

## LICENSING COMMITTEE

**Tuesday, 18 September  
2018**

**5.30 pm**

**Committee Room 1, City Hall**

Membership: Councillors Kathleen Brothwell (Chair), Loraine Woolley (Vice-Chair), Biff Bean, Ronald Hills, Adrianna McNulty, Fay Smith, Ralph Toofany, Pat Vaughan, Keith Weaver, Andy Kerry, Gill Clayton-Hewson and Bill Bilton

Substitute member(s): Councillors Bob Bushell, Gary Hewson and Jackie Kirk

Officers attending: Democratic Services, Legal Services and Francesca Bell

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## A G E N D A

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<b>SECTION A</b>	<b>Page(s)</b>
1. Confirmation of Minutes - 19 April 2018	<b>3 - 12</b>
2. Hackney Carriage and Private Hire Minutes of Previous Meeting: 22 March 2018	<b>13 - 14</b>
3. Declarations of Interest	
Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.	
4. Introduction of 'The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018'	<b>15 - 36</b>

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**Present:** Councillors Kathleen Brothwell (*in the Chair*), Paul Gowen, Andy Kerry, Fay Smith, Ralph Toofany, Pat Vaughan, Peter West and Loraine Woolley

**Apologies for Absence:** Councillor Biff Bean, Councillor Ronald Hills, Councillor Adrianna McNulty and Councillor Keith Weaver

**Also in Attendance:** Lynn Leary, Applicant  
Sheena Chapman, Vippies

**40. Confirmation of Minutes - 21 March 2018**

RESOLVED that the minutes of the meeting held on 21 March 2018 be confirmed.

**41. Declarations of Interest**

No declarations of interest were received.

**42. Application for the Grant of a Licence to Keep an Animal Boarding Establishment**

The Public Protection, Anti-Social Behaviour and Licensing Service Manager:

- a. presented a report which provided the Committee with an opportunity to consider the grant of an Animal Boarding Establishment Licence under the Animal Boarding Establishments Act 1963
- b. reported that an application had been received in respect of premises known as 58 Wolsey Way in Lincoln which sought a licence to board dogs from different households under an Animal Boarding Establishment Licence
- c. reported that this application had been presented to the previous meeting of the Licensing Committee held on 21 March 2018, however, due to an administrative error resulting in the applicant and her representative not being invited to attend the meeting, the application was being reconsidered this evening in their presence
- d. referred to additional information circulated to members of the Licensing Committee and the applicant, giving details of veterinary and council inspections held at the premises and photographs of the property
- e. highlighted that the current model condition for an animal boarding licence stated that 'only dogs from the same household may be boarded at any one time' and that this application was seeking a variation to this model condition to allow the applicant to be able to board four dogs from different homes at the same time
- f. confirmed that within the City of Lincoln Council boundary there were currently no homes boarding licences issued that permitted dogs to be boarded from different households

- g. reported that Lynn Leary had held an Animal Boarding Licence issued by City of Lincoln Council since 7<sup>th</sup> November 2017 allowing her to board up to 4 dogs from one household, with no complaints or concerns having been raised about the operation of this licence to date
- h. advised members of the main considerations to be given particular regard to, as detailed at paragraph 3.3 of the officers report
- i. outlined the policy implications and model licence conditions for home boarding, as set out under paragraph four of the report, including documentation on how the applicant intended to ensure the animals' safety and that adequate provision of care was given at all times as detailed within Appendix C – I of the report
- j. highlighted that the applicant had indicated she intended to hold a maximum of 3 dogs from different households at any one time with the 4<sup>th</sup> space for emergencies should owners be delayed in collecting their pets
- k. reported that the applicant was supported by Vippiies Ltd, a long established Lincolnshire based company providing pet care such as home board, dog walking, pet sitting and pet foster care; it was proposed that the applicant would be employed by this company
- l. advised on the options available to Licensing Committee as detailed at paragraphs 6-7 of the report
- m. invited members' questions and comments.

Confirmation was sought as to the current licence conditions held by the applicant.

The Licensing Officer confirmed that an animal boarding licence had been granted subject to the council's standard home boarding licence conditions to allow dogs only from the same household to be boarded. Consideration was now requested to apply a variation to this policy to allow dogs from up to 4 different households to be boarded.

Sheena Chapman, representing Vippiies, advised that the company had been operating in the West Lindsey District Council area for 10 years. Her home was licensed to hold up to 15 dogs from any household subject to strict processes to keep them happy, healthy and safe.

Councillors raised concern regarding the arrangements offered by the applicant for disposal of excreta in black domestic waste disposal facilities provided by the Council, which could soon become an odour issue, only being collected once a fortnight.

Sheena Chapman confirmed that dog waste was individual bagged, although most dogs went to the toilet on their walk and the dog waste was then disposed of in dog bins designated for this purpose.

Councillors further raised concerns in relation to the ability of the applicant to safely confine a dog to one room in cases of infection. There was always a risk of

contamination being carried to other rooms. Members questioned council policy in this respect.

The Public Protection, Anti-Social Behaviour and Licensing Service Manager confirmed that measures would be put in place to prevent contamination. Any infected animal would be removed from the isolation room at the property as quickly as possible.

Sheena Chapman emphasised that all the dogs were inoculated, there would be no life threatening issues in terms of their health.

Lynn Leary, Applicant, addressed Licensing Committee in support of her application for an animal boarding licence, covering the following main points:

- She was hopeful to be able to board 2 or 3 more dogs from different homes.
- Having just one dog was not a viable option commercially.
- She planned on boarding 3 dogs from other households however she had requested up to 4 for emergencies in case one was waiting to be collected.

Sheena Chapman, representing Vippies, prospective employee of the Applicant, addressed the Licensing Committee in support of her application for an animal boarding licence, covering the following main points:

- Vippies offered foster care for dog owners on holiday, the company had been set up and was led by customer demand.
- It also operated day care.
- The dogs were dropped off at people's homes in the morning and collected by up to 7.30pm in the evening.
- Every dog had a care plan incorporating details of inoculations, feeding, sleeping and walking.
- The dogs were introduced with others they would be staying with before they were boarded together, in a controlled environment with two people present to make sure they got along. If not, they were boarded instead in a 'one dog' home.
- The applicant wanted to take dogs during holiday periods. Only those smaller dogs suitable for Lynn to care for would be boarded with her.
- A similar policy was operated in West Lindsey area and worked very well.
- Vippies had been operating for 10 years with no incidents of dog fights/bites.
- Dogs were separated during sleeping times at night. Those that arrived in crates also slept in them.
- Lynn would allow dogs to sleep on her bed only with the owners' permission.

Members raised concern again in relation to:

- Arrangements for disposal of excreta in domestic waste bins. Commercial dog waste should not be disposed of by the City of Lincoln Council.
- Arrangements for separation of dogs in the case of disputes which could escalate very quickly.

Sheena Chapman responded as follows:

- Lynn would receive appropriate training and was already a dog owner herself.
- Personally Sheena had not experienced any issues with disposal of dog waste and boarded up to 15 dogs at any one time. Many owners walked their dogs before they arrived and again in the evening once they were collected from the boarding home. The dogs were fed in the morning and the evening and tended to defecate on their walks.

The applicant was asked questions as follows:

Question: Had West Lindsey District Council questioned the use of black domestic waste bins for excreta?

Response (Sheena Chapman): No. Domestic waste bins were very rarely used. Mostly the dogs went to the toilet whilst being walked and the waste was put in the designated dog bins at that time, if not the dog waste was taken from the house and put in the designated dog bins.

Members questioned the use of the council bin system to dispose of waste which other commercial premises couldn't access.

The Solicitor for the City of Lincoln Council agreed to seek legal advice as to procedure.

Question: Was the applicant seeking to board up to 4 additional dogs including her own?

Response: Yes.

Question: How large was the applicant's bungalow?

Response, Lynn Leary, Applicant: It had two bedrooms, kitchen, lounge conservatory and bedroom with a neighbour to one side.

Response (Sheena Chapman): Day care facility arrangements could be viewed on the Vippies website.

Question: Would the dogs to be boarded come from Vippies?

Response (Sheena Chapman): Yes. There would be a meet and greet at Lynn's house.

Question: For what length of time would the dogs be boarded?

Response (Sheena Chapman): This could be up to a period as long as a month if the owners went abroad.

Question: So the intention was for the applicant to board 3 dogs plus hold 1 spare place for emergencies, in addition to the owner's dog?

Response (Sheena Chapman): Yes the ash cloud was for one spare. Ideally, Lynn would be boarding only 2-3 dogs at any one time. Any dog boarded would first be the subject of a meet and greet. Vippies staff were at the end of the telephone at all times to offer advice.

Question: Was the applicant classed as a commercial tax payer? These bins were emptied every week rather than fortnightly.

Response, Lynn Leary, Applicant: No.

Member Response: Section 5.2.2 of the council's model licence conditions stated that disposal facilities for animal waste must be agreed with the licensing authority.

Response (Sheena Chapman): The dog waste could be disposed of in the red dog waste bins should the council require this.

Response Council Solicitor: The concern here was that the applicant could be filling up public waste bins causing an issue for non-commercial dog walkers. The applicant was responsible for ensuring that the condition was met for disposal of animal waste to be agreed with the licensing authority.

Question (Sheena Chapman): What about other businesses using the City Commons for example for dog walking?

Response Council Solicitor: Any such activity was not related to the application before us today. The remit of the applicant was to persuade Licensing Committee why the application should be granted.

Response (Sheena Chapman): The dog waste was disposed of on dog walks as a rule using strong bags at all times. There was no other options available to dispose of excreta other than dog bins/council bins. Vippies did as a matter of course report any full dog bins and had made enquiries as to whether the company could sponsor dog bins to improve cleanliness in the City. It was told however, that the arrangements for collection of dog waste were due to change and red dog bins were to be discontinued.

Question: Did the applicant intend to board dogs every week?

Response (Sheena Chapman): It was hoped so. The company took people off the dole queue and was interested in helping the local community.

Question: How would the applicant satisfy the model conditions for animal boarding at paragraph 5.10.4 to have suitable arrangements in place for the temporary boarding of dogs if the premises became inhabitable?

Response, Lynn Leary, Applicant: All the dogs would be taken out of the premises and secured, then collected by Vippies.

Question: How would the applicant satisfy the model conditions for animal boarding at paragraph 5.10.6 to keep all doors shut at night, bearing in mind there was no door between the kitchen and dining room?

Response, Lynn Leary, Applicant: The kitchen and dining room would be classed as one room.

Question: Could the applicant satisfy the model conditions for animal boarding at paragraph 5.10.9 requiring a relative, friend or neighbour within 5 minutes travelling time to carry a spare set of keys for access to the premises in the case of emergency?

Response (Sheena Chapman): Yes. Vippies was based only 5 minutes away at Reephram.

Question: Could the applicant satisfy the licence conditions at paragraph 5.6.1 to separate dogs showing signs of illness and requiring isolation?

Response, Lynn Leary, Applicant: Yes, having 3 cages and separate rooms there was plenty of space to separate the animals.

Question: Could the applicant satisfy the licence conditions at paragraphs 4.1 and 4.5 to have sufficient space to keep the dogs separated if required without external cages, buildings or runs?

Response, Lynn Leary, Applicant: Yes.

Question: The inspection by the Licensing Officer and Animal Warden suggested there was adequate space at the premises for small dogs. Could the applicant offer an assurance that only small dogs would be boarded?

Response, Lynn Leary, Applicant: Yes that was true. The dogs would need to meet and greet her dog to socialise and make sure they were settled first.

Question: Having held your animal boarding licence since November 2017, did the applicant consider she had enough experience to board dogs from separate households which were more difficult to control?

Response, Lynn Leary, Applicant: She did not believe that dogs from separate households were more difficult to control. She had kept dogs all her life, also having worked for another company.

Question: Would the remaining animals at the premises be caged whilst the applicant was out dog walking?

Response, Lynn Leary, Applicant: Those dogs who used cages would be, the remaining animals kept in separate rooms. Two dogs would be exercised at a time.

Response (Sheena Chapman): Vippies did not accept puppies under 6 months of age. No dog in season was boarded.

There were no further questions forthcoming.

Summing Up: Lynn Leary, Applicant

- Walks helped dogs socialise.
- All the dogs were sociable whilst on walks.

Summing Up: Sheena Chapman on behalf of Vippies

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- The applicant had not experienced any problems looking after dogs.
- Vippies offered welfare support if necessary.
- The applicant had undertaken a first aid course run by Vippies.
- Vippies was also planning to run a behavioural course for dog owners.



- Vippies gave support to its employees 24/7 and could be reached via an emergency telephone number.

At this stage of the proceedings Lynn Leary and Sheena Chapman left the room in order that members could determine their decision, which would be notified to them by telephone the following day and in writing within 7 days.

The decision was made as follows:

#### ANIMAL BOARDING ESTABLISHMENT ACT 1963

#### **Notice of Determination of Application for the Grant of a Licence to Keep an Animal Boarding Establishment.**

Premises: 58 Wolsey Way, Lincoln LN2 4SJ

The City of Lincoln Council, being the licensing authority, received an application for the grant of a licence for a home boarding establishment for dogs made by Mrs Leary in respect of premises known as 58 Wolsey Way, Glebe Park, Lincoln LN2 4SJ.

The Council's policy with regards to licenses to keep an animal boarding establishment is set out in the 'Model Licensing Conditions for Home Boarding (Dogs)' under the Animal Boarding Establishments Act 1963 (the '1963 Act'). These model conditions have been adopted by the Council from the LACORS 2005 model licensing conditions for home boarding. Condition 3.2 of the Council's Model Licence states: **'Only dogs from the same household may be boarded at any one time'**.

The applicant is seeking a variation to this model condition and a departure from the Council's current policy to enable her to board four dogs from different homes at the same time as well as keeping her own dog at the premises.

The committee considered whether it should depart from current policy and grant the applicant a licence to board four dogs from different households as well as her own dog.

#### **In attendance at the Licensing Committee:**

Lynn Leary, Applicant  
Sheena Chapman, Vippies

In accordance with section 1 (3) of the 1963 Act, the local authority must take the following issues into account when determining whether to grant a licence:

*(3) In determining whether to grant a licence for the keeping of a boarding establishment for animals by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing—*

- (a) that animals will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;*
- (b) that animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as*

*necessary) visited at suitable intervals;*  
*(c) that all reasonable precautions will be taken to prevent and control the spread among animals of infectious or contagious diseases, including the provision of adequate isolation facilities;*  
*(d) that appropriate steps will be taken for the protection of the animals in case of fire or other emergency;*  
*(e) that a register be kept containing a description of any animals received into the establishment, date of arrival and departure, and the name and address of the owner, such register to be available for inspection at all times by an officer of the local authority, veterinary surgeon or veterinary practitioner authorised under [section 2\(1\)](#) of this Act;*

Having given careful consideration to the application and the evidence provided at the Licensing hearing and in the light of the requirements of the 1963 Act, the Licensing Committee considers it appropriate to make the following decision.

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### **The Decision**

1. To refuse the application for a variation to the Council's current model conditions for home boarding establishments for dogs to allow the boarding of four dogs from different homes at the above premises at the same time; and
2. To grant the licence application subject to the Council's standard home boarding licence conditions, to allow only dogs from the same household to be boarded.

### **Reasons for the Decision**

1. A majority decision was reached by members of the Licensing Committee. Members were not persuaded that sufficient justification had been provided by the applicant to warrant a departure from its standard home boarding licence policy.
2. The Licensing Committee noted the reasoning behind model condition 3.2: 'Only dogs from the same household may be boarded at any one time'. This model condition was intended to protect the safety of the dogs and to protect the licensee and the public from any risk of a dog attack, injury, etc. As dogs in home boarding situations have the freedom to move around, there are risks that are not present in boarding kennels. For example, there is the risk that dogs that are strangers to each other may turn on one another unexpectedly (e.g. at feeding time or to defend territory) even after they have been familiarised with each other. The Licensing Committee were not persuaded that the applicant had put in place adequate measures to minimise these risks to an acceptable level.
3. The Licensing Committee took into account the further guidance for local authorities issued by LACORS in 2009 to assist those local authorities that had chosen to relax model condition 3.2. The guidance sets out examples of additional conditions which could be applied to the licence to mitigate the risks. The Licensing Committee were not persuaded that the perceived

risks would be sufficiently mitigated by adding additional conditions to the licence.

4. It was noted that the applicant had held an animal boarding licence since November 2017, which was relatively recently. The Licensing Committee were not satisfied that the applicant had demonstrated that she had sufficient experience to board, handle and exercise in public dogs from different households, which it considered would be more difficult to control and hence represent a risk to the licensee, the dogs and the public.
5. Reference was made to paragraph 5.10.6 of the Council's animal boarding policy which states that all doors to rooms where dogs are boarded should be kept shut at night. However, it was noted there was no door between the kitchen and dining room of the applicant's household, therefore this should be classed as one room, reducing the availability of separate segregated areas.
6. The Licensing Committee felt that the applicant's home was not of a sufficient size to house a total of four dogs from different households plus the applicant's dog at any one time in the interests of the safety and wellbeing of the animals and that of the applicant, contrary to paragraph 4.5 of the Council's animal boarding policy and section 1 (3) (a) of the 1963 Act. The Licensing Committee felt that the boarding of dogs from different households presented higher risks and required more space and better facilities for separation than dogs from the same household.
7. Paragraph 5.2.2 of the Council's animal boarding policy requires that disposal facilities for animal waste must be agreed with the Licensing Authority. The Licensing Committee were not satisfied with the arrangements offered by the applicant for the disposal of dog excreta in standard domestic bins or in public dog waste bins collected by the City of Lincoln Council. Such standard bins are emptied only once per fortnight, meaning that excreta from potentially five dogs would be stored in the black bin for up to 14 days. The applicant's alternative offer to dispose of the waste in public dog waste bins was not acceptable as these are not intended to be used to dispose of the large amounts of collected excreta produced by a commercial dog boarding establishment.
8. The Licensing Committee had concerns about the capacity of the applicant's premises to separate the dogs if necessary in instances of a contagious disease outbreak, contrary to paragraph 5.6.1 of the Council's animal boarding policy and section 1 (3) (c) of the 1963 Act.
9. The Licensing Committee gave due consideration to the applicant's rights under Article 1, Protocol 1 of the Human Rights Act 1998: 'Every natural or legal person is entitled to the peaceful enjoyment of his possessions'. This includes the right to engage in commercial activities under the benefit of a licence. The applicant was granted a licence in accordance with the current policy and standard conditions, which will permit her to continue with her current commercial enterprise. However, given the perceived risks, the Licensing Committee were not persuaded that it was in the public interest to depart from policy by extending that licence to allow the applicant to board dogs from different households,.

10. The Licensing Committee did not consider there was any condition it could impose in this instance to enable the grant of a variation to the Council's standard home boarding conditions to allow dogs from up to four households to be boarded.

The effective date: 19 April 2018

Dated:                      Signed                      .....

Designation: Licensing Officer

Please address any communications to:

The Licensing Team  
City of Lincoln Council  
City Hall  
Lincoln  
LN1 1DB

**An appeal against the decision may be made by the Applicant/ to the magistrates' court for the petty session's area (or any such area) in which the premises concerned are situated within 28 days from the date of receipt of the notification of the decision.**

**Present:** Councillor Pat Vaughan (*in the Chair*), Councillor Fay Smith, Councillor Lorraine Woolley

**Apologies for Absence:** Councillor Andy Kerry, Councillor Adrianna McNulty

**Confirmation of Minutes**

The minutes of the meeting held on 1 February 2018 were confirmed.

**Declarations of Interest**

No declarations of interest were received.

**Exclusion of Press and Public**

RESOLVED that the press and public be excluded from the meeting during consideration of the following item(s) of business because it is likely that if members of the public were present there would be a disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

**To Interview an Existing Driver who has received 12 current penalty points [04/2018]**

The Licensing Officer:

- a. presented the report which detailed that the license holder has held a private hire drivers licence since September 2008 and was granted a 3 year licence in June 2016
- b. confirmed that it came to the licensing team's attention on Tuesday 27<sup>th</sup> February 2018 that the license holder had received 12 penalty points and they are currently on the licence holder's licence and the team were not aware of this
- c. explained that the Licence Holder has come before the committee before in respect of penalty points and failing to declare them on two occasions previously
- d. explained that the Licence Holder has previously undertaken a speed awareness course
- e. explained that the DVLA had confirmed that those who accumulate 12 penalty points do not necessary have to attend Court as it is at the police's discretion

The decision was made as follows:

To the revoke the Licence and the Licence Holder be recommended not to re-apply for his Licence within two years of the date of this hearing

### Reasons for the decision:-

- The Sub-Committee noted the Licence Holder's statement that he is a more careful driver now and has learnt his lesson.
- They noted that the Licence Holder has said that he was waiting for his licence to come back and didn't know his licence had 12 penalty points
- The members felt that the Licence Holder should have been aware of the procedure to report any penalty having signed the application form and then re-licence forms and is then provided with the standard conditions
- In particular the Licence Holder signed the standard conditions and provided a copy of this document on 29 June 2016, which was at the time he received the 12 penalty points
- The members noted that the Licence Holder has been before the sub-committee previously on two occasions
- The Sub-Committee were concerned that there were three incidences of being caught speeding and another offence within 5 months, that he had attended a speed awareness course and there may have been passengers in the vehicle
- A serious concern is that out of the four recent sets of points he admitted that he notified the team in June 2016 about one set of points; however the others were not reported to the Council, despite having admitted that he had received the notification of the penalty points and paid the appropriate fines.
- The Sub-Committee agreed that it would be recommended to the Licence Holder not to apply for a new Licence from the council, until at least 2 years have lapsed, in accordance with the council's policy
- The Sub-Committee felt strongly that the Licence Holder has a responsibility to his passengers and needs to be fit and proper. Through him acquiring 12 penalty points, after being on a speed awareness course and before the Sub-Committee twice, he has not demonstrated that he is fit and proper.

<b>SUBJECT:</b>	<b>INTRODUCTION OF 'THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018'</b>
<b>DIRECTORATE:</b>	<b>COMMUNITIES AND ENVIRONMENT</b>
<b>REPORT AUTHOR:</b>	<b>FRANCESCA BELL, PPASB &amp; LICENSING SERVICE MANAGER</b>

## **1. Purpose of Report**

- 1.1 To inform the committee of legislative changes to the licensing of Animal Activities and to seek approval for the implementation of the new regulations detailed below.
- 1.2 The report sets out revised fees and charges to be implemented from 1<sup>st</sup> October 2018 based upon cost recovery in relation to the licensing of Animal Activities and sets out the delegation of authority for the granting, refusing, suspending or revoking of licences.
- 1.3 The Animal Welfare (licensing of activities involving animals) (England) Regulations 2018 are due to come into effect on 1<sup>st</sup> October 2018.

## **2. Executive Summary**

- 2.1 The Animal Welfare (licensing of activities involving animals) (England) Regulations 2018 (to be referred to as 'the regulations' from this point on) is due to come into effect on 1<sup>st</sup> October 2018.
  - 2.1.1 The Regulations will be the primary legislation for the licensing of the following animal activities;
    - Animal Boarding (Catteries and Kennels)
    - Home Boarding of Dogs
    - Dog day care
    - Dog breeding
    - Riding establishments
    - Sales of animals (formerly pet shops)
    - Performing animals (formerly a registration administered by LCC)
  - 2.1.2 The regulations will amend or repeal the following legislation:
    - The Breeding of Dogs Act 1973 – Repealed
    - The Breeding of Dogs Act 1991(b) - Repealed.
    - The Pet Animals Act 1951 – Amended
    - Breeding and Selling of Dogs (welfare) act 1999 - repealed
    - Riding Establishments Acts 1964 & 1970 - amended

- Performing Animals (Regulation) Act 1925 – Amended
- Animal Boarding Establishments Act 1963 – Amended
- Local Government Act 1974 – Amended
- Dangerous Wild Animals Act 1976 – Amended
- Zoo Licensing Act 1981 - Amended

## **2.2. Fees and Charges**

2.2.1 The fees and charges are to be locally set based upon full cost recovery, the regulations state:

A local authority may charge such fees as it considers necessary for—

- (a) the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,
- (b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration,
- (c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and
- (d) the reasonable anticipated costs of compliance with regulation 29\*.

2.2.2 Regulation 29. Provision of information to the Secretary of State

(1) Each local authority must provide the following information to the Secretary of State in writing for the purpose of assisting the Secretary of State to carry out the review in accordance with regulation 28

- (a) the number of licences in force for each licensable activity in its area on each reference date, and
- (b) the average level of fees it has charged for licences it has granted or renewed for each licensable activity in each reference period.

## **2.3 The Regime**

2.3.1 All animal activities, as set out in 2.2 above will be subject to the same regime. Conditions are nationally set for each defined activity as contained within the regulations.

## **2.4 Delegation and Authorisation**

2.4.1 Delegation of powers is proposed as set out below:

- a) Granting and renewal of a licence – delegated to Officers.
- b) Refusal of a licence – delegated to officers, appeal heard by full licensing



committee. Appeal of the council's decision to be heard by First Tier Tribunal.

- c) Suspension or variation of a licence – delegated to officers to be authorised by Team Leader or above. (to be heard by licensing full committee within 28 days)

The guidance issued by DEFRA 'The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 Procedural guidance notes for local authorities' Page 9, clearly sets out the grounds for suspension of a licence and the mechanism for suspension dependent upon the offence.

- d) Revocation of a licence – Licensing Full Committee.

2.4.2 Within the regulations is a star rating system to allow customers to see how businesses perform against the regulation standards. The star rating will be issued by the inspecting licensing officer/animal specialist. Any appeal against the star rating assigned to the business will be dealt with by the PPASB & Licensing Service Manager or the Assistant Director for Communities and Environment.

### **3. The Regulations**

#### **3.1 What is Changing?**

- a) The majority of animal related licensing will now be administered under one regime. See 3.2 for further details.
- b) Conditions will now be nationally set. See 3.4 for further details.
- c) Fees and charges will be locally set on a full cost recovery basis. See 4 for further details.
- d) Introduction of a star rating system. See 3.5 for further details.
- e) Officers undertaking inspections must be suitably qualified. See 3.9 for further information.
- f) The definition of dog breeders is reducing the number of litters per annum from five to three and/or will include anyone making a profit of over £1000.
- g) Pet shops will no longer be premises based only and will include animal sales online within our council boundary.
- h) Doggy Day Care has been clarified to be a licensable activity.
- i) Detailed guidance on the regulations has been issued by DEFRA.
- j) The introduction of one, two and three year licences based upon compliance history, star rating and associated risk.
- k) Introduction of statutory returns to the secretary of state. Further details contained in 4.1.2.

### 3.2 What's Included

Activity	Former legislation	New legislation
Animal Boarding (Catteries and Kennels)	Animal Boarding Establishments Act 1963	The Animal Welfare (licensing of activities involving animals) (England) Regulations 2018
Home Boarding of Dogs		
Dog day care		
Dog breeding	The Breeding of Dogs Act 1973	
	The Breeding of Dogs Act 1991(b)	
	Breeding and Selling of Dogs (welfare) act 1999	
Riding establishments	Riding Establishments Acts 1964 & 1970	
Sales of animals (formerly pet shops)	The Pet Animals Act 1951	
Performing animals (formerly a registration administered by LCC)	Performing Animals (Regulation) Act 1925	

### 3.3. What's Excluded

Activity	legislation
Dangerous Wild Animals	Dangerous Wild Animals Act 1976
Zoos	Zoo Licensing Act 1981

### 3.4 Conditions

All licence conditions are nationally set and are contained within the regulations. The conditions relate to the activity being applied for under the licensing regime. The general conditions to be applied to all licences are contained within Schedule 2 of the regulations. Activity Specific conditions are contained within Schedules 3 – 7 of the regulations.

### 3.5 The Star Rating System

Within the regulations is a star rating system to allow customers to see how businesses perform against the regulation standards. The star rating will be issued by the inspecting licensing officer/animal specialist. **The Scoring Matrix**

### 3.5.1

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	<b>1 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>3 Star</b> 2yr licence Min 1 unannounced visit within 24 month period	<b>5 Star</b> 3yr licence Min 1 unannounced visit within 36 month period
	Higher risk	<b>1 Star</b> 1yr licence Min 1 unannounced visit within 12 month	<b>2 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>4 Star</b> 2yr licence Min 1 unannounced visit within 24 month period

3.5.2 The risk rating of a business is determined by completing the risk scoring table shown in **Appendix A**.

## 3.6 Appeals Against Star Ratings

The guidance states:

3.6.1 To ensure fairness to businesses, local authorities must have an appeal procedure in place for businesses to dispute the star rating given in respect of their business. The appeal procedure is relevant where the business wishes to dispute the star rating given as not reflecting the animal welfare standards and risk level of their business at the time of the inspection. This should not be used if the business has made improvements to their business and wishes to be reassessed – in this case, they should apply for re-inspection.

### 3.6.2 How can a Business Appeal their Star Rating?

If a business wishes to appeal the star rating given by the ‘inspecting officer’ (i.e. the officer undertaking the inspection) on behalf of the local authority, the appeal should be made in writing (including by email) to the local authority.

A business disputing a rating should be encouraged to discuss this informally first with the ‘inspecting officer’ so that there is an opportunity to help explain to the business how the rating was worked out, as this may help resolve the matter without the business having to lodge an appeal. Any such discussions do not form part of the formal appeal process and do not change the deadline within which an appeal must be lodged. This should be made clear to the business so that they may lodge an appeal, and may subsequently withdraw it, if they wish.

3.6.3 Businesses have 21 days (including weekends and bank holidays) following the issue of their licence in which to appeal the star rating.

- 3.6.4 Any appeal against the star rating assigned to the business will be dealt with by the PPASB & Licensing Service Manager or the Assistant Director for Communities and Environment. A decision will be made and the applicant notified within 21 days of receipt of the appeal.

### **3.7 Re-Inspection for Star Rating**

- 3.7.1 Where a business has made improvements following a star rating they can apply to be re-inspected. A fee will be charged for this. The department will re-inspect within 3 months (determined by DEFRA guidance) although this will likely be completed much sooner.
- 3.7.2 The request for re-inspection should be made in writing (including by email) and should outline the case for a re-inspection, i.e. it should indicate the actions that have been taken by the business to improve the level of compliance or welfare since the inspection and, where appropriate, should include supporting evidence. The supporting case should refer to those actions that the local authority informed the business would need to be made in order to achieve a higher rating.
- 3.7.3 The star rating can only be altered following a practical re-inspection and cannot be changed based upon documentary evidence alone.

### **3.8 Publishing the Star Rating**

- 3.8.1 The star rating must be added to the licence and the licence should be displayed by the business. In addition, we encourage local authorities to maintain a list of licensed businesses and their associated ratings on their websites.

### **3.9 Suitably Qualified Inspectors**

16. All inspectors must be suitably qualified. This is defined as:

- (a) Any person holding a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation which oversees the training and assessment of persons in inspecting and licensing animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity.  
Or;
- (b) Any person holding a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons (“RCVS”), together with a relevant RCVS continuing professional development record;
- (c) Until October 2021, any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses.

### **3.10 Period of Licence**

A local authority may grant or renew a licence—

- (a) for a period of one, two or three years in respect of the activity or any part of the activity described in paragraph 2, 4, 6 or 8 of Schedule 1 if it is satisfied that a period of one, two or three years, as the case may be, is appropriate on the basis of its assessment, having regard to such guidance as may be issued by the Secretary of State, of—
  - (i) the risk of an operator breaching any licence conditions;
  - (ii) the impact on animal welfare of any such breaches; and
  - (iii) whether the operator is already meeting higher standards of animal welfare than are required by the licence conditions;
- (b) for a period of three years in respect of the activity or any part of the activity described in paragraph 10 of Schedule 1 namely Keeping or training animals for exhibition

The scoring matrix shown in 3.5.1 above demonstrates how the length of licences will be determined.

The risk of a business is determined by using the risk table shown in **Appendix A**.

#### **4. Fees and Charges**

4.1 The fees and charges are to be locally set based upon full cost recovery, the regulations state:

4.1.1 A local authority may charge such fees as it considers necessary for—

- (a) the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,
- (b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration,
- (c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and
- (d) the reasonable anticipated costs of compliance with regulation 29\*.

4.1.2 \*Regulation 29. Provision of information to the Secretary of State

- (1) Each local authority must provide the following information to the Secretary of State in writing for the purpose of assisting the Secretary of State to carry out the review in accordance with regulation 28.
  - (a) the number of licences in force for each licensable activity in its area on each reference date, and

- (b) the average level of fees it has charged for licences it has granted or renewed for each licensable activity in each reference period.

## 4.2 Current Fees and Charges

Activity	cost	
Riding establishments	75	PLUS VETS FEES
Cattery	75	PLUS VETS FEES
Kennel	75	PLUS VETS FEES
Home Boarders	75	PLUS VETS FEES
Dog Breeders	75	PLUS VETS FEES
performing animals	25	transferring from LCC
pet shops non reptile	110	Fee incorporates 2x Vet inspections
pet shops reptile	310	Fee incorporates 2x vet inspections one of which in undertaken by specialist zoo vet

### 4.2.1 Neighbouring Authorities Current Fees and Charges

	costs					
Activity	Lincoln	NKDC	SKDC	WLDC	ELDC	N&SDC
Riding establishments	75	244.05	115.75	82	120	160
Cattery	75	244.05	115.75	228	120	160
Kennel	75	244.05	115.75	228	120	160
dual cats and dogs			155.75	269		
Home Boarders	75	196.83	100.65	151	120	90
Dog Breeders	75	244.05	115.75	228	120	160
performing animals	25	25	25	25	25	17
pet shops non reptile	110	244.05	115.75	182	120	160
pet shops reptile	310	244.05	115.75	182	120	160
notes	inclusive of vets fees	all + vets fees			plus vets fees	All + vets fees

## 4.3 How the Fees and Charges have been Calculated

The fees and charges have been calculated based upon a combination of data available regarding the following:

- Time spent historically issuing licences for animal based activities; and
- Anticipated time to be spent based upon the requirements set out within the regulations.

Detailed time allocation can be found in **Appendix B**.

#### 4.4 Proposed Fees and Charges

Based upon cost recovery the cost to the authority in issuing a licence is £248.19 excluding Vets fees.

The proposed fee for all licensable animal activities is **£250 + vets fees**

This based upon full cost recovery. Detailed fees and charges have been provided by Finance, a simplified version of costs can be found in **Appendix C**.

The fee of **£250 + vets fees** is proposed for all licences whether issued for 1, 2 or 3-year periods. This is due to the officer work remaining the same albeit over a variable period. This should also be viewed as an incentive for businesses to be compliant in order for them to be eligible for a longer licence term. On a 3-year licence this represents a marginal increase in fees.

#### 4.5 Fee for Requested Re-Inspection for Star Rating Review

Where a request is received from a licence holder for their star rating to be reviewed this will incur an additional charge. Based upon cost recovery this will be charged at **£105**. Detailed cost breakdown is shown in **Appendix D**.

#### 4.6 Fee for Requesting a Variation of the Licence

Where a request is received by the licence holder to vary their licence this will incur an additional charge. Based upon cost recovery this will be charged at **£95**. Detailed cost breakdown is shown in **Appendix E**.

#### 4.7 Current Demand

Activity	number
Riding establishments	2
Cattery	1
Kennel	0
Home Boarders	6
Dog Breeders	0
performing animals	0
pet shops non reptile	6
pet shops reptile	3

Total 18

We currently have 18 licences in operation that relate to animal licensing. Of these 18 current licenses, we expect all to renew under the new regime.

Additionally there are 5 performing animal permits currently administered by Lincolnshire County Council that will transfer over to City of Lincoln Council under the new regime. We have also have enquiries from 2 potential dog breeders.

As the new regime encompasses a broader range of licensable activities it is likely that demand on the service will increase particularly over the next year. This could be in the range of a 50 – 100% increase. Taking number from 18 currently to between 27 – 36 licences operating.

## **5. Delegation of Authority**

### **5.1 Proposed Authorisations**

Licensing Officers and the Animal Warden will be authorised under the regulations.

The PPASB & Licensing Service Manager and Assistant Director for Communities and Environment will be Authorised for the purposes of overseeing work undertaken and investigating Appeals of star ratings or complaints against service.

### **5.2 Delegation of powers is prosed as set out below:**

- a) Granting of a licence – delegated to Officers.
- b) Refusal of a licence – delegated to Officers, appeal heard by full licensing committee. Appeal of council decision to be heard by a First Tier Tribunal.
- c) Suspension of a licence – delegated to officers to be authorised by Team Leader or above. (to be heard by licensing full committee within 28 days)  
The guidance issued by DEFRA 'The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 Procedural guidance notes for local authorities' Page 9, clearly sets out the grounds for suspension of a licence and the mechanism for suspension dependent upon the offence as well as grounds for reinstatement.
- d) Revocation of a licence – Licensing Full Committee.

### **5.3 When granting, refusing, suspending or reinstating a licence Officers will have full regard for the guidance issued by DEFRA 'The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 Procedural guidance notes for local authorities'.**

## **6. Options Available to the Committee**

- 6.1
  - 1. Accept the report in its entirety and refer to Executive for consideration.
  - 2. Accept the introduction of the regulations and make recommendations or amendments to fees and charges.

## **7. Summary**

### **7.1 The Licensing Committee is presented with information relating to the introduction of The Animal Welfare (licensing of activities involving animals) (England) Regulations 2018 that are due to come into effect on 1<sup>st</sup> October 2018.**

### **7.2 The regulations make some significant changes to licensable activities and to the**



way in which licences are administered by the licensing authority.

## **8. Organisational Impacts**

### **8.1 Legal Implications**

8.2 As with the implementation of any new legislation, the council may receive challenge on its decisions or the way in which decisions are determined. The licensing authority will ensure all guidance is followed and that decisions are fair and transparent with documented reasoning to reduce risk to the authority.

8.3 Due to the nature of the regulations the scope of activities covered has broadened and clarity given on offences. This may lead to an increase in regulation and enforcement.

## **9. Financial Implications**

9.1 The new regulations allow for a full cost recovery. Due to unknown demand and no precedent being set for the new regulations the cost of the service will need to be monitored closely to ensure full appropriate, proportionate and transparent cost recovery.

## **10. Equality & Diversity Implications**

10.1 The potential for any Equality and Diversity issues to arise has been considered and it is concluded that no issues relating to this, nor the Human Rights Act 1988 are relevant.

## **11. Recommendation**

11.1 That the committee consider the information provided and provide reasons for their decision.

**How many appendices does the report contain?**

5

**List of Background Papers:**

Appendix A – Risk scoring table  
Appendix B – Fees and Charges Time Allocation  
Appendix C – Fees and Charges  
Appendix D – Review of Star Rating Fees and Charges  
Appendix E – Fees for request to vary licence

**Lead Officer:**

Francesca Bell – Public Protection, ASB and  
Licensing Service Manager  
Telephone (01522) 873204

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Table 2 – Risk Scoring Table

<b>Table 2 – Risk Scoring Table</b>	<b>Low (Score 1)</b>	<b>High (Score 2)</b>	<b>Score</b>
<b>Compliance History - inspections</b>	Documented evidence from formal inspections over the previous three years reveal consistent and high levels of compliance in terms of welfare standards and risk management.	Formal inspections over the previous three years reveal some degree of non-compliance that has required the intervention of the inspector for the business to ultimately recognise and address these. More serious breaches would attract other enforcement action: suspension, revocation, prosecution.	
<b>Compliance History – follow up action</b>	No evidence of follow-up action by local authority in the last year apart from providing the licence holder with a copy of the inspection report, or sending them a letter identifying some minor, administrative areas for improvement (e.g. minor record keeping issues).	Follow up action by the local authority, such as sending them letters, triggered by low level non-compliance that is not addressed, or the business does not recognise the significance of the need to address the non-compliance.	
<b>Compliance History – re-inspection</b>	No re-inspection necessary (apart from standard unannounced inspection) before next planned licence inspection / renewal	Re-inspection necessary to ensure compliance.	
<b>Complaint History – complaints to the LA</b>	No complaints received direct to the LA that are justified in relation to welfare standards or procedural issues during the previous three years.	Low level substantiated complaints identifying concerns over the business / licence holder have been received within the previous three years.	
<b>Complaint History – complaints to the business</b>	Licence holder records and documents any feedback received directly, in order to demonstrate compliance and willingness to address issues, and can provide evidence of this.	Licence holder does not record feedback received directly or show willingness to address any issues identified.	
<b>Appreciation of welfare standards - enrichment</b>	Sound understanding by the licence holder of relevant environmental enrichment applicable to the activity (guided by expert advice), with demonstrated implementation.	Little environmental enrichment present, inconsistently used and its importance not understood or really valued.	
<b>Appreciation of hazards / risks</b>	Licence holder clearly understands their role and responsibilities under the legislation. Hazards to both staff and animals clearly understood, properly controlled and reviewed with supporting evidence where applicable.	Licence holder not fully engaged with their role/responsibilities, lacks time to fulfil role, no system for review and reassessment of hazards to both animals and staff.	

<b>Appreciation of hazards / risks - maintenance</b>	A suitably planned maintenance, repair and replacement program for infrastructure and equipment is in place.	No planned maintenance program. Building, installations and equipment allowed to deteriorate before action is implemented.	
<b>Appreciation of hazards / risks – knowledge and experience</b>	Staff have specialist and appropriate knowledge of the taxa / species that are kept. There is sufficient staff, time and resource for daily, adequate routine monitoring, evidenced through records and staff rotas.	Key staff lack experience / knowledge of the species. Staff appear overburdened and / or unsupported by management, corners being cut.	
<b>Appreciation of hazards / risks – dealing with issues</b>	Clear defined roles / responsibilities of staff, with clear processes for reporting and addressing any identified issues.	Lack of any process, or ownership and responsibility within the business to identify and deal with issues.	
<b>Welfare management procedures – written procedures</b>	Written procedures / policies clearly documented, implemented and reviewed appropriately.	Limited written procedures / policies. No overall strategic control or direction.	
<b>Welfare management procedures – supervision of staff</b>	Appropriate supervision of staff evident where applicable.	Inadequate supervision of staff evident on inspection or from the training records.	
<b>Welfare management procedures – record keeping</b>	All required records maintained and made available.	Poor standard of record keeping, records out of date or appear to be being manufactured – relevance of records not appreciated.	
<b>Welfare management procedures - training</b>	Planned training programme for staff to review and assess competency, with documented training records.	Little or no evidence of relevant training or system for review and reassessment.	

proposed time allocations:

Application for licence - inevitable

total licences 25

Action:	Time	Officer	Variable
Advice	30 minutes	Licensing Officer	
Review completed application	30 minutes	Licensing Officer	
Inspect premises	60 minutes	Licensing Officer	
Risk score	30 minutes	Licensing Officer	
Review outcome of application	30 minutes	Licensing Officer	
Vet inspection to include travel time, inspection and preparing report	150 minutes	Specialist vet	Based on data available from pet shop licences Currently only part of the pet shop fee, arranged/procured by applicant in all other applications Average annual inspection cost for pet shops is £.

Risk 25/25 100% apply 100% of cost element to licence fee

Issuing of licence – likelihood high

Action:	Time:	Officer:	Variable:
Prepare licence	30 minutes		
Recover fee		online	Could be done in person / minimal time impact
Issue licence	30 minutes	Licensing Officer	Often hand delivered

Risk 24/25 100% apply 100% of cost element to licence fee

Refusal of Licence – likelihood low

Action:	Time:	Officer:	Variable:
Document reason for refusal	30 Minutes	Licensing Officer	n/a
Advice applicant over phone	15 minutes	Licensing Officer	n/a
Prepare and send letter explaining the refusal and the process of appeal	30 minutes	Licensing Officer	n/a

Risk 1./25 4% apply 4% of cost element to licence fee

Appeal of Star Rating – likelihood of occurrence unknown – expect 1 in 15 to appeal

Action:	Time:	Officer:	Variable:
Official appeal of start rating received and reviewed by Service Manager	60 minutes	PPASB & Licensing Service Manager	Could be AD
Outcome of review letter prepared and sent to applicant	30 minutes	PPASB & Licensing Service Manager	Could be AD

Risk 2./25 8% apply 8% of cost element to licence fee

Appeal of Licence refusal via committee – likelihood low as not occurred in previous years

Action:	Time:	Officer:	Variable:
Appeal received and logged	30 minutes	Licensing Officer	
Report Prepared by Licensing Officer	180 minutes	Licensing Officer	Could take considerably longer
Legal services manager consulted on report	30 minutes	Legal Services Manager	
Legal Services time allocation for hosting committee	90 minutes	Legal Services Officer	Could be Legal Services Manager
Democratic Services Time Allocation	90 minutes of meeting 60 minutes agenda producing and writing up	Democratic Services Officer	Could be Manager
Committee pre meet	30 minutes		
Committee meeting	60 minutes		

Risk 1./25 4% apply 4% of cost element to licence fee

Investigation of complaints/enforcement – average of 12 complaints per annum taking on average 150 minutes to resolve.

Action:	Time:	Officer:	Variable:
Complaint received and reviewed	30 minutes	Licensing Officer	
Visit required	120 minutes	Licensing Officer	most likely option totalling 150mins on average
Subsequent visits	60 minutes	Licensing Officer	
Review of licence / suspension	240minutes	Licensing officer / legal services officer	Low risk as not previously been necessary

Risk 12./25 48% apply 48% of cost element to licence fee

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proposed time allocations:

Appendix C Proposed Fees

Application for licence - inevitable

Action:	Time	Officer	Variable
Advice and guidance	30 minutes	Licensing Officer	
Review completed application, book inspection, check history of premises	60 minutes	Licensing Officer	
Inspect premises	90 minutes	Licensing Officer	
Risk score	30 minutes	Licensing Officer	
Review outcome of application	30 minutes	Licensing Officer	
Vet inspection to include travel time, inspection and preparing report	150 minutes	Specialist vet	Based on data available from pet shop licences
			Currently only part of the pet shop fee, arranged/procured by applicant in all other applications
			Average annual inspection cost for pet shops is £

total licences cost p/hour	25	cost
23.35 x 0.5	11.68	
23.35 x 1	23.35	
23.35 x 1.5	35.03	
23.35 x 0.5	11.68	
23.35 x 0.5	11.68	
total 93.42		x 1
		93.42

Risk	25/25	100%	apply 100% of cost element to licence fee
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Issuing of licence – likelihood high

Action:	Time:	Officer:	Variable:
Prepare licence	30 minutes		
Recover fee	-	online	Could be done in person / minimal time impact
Issue licence	30 minutes	Licensing Officer	Often hand delivered

23.35 x 0.5

11.68

0

23.35 x 0.5

11.68

total 23.35

22.41

Risk 24/25 96% apply 96% of cost element to licence fee

Refusal of Licence – likelihood low

Action:	Time:	Officer:	Variable:
Document reason for refusal	30 Minutes	Licensing Officer	n/a
Advice applicant over phone	15 minutes	Licensing Officer	n/a
Prepare and send letter explaining the refusal and the process of appeal	30 minutes	Licensing Officer	n/a

23.35 x 0.5

11.68

23.35 x 0.25

5.84

23.35 x 0.5

total 29.20

1.17

Risk 1./25 4% apply 4% of cost element to licence fee

Appeal of Star Rating – likelihood of occurrence unknown – expect 1 in 15 to appeal

Action:	Time:	Officer:	Variable:
Official appeal of start rating received and reviewed by Service Manager	60 minutes	PPASB & Licensing Service Manager	Could be AD
Outcome of review letter prepared and sent to applicant	30 minutes	PPASB & Licensing Service Manager	Could be AD

69.24 x 1

69.24

69.24 x 0.5

total 103.86

8.31

Risk 2./25 8% apply 8% of cost element to licence fee

Appeal of Licence refusal via committee – likelihood low as not occurred in previous years

Action:	Time:	Officer:	Variable:
Appeal received and logged	30 minutes	Licensing Officer	
Report Prepared by Licensing Officer	180 minutes	Licensing Officer	Could take considerably longer
Legal services manager consulted on report	30 minutes	Legal Services Manager	
Legal Services time allocation for hosting committee	90 minutes	Legal Services Officer	Could be Legal Services Manager
Democratic Services Time Allocation	90 minutes of meeting 60 minutes agenda producing and writing up minutes	Democratic Services Officer	Could be Manager
Committee pre meet	30 minutes	Licensing officer Democratic services officer	
Committee meeting	60 minutes	Licensing officer Democratic services officer	

23.35 x 0.5

11.68

23.35 x 3

70.05

77.23 x 0.5

38.61

50.24 x 1.5

75.36

27.18 x 2.5

67.95

23.23 x 0.5

11.68

27.18 x 0.5

13.59

23.23 x 0.5

23.35

27.18 x 0.5

total 339.45

13.58

Risk 1./25 4% apply 4% of cost element to licence fee

Investigation of complaints/enforcement – average of 12 complaints per annum taking on average 150 minutes to resolve.

Action:	Time:	Officer:	Variable:
Complaint received and reviewed	30 minutes	Licensing Officer	
Visit required	120 minutes	Licensing Officer	most likely option totalling 150mins on average
Subsequent visits	60 minutes	Licensing Officer	
Review of licence / suspension	240minutes	Licensing officer / legal services officer	Low risk as not previously been necessary

23.35 x 0.5

11.68

23.35 x 2

46.7

23.35 x 1

23.35 total 81.73

39.23

0

0

0

Risk 12./25 48% apply 48% of cost element to licence fee

Additional inspection required during licence period

Action:	time	
Inspect premises	90 minutes	Licensing Officer
Risk score	30 minutes	Licensing Officer
Review outcome	30 minutes	Licensing Officer
prepare report	30 minutes	Licensing Officer

23.35 x 1.5

35.03

23.35 x 0.5

11.68

23.35 x 0.5

11.68

23.35 x 0.5

11.68 total 70.07

70.07

Risk 25/25 100% apply 100% of cost element to licence fee

Total fee £248.19 + Vet inspection fee

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## APPENDIX D

### Request for Star Rating Review

Action:	Time	Officer
Advice and guidance	30 minutes	Licensing Officer
Review completed request for re-inspection, book inspection, check history of premises	30 minutes	Licensing Officer
Inspect premises	90 minutes	Licensing Officer
Risk score	30 minutes	Licensing Officer
Review outcome of application	30 minutes	Licensing Officer
Re issue licence	30 minutes	Licensing Officer

cost p/hour	cost
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23.35 x 0.5                      11.68

23.35 x 1                        23.35

23.35 x 1.5                    35.03

23.35 x 0.5                    11.68

23.35 x 0.5                    11.68

23.35 x 0.5                    11.68

<b>Total cost</b>	<b>£105.10</b>
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## APPENDIX E – Variation application fees and Charges

Action:	Time	Officer		
Advice and guidance	30 minutes	Licensing Officer	23.35 x 0.5	11.68
Review completed application, book inspection, check history of premises	60 minutes	Licensing Officer	23.35 x 1	23.35
Inspect premises	90 minutes	Licensing Officer	23.35 x 1.5	35.03
Risk score	30 minutes	Licensing Officer	23.35 x 0.5	11.68
Review outcome of application and issue licence	30 minutes	Licensing Officer	23.35 x 0.5	11.68

Total Cost £93.42

**Fee to be charged £95**

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