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**Report to Clackmannanshire Council**

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**Date of Meeting: 16 December 2021**

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**Subject: Animal Licencing**

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**Report by: Strategic Director – Partnership & Performance**

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**1.0 Purpose**

- 1.1. The purpose of this report is to seek Council agreement on Animal Licencing fees following the introduction of the Animal Welfare (Licencing of Activities Involving Animals) Scotland Regulations 2021.

**2.0 Recommendations**

- 2.1. It is recommended that Council:
- notes the implications for the Licencing Authority in terms of the Animal Welfare (Licencing of Activities Involving Animals) Scotland Regulations 2021.
  - agrees the schedule of fees as set out at Appendix 1 for 2021/22;
  - agrees that a 50% reduction should applied to the fees of Animal Welfare Establishments that are Scottish registered charities..

**3.0 Considerations**

- 3.1. The Animal Welfare (Licencing of Activities Involving Animals) Scotland Regulations 2021 took effect from September 2021. They replace previous legislation covering pet sales and dog breeding and introduce new licencing requirements for cat and rabbit breeders, animal welfare establishments (animal sanctuaries and rehoming centres) and other pet rehoming activities, subject to operators meeting the licencing threshold for each activity.
- 3.2. The purpose of the new Regulations is to provide a modern system of licencing and registration for animal sanctuaries and rehoming. They also seek to improve licencing for dog, cat and rabbit breeding, dealing and selling so that conditions in breeding units in Scotland can be controlled and breeders identified when advertising animals for sale.

- 3.3. The impact of this new regime is that it broadens the scope of regulated activity as follows:
- The breeding of dogs – any person breeding 3 or more litters of puppies in a 12 month period is required to be licensed regardless of whether the breeder sells or otherwise supplies a puppy as a pet to another person
  - The breeding of cats - any person breeding 3 or more litters of kittens in a 12 month period is required to be licensed regardless of whether the breeder sells or otherwise supplies a kitten as a pet to another person
  - The breeding of rabbits - any person breeding 6 or more litters of kits in a 12 month period is required to be licensed regardless of whether the breeder sells or otherwise supplies a kit as a pet to another person
  - The sale of animals as pets in the course of a business, encapsulating the following:
    - Selling animals as pets in the course of a business
    - Selling animals, with the expectation that they will be resold as pets, in the course of a business
    - Keeping animals in the course of a business with a view to them being sold as pets
    - Keeping animals in the course of a business with a view to them being resold as pets
  - The operation of Animal Welfare Establishments - under the Regulations, an operator of an AWE (such as an animal sanctuary or animal rehoming centre) will require a licence if a threshold number of animals are kept in the AWE for their care.
  - The rehoming of animals (other than an AWE) - under the Regulations this means any operator that supplies an animal as a pet to a person in Scotland is required, subject to some exceptions, to be licenced if the following conditions are met:
    - The person being supplied physically receives the animal in Scotland, and
    - The supply takes place during a 12 month period in which at least 4 other animals are supplied by the operator as pets to a person in Scotland.
- 3.4. A licensing authority may charge such fees as it considers necessary for—
- 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,
  - the reasonable anticipated costs of consideration of a licence holder's compliance with the Regulations and the licence conditions to which the

licence holder is subject in circumstances other than those described in the preceding sub-paragraph including any inspection relating to that consideration, and

- the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator.
- 3.5. The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

### **Licencing Period**

- 3.6. The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 allow the Local Authority to issue licences with a duration of one, two or three years. In determining the duration of a licence, the Local Authority must be satisfied that the period to be granted is appropriate on the basis of its assessment of the following:
- The risk of the applicant breaching the licence conditions (including any particular licence conditions to be attached to the licence by us in relation to that particular operator)
  - The possible impact of any such breaches on the welfare of any animals
  - Whether the applicant is already operating to higher standards of animal welfare than required by the licence condition.

### **Licencing Fees**

- 3.7. The Council's policy on fees and charges is based on the principle of full cost recovery. Proposed fees for 2021/22 are set out at Appendix 1. These reflect the administrative tasks required to process and enforce the new regulatory duties. It should be noted that there do not include fees for veterinary inspections, which, where applicable will be recharged to the applicant on a full cost recovery basis.
- 3.8. Fees will be reviewed and consulted on annually as part of the budget process in line with the schedule of fees and charges. Fees reflect administration of the new regulations, however, it should be noted that the licencing period and associated costs has the potential to move from annual to two or three yearly for most established licence holders demonstrating a high degree of assurance.
- 3.9. In recognition that Animal Welfare Establishments are for the wider public good given society's wish to protect animals from suffering and improve animal welfare it is proposed that a 50% discount should be applied if those organisations are a charity registered in Scotland.

### **Conclusions**

- 3.10. The Animal Welfare (Licensing of Activities Involving Animals) Scotland Regulations 2021 came into effect on 1 September 2021 to improve animal welfare and protect animals from suffering. The broader scope of the

Regulations has additional resource impacts for the Licencing Authority in Clackmannanshire which is required to administer them.

#### 4.0 Sustainability Implications

4.1. There are no direct sustainability implications arising from this report.

#### 5.0 Resource Implications

##### 5.1. *Financial Details*

5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

5.4. *Staffing* – the Regulations will likely result in increased workloads for licencing and environmental health staff. The full implications are not known at this stage however should additional staffing be required, this will need to be reflected in future fees.

#### 6.0 Exempt Reports

6.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No

#### 7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box )

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all   
Our families; children and young people will have the best possible start in life   
Women and girls will be confident and aspirational, and achieve their full potential   
Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

#### 8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?  
 Yes  No

**9.0 Legality**

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

**10.0 Appendices**

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

**11.0 Background Papers**

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)  
 Yes  (please list the documents below) No

**Author(s)**

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Stuart Crickmar	Strategic Director	2127

**Approved by**

NAME	DESIGNATION	SIGNATURE
Stuart Crickmar	Strategic Director	

## Appendix 1 – Fees 2021/22

	Sale of Pet Animals	Breeding of Dogs/Cats/Rabbits	Animal Welfare Establishments	Animal Rehoming Activities
New Application/Renewal	£140*	£140*	£140*	£140*
Variation of Licence	£118**	£118**	£118**	£118**

Based on an average estimated 6.5hrs processing effort x £21.60 per hour\*

Based on an average 5.5hrs estimated processing x £21.60 per hour\*\*

### **Note**

The licence fee is the same whether it is for a 1,2 or 3 year duration

The fee reflects the cost of processing applications. No refund will be given if an application is refused or is withdrawn

AWE – a 50% reduction will be applied for charities registered in Scotland with OSCR

Where it is required for the purposes of processing or enforcing a licence, that the services of another agency is needed to conduct an inspection, e.g. the SSPCA or a veterinary surgeon, this will be recharged to the applicant on a cost recovery basis in addition of the licencing fee.