Statutory guidance
Animal activity licensing process: statutory guidance for local authorities

Updated 19 May 2022

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Local authorities can grant animal activity licences to an individual (known as an operator) to carry out licensable activities that involve 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 Sub-Committee of 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 in the Scottish Borders, if granted or renewed a licence

A licensable activity includes:

- a pet shop or zoo
- attending or arranging provision of boarding for cats or dogs. this includes dog boarding establishments, boarding kennels for dogs and dog care for dogs (dog day care) facilities
- riding establishments
- licensing or training arrangements for exhibition

Local authorities must make sure that:

- the person holding the licence is a fit and proper person to carry out the licensable activity
- individuals who apply for a licence and do not meet the requirements for the grant or renewal of a licence are refused
- they take appropriate enforcement against operators carrying out, attempting to carry out or knowingly allowing a licensable activity to be carried out without a licence
- 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 vet certificate (for example, Function model licence)

Contact the Local Government Animal Welfare Group for non-statutory guidance on franchises and arranger model licensing.

The application process includes the following stages:

1. The individual sends an email or fills licence application and fee to the local authority
2. The local authority appoints an inspector
3. The local authority receives the application 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 (Scotland)

Licence applications

The applicant must complete an application form for each of the licensable activities they wish to carry out. The application form must be submitted to the relevant local authority along with the application fee (see section 2). You'll need to find out what fee to pay for this.

The relevant local authority will be the one that covers the area of the applicant's premises where the majority of the applicant's 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.

Licence renewal applications

Local authorities must administer licences before or shortly after they need to renew their licence 3 months before it is due to expire.

The licence holder must apply to renew their licence at least 10 weeks before their current licence expires. This is to assist in ensuring a break in the licensable activity. If they wish to continue to operate the licensable activity.

Fees

Under Regulation 23 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, local authorities can charge fees for:

- considering an application, including any inspections
- compulsory checks on existing licence holders, this includes the costs of inspections
- enforcement costs against an unlicensed operator during licensable activities
- complying and submitting data reporting for the Secretary of State

Fee-setting

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

- Claim for business: LGA guidance on breaks and licence fees guidance
- RSPCA guidance for business on the minimum of services requirement
- principles in the Regulatory Code
- Local Government Animal Welfare Group guidance

Appoint an inspector

Once a local authority receives an application or decides 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 appointed in writing.

A suitably qualified person can be any person 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). This certificate must apply to that particular type of activity to count as qualified. For example, a Level 3 certificate in Animal Welfare Practice for the purposes of licensing activities and must contain a practical element
- has a formal veterinary qualification recognised by the Royal College of Veterinary Surgeons (RCVS). This must at a minimum RCVS continuing professional development hours
- can show evidence of at least one year of experience in licensing and inspecting activities relevant to the licence they are inspecting. Local authorities should contact Level 3 certificate qualification or equivalent holders in the Scottish Borders (SCQF) 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 licence conditions. As part of this, the inspector must consider the conditions that are specified in the relevant inspection. In accordance with regulation 10 requirements of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

An inspector must not be appointed:

- under section 51 of the Animal Welfare Act 2006 (the Act) to exercise the enforcement powers under section 52 of the Act
- under section 42(2)(b) of the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 (which from now on will be referred to as 'the Regulations') to exercise the inspection powers under section 42(2)(a) of the Regulations

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

Where a person appointed under regulation 42(2)(b) of the Regulations to carry out inspections of licensable activity premises, the inspector must be accompanied by a person under regulation 42(2) because they must be accompanied by a person.

Where a person appointed under regulation 42(2)(b) of the Regulations to carry out inspections of breeding of dogs premises or application for a new licence is not a vet, regulation requires that they must be accompanied by a vet.

Appoint a vet

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

A licensed vet is required for the activity of hiring out horses. A licensed vet is also is authorised to carry out an inspection on the list of vets held by the Royal College of Veterinary Surgeons (https://www.rcvs.org.uk/home/).

Breeding of dogs

Section 16 of the Act allows the inspector for the licensed application for the breeding of dogs.

Where they are accompanied by a suitably qualified vet (inspector), they will be appointed under 42(2) of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

Where they are required to be accompanied by a vet 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 section 52 of the Act.

Where they are required to be accompanied by a vet 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 vet must be appointed for the initial inspection, for a renewed inspection, and for the annual inspection for the hiring of horses.

Where they are accompanied by a suitably qualified vet (inspector), they will be appointed under 42(2) of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

Where they are required to be accompanied by a vet 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 section 52 of the Act.

They must also be appointed under 42(2) of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

Where they are required to be accompanied by a vet to carry out the inspection without being accompanied by a suitably qualified officer, the licensed 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 any premises used as a private dwelling, unless they give 24 hours' notice to the occupier.

The definition of a private dwelling is set out in section 42 of the Animal Welfare Act 2006. The right to consent to inspections is given by the occupier of the dwelling.

A warrant can be applied for under section 53 of the Animal Welfare Act 2006 for entry without prior notification.

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 non-invasive or possible.

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

Obstruction offences

The inspector will need to work with any necessarily required from an inspector to identify, manage and mitigate any risks to the animal. This includes providing reassurance, if the inspector asks for them.

It is an offence for the inspector 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:

- licence holder or applicant (the operator)
- premises
- activity
- condition of the animal (for example, mental fluc)
- inspector's professional opinion on whether or not they think 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 (UKAS) these areas could Concerns may not be operating to the high standards or controlling risks appropriately, the Inspector will address these in line with the UKAS accreditation requirements and risk the rating cross should be adjusted accordingly.

In addition, these concerns should be reported directly to the UKAS accredited body so they can take any informal or formal action in line with UKAS requirements.

A UKAS accredited body can provide a local authority with a list of the certified businesses in their area. Where notified, and where covering for certificating bodies, the local authority may request the UKAS accredited body's inspection reports and can request information on the status of a certificate. This includes using the UKAS accredited body's assessment of compliance.

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 with the relevant conditions of their licence. This does apply to the applicant and for a renewal.

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 website.

A star rating can change after an unannounced inspection, either as part of the scheme or because of a complaint or other information. The local authority may choose to carry out a full inspection or a partial inspection.

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
- the date the star rating was given. This should include a list of the higher standards that the business currently fail to meet, or a list of the minimum standards if they fail to meet if it's considered to be in the minor failing category. This should also include a list of the higher standards that the business currently meets or exceeds
- simply minor failure is sufficient to suspend the current star rating and temporarily 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

Licence length

Licences can be valid from 1 year 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 rated 'low', 'medium' or 'high'
- animal welfare standards the individual follows - whether they have met the higher follow minimum standards or simply achieved a higher standard

Local authorities should combine the following questions based on the compliance and animal welfare standards:

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	2 star rating, 2 year licence, at least 1 unannounced visit within 24 months	3 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	3 star rating, 2 year licence, at least 1 unannounced visit within 24 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 or accreditation rules. The risk rating score should be adjusted accordingly. These concerns should also be reported directly to the UKAS accredited body.

Exception: keeping or training animals for exhibition

The only exception to the rule 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 1 year. This is to ensure that the bases that these activities have been subject to regulation.

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. This is because 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 licence holders seeking to renew a licence and the risk certificate is UKAS accredited body.

The risk assessment is not meant to reconsider specific issues assessed as part of the inspection. It is a mechanism to take into account the overall risk to the business based on the likelihood of compliance and the harm being maintained in the future.

In considering risk, management covers the system as a whole. For a multi-site business, it could be the management system for a particular geographical area, for local units and premises management it could be the management of the local systems and procedures are applied.

If there is any uncertainty, a decision should be scored as high risk. For example, if a business cannot provide satisfactory evidence that it is now in a green 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 for the business to have good welfare practices and procedures and applies them.

Each element should be reviewed and given a score (1 for low risk and 10 for high risk).

A business will be classed as low risk if it gets 5 points or less.

A business will be classed as high risk if it gets a total score of 6 or more.

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

	Low Score 1	High Score 10	Score
Compliance history, inspections	Consistent evidence from formal inspections over the previous 3 years need improvement in the business's compliance to ensure the welfare standards and risk management. Low risk	Formal inspections over the previous 3 years need improvement in the business's compliance to ensure the welfare standards and risk management. High risk	
Approach of welfare standards and risk management	Good understanding by the licence holder of relevant legislation and guidance applicable to the activity, including the importance of implementation.	Little environmental enrichment present, understanding of welfare needs important but understood or rarely valued.	
Appropriate and safe premises	Licence holder clearly understands the premises requirements under the legislation. Hazards to both staff and animals are identified, prioritised, properly controlled and reviewed in a formal documentation where applicable.	Licence holder not fully understands the premises requirements, but has the ability to fulfill risk, so plans for review and improvement are needed to both animals and staff.	
Appropriate of hazards and risks management	A suitably qualified person has carried out a formal risk assessment, plan for replacement program for equipment and facilities.	No planned maintenance program. Building, installations and equipment allowed to deteriorate.	

Appropriate knowledge and skills or knowledge and experience	Staff have specialist and relevant knowledge and skills and/or have had enough training. There is sufficient staff, time and resources to do the activity safely. Staff are monitoring, evidenced through records and other evidence.	Core staff have experience and knowledge of the activity but expect some training or unsupported by management (pre-battle), some training gap
Appropriate physical equipment and facilities	Clear defined roles and responsibilities of staff with clear processes for maintenance of equipment and facilities	Lack of any process, or ownership and responsibility within the business to identify and deal with issues
Welfare arrangements and procedures appropriate	Written procedures and arrangements in place	Limited written procedures and arrangements in place
Welfare arrangements and procedures not appropriate	Appropriate supervision of staff where necessary or applicable	Inadequate supervision of staff where necessary or applied the training records
Welfare management information	All required records maintained and made available	Poor standard of record keeping, records out of date or not available, or not maintained / released or records not appreciated.
Welfare training	Planned training programme for staff to ensure competence, completion with documented training records.	Little or no evidence of relevant training or system for review and reassessment
Total score (add up all the scores in the above rows + high risks)		
Risk rating		

Granting or renewing a licence: assess welfare standards

Assess 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 shared operator that already has a licence in place but has a number of minor failings of the minimum standards.

These minor failings must not compromise the welfare of the animals. If animal welfare is compromised, the business must be immediately suspended and if a licence 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 an operator must comply with the minimum standards.

Minimum standards

A business must meet all of the minimum standards. These are outlined in the business assessment tool.

- Dog care tip sheet
- Dog breeding
- Selling animals as pets
- Providing boarding for dogs
- Providing boarding in hospitals for dogs
- Providing day care for dogs
- Hiring out horses

Higher standards

Higher standards have been agreed to be voluntary (not mandatory) in Scotland 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 essential
- 50% (or more) of the higher standards classified as optional

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

- Dog care tip sheet
- Dog breeding
- Selling animals as pets
- Providing boarding for dogs
- Providing boarding in hospitals for dogs
- Providing boarding in kennels for dogs
- Providing day care for dogs
- Hiring out horses

If a business is certified by UKAS as accredited certification, it will be operated against either the minimum or higher standards and will be at the scheme criteria and as approved by UKAS.

If a business is certified by UKAS, or having higher standards, they should automatically be considered as meeting these standards. Businesses must not be considered as meeting the higher standards if evidence of prior animal welfare 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 UMS must be issued with a one star licence. This will be for a period of 6 months or less.

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

The length of time granted will depend on whether the new applicant meets the specified higher standards of animal welfare in 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 as outlined in the business assessment tool and the guidance.

People and businesses with longer licences will need fewer inspections because inspections tend to be an interval.

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 assessed.

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

Star rating appeals

A business can challenge a star rating that they think does not reflect the animal welfare standards they are meeting at the time of inspection. Local authorities should set 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 a new licence.

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

A business disputing the outcome should be encouraged to discuss the informally first with the inspecting officer. This is an opportunity for the inspector to explain how the rating was arrived at. This may help resolve the matter without the business having to submit an appeal.

An 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 within 21 days of receiving the decision and bank holiday(s) of the date (from licence issue to appeals the one rating.

The local authority must make this decision clear to the licence holder, so that they know to lodge an appeal, and take whether it, if the issue is resolved informally.

Have a local authority determine the outcome of an appeal

The outcome of the appeal should be determined by either:

- the head of the department that issue 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. It which time they must issue a decision to the licence holder.

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

- considering the paperwork associated with the inspection
- seeking the past record of the business
- making a further visit to the premises (if it is necessary)

The appeal process should be transparent. The costs of any additional inspections should be borne by the business and should be proportionate to the risk and the resources being expended. This should be explained 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 complaint 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 the granting of the licence would negatively affect the welfare or safety of the animals mentioned in the activity

Local authorities can refuse to grant a licence if:

- the housing, staffing or management are inappropriate to the animals' wellbeing or for the activity or facility to 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 Pet Eat Tribunal.

Suspend, vary or revoke a licence

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

- 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
- the licence holder is convicted of an offence

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:

- include the reasons for the decision
- tell them when the change will come into effect
- show the licence holder a copy
- explain any specific changes needed to put 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.

A local authority can make the decision to suspend, vary or revoke at. In this case, you may state NOTICE IN THE NEXT 7 DAYS (including weekends and bank holidays) Animal Licences Regulations 2018 that the decision has immediate effect.

When to suspend or vary a licence

The decision to vary or suspend a licence should be seen where the situation is. Very serious, and the local authority should consider it. Where it is not in the interest of the licence itself 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 licence may be suspended or varied.

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

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

It is necessary to protect the health of an animal the local authority may vary the licence in the notice of suspension, variation or revocation that it takes immediate effect.

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 if the following:

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

If the local authority decides to continue with the decision, it can email then you must indicate that this is the second notice that the change is still effect.

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

Licence suspension and animal welfare

The business will not be able to trade under the suspension of a licence has come into effect. The local authority should be satisfied that the business is able to meet 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 the Pet Eat Tribunal if they do not agree with the decision to suspend, vary or revoke a licence. The Pet Eat Tribunal is an independent.

The business cannot trade again until the decision is overturned by appeal.

- the local authority gives lasting 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 for this and reasons that are valid.

Reinspection applies where businesses with ratings of 4 to 5 have accepted their ratings, but have subsequently made the improvements needed to address non-compliances identified during the previous inspection.

At the time of an inspection, the inspecting officer should check that the required improvements have been made and that the rating changes accordingly. This means that the star rating could go up, down or remain the same.

If business wants to be reinspected, 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 and/or improvement notices
- be sent to the local authority in writing by email

Where there is evidence that supports a request for reinspection, local authorities should support an inspection to remedy the situation further. Local authorities should not give a new star rating based only on documentary evidence.

The inspection 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's 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 reinspection visits a business can request. However, there will be a fee for each visit charged, at full cost recovery.

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 provide information about what the business can 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's complaints procedure.

Announced and unannounced re-inspections

There will be cases where re-inspections will be carried out during the term of a licence. Generally a reinspection needs to be announced or unannounced depends on the circumstances.

An inspector can make unannounced re-inspections where it's needed to make sure compliance is checked during the rating. For example, if there's a complaint or information that an animal's welfare is at risk.

There are additional inspections requirements for kitten and puppy 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 2(1) of the act, they can be disqualified from:

- carrying on the activity
- keeping animals
- participating in the keeping of animals
- being party to an arrangement under which they can control or influence the way in which animals are kept
- transporting animals
- dealing in animals

Breaching these disqualifications is an offence.

A court can grant 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 20 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 enter premises if the place is under warrant of the premises or necessary to enter.

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

- suspecting that a relevant offence is being committed or has been committed
- believing evidence of an offence can be found there

Section 24 of the Animal Welfare Act 2006 is satisfied in relation to the premises.

- Animal Welfare Act 2006 (consolidation) 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 Commission's inspection (2) of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 applies. This allows the local authority to continue the licence for a period of 3 months from the date of the death. Where the local authority will take up of the death that may be on the operation of the licensable activity.

The licence will remain in place for 3 months from the death of the licence holder. Or for the rest of the time it was given 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 ending of the 3 months. The local authority should treat this application as a new application and not as a transfer of the licence holder. The licence will cease to have effect.

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 affairs of the licence holder.

There must be provided on an order to cancel within 7 days of the death.

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 to provide information under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 is provide this information.

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