

## Guidance Note and FAQs

### The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

The above regulations came into effect on 1 October 2018 and introduced a new licensing regime that replaced the licensing requirements under the following legislation:

- Pet Animals Act 1951
- Animal Boarding Establishments Act 1963
- Riding Establishments Acts 1964 & 1970
- Breeding of Dogs Act 1973 & Breeding and Sale of Dogs (Welfare) Act 1999
- Performing Animals (Regulation) Act 1925

The above Regulations control the following “licensable activities”:

- Selling animals as pets
- Providing or arranging for the provision of boarding for cats or dogs (including kennel and home boarding of dogs)
- Providing day care for dogs
- Hiring out horses
- Breeding dogs
- Keeping or training animals for exhibition

The regulations can be viewed at <https://www.legislation.gov.uk/ukxi/2018/486/contents/made>

#### **1 What licensing activities require a licence?**

A licence is required when any of the licensable activities outlined in Schedule 1 of the regulations are undertaken. These are:

- (a) Selling animals as pets (Part 2);
- (b) Providing or arranging for the provision of boarding for cats or dogs (including the provision of boarding for cats; kennels for dogs; home boarding for dogs or day care for dogs – Part 3);
- (c) Hiring out horses (Part 4);
- (d) Breeding dogs (Part 5);
- (e) Keeping or training animals for exhibition (Part 6)

## 2 Who can apply for a licence?

Any individual, who will be designated as the operator of the business, can apply for a licence providing they

- (a) Can demonstrate that they are a fit and proper person to carry out the licensable activity and meet the licence conditions; and
- (b) Are not disqualified from holding a licence in accordance with Regulation 11 and Schedule 8.

## 3 How do I apply for a licence?

Licence applications must be submitted in writing along with any supporting information and the appropriate fee. You can request the relevant application forms by contacting [ehlicensing@staffordbc.gov.uk](mailto:ehlicensing@staffordbc.gov.uk) or by calling 01785 619745.

## 4 What standards/conditions will I be expected to meet to obtain a licence?

Defra has produced mandatory conditions and associated guidance for each licensable activity. These are divided into two categories; namely 'General Conditions' (stipulated in Schedule 2) and 'Specific Conditions' from the associated schedule of the Regulations.

You will need to meet the requirements of all the minimum standards, although minor failings may be noted/recorded providing they do not compromise the welfare of the animals (these should be predominantly administrative in nature).

In addition, each licensable activity (with the exception of keeping or training animals for exhibition) also stipulates further optional conditions for 'Higher Standards'.

## 5 How is the Risk Rating assessed?

Existing operators will be 'risk rated' against a standard 14 point criteria checklist which considers a number of factors relating to compliance history, welfare standards and management standards. The scoring system will determine if they are rated as either **low** (a score of 17 or less) or **high** (a score of 18 or more).

All new businesses which do not have **three years compliance history** with a Local Authority or UKAS accredited scheme will be rated as high risk.

Licences for the keeping/training of animals for exhibition are not risk rated.

## 6 What are the 'Higher Standards'?

For each licensable activity (except keeping/training of animals for exhibition) a number of 'higher standards' have been outlined in the guidance documents. Meeting the higher standards is optional but is the only way to gain the highest star rating and the longest term of a licence - 3 years.

The higher standards are classified into two categories and are coloured **blue** or **red** in the guidance documents. To qualify as meeting the 'higher standards' the business must achieve **all** the **blue** standards **as well as** a minimum of 50% of the **red** standards.

## 7 How long will my licence last?

Licences can be issued for a period of either one, two or three years depending on the risk rating and level of compliance seen at the time of the inspection. This also corresponds with the Star Rating for the establishment. See scoring matrix below.

**Licences for the keeping or training of animals for exhibition will be automatically issued for 3 years.**

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 period	<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

## 8 How much does a licence cost?

The current level of licence fee will be displayed on the Council's webpage.

## 9 How is the application assessed?

All licence applications will be assessed based on the following criteria:

- (a) an assessment of the operator (applicant) as to whether they are a fit and proper person to carry out the licensable activity, their knowledge, experience, compliance history, ability to meet licence conditions and whether they are currently disqualified from making an application;
- (b) an inspection of the site of the licensable activity by a suitable qualified inspector (and where applicable accompanied by a registered veterinarian);
- (c) the submission of the inspectors report which will contain information about the operator, details of the premises, records, conditions of the animal, the risk rating scorer, compliance details and a statement on whether licence conditions will be met;
- (d) the payment of the appropriate licence fee.

## 10 What information is provided with the licence?

Where a licence is issued, the Council will provide the following details:

- (a) The Licence with the Star Rating;

- (b) Details of how the business has been rated including a list of the higher standards the business currently fails to meet or a list of the minimum standards the business is failing to meet and resulting in a 'minor failing' category;
- (c) A copy of the risk management assessment table;
- (d) Details of the appeals process and timescales.

## **11 What if my application is refused?**

The Council will consider the report from the Inspector and any comments made by the applicant when deciding to issue a licence.

The Council must refuse to issue a licence if it considers that the applicant cannot meet the licence conditions, the granting of a licence will have a negative impact on animal welfare or if the level of accommodation, staffing or management is inadequate for the well-being of animals.

A licence cannot be issued to an operator who is disqualified.

The applicant will have the right of appeal to a First-Tier Tribunal within 28 days of the decision notice.

## **12 What can I do if I am unhappy/disagree with the star rating awarded to me?**

To ensure fairness to the business, the Council must have an appeals procedure in place for the operator to dispute the star rating given.

The business will be provided with supportive information (the inspection reports) which will highlight the inspecting officer's decision on how the risk rating, compliance level and star rating have been determined.

The appeal must be made **in writing within 21 days** and will be assessed and determined by an appointed manager within the Department. If the business disagrees with the outcome of the appeal they can challenge the decision by means of judicial review.

The business is encouraged to discuss the matter initially with the inspecting officer where possible.

The business may wish to apply for a re-inspection or re-rating on a chargeable basis following completion of works to rectify any non-compliance or improvements to achieve higher standards.

## **13 What will happen if I do not comply with the conditions of my licence?**

The Regulations introduce a range of enforcement powers to allow the Council to issue a suspension, variation or revocation Notice where:

- (a) licence conditions are not being complied with
- (b) there is a breach of regulations
- (c) there are issues relating to the protection of the welfare of an animal, or
- (d) information supplied by the licence holder is false or misleading.

The service of an enforcement notice is subject to a strict process and includes for the provision of the right to representation and appeal.

#### **14 What advice and guidance is available?**

Operators must meet the requirements laid down in the Regulations and meet the standards outlined in the Guidance issued by DEFRA.

Find the Regulations and Guidance here:

<http://www.cfsg.org.uk/layouts/15/start.aspx#/SitePages/Legislation%20and%20Guidance.aspx>

#### **15 Are the licence details and star rating displayed?**

DEFRA has encouraged Councils to maintain a list of licensed businesses and their associated ratings on their websites.

You can find a list of licensed premises here: <https://www.staffordbc.gov.uk/animal-premises-licensed-stafford-borough-council>

**For further details visit the Council's Animal Licensing webpage or contact a member of the Licensing Team on 01785 619745 or email [ehlicensing@staffordbc.gov.uk](mailto:ehlicensing@staffordbc.gov.uk)**