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TRAFFORD COUNCIL

AGENDA PAPERS FOR PUBLIC PROTECTION SUB-COMMITTEE MEETING

Date: Thursday, 25 October 2018

Time: 6.30 pm

Place: Council Chamber Trafford Town Hall, Talbot Road, Stretford, Manchester,
M32 0TH

AGENDA	PART I	Pages
1.	ATTENDANCES	
	To note attendances, including Officers and any apologies for absence.	
2.	MINUTES	
	To receive and if so determined, to approve as a correct record the Minutes of the meeting held on 20 th September 2018.	1 - 2
3.	AMENDMENTS TO THE ANIMAL LICENSING FEES	
	To consider a report of the Head of Regulatory Services.	3 - 8
4.	URGENT BUSINESS (IF ANY)	
	Any other item or items (not likely to disclose “exempt information”) which, by reason of special circumstances (to be specified), the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.	
5.	EXCLUSION RESOLUTION (REMAINING ITEMS)	
	Motion (Which may be amended as Members think fit):	
	That the public be excluded from this meeting during consideration of the remaining items on the agenda, because of the likelihood of disclosure of “exempt information” which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as amended by	

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The Local Government (Access to Information) (Variation) Order 2006, and specified on the agenda item or report relating to each such item respectively.

6. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - CONVICTION WHICH EXCEEDS THE SCHEME OF DELEGATION** **PART II**
- To consider a report of the Head of Regulatory Services. Para. 1 9 - 12
7. **URGENT BUSINESS (IF ANY)** **PART II**

JIM TAYLOR

Interim Chief Executive

Membership of the Committee

Councillors A. Duffield (Chair), D. Jarman (Vice-Chair), B. Brotherton, D. Bunting, Mrs. D.L. Haddad, J. Holden, D. Jerrome, S. Thomas and M. Whetton

Further Information

For help, advice and information about this meeting please contact:

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This agenda was issued on **Wednesday 17 October, 2018** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

PUBLIC PROTECTION SUB-COMMITTEE

20 SEPTEMBER 2018

PRESENT

Councillor A. Duffield (in the Chair).

Councillors D. Jarman (Vice-Chair), D. Bunting, Mrs. D.L. Haddad, J. Holden, D. Jerrome, S. Thomas and M. Whetton

In attendance

N. Smith	Head of Regulatory Services
G. Levy	Regulatory Services Mgr (Trading Standards & Licensing)
J. Boyle	Licensing Team Leader
M. Dhaliwal	Trainee Solicitor
N. Owen	Democratic and Scrutiny Officer

Also Present

Councillor E. W. Stennett (Substitute for Councillor B. Brotherton)

APOLOGIES

An apology for absence was received from Councillor B. Brotherton

15. MINUTES

RESOLVED: That the minutes of the meeting held on 23rd August 2018 be approved as a correct record and signed by the Chair.

16. INTRODUCTION OF A KNOWLEDGE TEST AND CHANGES TO THE CURRENT ENGLISH LANGUAGE TEST FOR ALL NEW HACKNEY CARRIAGE/PRIVATE HIRE DRIVER APPLICANTS

The Head of Regulatory Services submitted a report requesting Members to consider re-introducing a local area taxi knowledge test; and a proposal to raise the level of the English language test for all new hackney carriage/private hire driver applicants.

The Sub-Committee were informed that a consultation exercise had been carried out between 1st May 2018 and 29th June 2018 and that hackney carriage trade representatives; private hire operators; all persons on the current driver applicant waiting list; and all Councillors had been consulted. 729 responses to the consultation were received.

A Councillor queried whether this would apply to driver's renewing their licences and was told at present it would not apply to those drivers as there may be legal issues if no complaints had been received about a driver regarding language/communication issues.

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20 September 2018**

It was agreed to look at the number of new licences issued since the removal of the knowledge test in 2015 and that an update regarding the legal position on renewals be provided at the next meeting.

Members of the trade who were present gave their views on the proposals.

The Sub-Committee were informed that the proposal regarding dual badges would be considered as part of the wider AGMA common minimum standards project as further work was required to consider the ramification of this proposal.

RESOLVED: -

- (1) It was agreed that all those submitting an application for a private hire/hackney carriage driver's licence on or after the implementation date be required to pass a local area knowledge test as part of the application process and that there be a corresponding increase in the fee to cover associated costs.
- (2) It was agreed that those submitting an application for a private hire/hackney carriage driver's licence on or after the implementation date must satisfy the Council that they are able to meet the language level which has been set for those seeking to apply for naturalisation as a British citizen; or have passed a relevant qualification at an equivalent level.
- (3) It was agreed that delegated authority be granted to a nominated officer in Regulatory Services, in appropriate and limited circumstances which are to be determined by them, to conduct an individual assessment on an applicant's competence in English when there is a problem supplying proof by one of the above methods.
- (4) It was agreed that the Corporate Director, Place be authorised to approve the content of the knowledge test; and the implementation date of both the knowledge and English language tests.

The meeting commenced at 6.30 pm and finished at 7.00 pm

TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 25th October 2018
Report for: Decision
Report of: Head of Regulatory Services

Report Title

Amendments to the Animal Licensing Fees

Summary

New laws on the licensing of activities involving animals take effect from the 1st October 2018. This report seeks approval for the setting of fees for these licences.

Recommendation(s)

To approve the proposed fees effective from 1st October 2018 as set out in Appendix 1.

Contact person for access to background papers and further information:

Name: Nigel Smith, Head of Regulatory Services
Extension: 4530

Background Papers:

- Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018
- DEFRA Guidance to the Regulations
- LGA Guidance on Setting Fees
- Fees calculations

Background Information

Relationship to Corporate Priorities	Not applicable
Financial	The duration of the new licences will depend on a risk rating with some licences being granted for a longer period than others, and some of our existing licensees may also not be suitable for licensing under the new legislation, which could reduce licence fee revenue. However, this in turn would reduce administration and costs incurred by the Council. In addition to this, there may be an increase in the number of licences that are granted as the threshold for requiring a licence will be reducing, and increased enforcement powers could lead to more businesses being identified.
Legal Implications:	The Authority is required to implement the changes as required by The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
Equality/Diversity Implications	Not applicable
Sustainability Implications	Not applicable
Staffing/E-Government/Asset Management Implications	Not applicable
Risk Management Implications	Not applicable
Health and Safety Implications	Not applicable

1.0 Background

1.1 The Council is at present responsible for the regulation of a variety of animal-related businesses. The licence types currently issued by the Council include:

- **Animal boarding establishment licences** (for businesses accommodating dogs or cats – e.g. kennels, catteries, home boarders)
- **Dog breeding establishment licences** (premises used for, or in connection with, the commercial breeding of dogs)
- **Pet shop licences** (any business which keeps animals with a view to selling them as pets)
- **Riding establishment licences** (premises which keep horses and ponies for hire for riding, or for riding tuition).

1.2 The current number of licences issued by Trafford Council is as follows:

- 42 x Animal boarding establishment licences
- 6 x Pet shop licences
- 6 x Riding establishment licences
- 2 x Dog Breeding licences.

1.3 New legislation under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on the 1st October 2018. This new law under the Animal Welfare Act 2006 replaces previous licensing regimes, under much older separate pieces of legislation, which were deemed no longer fit for purpose. It also introduces a national licensing scheme

whereby all licences are issued under the same conditions with a mandatory rating and risk rating methodology.

1.4 A new robust and stronger licensing regime under the above mentioned regulations requires that a new licensing system be implemented for licensing activities involving animals which covers:

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

1.5 The existing licences will remain in force until they expire on 31st December 2018. All existing licence holders have been written to in order to explain the changes. The Council's website has also been amended to provide information on the new licensing arrangements.

1.6 It was clear from the preparatory work undertaken that the new licensing regime will significantly increase the amount of officer time required due to the increase in the inspection time required because of the revised conditions. This will undoubtedly result in the fees increasing on a cost recovery basis.

1.7 The proposed fees are set out in **Appendix 1** of this report. They are set on a cost recovery basis having taken into account all relevant guidance. The fees have been split into application and grant fees.

1.8 The application fees are based on:

- Admin time
- Pre visit preparation time
- Officer inspection time including travel time
- Mileage

Grant fees cover:

- Mid-term inspections (where required)
- Issue of licence
- Renewal of licence
- Enforcement and compliance work.

1.9 As the Council's work on Animal Welfare is primarily undertaken by Oldham Council, in accordance with an agreed Service Level Agreement, the majority of these fee elements are based on a cost recovery basis on the charges that have been agreed with Oldham Council.

1.10 Whilst it is acknowledged that the fees are significantly higher than the fees under the previous regime (see **Appendix 2**) it is worth noting that those fees had not been reviewed to ensure cost recovery for some time. In addition, businesses achieving a higher standard will benefit from a longer length licence, which should offset the increase in fees as they will only have to pay the fee once every two or three years.

1.11 It is therefore requested that the proposed fees at Appendix 1 be approved.

Animal Licensing Fees (excluding vet costs)

Effective 1st October 2018

Home Boarding of Dogs		
Application Fee		£186
Grant Fee	1 year	£105
	2 year	£125
	3 year	£145
Variation Fee		£50 per hour of officer time
Dog Breeding Licence		
Application Fee	Residential	£236
	Commercial	£286
Grant Fee	Residential	
	1 year	£130
	2 year	£150
	3 year	£170
	Commercial	
	1 year	£155
	2 year	£175
	3 year	£195
Variation Fee		£50 per hour of officer time
Boarding of Cats or Dogs		
Application Fee	Business <10 animals	£236
	Business 10-29	£261
	Business >30	£286
	Business >60 animals	£311
Grant Fee (One year)	Business <10 animals	£130
	Business 10-29	£143
	Business >30	£155
	Business >60 animals	£168
Grant Fee (Two year)	Business <10 animals	£150
	Business 10-29	£163
	Business >30	£175
	Business >60 animals	£188
Grant Fee (Three year)	Business <10 animals	£170
	Business 10-29	£183
	Business >30	£195
	Business >60 animals	£208
Variation Fee		£50 per hour of officer time
Boarding of Cats <i>and</i> Dogs		
Application Fee	Business <10 animals	£286
	Business 10-29	£311
	Business >30	£336
	Business >60	£361

Grant Fee (One year)	Business <10 animals	£155
	Business 10-29	£168
	Business >30	£180
	Business >60	£193
Grant Fee (Two year)	Business <10 animals	£175
	Business 10-29	£188
	Business >30	£200
	Business >60	£213
Grant Fee (Three year)	Business <10 animals	£195
	Business 10-29	£208
	Business >30	£220
	Business >60	£233
Variation Fee		£50 per hour of officer time
Providing Day Care for Dogs (Crèche)		
Application Fee		£236
Grant Fee	1 year	£130
	2 year	£150
	3 year	£170
Variation Fee		£50 per hour of officer time
Keeping of Animals for Exhibition		
Application Fee		£236
Grant Fee	3 year licence	£70
Variation Fee		£50 per hour of officer time
Hiring out Horses		
Application Fee	<10 Horses	£236
	<49 Horses	£336
	>50 Horses	£436
Grant Fee	1 year	£30
	2 year	
	<10 Horses	£130
	<49 Horses	£180
	>50 Horses	£230
	3 year	
	<10 Horses	£250
	<49 Horses	£350
	>50 Horses	£450
Variation Fee		£50 per hour of officer time
Selling animals as pets		
Application Fee		£261
Grant Fee	1 year	£142
	2 year	£162
	3 year	£182
Variation Fee		£50 per hour of officer time

Current Animal Licensing Fees (excluding vet costs)

Animal Licences	Current Fee
Animal Boarding establishments	£206 New £144 Renewal £72 (Home Boarders Renewal)
Dog Breeding establishments	£206 New £144 Renewal
Pet Shops	£206 New £144 Renewal
Horse Riding Establishments	£294 New £245 Renewal
Performing Animals	£206 New £144 Renewal

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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