



## **CABINET –26<sup>TH</sup> JULY 2023**

**SUBJECT: SCRAP METAL DEALERS, DOG BREEDERS, AND LICENSING OF ACTIVITIES INVOLVING ANIMALS LICENSING FEES 2023/24 AND FUTURE FEE SETTING DETERMINATION.**

**REPORT BY: CORPORATE DIRECTOR FOR ECONOMY AND ENVIRONMENT**

### **1. PURPOSE OF REPORT**

- 1.1 To determine the fees charged for Scrap Metal Dealer licences, Dog Breeder licences and licences for premises / activities covered by The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021 for 2023/24.
- 1.2 To approve the delegation and future setting of the above fees falling under the executive function to the relevant Director or Head of Service in consultation with the relevant Cabinet Member.

### **2. SUMMARY**

- 2.1 The licensing fees for premises / activities covered by the following legislation are determined by Cabinet rather than the Taxi & General Licensing Committee: - Scrap Metal Dealers Act 2013, Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 and The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021.
- 2.2 The Acts and supporting Regulations are silent upon the issue of the responsibility for exercising the function and consequently the provisions of S9(D) of the Local Government Act 2000 are triggered and by default the function is exercised by the Executive.
- 2.3 Fees for these types of licences have been reviewed alongside all Licensing fees for 2023/24. Licensing fees generally have not been reviewed for some time mainly due to the impacts of the Covid 19 Pandemic.

### **3. RECOMMENDATIONS**

- 3.1 That the fee structure set out at paragraphs 5.4 to 5.6 of the Report is approved for implementation from 1.8.2023.

3.2 That Cabinet approve the delegation of future fee setting arrangements for the licence types falling within the executive function to the relevant Director or Head of Service in consultation with the relevant Cabinet Member.

#### 4. REASONS FOR THE RECOMMENDATIONS

4.1 In order to comply with statutory guidance and to recover a reasonable level of costs incurred by the Council in administering the licensing functions.

4.2 The majority of Licensing fees are determined by the Licensing & Gambling and Taxi & General Licensing Committees. Delegating responsibility as per paragraph 3.2 above would result in a more streamlined and responsive process for a small number of fees with relatively low income generation.

#### 5. THE REPORT

5.1 The authority has a statutory duty to administer certain licences, registrations and permits. The review of fees charged, involves consideration of the cost to the Authority in providing the service. Some fees are set centrally by government, some are free of charge and the remaining are determined locally to recover the cost of providing that service. The underlying principle in setting fees is that Councils must not use fees to make a profit or act as an economic deterrent to deter certain business types from operating in an area. Charges must be reasonable and proportionate to the cost of the processes associated with the licensing regime.

5.2 The All-Wales Licensing Expert Panel devised a fee calculator toolkit that has been approved by the Directors of Public Protection in Wales. In principle, the toolkit calculates two elements, which cover the costs to the authority for the provision of the service and the cost of processing and producing a licence. The cost of provision of the service increases proportionally dependant on the period of the licence, whereas the licence processing cost is not affected by the period of the licence.

5.3 The fee review process for 2023/24 indicated that current fee levels would not meet the cost of providing the service and should be increased in order to achieve full cost recovery.

5.4 It is recommended that fees for **Scrap Metal collectors and Site operators** be revised in line with that set out in the table below. These licences are issued for a three-year period. The fees in relation to Scrap Metal Dealer Licences were last reviewed in 2017 and since that time there have been increased salary and other related on costs.

<b>Scrap Metal Licences</b>	<b>Current Fee</b>	<b>Proposed Fee</b>	<b>% Increase</b>
Site Operator 3yr licence	£436.00	£511.00	17%
Collector 3yr licence	£311.00	£326.00	4.8%
Change of name site manager	£32.00	£32.00	-
Change of site manager	£53.00	£53.00	-

5.5 **Dog breeding** has increased significantly in recent years in particular the number of larger scale breeders. As a result, the fee category structure has been changed from Home and Commercial to the numbers of dogs kept for breeding purposes. The fee assessment process indicated that fees for 2023/24 should be changed as follows to achieve full cost recovery and do not include any additional fees for the inspection and report of a veterinary surgeon which are payable as required by the applicant.

<b>Dog Breeding Licences</b>	<b>Current Fee/ Comment</b>	<b>Proposed Fee</b>	<b>% Increase</b>
<b>New application</b> Small breeder 3-5 breeding bitches-	£144.00  Home breeding Establishments	£272.00	89%
<b>Renewal</b> Small breeder 3-5 breeding bitches-	N/A New fee type	£239.00	66%
<b>New application</b> Large breeder 6 or more breeding bitches	£226.00 Commercial breeding Establishments	£336.00	49%
<b>Renewal</b> Large breeder 6 or more breeding bitches	N/A new fee type	£294.00	31%

5.6 Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021 (LAIA) apply to businesses or those operating on a commercial basis who are involved in the licensable activities of selling pets. The regulations replaced and revoked the Pet Animals Act 1951 which was formerly the responsibility of the Taxi & General Licensing Committee. Fees have been determined based on the requirements of the new legislation and the increased amount of time taken to inspect and complete reports in line with Welsh Government Statutory Guidance. The proposed fees for 2023/24 are detailed below and do not include any additional fees for the inspection and report of a veterinary surgeon which are payable as required by the applicant. The current fees listed relate to Pet Shop fees under the previous legislation.

<b>LAIA Fees</b>	<b>Current Fee/Comments</b>	<b>Proposed Fee</b>	<b>% Increase</b>
<b>New application</b> Selling Animals as Pets - <b>Single Species</b>	£224 (Pet Shop Fee)	£334	49%

<b>Renewal application</b> Selling Animals as Pets <b>Single Species</b>	N/A New Fee	£256	14%
<b>New application</b> Selling Animals as Pets <b>Multiple Species</b>	£224 (Pet Shop Fee)	£386	72%
<b>Renewal application</b> Selling Animals as Pets <b>Multiple Species</b> -	£224 (Pet Shop Fee)	£334	49%

## 5.7 Consultation

Information on full cost recovery levels of fees for 2023/24 were sent to all existing Animal Breeding, Pet Animal and Scrap Metal licence holders and a consultation survey published on the Authority's website on 15<sup>th</sup> June 2023 and comments invited on them for inclusion in this report. Details of the 4 responses received in respect of fees set by Cabinet are attached as **Appendix 1**. 3 comments relate to Dog Breeding licence fees and 1 relates to Scrap Metal licences. Of the 3 comments in relation to Dog Breeding 2 state that the fee is too low whereas the other expresses concern at increased costs. There are references to the activities of unlicensed breeders and scrap metal collectors and Officers from Public Protection continue to act upon any intelligence received and take appropriate enforcement action.

5.8 The majority of Licensing fees are determined by the Licensing & Gambling and Taxi & General Licensing Committees. Delegating responsibility as per paragraph 3.2 above would result in a more streamlined and responsive process for a small number of fees with relatively low income generation.

## 5.9 CONCLUSION

5.9.1 It is proposed that Cabinet approve the level of fees set out in this report in relation to Scrap Metal, Dog Breeding and premises / activities covered by The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021.

5.9.2 It is also proposed that future fee setting arrangements for licence types contained within the executive function are delegated to the relevant Director or Head of Service in consultation with the relevant Cabinet Member.

## 6. ASSUMPTIONS

6.1 No assumptions have been made within this report.

## 7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

7.1 The council has a duty to cost recover locally set fees. Licence fees have not increased in most instances since 2019/20 and 2017/18 for Scrap Metal and Dog Breeder licences. A consultation in respect of locally set fees has been undertaken with existing licence holders. The responses have been included in the IIA and reports for Cabinet and Licensing Committees for Member consideration. These reports contain the full

cost recovery figures for each licence type. The full impact will be determined by the actual fees set by Cabinet and Licensing Committees. **Link to IIA**

## **8. FINANCIAL IMPLICATIONS**

- 8.1 If the proposed fees are implemented by Cabinet it is estimated that there will be an increased income of £1335.00 per annum based on current numbers. £795 for scrap metal dealer licences, £380 for dog breeders and £160 for LAIA. This does not include any new applications. Fees are determined on a cost recovery basis and current fees do not meet the cost of delivering the service in some areas. Fees have not been increased for several years and any delay in implementing an increase now will lead to higher increases in future years.

## **9. PERSONNEL IMPLICATIONS**

- 9.1 There are no personnel implications associated with this report.

## **10. CONSULTATIONS**

- 10.1 The views of the listed consultees have been reflected within this report.
- 10.2 Details of responses received in relation to the consultation referenced in 5.7 are attached as **Appendix 1**.

## **11. STATUTORY POWER**

- 11.1 Local Government Act 2000. Scrap Metal Dealers Act 2013, Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021, Animal Welfare Act 2006.

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Consultees: Councillor Philippa Leonard, Cabinet Member for Planning and Public Protection  
Councillor D.T Davies, Chair Environment and Sustainability Scrutiny  
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Appendices:

Appendix 1: Consultation Responses

Background Papers:

Cabinet report 26<sup>th</sup> January 2022: Animal Welfare  
(Licensing of Activities Involving Animals) (Wales) Regulations 2021  
Cabinet report Pet animal sales.docx

Link to: **Local Government Association Licensing Fees Guidance**