on 1st October 2018.

8.0 FINANCIAL IMPLICATIONS

- 8.1 The decision to accept applications and inspect premises prior to a fee being determined poses a risk that a business may not wish to carry on with their application once the fee is set.
- 8.2 Any loss will be in officer time rather than to the Animal Control Team budget. Those that do withdraw applications will be invoiced with the time it took to carry out the inspection.

9.0 RECOMMENDATIONS

- 9.1 That Members of the Licensing Committee consider all the information provided in the report and the comments submitted during the consultation.

10.0 OPTIONS OPEN TO THE COMMITTEE

- 10.1 To note the changes in legislation; and
- 10.2 a) To approve the fees as proposed and authorise the Chief Licensing Officer and Head of Licensing to impose the fees as detailed in this report and the relevant attachments;
b) To defer the decision to determine the fees for further consideration and work to be undertaken before being presented back to the Licensing Committee; or
c) To determine (refuse) the fees and instruct the Chief Licensing Officer and Head of Licensing as members decide at this meeting.

Stephen Lonnia
Chief Licensing Officer and Head of Licensing
Business Strategy and Regulation
Block C
Staniforth Road Depot
Sheffield
S9 3HD

«M_1st_Licensee»

«Society_or_Firm»

«address1»

«address2»

«address3»

Dear sir/madam

Changes to Animal Licensing

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on 1st October 2018 and will affect your current «Type» licence.

When your current licence expires on «Expires», new regulations will replace the law under which your current licence was issued and the conditions attached to it.

New Application Fee Consultation

New fees must be determined to cover the changes in the legislation.

This letter is to consult you on the fees we are proposing.

The local authority may charge fees for:

- The costs of consideration of an application, including any inspection relating to that consideration;
- The reasonable anticipated costs of consideration of a licence holder's compliance with the Regulations and the licence conditions to which a licence holder is subject. This includes the costs of any further inspections related to compliance;
- The reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator; and
- The reasonable anticipated costs of the local authority compiling and submitting the data required by regulation 29 to the Secretary of State.

	Application Fee		Grant Fee		Total fee
	Animal Control Team Portion	Licensing Team Portion	Animal Control Team Portion	Licensing Team Portion	
All activities	£155.08	£39	£232.62	£39	465.70

The application fee covers the receipt and administration of the initial application form, the inspection of the relevant premises and the production of an inspection report.

If the licence is deemed granted, it may last one, two or three years. The licence length is determined by the businesses ability to meet the welfare standards and the likelihood of

maintaining compliance into the future of the licence as set out in the attached information "Determining the length of a licence".

Therefore, those with longer licences will receive fewer inspections and will pay less for inspection fees.

The fee will be determined at a hearing of the Licensing Committee on 13th December 2018.

We would welcome your comments – please email them to us at:

licensing@sheffield.gov.uk

or write to us at:

Licensing Services, Sheffield City Council, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.

What you need to do about your new licence

I am aware your renewal is coming up and you are eager to make your application to ensure there are no delays. We are working hard to ensure this does not disrupt your business and you are advised to do the following:

1. Read the new regulations and guidance

You are strongly advised to carefully read the relevant new regulations and guidance in order to understand how they affect your business and what changes you may have to make to comply with the new regulations and statutory conditions.

Regulations and guidance can be found on our webpages at www.sheffield.gov.uk/licensing.

2. If your current licence expires on 31st December 2018, complete and submit the new application (enclosed)

I have enclosed an application form for you to be completing.

Please submit your application by 30th November 2018 *without the fee*.

Once a completed application has been received, we will arrange a visit to your premises to conduct an inspection.

The fee will be payable once it is determined by Licensing Committee.

Once your inspection is complete and the fee is received, your licence will be issued.

If your licence expires after the 31st December 2018, your licence remains in force and we will write to you when your licence is due.

Further information can be found at our website www.sheffield.gov.uk/licensing - click on Animal Welfare Licences.

Yours faithfully



Claire Bower
Licensing Strategy and Policy Officer

Determining the length of a licence

***Note: this guidance does not apply to “keeping or training animals for exhibition” where all licences are issued for 3 years.**

Local authorities must use a risk-based system to determine the length of the licence and the star rating to award.

The purpose is to ensure consistency in implementation and operation of the licensing system and to ensure consumers can be confident that the star rating applied to a business is an accurate reflection of both their risk level and the animal welfare standards that they adopt.

From the findings of the inspection, businesses must be given a star rating ranging from 1 to 5 stars.

In order to arrive at a star rating, the following questions will be addressed:

- (a) Does the business meet the minimum standards?
- (b) Does the business meet the higher standards?
- (c) Is the business low or higher risk?

The following scoring matrix will be used in all cases*:

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	3 Star 2yr licence Min 1 unannounced visit within 24 month period	5 Star 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	2 Star 1yr licence Min 1 unannounced visit within 12 month period	4 Star 2yr licence Min 1 unannounced visit within 24 month period

For further, detailed information on how star ratings are determined, please see the “Procedural guidance notes for local authorities” published by DEFRA.

Bower Claire

From: Bower Claire on behalf of licensingservice
Sent: 19 November 2018 11:31
To: [REDACTED]
Subject: RE: Dog license payment

Good morning [REDACTED]

Thank you for your email.

I will submit your comments to our Licensing Committee in order to assist their decision making on 13th December.

You are welcome to attend the hearing, it begins at 10am and will be held in the Town Hall. The reception will be able to tell you which room on the day.

In reference to your question regarding a payment scheme, this is something that I would consider once the Committee has made it's decision.

Best wishes

Claire

Claire Bower

Licensing Strategy & Policy Officer

Licensing Service, Business Strategy & Regulation, Block C, Staniforth Road Depot, Sheffield, S9 3HD

Email: licensing@sheffield.gov.uk
Telephone: 0114 2734264
Web: www.sheffield.gov.uk/licensing
Reception: Monday to Friday, 10am until 4pm

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From: [REDACTED]
Sent: 19 November 2018 10:00
To: licensingservice
Subject: Dog license payment

Dear Claire

I have recently received a document outlining the new conditions regarding dog licensing fees. I am a home boarder who due to having my own dog will only board one dog at a time (will very rarely take two under special circumstances). So understandably my income from dog boarding which tends to be during the summer months, is not a massive amount. I was very upset to see I might have to pay £465 in December. Money which I do not have. I budget for a £200 yearly fee and do not have the resources to pay £465 just before Christmas. Is

there some kind of payment scheme in place for boarders like my self who may have to stop boarding if they are unable to pay the required amount as a one off payment

Kind regards [REDACTED]

From: Bower Claire on behalf of licensingservice
Sent: 27 November 2018 09:37
To: [REDACTED]
Subject: RE: Public liability insurance

Good Morning [REDACTED]

I confirm your suggestion is acceptable and the arrangement of insurance would be a condition of your licence.

I'd like to say that your suggestions are assisting me greatly in this process; it is important I understand how individuals businesses work in order to make this regime work for both the purpose of the animal welfare legislation and to enable existing, good operators to continue working and giving animal owners in Sheffield a trusted place to leave their pets when they are away from home.

If you have any further suggestions, please feel free to email and I will consider them.

Thank you very much

Claire

From: [REDACTED]
Sent: 26 November 2018 08:28
To: licensingservice
Subject: Public liability insurance

Dear Claire

After reading the new Dog licensing regulations I am now aware that to be granted a license I must have liability insurance and that if I do not score the higher standard laid down in the guidance I could have to pay the full amount of £465 each year. As a home boarder who generally only takes one dog at a time I feel I must try hard to reach the higher standard as it would be impossible to pay the required amount each year.

I do not have public liability insurance and am willing to get it. However do not want to take it out until I know whether I have been successful in reaching the higher standard (if I fail I will have to stop boarding as I do not earn enough to be able to pay this amount yearly). Will it be acceptable to arrange for the insurance to start immediately after the decision has been make. Or will this go against me.

Regards [REDACTED]

From: Bower Claire on behalf of licensingservice
Sent: 28 November 2018 15:10
To: [REDACTED]
Cc: Bell Shaun
Subject: RE: New Application fee consultation - [REDACTED]

Tracking:	Recipient	Delivery	Read
	[REDACTED]		
	Bell Shaun	Delivered: 28/11/2018 15:10	Read: 28/11/2018 15:11

Good afternoon [REDACTED]

Thank you for submitting your comments to the application fee consultation.

I will submit your comments to our Licensing Committee. You are welcome to attend the hearing, it begins at 10am on Thursday 13th December 2018 and will be held in the Town Hall. The reception staff will be able to tell you which room on the day.

Best wishes

Claire

Claire Bower
Licensing Strategy & Policy Officer
Licensing Service, Business Strategy & Regulation, Block C, Staniforth Road Depot, Sheffield, S9 3HD

Email: licensing@sheffield.gov.uk
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-----Original Message-----
From: [REDACTED]
Sent: 17 November 2018 17:50
To: licensingservice
Cc: Bell Shaun
Subject: New Application fee consultation - [REDACTED]

FAO Clair Bower

I have today received a letter from Clair Bower regarding the 150% increase in licensing fees due to the new regulations from DEFRA

Our small businesses are rebelling against the very stupid rules DEFRA imposed and have been challenging them for months with a lot of head way made on our behalf - we had a face to face meeting with them last week and a lot of their regulations have been back tracked on - I copied Shaun into the changes DEFRA have already agreed

Sheffield City Council do not have a license for my business! They have a license for Kennels which they impose on my home boarding business - why I have no idea - try reading it - each kennel this each kennel that - I don't have kennels ! I look after dogs in a home environment and jump through hoops to meet your Kennel license!

Is it just laziness on your behalf that you cannot write a license for a home boarding environment - how long would it actually take - I've spent days writing procedures for meeting the DEFRA guidelines - policies, procedures, enrichment in the home, exercise regime, daily monitoring the welfare, child risk assessment, fire evacuation plan, preventative health care plan, risk assessment and that's just so far

We have raised with DEFRA the huge increases in fees local authorities have jumped on to inspect re the new DEFRA guidelines - some increases of 500% and it is somewhat laughable that a zoo license would be cheaper!

To tell me in your letter I as a licensed home boarder have to fund the costs of the council enforcing unlicensed activity has incensed me!

Fine the unlicensed don't punish me because you are incapable of finding them! I gave Shaun details of an unlicensed boarder last year - heard nothing back - she is still boarding dogs overnight and for the day

I will be taking this issue up with DEFRA and my MP and the secretary for the environment - who ever that is now the Tory party is in disarray

You addressed my letter to [REDACTED]

My business name has not been [REDACTED] for 2 years I have informed Shaun I am [REDACTED] at least have the curtesy of getting my business name right - my title is [REDACTED]

Kind regards
[REDACTED]

From: [REDACTED]
Sent: 28 November 2018 16:13
To: Bower Claire
Cc: [REDACTED]
Subject: Re: FW: Query re Changes to Animal Licensing

Good afternoon Claire,

Many thanks for your response, much appreciated. Please do call me ASAP. My detailed rebuttal of the official Council's response in your email may be found further down, but in the short term I have the following practical questions:

1) Under the new scheme does a licence term start on the day the license is issued or on 1st January of a calendar year? I.e. if a licence is granted on 30th December for '1 year', does it run out 1 day or 365 days later?

2) As I understand it, you have to meet at least one of the two optional requirements specified (as well as all the mandatory ones) to meet the top standard (and get a 5 year license). [REDACTED] has a fully enclosed garden bounded on either side by a single boundary fence to adjacent houses' gardens. At the far end, it is bounded by a single fence and a single locked gate to the exit. At the near end, it is bounded by the house from which it is accessed via a lockable kitchen door. [REDACTED] cannot alter any of this. Does he 'pass or 'fail; the optional condition "Any outside space will have two secure physical barriers between any dog and any entrance/exit?"

3) As I understand it, you are asking applications to be submitted this week without any guarantee as to what the fee will be (it's only at consultation stage). No doubt, at the point of submission, there will be a requirement to pay or at least a statement to the effect that you commit to pay. Would you commit to pay for a service the cost (and duration) of which you didn't know? Can [REDACTED] put in a submission, have a licence visit and then opt not to pay if he disagrees with the final charges (and consequently accepting he will not then get his license)?

Why the pricing structure is fundamentally flawed

a) I simply do not believe it costs over £450 to process an application for a small home premise like [REDACTED]. I produce cost estimates all the time for my job so know how to estimate the daily costs of employment of staff. Even on very generous estimates (salary of £30K p.a., 50% additional employer 'on' costs {e.g. for National Insurance, pension contributions, other benefits and Council overheads} and assuming only 200 productive days a year over which to recover these costs) you get a required cost recovery figure of £225 per day of effort. So what you are saying is that it takes over 2 full person days to process an application in an example like [REDACTED]. I don't think so!!! If the Council employee earns less than £30K p.a. (which they almost certainly do), your argument is even less convincing. If it genuinely costs that much to process an application for someone like [REDACTED] then you should seriously reconsider your sourcing strategy for this service as you are NOT getting good Value For Money! Moreover, are you really telling me that costs of processing applications have doubled since last year (you have effectively doubled your income take for each application compared to last year - the fact that a licence may last longer is irrelevant). Either the time to process an application has genuinely doubled (not credible), your operational costs have doubled (sack the Director) or the Council is profiteering!

b) You should ANYWAY be reducing barriers to small businesses. So regardless of point a), there is a strong moral and business case for introducing a tiered system of charges. It wouldn't be difficult to administer and it would produce as much income if properly structured. Thus you simply define 'small', 'medium' and 'large' businesses based on the maximum number of dogs that the licensee can board and then you produce three sets of rates: a lower set for the small business, the proposed rates (say) for the medium business, and higher rates for the larger business.

c) I can't attend the meeting (I'd like to) but please confirm that these points will be made and that I will receive feedback. If I could see the department's costs and a breakdown of the business licensed last year by the max dog limit they were licensed for, I could readily construct a simple 3-tier charging structure that would deliver the same revenue as your proposed scheme and be fairer.

d) In essence my beef with the proposed scheme is that it is flawed in the same way the Poll Tax was flawed, in that everyone pays the same irrespective of circumstances. This is simply wrong and must run counter to your (no doubt) espoused Council goals to reduce the number of people on benefits and promote enterprise.

Please do call me ASAP. I urgently need answers to the first 3 questions at least in order to accurately advise [REDACTED] how to proceed NOW.

Kind Regards,
[REDACTED]

On Wed, 28 Nov 2018 at 14:46, Bower Claire <Claire.Bower@sheffield.gov.uk> wrote:

Good afternoon [REDACTED]

First and foremost, apologies for the delay in responding to you. This change in legislation has increased my workload significantly and I, in error, thought I had sent the response below but have actually just found it in my draft emails.

I know you have been trying to contact me by telephone and it is difficult to catch me as I am in and out at meetings. Have a read through this response and if you still would like to discuss it with me, please let me know and I will give you a call.

I appreciate you taking your time to submit comments and it is helpful to hear how individual businesses are set up. Your comments will be placed before our Licensing Committee on 13th December for their consideration and you are welcome to attend that meeting.

To answer the specific points you raise in your email, the proposed fee scheme does not subsidise any business over another. The fee has been proposed by our colleagues in the Animal Control Team and reflects the actual estimated time spent examining the documents specified in the

legislation and inspecting a premises to ensure compliance with the legislation and conditions. We have found that the time spent is not substantially different between operators of different sizes.

The new legislation allows licences to be granted for up to a three year period, provided the higher standard is reached, therefore meaning only one application is required every three years and the fee payable would be for the period of three years. Again, if the application doesn't meet the higher standard and is granted for two years, this will still be less than applying for a yearly licence.

The legislation's aim is to improve standards in animal welfare and the proposed fee offers an incentive to applicants to achieve the highest standard to benefit from the longest licence duration.

I understand the initial outlay may be restrictive to smaller businesses and I am currently investigating whether a payment scheme can be introduced on a case by case basis.

The Committee meeting will be held on 13th December 2018, and as mentioned previously, you are welcome to attend the hearing. It begins at 10am and will be held in the Town Hall. The reception will be able to tell you which room on the day.

Best wishes

Claire

Claire Bower
Licensing Strategy & Policy Officer

Licensing Service, Business Strategy & Regulation, Block C, Staniforth Road Depot, Sheffield, S9 3HD

Email: licensing@sheffield.gov.uk

Telephone: 0114 2734264

Web: www.sheffield.gov.uk/licensing

Reception: Monday to Friday, 10am until 4pm

From: [REDACTED]
Sent: 19 November 2018 14:51
To: Bower Claire
Cc: [REDACTED]
Subject: Query re Changes to Animal Licensing

Good afternoon Claire,

I spoke to one of your colleagues earlier in the licensing department who recommended I contact you as I understand this is your area of expertise.

I'd be very grateful if you could call me to discuss the impact of these changes on my son's small business and what can be done to alleviate this. My son suffers from social anxiety and other issues which mean he is currently almost entirely reliant on benefits (ESA and HB). His passion is dogs and so he decided earlier this year to work to reduce (and hopefully eventually eliminate) his reliance on benefits by developing a small dog walking and dog boarding business. He is extremely knowledgeable about dogs and their needs and cares for them as if they were his own children!

However, he finds officialdom via any channel (face-to-face, telephone, email) a source of anxiety and he struggles to manage things like form-filling etc (he struggled throughout school). With considerable help from myself (including paying the licencing fee on his behalf), he was guided through the process of applying for a dog boarding licence in early summer and became a licensee. His business is however on a very small scale (I think his total takings from dog boarding since we paid his last license fee has been around £500). Also his house is small and so his licence limits him to boarding a maximum of 4 dogs at any one time (including his own).

In order to succeed, my son needs time to grow things bit by bit, by adding perhaps a handful of customers each year. You can imagine therefore his anxiety on learning:

a) first that the licence is tied to the calendar year and therefore up for renewal again already

b) likely to cost more than double what it had previously this time around.

He is now saying things like "what's the point" and "they're making it too expensive and difficult"! I cannot believe it is the intention of Local Government or Central Government to create an environment which increases the difficulty for vulnerable people like my son to become independent. It is surely in no-one's interests for him to stay on benefits indefinitely and we should collectively be doing all we can to support enterprising initiatives like his.

I do plan to contribute to the proposed fee consultation exercise. I assume from the proposed fee structure that the only design considerations were:

- 1) Meeting the new legislation by rewarding good practice and reducing risk (which is fine)
- 2) Charging everyone the same flat rates.

The problem with the 2nd point is that whilst it may be simpler for the Council to administer, it takes no account of the scale of the business being licensed. My son will pay exactly the same (all other things being equal) for his 4-dog boarding licence as a business that is licensed to board 40 dogs, or 400, or 4,000. The processing of my son's application and a single licensing visit to his house is self-evidently much more straightforward than than would be the case for a significant dog boarding business. It plainly won't cost the Council anything like £465 to administer the license in my son's case, whereas it may cost more than £465 for a large dog boarding business. Simply put, the proposed charging structure is manifestly unfair in exactly the same way the poll tax was. Why should my son's small start-up business have to subsidise large, well-established businesses??

Please can you call at your earliest convenience to discuss.

Yours sincerely,

[REDACTED]

[REDACTED]

From: Bower Claire
Sent: 28 November 2018 15:16
To: [REDACTED]
Subject: RE: animal licensing new application fee consultation

Good afternoon [REDACTED]

Thank you for submitting your comments to the application fee consultation.

I will submit your comments to our Licensing Committee. You are welcome to attend the hearing, it begins at 10am on Thursday 13th December 2018 and will be held in the Town Hall. The reception staff will be able to tell you which room on the day.

In response to your question regarding paying in instalments, this will be considered and I appreciate you making the suggestion. It is important I understand how individuals businesses work in order to make this regime work for both the purpose of the animal welfare legislation and to enable existing, good operators to continue working and giving animal owners in Sheffield a trusted place to leave their pets when they are away from home.

If you have any further suggestions, please feel free to email them and I will consider them.

Thank you very much

Claire

Claire Bower

Licensing Strategy & Policy Officer
Licensing Service, Business Strategy & Regulation, Block C, Staniforth Road Depot, Sheffield, S9 3HD

Email: licensing@sheffield.gov.uk
Telephone: 0114 2734264
Web: www.sheffield.gov.uk/licensing
Reception: Monday to Friday, 10am until 4pm

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From: [REDACTED]
Sent: 23 November 2018 15:00
To: licensing@sheffield.gov.uk
Subject: animal licensing new application fee consultation

Thank you for the recent information on the above and the opportunity to comment.

I appreciate the proposal to tie the licensing period to the level of risk as this creates an incentive for establishments to improve their performance and also reflects on the work required to supervise and inspect. However for establishments such as ours home boarding a maximum of 4 dogs £465.70 is a large sum to pay out in one go. Can you say when payment is likely to be due and is it perhaps possible for small businesses such as ours if rated 4 or 5 star to pay in instalments if required?

From: [REDACTED]
Sent: 28 November 2018 17:18
To: Bower Claire
Subject: Re: Dog boarders license

Follow Up Flag: Follow up
Flag Status: Completed

Hi Claire,
Thank you for your reply.
I have projected earnings of £840 per year ie £20 per night for 6 weeks per year maximum so this means I easily fall outside the thresh hold.
I have found it useful reading guidance and things to consider. Wendy did say initially I could only have a year license, as I had no past experience so it's a bit chunk!
If my plans change I will contact the council again.
Thank you

Best wishes

[REDACTED]

- > On 28 Nov 2018, at 3:30 pm, Bower Claire <Claire.Bower@sheffield.gov.uk> wrote:
- >
- > Good afternoon [REDACTED]
- >
- > Thank you for submitting your comments to the application fee consultation.
- >
- > I will submit your comments to our Licensing Committee. You are welcome to attend the hearing, it begins at 10am on Thursday 13th December 2018 and will be held in the Town Hall. The reception staff will be able to tell you which room on the day.
- >
- > I understand your comments and appreciate the suggestion of a graduated fee scale, this was something that we considered, however, the fee has been proposed by our colleagues in the Animal Control Team and reflects the actual estimated time spent examining the documents specified in the legislation and inspecting a premises to ensure compliance with the legislation and conditions. We have found that the time spent is not substantially different between operators of different sizes.
- >
- > The new legislation allows licences to be granted for up to a three year period, provided the higher standard is reached, therefore meaning only one application is required every three years and the fee payable would be for the period of three years. Again, if the application doesn't meet the higher standard and is granted for two years, this will still be less than applying for a yearly licence.
- >
- > The legislation's aim is to improve standards in animal welfare and the proposed fee offers an incentive to applicants to achieve the highest standard to benefit from the longest licence duration.
- >
- > I understand the initial outlay may be restrictive to smaller businesses and I am currently investigating whether a payment scheme can be introduced on a case by case basis.
- >

> Additionally, I have attached the DEFRA guidance notes for conditions for providing home boarding for dogs. Page 6 refers to the "out of scope criteria" and it may be that, because you are doing it for such a short period, you may fall under the threshold.

>

> Thank you again for taking the time to contact us. If you would like to add anything else, please feel free to contact me again.

>

> Best wishes

>

> Claire

>

>

> Claire Bower

> Licensing Strategy & Policy Officer

> Licensing Service, Business Strategy & Regulation, Block C, Staniforth

> Road Depot, Sheffield, S9 3HD

>

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> -----Original Message-----

> From: [REDACTED]

> Sent: 26 November 2018 18:00

> To: licensing@sheffield.gov.uk

> Subject: Dog boarders license

>

> Dear all,

> I wish to submit my comments on proposed dog boarding license fee.

> I recently thought I would like to board dogs ie one or maximum 2, I have one pet dog.

> I was going to do it for 4 to 6 weeks of the year only.

> It seems unfair that somebody like myself would have to pay the same fee as someone who has 6 dogs for a large part of the year.

> Paying the potential £465 fee would mean it would not be worth doing any boarding.

> Would it be possible to introduce some sort of graduated scale for fees??

> I look forward to hearing from you.

>

> Best wishes

> [REDACTED]

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