

Guidance Note & FAQ

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

The above regulations come into effect on 1st October 2018 and will introduce a new licensing regime to replace the licensing and registration requirements currently in place 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 will 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

If you have a licence under one of the above pieces of legislation that is in force on 1st October 2018, it will continue to be valid until it is due to expire with the exception of Performing Animals registrations, which will expire 1st April 2019. The changes will come at renewal time.

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

The following guidance and FAQs will provide more details of the new system of regulation.

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 supportive information and the appropriate fee. Applications will be able to be made on the .GOV website or through the Amber Valley Borough Council Website.

The Council will notify licence holders when their existing licence will expire (3 months prior to expiry) and licence holders **must make a renewal application at least 10 weeks before the licence** expires to continue the activity without a break.

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 the 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, complaints, welfare standards and management standards. This 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 or training animals for exhibition are not risk rated.

6. What are the “Higher Standards”?

For each licensable activity (except keeping or training 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

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	1 Star 1yr licence Min 1 unannounced visit within 12 month period	3 Star 2yr licence Min 1 unannounced visit within 24 month period	5 Star 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	2 Star 1yr licence Min 1 unannounced visit within 12 month period	4 Star 2yr licence Min 1 unannounced visit within 24 month period

Licences for the keeping or training animals for exhibition will automatically be issued for three years.

8. How much does a licence cost?

The licence fees will be displayed on the Council's 'Animal Welfare' webpage. There are two stages to payment.

You will note that the fee structure has two parts to it. An initial application fee is to be made with the application form, then following confirmation by the officer that a licence is to be granted, you will be contacted to pay the secondary 'enforcement' fee. This will need to be paid before the new licence becomes operational. Should an application not be successful this secondary fee is not charged.

Where a VET is required to inspect your premises as part of the application process, you will be invoiced separately for the total costs of the vet inspection plus VAT. All veterinary inspections will be arranged by Amber Valley Borough Council with an authorised Veterinary surgeon.

All fees have been calculated taking into account the statutory guidance stipulated in Regulation 13. The fees have been set based on cost recovery for the licensing functions relating to animal welfare and its enforcement.

9. How is the licence 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 their licence conditions and whether they are currently disqualified from making an application;
- b) an inspection of the site of the licensable activity by a suitably 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 animals, the risk rating score, 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 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.

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 has an appeal 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 against a star rating must be made in writing within 21 days of the issue of the licence and will be assessed and determined by an appointed manager. If the business disagrees with the outcome of the appeal they can challenge the decision by means of judicial review.

The business will be given details to discuss the matter initially with the inspecting officer to further explain how the rating has been calculated.

A business can apply for an inspection to re assess the rating during the term of the licence. (see fees and charges), They can do this if they have completed works to rectify any non-compliance or made improvements identified at a licensing inspection with a view to achieving a higher star rating.

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

licence conditions are not being complied with
there is a breach of the regulations
there are issues relating to the protection of the welfare of an animal
or
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.

The Council plans to continue to publish the list of licensed operators with their business name and location with their ratings on the Council website.

For further details visit the Council's Animal Licensing webpage or contact a member of the Regulation team on 01773 841308

enquiries@ambervalley.gov.uk