

RECORD OF OFFICER DECISION

APPROVAL FOR EXTENSION OF PERIOD OF COLLECTION OF LICENSING FEES

Decision made:

To extend animal activity licences and delay collection of Licensing Act 2003 annual fees

Made by: Jessica Gibbons, Director of Communities and Neighbourhoods.

Introduction

1. Pursuant to paragraph 4 of Part 3 Section D, the Directors of Wiltshire Council are empowered to take all necessary decisions in cases of emergency. This decision is being taken by Jessica Gibbons using these powers in circumstances where the Director concerned believes that there is a risk of damage to property, a threat to the health or wellbeing of an individual and/or that the interests of the Council may be compromised if this decision is not otherwise taken.

Reason for decision

2. This decision would in other circumstances be taken by Licensing Committee. However, in circumstances where they are unable to meet to expedite its functions in a timely manner during the COVID-19 pandemic, this decision is being taken in accordance with the power referred to in paragraph 1 above. This decision will be reported to the next meeting of the Cabinet.

Background

3. The Licensing team in the Public Protection Service is responsible for safeguarding animal welfare under a range of animal activities under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. These include dog boarding and breeding, catteries, selling animals as pets, hiring out of horses and the exhibition of animals. Premises are inspected by officers, often with vets and licences issued to businesses for a 1, 2 or 3 year dependant on risk and standards.

In an attempt to both help traders and enable councils to catch up on outstanding inspection work after the current period of social distancing Defra issued guidance on 8 April advising that local authorities may extend existing licences with agreement in writing from the business. This is permitted under the regulations, and any extension would add 3 months on to any existing licence.

The majority those boarders who are continuing to trade are doing so to support Key Workers and vulnerable people. Should their licence lapse they will no longer be able to support these workers.

The licensing team also regulate pubs and clubs under the Licensing Act 2003. The vast majority of the statutory annual fees are due between September to February, however a reasonable number are due each month dependant on the issue date of the original licence. At present there is no specific Government guidance about exemptions from these fees, but we will keep this issue under review.

The LGA however has recently produced a document which it outlines possible positive measure Licensing Authorities can take to aid business during these challenging times whilst ensuring councils incomes are not significantly impacted. The Licensing Team has already been carrying out one of the recommendations by not actively chasing outstanding fees.

A further proposal is to defer payment of the annual fee for six months. Consideration could be given to deferring annual fee payments that are outstanding or due prior to licensed premises become operational again, being given a new payment date for this year only of 1st October 2020. This would not apply when an operator wished to change/ or amend a licence when the fee would be required to be paid prior to the changes being made. The average annual fee for a premises licence is £170 with smaller premises paying £80.

The benefit of granting an extension of animal activities licences and deferment of Licensing Act fees would be to ensure animal welfare standards and provide some limited financial respite for local small businesses at a time when officers have not been able to carry out the normal inspection regimes. It would also provide a buffer period to allow officers to catch up with outstanding inspection and risk assessment work once normal working is resumed.

Risks and mitigation

4. If extensions are not offered there is a risk that animal licences will lapse, so removing the legal protection of animal welfare. In addition as the majority of animal boarders who are continuing to trade are doing so for Key Workers, should their licence lapse they will no longer be able to provide support to enable these workers.

Inspecting these premises in the current climate would present a risk to our officers and traders alike.

The income associated with both animal activity and Licensing Act licenses will be delayed but the majority will still be collected in the financial year but will result in a limited negative impact on the annual profile of the budget income for the service.

Recommendation

5. The following actions are recommended:
 - That we contact all relevant animal licence holders to request a 3 month extension.
 - That no new annual fee invoices be raised until August requesting payment for the 1st October 2020 and those due later in the year will be requested in line with their normal due date. Licensing Team will not chase for outstanding payment due from

premises prior to the lockdown that are at currently closed until the industry has had the opportunity to trade for at least a month.

6. I confirm that in making this decision I have considered the following in line with Wiltshire Council's Constitution:

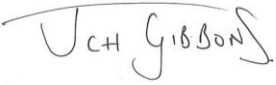
Key decision requirements	Not Applicable
Views of relevant cabinet member(s), committee chairman, area board(s)	Not applicable
Consideration of the area boards and delegated decision checklist for officers on the issue of when and how to involve local councillors and area boards in decisions about local services	Not Applicable
Implication of any council policy, initiative, strategy or procedure	Yes
Consultation in accordance with requirements and expectations of consultation with the public	Not Applicable
Range of options available	Yes
Staffing, financial and legal implications	Yes
Risk assessment	Yes
Involvement of statutory officers and/or directors	Yes
Regional or national guidance from other bodies	Yes
The council's constitution	Yes
This contract is suitable for execution under the e-signature process.	Not Applicable

Conflict of Interest

7. Not Applicable

Other options considered

8. The option not to extend licences has been considered and rejected due to the financial impact on local businesses.



A rectangular box containing a handwritten signature in black ink that reads "JCH GIBBONS".

Made by:

Jessica Gibbons, Director of Communities and Neighbourhoods

Date:

27th April 2020