

**To come into force: 1<sup>st</sup> February 2022**

# **Animal activity licensing: statutory guidance for local authorities**

Local authorities can grant animal activity licences to an individual (known as an operator) that carries out a licensable activity involving animals.

The local authority includes:

- a district council
- a London borough council,
- the Common Council of the City of London (in its capacity as a local authority),
- the Council of the Isles of Scilly
- a combined authority in England established under section 103 of the Local Democracy, Economic Development and Construction Act 2009

An operator is an individual who:

- carries on, attempts to carry on or knowingly allows a licensable activity to carry on
- is the licence holder of a granted or renewed licence

A licensable activity includes:

- selling animals as pets
- providing or arranging provision of boarding for cats or dogs - this includes dog kennel boarding, cat boarding, home boarding for dogs and day care for dogs
- hiring out horses
- dog breeding
- keeping or training animals for exhibition

Local authorities must make sure that:

- licence holders are following the regulation requirements
- individuals who apply for a licence and do not meet the regulation requirements for the grant of a new licence are refused a licence
- they take appropriate enforcement against operators carrying out, attempting to carry on or knowingly allows a licensable activity to be done without a licence

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- licences are not granted to individuals that are already disqualified from holding a licence or have previously had one revoked

Licence applicants and existing licence holders must make sure that:

- they apply for the correct licence
- the licence is kept up to date with the relevant local authority
- each facility has its own licence and star rating - for example, franchise model businesses

Contact the [Local Government Animal Welfare Group](#) for non-statutory guidance on franchisee and arranger model licensing.

The application process must follow these steps:

1. The individual sends an animal activity licence application and fee to the local authority
2. The local authority appoints an inspector
3. The inspector visits the animal activity site and produces a report
4. The local authority reviews the report
5. The local authority makes a decision to grant or refuse the licence application
6. The local authority notifies the applicant
  
7. The applicant has a right of appeal to the [first tier tribunal for a refusal](#)

## Licence applications

The applicant must complete an application form for each of the licensable activities they apply for. The applicant must send the completed form to the relevant local authority along with the application fee payment. Ask the local authority how to pay.

The relevant local authority will be the one that covers the area of your premises where the majority of your licensable activities happen.

## New licence applications

Local authorities should aim to issue a decision on an application within 10 weeks of receiving a new licence application. It is possible that the process can take longer - for example, if further information is needed from the applicant or if it's difficult to arrange the inspection.

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## Licence renewal applications

Local authorities must advise each licence holder in writing that they need to renew their licence 3 months before it expires.

The licence holder must apply to renew a licence at least 10 weeks before their current licence expires. This is to avoid incurring a break in the licensable activity, if they wish to continue to operate the licensable activity without a break.

## Fees

Under regulation 13 of the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018, local authorities can charge fees for:

- considering an application, including any inspections
- compliance checks on existing licence holders - this includes the costs of inspections
- enforcement costs against an unlicensed operator doing licensable activities
- compiling and submitting data needed by the Secretary of State

## Fee-setting

Local authorities must set fair and reasonable fees. Read the following for more information on how reasonable fee-setting:

- [Open for business: LGA guidance on locally set licence fees guidance](#)
- [BEIS guidance for business on the provision of services regulations](#)
- principles in the [Regulators' Code](#)
- [Local Government Animal Welfare Group guidance](#)

## Appoint an inspector

Once a local authority receives an application to grant or renew a licence, it must appoint a suitably qualified inspector to visit the site of the licensable activity. All inspectors must be suitably qualified.

A suitably qualified person can be any of the following - it is a person that:

- has a Level 3 certificate (or equivalent) granted by a body recognised and regulated by the Office of Qualifications and Examinations Regulation (Ofqual). Their certificate must apply to that particular type of activity to count as qualified. The training must cover the application of the licensing conditions for all licensable activities and must contain a practical element

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- has a formal veterinary qualification recognised by the Royal College of Veterinary Surgeons (RCVS), together with a relevant RCVS continuing professional development record
- can show evidence of at least one year of experience in licencing and inspecting animal activities businesses. This person needs to be enrolled on a course leading to a Level 3 certificate qualification or equivalent to be completed by 1 October 2022 and granted by a body recognised and regulated by Ofqual

The Local Government Animal Welfare Group can signpost officers to suitable training provision available.

### Inspector responsibilities

An inspector must assess if the site is likely to meet the license conditions. As part of this, the inspector must prepare and submit a report for consideration after their inspection, in accordance with regulation 10 requirements of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

An inspector must be appointed:

- under section 51 of the Animal Welfare Act 2006 (the Act) to exercise the enforcement powers available under the Act
- under regulation 4(2)(b) of the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 (the Regulation) to carry out inspections of premises upon application or renewal of a licence

The Local Government Animal Welfare Group can signpost local authority animal licensing officers to suitable training provision available.

Where a person appointed under regulation 4(2)(b) of the Regulation to carry out Inspections of Hiring of Horses premises on application or renewal is not a listed vet, regulation 4(4) requires that they must be accompanied by a listed vet.

Where a person appointed under regulation 4(2)(b) of the Regulation to carry out inspections of Breeding of Dogs premises on application for a new licence is not a vet, regulation requires that they must be accompanied by a vet.

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## Appoint a vet

You will need to appoint a vet to carry out some inspections.

A listed vet is required for the activity of Hiring out Horses. A listed vet is a vet who is authorised to carry out an inspection on the list of vets held by the Royal College of Veterinary Surgeons Riding Establishments Inspectorate List.

## Breeding of Dogs

A vet must be appointed for the initial inspection for the licensed application for the breeding of dogs.

Where they are accompanied by a suitably qualified local inspector, they will be appointed under 4(5) of the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018

Where they are required by the local authority to carry out the inspection without being accompanied by a suitably qualified officer, they must be appointed under section 51 of the Animal Welfare Act 2006 (the Act) to exercise the enforcement powers available under the Act. They must also be appointed under 4(5) of the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018.

Where they are required by the local authority to carry out the inspection without being accompanied by a suitably qualified officer, the vet must be appointed in writing by the appropriate person with delegated powers within the local authority.

## Hiring out Horses

For the hiring of horses, a listed vet must be appointed for the initial inspection, for a renewal inspection, and for the annual inspection for the hiring of horses.

Where they are accompanied by a suitably qualified local inspector, they will be appointed under 4(4) of the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018

Where they are required by the local authority to carry out the inspection without being accompanied by a suitably qualified officer, they must be appointed under section 51 of the Animal Welfare Act 2006 (the Act) to exercise the enforcement powers available under the Act. They must also be appointed under 4(4) of the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018.

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Where they are required by the local authority to carry out the inspection without being accompanied by a suitably qualified officer, the listed vet must be appointed in writing by the appropriate person with delegated powers within the local authority.

## Inspections at licensable activity sites

Inspectors must visit the site and produce a report for the local authority before a licence can be granted or renewed.

The inspector must consider whether the conduct displayed by the applicant indicates that they are a fit and proper person to carry out the licensable activity and meet their licence conditions.

## Private dwellings

An inspector does not have right of entry to any part of site premises used as a private dwelling, unless they give 24 hours' notice to the occupier. The definition of a private dwelling is set out at [section 62](#) of the Animal Welfare Act 2006. They can make entry if permission is given by the occupier of the private dwelling.

A warrant can be applied for under section 23 of the Animal Welfare Act 2006 for entry without prior notification.

An inspector can enter any parts of the premises that are:

- not private dwellings
- areas they believe a licensable activity is carried out

## Samples

The inspector may choose to take samples for laboratory testing from the animals on the premises.

Samples must be done properly and safely by a trained vet. They should be as non-invasive as possible.

If there are concerns over the welfare of the animals, inspectors may need to do more invasive sampling.

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## Obstruction offences

The applicant must comply with any reasonable request from an inspector to identify, examine and take samples from an animal - this includes providing suitable restraints, if the inspector asks for them.

It is an offence for the applicant not to comply with a local authority inspector's request to take a sample from an animal.

## Review inspection reports

Local authorities must consider the inspector's report when they decide whether or not to grant a new licence application.

The inspector's report will include information about the:

- licence holder or applicant (the operator)
- premises
- records
- condition of the animal (for example, matted fur)
- inspector's professional opinion on whether or not the inspector thinks the licence conditions will be met

Contact the [Local Government Animal Welfare Group](#) for example inspection templates.

## UKAS-accredited licence holders

If the inspection raises concerns that a United Kingdom Accreditation Service (UKAS) accredited business may not be operating to the high standards or controlling risks appropriately, the inspector will address these in line with the guidance on procedural issues and the risk rating score should be adjusted accordingly. In addition these concerns should be reported directly to the UKAS-accredited body so that they can also intervene or choose to suspend or withdraw the business's certification.

A UKAS-accredited body can provide a local authority with a list of the certified businesses in their area. Where notified, and where covered by confidentiality waivers, the local authority may request the UKAS-accredited body's inspection reports and can use that information to inform its own inspection. This includes using the UKAS-accredited body's assessment of compliance.

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## Granting or renewing a licence: star ratings and licence conditions

After the inspection and before the licence is granted or renewed, local authorities will need to decide:

- a star rating to award the applicant
- how long the licence is valid for
- any licence conditions - for example, an unannounced visit within 12 months

### Star rating

Applicants must be given a star rating ranging from 1 to 5, based on their compliance history and the results of their inspection. This also applies if an applicant asks for a reinspection.

The star rating must be added to the licence and the licence should be displayed by the applicant's business.

Local authorities should maintain a list of licensed businesses and their associated ratings on their websites.

A star rating can change after an unannounced inspection - either as part of the licence holder's licence conditions or to investigate an issue. For example, a star rating could go down after an inspection to investigate an animal welfare complaint.

### Star rating feedback to applicants

The local authority should provide feedback on the star rating they have given following the inspection.

The following information should be provided in writing:

- the star rating
- details of why this rating was given. This should include a list of the higher standards that the business currently fails to meet, or a list of the minimum standards it's failing to meet if it's considered to be in the minor failing category. This should also include a copy of the risk management table showing the scores under each point. Details recorded must be sufficient to support the score given for each element to facilitate internal monitoring or enable review where an appeal is made
- details of the appeals process and the deadline by which an appeal must be made

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## Licence length

Licences can be valid from 1 year up to 3 years.

## Granting or renewing a licence: risk-based approach

To make a decision on star rating and licence length, local authorities will adopt a risk-based approach. They will consider the:

- compliance history of the individual applying for the licence - whether they are low risk or high risk
- animal welfare standards the individual follows - whether they have minor failings, follow minimum standards or already operate at a higher standard

Local authorities should ask themselves the following questions based on the inspection and on records of past compliance:

1. Does the business meet the minimum standards?
2. Does the business meet the higher standards?
3. Is the business low or higher risk?

This approach should be used every time a licence is granted or renewed.

### Animals Activity Star Rating System

	Minor failings	Minimum standards	Higher standards
Low risk	1 star rating 1 year licence At least 1 unannounced visit within 12 months	3 star rating 2 year licence At least 1 unannounced visit within 24 months	5 star rating 3 year licence At least 1 unannounced visit within 36 months
Higher risk	1 star rating 1 year licence At least 1 unannounced visit within 12 months	2 star rating 1 year licence At least 1 unannounced visit within 12 months	4 star rating 2 year licence At least 1 unannounced visit within 24 months

If the inspection raises concerns that the certified business may not be operating to the high standards or controlling risks appropriately, the inspector will address these in line with the guidance on procedural issues, and the risk rating score should be adjusted accordingly. These concerns should also be reported directly to the UKAS-accredited body.

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Exception: keeping or training animals for exhibition

The only exception to the risk-based approach is for the activity of keeping or training animals for exhibition.

All licences for the activity of keeping or training animals for exhibition can be granted for 3 years. This is done on the basis that these activities have been subject to a simple registration system.

Local authorities do not need to do a risk assessment. Keeping or training animals for exhibition licences do not have a star rating.

## Granting or renewing a licence: assess for low or high risk

Applicants can either be categorised as low risk or high risk.

### Low risk

Any business that is certified by a UKAS-accredited body and has one or more years of compliance history should be considered low risk, as the welfare and risk management systems have been reviewed by an accredited third party.

### High risk

Businesses must be considered high risk if there is evidence of poor animal welfare or non-compliance.

New applicants that do not have one year of compliance history with a local authority or a UKAS-accredited body will be automatically rated as high risk.

### Risk scoring table for renewals

Local authorities should use the risk scoring table for existing license holders applying for a licence renewal who are not certified by a UKAS-accredited body.

The risk assessment is not meant to reconsider specific issues assessed as part of deciding the minimum or higher standards. It does, however, require an assessment on the likelihood of satisfactory compliance being maintained in the future.

In considering risk, management covers the system as a whole. For a multi-site business, the company-wide management system and procedures are important. The local site and premises management is also important, as that will influence how these systems and procedures are applied.

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If there is any uncertainty, a business should be scored as high risk. For example, if a business cannot provide satisfactory evidence that it is low risk in a given category.

Assessments of the written procedures should be based on the principle of proportionality. For example, for a small business that presents lower risks, it may be sufficient that the business has in place good welfare practices and understands and applies them.

Each element should be reviewed and a score given (1 for low risk and 2 for high risk).

A business will be classed as low risk if it gets a total score of 17 or less.

A business will be classed as low risk if it gets a total score of 18 or more.

### Risk scoring table for existing license holders applying for a licence renewal

	Low (Score 1)	High (Score 2)	Score
<b>Compliance History - inspections</b>	Documented evidence from formal inspections over the previous 3 years reveal consistent and high levels of compliance in terms of welfare standards and risk management.	Formal inspections over the previous 3 years reveal some degree of non-compliance that has required the intervention of the inspector for the business to ultimately recognise and address these.  More serious breaches would attract other enforcement action: suspension, revocation, prosecution.	
<b>Compliance History – follow up action</b>	No evidence of follow-up action by local authority in the last year apart from providing the licence holder with a copy of the inspection report, or sending them a letter identifying some minor, administrative areas for improvement (such as minor record keeping issues).	Follow up action by the local authority, such as sending them letters, triggered by low level non-compliance that is not addressed, or the business does not recognise the significance of the need to address the noncompliance.	

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<p><b>Compliance History – reinspection</b></p>	<p>No re-inspection necessary (apart from standard unannounced inspection) before next planned licence inspection or renewal</p>	<p>Re-inspection necessary to ensure compliance.</p>	
<p><b>Complaint History – complaints to the LA</b></p>	<p>No complaints received direct to the LA that are justified in relation to welfare standards or procedural issues during the previous 3 years.</p>	<p>Low level substantiated complaints identifying concerns over the business have been received within the previous 3 years.</p>	
<p><b>Complaint History – complaints to the business</b></p>	<p>Licence holder records and documents any feedback received directly, in order to demonstrate compliance and willingness to address issues, and can provide evidence of this.</p>	<p>Licence holder does not record feedback received directly or show willingness to address any issues identified.</p>	
<p><b>Appreciation of welfare standards - enrichment</b></p>	<p>Sound understanding by the licence holder of relevant environmental enrichment applicable to the activity (guided by expert advice), with demonstrated implementation.</p>	<p>Little environmental enrichment present, inconsistently used and its importance not understood or really valued.</p>	
<p><b>Appreciation of hazards and risks</b></p>	<p>Licence holder clearly understands their role and responsibilities under the legislation. Hazards to both staff and animals clearly understood, properly controlled and reviewed with supporting evidence where applicable.</p>	<p>Licence holder not fully engaged with their role or responsibilities, lacks time to fulfil role, no system for review and reassessment of hazards to both animals and staff.</p>	

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<p><b>Appreciation of hazards and risks - maintenance</b></p>	<p>A suitably planned maintenance, repair and replacement program for infrastructure and equipment is in place.</p>	<p>No planned maintenance program. Building, installations and equipment allowed to deteriorate before action is implemented.</p>	
<p><b>Appreciation of hazards and risks – knowledge and experience</b></p>	<p>Staff have specialist and appropriate knowledge of the species that are kept. There is sufficient staff, time and resource for daily, adequate routine monitoring, evidenced through records and staff rotas.</p>	<p>Core staff lack experience and knowledge of the species. Staff appear overburdened or unsupported by management (or both), corners being cut.</p>	
<p><b>Appreciation of hazards and risks – dealing with issues</b></p>	<p>Clear defined roles and responsibilities of staff, with clear processes for reporting and addressing any identified issues.</p>	<p>Lack of any process, or ownership and responsibility within the business to identify and deal with issues.</p>	
<p><b>Welfare management procedures – written procedures</b></p>	<p>Written procedures and policies clearly documented, implemented and reviewed appropriately.</p>	<p>Limited written procedures and policies. No overall strategic control or direction.</p>	
<p><b>Welfare management procedures – supervision of staff</b></p>	<p>Appropriate supervision of staff evident where applicable.</p>	<p>Inadequate supervision of staff evident on inspection or from the training records.</p>	

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<b>Welfare management procedures – record keeping</b>	All required records maintained and made available.	Poor standard of record keeping, records out of date or appear to be being manufactured – relevance of records not appreciated.	
<b>Welfare management procedures - training</b>	Planned training programme for staff to review and assess competency, with documented training records.	Little or no evidence of relevant training or system for review and reassessment.	
<b>Total</b> <b>Score of 17 or less = Low risk</b> <b>Score of 18 or more = Higher risk.</b>			
<b>Risk Rating</b>			

### Granting or renewing a licence: assess welfare standards

Animal welfare standards include the experience of the applicant, as well as animal care and the condition of their premises.

#### Minor failings

Minor failings apply to a licensed operator that already has a licence in place but has a number of minor failings of the minimum standards.

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These minor failings must not compromise the welfare of the animals. If animal welfare is being compromised, a licence should not be granted or renewed. If a license is already in place, it should be suspended, varied or revoked.

The purpose of the one star licence is to give businesses the opportunity to address issues and to be brought into compliance.

It should not be standard to issue a one star licence for more than a year, as it is expected that all operators must comply with the minimum standards.

## Minimum standards

A business must meet all of the minimum standards. These are outlined in the licensable animal activity guides:

- Day care for dogs
- Dog breeding
- Selling animals as pets
- Providing home boarding for dogs
- Providing boarding in kennels for dogs
- Providing boarding for cats
- Hiring out horses

## Higher standards

Higher standards have been agreed for each licensable animal activity. It is optional to meet these. Meeting the higher standards is the only way to gain a 4 or 5 star rating.

If an individual would like to qualify at the higher standards, the business must meet:

- 100% of the higher standards classified as required
- 50% (or more) of the higher standards classified as optional

What businesses need to do is outlined in the licensable animal activity guides:

- Day care for dogs
- Dog breeding
- Selling animals as pets
- Providing home boarding for dogs
- Providing boarding in kennels for dogs
- Providing boarding for cats
- Hiring out horses

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If a scheme uses UKAS accredited certification, it will be operated against either the minimum or higher standards as set out in the scheme criteria and as agreed with UKAS.

If a business is certified by UKAS as having higher standards, they should automatically be considered as meeting these standards. Businesses must not be considered as having high standards if there is evidence of poor animal welfare or non-compliance during the inspection.

Where a UKAS scheme doesn't meet the mandatory higher standards, the statutory guidance will take precedence.

### **New applicant licences: star ratings and licence lengths**

New applicants who have no compliance history with a local authority or UKAS must be automatically rated as high risk if their licence application is successful.

As well as the high risk rating, local authorities must consider animal welfare standards when deciding the length of time the licence is valid for.

The length of time granted will depend on whether the new applicant meets the specified higher standards of animal welfare or the minimum standards.

All new applicants must meet the minimum standards before a licence can be granted.

### **Renewed licences: star ratings and licence lengths**

If an existing licence holder applies to renew a licence, then the length of time the licence is granted for will depend on their risk rating and welfare standards at inspection. The licence length can be up to 3 years.

People and businesses with longer licences will need fewer inspections because inspections tend to be on renewal.

### **Multiple activities: star ratings and licence lengths**

The licence holder should receive only one rating, which must cover all the licensable activities they do. Each activity should be considered and rated separately before the final score is awarded.

The star rating should be rounded down if the licence holder is operating with different standards for different activities. For example, if an applicant meets the higher standards for dog breeding and the minimum standards for dog boarding, the overall score should reflect the lower of the two.

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## Star rating appeals

A business can challenge a star rating that they think does not reflect the animal welfare standards and risk level at the time of inspection. Local authorities must have an appeals procedure in place for this.

This should not be used if the business has made improvements to their business and wishes to be reassessed – in this case, they should apply for reinspection.

If a business wants to appeal, it must write to or email the local authority.

A business disputing a rating should be encouraged to discuss this informally first with the inspecting officer. This is an opportunity for the inspector to explain how the rating was worked out, as this may help resolve the matter without the business having to lodge an appeal.

Any informal discussion does not form part of the formal appeal process and does not change the deadline that an appeal must be lodged by. The licence holder has 21 days (including weekends and bank holidays) from the date their licence was issued to appeal the star rating.

The local authority must make this deadline clear to the licence holder, so that they may lodge an appeal, and later withdraw it, if the issue is resolved informally.

## How a local authority will determine the outcome of an appeal

The outcome of the appeal should be determined by either:

- the head of the department that issued the licence
- a designated deputy
- by the equivalent in another authority

No officer involved in the production of the rating, or in the inspection on which the rating is based should consider the appeal.

The local authority has 21 days (including weekends and bank holidays) from the date they receive the appeal to consider it. In which time they must issue a decision to the business.

A local authority will determine the outcome of an appeal by:

- considering the paperwork associated with the inspection
- seeing the past record of the business
- making a further visit to the facility (if it is required)

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The appeal process should be transparent. The costs of any additional inspections related to the appeal will be borne by the applicant unless it results in a higher rating being awarded. This should be emphasised by the local authority to business. This will depend on the nature of the dispute and whether a decision can or cannot be made on the basis of the paperwork.

If a business disagrees with the outcome of the appeal

The business can challenge the local authority's decision by means of judicial review. The business can also make a complaint to the local authority complaints procedure. They can also take the matter to the local government ombudsman if they consider that a council service has not been properly delivered.

## Refusing a licence

Local authorities must refuse to grant a licence if they:

- think the applicant is not capable of meeting their licence conditions
- think that granting a licence might negatively affect the welfare, health or safety of the animals involved in the activity

Local authorities can refuse to grant a licence if:

- the housing, staffing or management are inadequate for the animals' wellbeing or for the activity or facility to be run properly
- the applicant has been disqualified from holding a licence previously

Read the guidance for the individual activities for more detail on the requirements and conditions.

## Notice of refusal

If the licence is refused, the local authority will write to the applicant explaining why the application was refused. This is called a notice of refusal.

The applicant has 28 days from the date they receive the notice of refusal to appeal to the [first tier tribunal](#).

## Suspend, vary or revoke a licence

A local authority can vary a licence at any time, including on:

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- the application in writing of the licence holder
- your own initiative, with the consent in writing of the licence holder

A local authority may also suspend, vary or revoke a licence without the consent of the licence holder if:

- the licence conditions are not being complied with
- regulations are breached
- information supplied by the licence holder is false or misleading
- it is necessary to protect the welfare of an animal

It is an offence for the licence holder to breach any licence condition.

You must inform the licence holder that you have decided to vary or suspend or revoke the licence in writing. You must:

- explain the reasons for the decision
- tell them when the change will come into effect
- share the licence holder's rights
- explain any specific changes needed to get their licence back

A suspension, variation or revocation of a licence will normally take effect 7 working days after the decision has been issued to the licence holder.

The exception is if the reason is to protect the welfare of an animal. In this case, you may state 16(2) of the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 that the decision has immediate effect.

### When to suspend or vary a licence

The decision to vary or suspend a licence depends on how severe the situation is. Vary the requirements licence if adjustments need to be made. Whether that is to the licence itself or to the premises, or for the animals referred to in the licence.

If the licence holder repeatedly fails to meet administrative conditions or provide information when requested, the inspector can suspend a license.

A local authority may at any time vary a licence in the following situations:

- on the application in writing of the licence holder
- on your own initiative, with the consent in writing of the licence holder

If it is necessary to protect the welfare of an animal the local authority may specify in the notice of suspension, variation or revocation that it takes immediate effect.

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## When to revoke a licence

Revoking a licence should happen where you find poor welfare conditions, or where it would benefit the welfare of animals to be removed from the activity.

## Notice of licence suspension, variation or revocation

A local authority notice to suspend, vary or revoke a licence must be delivered either:

- in person
- by leaving it at or sending it by post to the person's current or last known postal address
- by emailing it to the person's current or last known email address

## Licence holder representation

When the licence holder is issued the notice they'll have 7 working days to make written representation.

## Local authority response to representation

Upon receipt of this, local authorities must decide either of the following:

1. Continue with the licence suspension, variation or revocation
2. Cancel the decision to make changes to the licence

If the licence has been altered to protect the welfare of an animal then you must indicate that this is the reason and whether the change is still in effect.

If you do not reply to the licence holder's representation within 7 working days of receipt, then the initial decision made is considered overturned. This is also the case if a licence which is initially suspended has no further action taken on it within 28 days.

## Licence suspension and animal welfare

The business will not be able to trade once the suspension of a licence has come into effect. If a licence is suspended for a significant period of time then it is the local authority's responsibility to make sure the business's animals are looked after and their welfare is met.

## Licence holder appeals

The licence holder can appeal to a [first-tier tribunal](#) if they do not agree with the decision made by the local authority. This must be done within 28 days of the decision.

The business cannot trade again until the decision is overturned by either:

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- the local authority upon being satisfied that licence conditions are being met
- the first-tier tribunal who may decide the local authority's decision was incorrect

### Reinspection requests during the term of a licence

A business can request a reinspection during the term of a licence. Local authorities must have a procedure in place to do this and reassess the star rating.

Reinspection applies where businesses with ratings of 1 to 4 have accepted their rating, but have subsequently made the improvements needed to address non-compliances identified during the previous inspection.

At the time of any inspection, the local authority officer should check that the required improvements have been made and assess the ongoing standards. This means that the star rating could go up, down or remain the same.

If a business wants to request a reinspection, they should:

- outline the case for a reinspection
- indicate what the business has done to improve the level of compliance or welfare since the inspection - this should refer to actions recommended by the local authority
- include supporting evidence, if appropriate
- be sent to the local authority in writing or by email

Where there is evidence that supports a request for reinspection, local authorities should appoint an inspector to reinspect the licence holder. Local authorities must not give a new star rating based only on documentary evidence.

The reinspection should be done within 3 months of receipt of the request.

If an inspection does not happen within 3 months, the business can raise the issue with the head of the licensing department within the local authority.

If the disagreement cannot be resolved, the business can make a complaint following the local authority complaints procedure.

### Reinspection fees

The business must pay for the cost of the reinspection. The local authority will set the cost for this.

There is no limit to the number of re-inspection visits a business can request. However, there will be a fee for each visit charged, at full cost recovery.

# To come into force: 1<sup>st</sup> February 2022

## Refusing a request for reinspection

A local authority does not need to accept every request for a reinspection.

If the case made by the business is not substantiated or insufficient evidence is provided, the local authority can refuse.

The local authority must explain why the request is being refused at this stage and should re-emphasise what the licence holder's must do to improve their rating. The local authority needs to say what evidence they need for a reinspection.

If the business disagrees with the local authority's decision to refuse a request for a reinspection, they can raise the issue with the head of the licensing department within the local authority. If the disagreement cannot be resolved, the business can make a complaint following the local authority complaints procedure.

## Announced and unannounced reinspections

There will be cases where reinspections will be carried out during the term of a licence. Whether a reinspection needs to be announced or unannounced depends on the reason.

An inspector can make unannounced reinspections when it's needed to make sure compliance is checked properly. For example, if there's a complaint or information that an animal's welfare is at risk.

There are additional reinspection requirements for hiring out horses and dog breeding.

## Animal activities without a licence

Anyone who carries out or carries on with any of the licensable activities without a licence is committing an offence.

## Convictions and disqualifications

When a person is convicted of an offence under the act and is disqualified under section 34, they can be disqualified from:

- owning animals
- keeping animals
- participating in the keeping of animals
- being party to an arrangement under which they can control or influence the way an animal is kept
- transporting animals
- dealing in animals

# To come into force: 1<sup>st</sup> February 2022

Breaching these disqualifications is an offence.

A court can cancel a current licence and disqualify a person from owning one for any period it sees fit under section 42 of the Animal Welfare Act, if that person is convicted of an offence.

## Powers to enter a premises

A local authority inspector will usually use powers under Section 26 of the Animal Welfare Act 2006 in order to inspect a licensable premise.

An inspector or constable can apply for a warrant under Section 23 of the Animal Welfare Act 2006 to be issued by a justice of the peace to enter any parts of the premises on reasonable grounds.

The justice will only issue a warrant if there are reasonable grounds for:

- suspecting that a relevant offence has been committed on the premises
- believing evidence of an offence can be found there
- checking that [section 52](#) of the Animal Welfare Act 2006 is satisfied in relation to the premises
- [Animal Welfare Act 2006 considerations - sections 22 to 29](#)

Reasonable force can be used if necessary to search for evidence of a relevant offence.

## If a licence holder dies

If a licence holder dies, the procedure in regulation 12 of the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 applies. This allows the personal representative of the deceased to take on the licence, provided that they inform the local authority within 28 days of the death that they are now the operators of the licensable activity.

The licence will remain in place for 3 months from the death of the former licence holder, or for the rest of the time it was due to remain in force if that time period is shorter.

The new licence holder should then apply for a new licence one month before the expiry of this new period. If the personal representative does not notify the local authority within 28 days of the death of the licence holder, the licence will cease to have effect after those 28 days.

## **To come into force: 1<sup>st</sup> February 2022**

A local authority can extend the 3 month period up to 6 months if requested by the representative and if they believe this time is needed to wind up the estate of the former licence holder.

### **Provision of information to the Secretary of State**

Each local authority must provide the following information to the Secretary of State in writing:

- the number of licences in force for each licensable activity in its area on each reference date (1 April each year)
- the average level of fees it has charged for licences it has granted or renewed in each reference period

These must be provided in an email no later than 31 May each year.

The reference period means the period beginning with 1 October 2018 and ending with 31 March 2019, the year beginning with 1 April 2019 and each subsequent year beginning with an anniversary of 1 April 2019.

In addition, Defra may also contact you each year to request information. It is not a requirement of the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 to provide this information.