

Animal Welfare Licensing Frequently Asked Questions

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 come into force on 1st October 2018 and will have an impact on establishments licensed under the previous animal health legislation. This includes those previously licensed as pet shops, catteries, kennels, home boarders, dog crèche, riding establishments, dog breeders and performing animals.

1. What 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; 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. What standards will I be expected to meet to obtain a licence?

All operators must meet the general conditions set out in Schedule 2 to the Regulations and also the specific conditions relevant to the licensable activity they are proposing to undertake.

DEFRA has produced guidance on each licensable activity and has defined these conditions as the minimum standards. 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, the guidance for each licensable activity (with the exception of the keeping or training of animals for exhibition) also stipulates further optional conditions for "Higher Standards".

4. How long will my licence last?

Operators will be given a star rating which is calculated by the level of risk as well as your ability to meet the minimum and higher standards. This star rating will

determine the length of the licence. The table below shows the Scoring Matrix that will be used to determine the star rating:

Scoring Matrix	Minor Failings Existing businesses that fail to meet required standards	Required Standards As specified in the Regulations.	Higher Standards As specified in the Guidance.
Low Risk Existing businesses that score 17 or less on the risk scoring table	1 Star 1-year licence	3 Stars 2-year licence	5 Stars 3-year licence
High Risk Businesses that score 18 or more on the risk scoring table	1 Star 1-year licence	2 Stars 1-year licence	4 Stars 2-year licence

5.What if my application is refused?

The Council will consider the report from the inspector and any comments made by the applicant when deciding whether 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.

6.What if I disagree with the star rating that is awarded?

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 has 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. A 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.

7.Should businesses with a low star rating be avoided?

No, not necessarily. There are many factors taken into consideration when rating a business; for instance a new business with no history will initially be considered high risk and therefore unable to attain the highest rating.

8.I have been a licensed operator for the last 10 years. Do I still need to obtain a qualification?

We will take your compliance history into consideration when the rating is issued. The highest number of stars will be issued to businesses that comply with the conditions and are able to demonstrate that they fulfil all the required higher standards plus 50% of the optional higher standards. The level 3 qualification falls under the optional higher standards.