

AGENDA

Meeting: Licensing Committee
Place: Kennet Room - Wiltshire Council Offices, County Hall, Trowbridge
Date: Wednesday 26 September 2018
Time: 9.00 am

Please direct any enquiries on this Agenda to Lisa Pullin, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713015 or email committee@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Allison Bucknell	Cllr George Jeans
Cllr Trevor Carbin	Cllr Jim Lynch
Cllr Sue Evans	Cllr Leo Randall
Cllr Jose Green (Vice-Chairman)	Cllr Pip Ridout
Cllr Mike Hewitt	Cllr Ian Thorn
Cllr Peter Hutton (Chairman)	Cllr John Smale

Substitutes:

Cllr Clare Cape	Cllr Nick Murry
Cllr Ernie Clark	Cllr Steve Oldrieve
Cllr Anna Cuthbert	Cllr Stewart Palmen
Cllr Peter Evans	Cllr James Sheppard
Cllr Gavin Grant	Cllr Graham Wright
Cllr Howard Greenman	

Recording and Broadcasting Information

Wiltshire Council may record this meeting for live and/or subsequent broadcast on the Council's website at <http://www.wiltshire.public-i.tv>. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and/or training purposes.

The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request. Our privacy policy can be found [here](#)

Parking

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

County Hall, Trowbridge
Bourne Hill, Salisbury
Monkton Park, Chippenham

County Hall and Monkton Park have some limited visitor parking. Please note for meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

1 **Apologies**

To receive any apologies and details of any substitutions.

2 **Chairman's Announcements**

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named on the front of the agenda for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 19 September** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Friday 21 September**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

5 **Procedures and fees in relation to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (Pages 5 - 46)**

The report of Linda Holland (Licensing Manager – Public Health and Protection) seeks to make amendments to the list of fees and charges as required by new regulations “The Animal Welfare (Licensing of Activities involving Animals) (England) Regulations” coming into effect from 1 October 2018 and that decisions in relation to the determination of licences and enforcement action be

delegated to the relevant Head of Service and/ or Licensing Manager - Public Health and Protection from the 1 October 2018.

6 Dates of Future Committee Meetings

Members are asked to note the future meetings of the Licensing Committee, all to commence at 10.30am:

3 December 2018

11 March 2019.

7 Urgent Items

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency. Urgent items of a confidential nature may be considered under Part II of this agenda.

Wiltshire Council

Licensing Committee

26 September 2018

Procedures and fees in relation to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Summary

To inform the Committee of forthcoming changes to the way in which animal boarding establishments, dog breeding establishments, pet shops and riding establishments are licensed, and the commencement of responsibility for the licensing of the keeping of animals for exhibition.

To recommend adoption of delegation arrangements and approval of fee levels required to administer the new arrangements.

Proposal(s)

It is recommended:

That Committee notes the new powers contained within the Animal Welfare Act 2006, and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, and delegate decisions in relation to the determination of licences and enforcement action to the relevant Head of Service and/ or Licensing Manager - Public Health and Protection from the 1st October 2018.

Having considered the proposed fees table, that the committee approves the fees payable in relation to animal licensing as of 1st October 2018, these fees and charges to be reviewed in line with all fees and charges for 2019/2020

Reason for Proposal

In April 2018 the Government passed the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. This legislation amalgamated, and replaced a number of pieces of legislation that governed the licensing of animals. These regulations come into effect on 1st October 2018.

The proposals are set out to ensure the Council meets its obligations under the new regulations.

Tracy Daszkiewicz
Director Public Health and Protection

Animal Licensing

Purpose of Report

1. This report seeks to make amendments to the list of fees and charges relating to the Public Protection Service which were approved by Council in February 2018.
2. The proposed decision relates to amending fees for some animal licenses as required by new regulations “The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations” coming into effect from 1 October 2018.
3. It is also proposed that the powers and obligations contained within the Animal Welfare Act 2006, and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be noted, and that decisions in relation to the determination of licences and enforcement action be delegated to the relevant Head of Service and/ or Licensing Manager - Public Health and Protection from the 1 October 2018.

Relevance to the Council’s Business Plan

4. “People in Wiltshire work together to solve problems locally and participate in decisions that affect them”.
- “People are protected from harm and feel safe”.

Main Considerations for the Council

5. The revisions to the approved fees and charges ensure compliance with statutory fees and guidance, and only affect a small percentage of the service’s range of fees and charges. The new fees levels are required to carry out the new arrangements by legislation.

Background

6. The fees and charges for public protection services were originally approved by full council on the 20 February 2018 as part of the budget setting process. Changes are required to a small number of those fees and charges.
7. The Council is at present responsible for the regulation of a variety of animal-related businesses, as well as the keeping of specified dangerous animals by individuals. The licence types currently issued by the Council are:

- Animal boarding establishment licences (for businesses accommodating dogs or cats – e.g. kennels, catteries, home boarders, pet day care)
 - Dog breeding establishment licences (premises used for, or in connection with, the commercial breeding of dogs)
 - Pet shop licences (any business which keeps animals with a view to selling them as pets)
 - Riding establishment licences (premises which keep horses and ponies for hire for riding, or for riding tuition – excluding livery stables)
 - Zoo licences and Dangerous Wild Animal licences are also issued by Wiltshire Council, however, these will continue to be covered by their own specific legislation
 - Performing Animals.
8. The Animal Welfare Act 2006 introduced the possibility of additional legislation, which would supersede previous provisions. Included in the Act was a new licensing power which enabled nationally set regulations to be made for any animal-related activities which had been specified in secondary legislation.
9. As a result, The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 were published earlier this year, which will significantly change the way animal related businesses are inspected and licensed from 1 October 2018.
10. Guidance on procedures was released to Local Authorities early in August 2018 – see attached **Appendix 1**, Procedural Guidance.

Forthcoming Changes

11. The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 define the animal based activities that require licences as follows:
- Selling animals as pets (or with a view to their being later resold as pets) in the course of a business including keeping animals in the course of a business with a view to their being so sold or resold.
 - Providing or arranging for the provision of accommodation for other people's cats or dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business.
 - Hiring out horses in the course of a business for either riding, instruction in riding, or both.
 - Breeding three or more litters of puppies in any 12-month period; or breeding dogs and advertising a business of selling dogs.
 - Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes, either to any audience attending in person, or by the recording of visual images of them by any form of technology, or both
12. The new regulations have amended the previous licensing regime in a number of ways but the key changes are:-

- A premise can have a single licence covering a number of licensed activities (similar to premises licences under the Licensing Act 2003).
 - That a licence can last for 1 – 3 years depending upon a risk assessment produced in line with Secretary of State Guidance.
 - Inspections to be carried out by a suitably qualified person.
 - The new provisions contain nationally set regulations for each animal based activity, which cannot be amended and form the basis for conditions on the new licences going forward.
13. Existing licences that are issued up to 30 September 2018, will continue on until their stated expiry dates, and will then be renewed under the new regulations.

Fees

14. The Council can charge a fee for the consideration of an application for the grant, renewal, or variation of a licence. Section 13 of the regulation states: “A local authority may charge such fees as it considers necessary for—
- the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,
 - the reasonable anticipated costs of consideration of a licence holder’s compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration,
 - the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and
 - the reasonable anticipated costs of compliance with regulation 29.
 - the fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.”
15. The proposed fees set out in **Appendix 2** have been set based on the guidance set out above and a reasonable estimate of the costs in undertaking the new regulations.
16. The implications on the changes to the fee bandings are included in the financial implications section of the report.

Inspections & Ratings

17. Inspections of the premises have previously been carried out by several officers from the Licensing Team and Dog Wardens when available. The new regime requires a ‘qualified inspector’ to carry out the inspections. In the case of the grant of a dog breeding establishment and at grant and renewal of horse riding establishments they must be accompanied by a veterinary surgeon. To qualify to inspect these premises, a person must hold a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulations which oversees training and assessment of persons inspecting and licensing certain animal activities businesses, and must have passed an independent exam.

If an inspector is not available, then a qualified veterinary surgeon must carry out the inspection.

18. Grandfather rights for Officers with one years' experience of both Licensing and Animal inspections have been granted until Oct 2021. This means that only a number of Licensing Officers met this criteria and can carry out the inspections at 1 October and all will need to obtain the new qualification by 2021. The new regulations will have significant impact on the Licensing Service.
19. Under the new arrangements, the inspection process will be much more comprehensive, and built around providing the premises with a 'risk rating'. This process will establish whether the business is 'low risk' or 'higher risk' based on the level to which it meets the standards set out in regulations and guidance, and award between one and five stars, thus determining the length of the licence (with the exception of 'Keeping and Training Animals for Exhibition' for which all licences will be issued for 3 years as default).
20. Businesses established as higher risk will attain between one and four stars. If one or two stars are issued they will be issued a one year licence, and can expect a minimum of one unannounced visit during that period. If four stars are attained, the licence will be issued for two years, and the licence holder can expect one unannounced visit during the two year period.
21. Lower risk businesses can be issued a licence for any period between one and three years. Licence holders can expect a minimum of one unannounced visit at any time during the period specified on the licence.

Appeals

22. A person can appeal against a risk assessment score, and it is proposed that this appeal will be determined by the Licensing Manager – Public Health & Protection Service.
23. A licensee that has carried out improvements can request a re-rating visit at any time however the local authority can charge the costs that they incur in doing the revisit.
24. When considering the conditions that are placed on a licence the legislation states that the licensing authority may: suspend, vary or revoke a licence if they are satisfied that –
 - the licence conditions are not being complied with,
 - there has been a breach of the Regulations,
 - Information provided by the applicant was false or misleading,
 - it is necessary to protect the welfare of an animal.
25. Where the authority chooses to refuse to grant, varies or suspends a licence, the licence holder has 7 working days in which they can make written representations to the authority, which must be considered within 7 working days of receiving those representations

26. It is recommended these representations be heard/considered by the relevant Head of Service for Licensing due to time constraints and the Councils scheme delegation be amended accordingly.
27. **Appendix 3** contains a revised scheme of delegation for Licensing functions for approval by the Committee. This removes references to the various pieces of specific animal licensing legislation that are being repealed and replaces it with the new 2018 Regulations. These changes will need to be endorsed by Full Council in due course, when the Scheme of Delegation is next reviewed.

Advising of the Changes

28. All proprietors of establishments, whose licences expire on 31 December each year due to current legislative requirements, were previously advised of the impending changes when they were inspected at the end of 2017. At that time, the regulations had yet to be published and there was very little general information available; therefore, those licence holders were advised to access the Wiltshire Councils website where information would be posted during the coming months.
29. Once regulations were published they were placed on our website, on receipt of the guidance early August 2018, those expressing an interest have been contacted. Letters have been sent out to all existing licence holders advising them of the changes with a link to the Wiltshire Council's website and inviting them to one of the three licensing seminars we are holding early October 2018.

Safeguarding Implications

30. There are no safeguarding implications

Public Health Implications

31. There are minimal public health implications.

Environmental and Climate Change Considerations

32. There is minimal environmental impact of these proposals.

Equalities Impact of the Proposal

33. The impact of these proposals is assessed as 'low' against the Council statutory responsibilities. There are potential implications with respect to human rights.

Risk Assessment

34. Licensing is a statutory undertaking. Should the proposals in this report not be adopted it would leave Wiltshire Council in a position of being unable to effectively undertake its statutory responsibilities and functions under the Animal Welfare Act 2006.

Risks that may arise if the proposed decision and related work is not taken

35. Criticism of the Council and thus compromise the reputation of Wiltshire Council.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

36. There are no particular risks identified from any of the proposals.

Financial Implications

37. A full evaluation has been undertaken to ensure that the new charges meets budget requirements. As a result it has been identified that the additional income that will be raised will amount to £26,443 per annum.
Financial Implications agreed by the S151 Officer (LRM)

Legal Implications

38. Failure to act appropriately under the legislation will make the Council non-compliant with legislation and prevent appropriate regulatory action being taken to safeguard the welfare of animals in the Council area.
39. The Licensing Authority is a high profile regulatory service important for protecting the public and promoting animal welfare but also for ensuring the balance between development of businesses and the local communities of Wiltshire. The fair application of licensing functions is critical for the reputation of the Council and for building trust and confidence in its service provision.

Proposal

40. That Committee
 - a. Notes the adoption of the powers and obligations contained within the Animal Welfare Act 2006, and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
 - b. Delegate all decisions in relation to the determination of licences and enforcement action to relevant Head of Service and/ or Licensing Manager - Public Health and Protection from the 1st October 2018.
 - c. Recommends to Council that the Scheme of Delegation for Licensing be amended and updated to reflect these changes.
41. The Licensing Committee approves the fees payable in relation to animal licensing as of 1st October 2018, these fees and charges to be reviewed in line with all fees and charges for 2019/2020.

Reason for Proposal

42. In April 2018, the Government passed the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. This legislation amalgamated, and replaced a number of pieces of legislation that governed the licensing of animals. These regulations come into effect on 1 October 2018.

43. The proposals are set out to ensure the Council meets its obligations under the new regulations.

Tracy Daszkiewicz
Director Public Health and Protection

Report Author: Linda Holland

Licensing Manager – Public Health and Protection

linda.holland@wiltshire.gov.uk

01249 706410

18 September 2018

Background Papers

- Animal Welfare Act 2006
- The Animal Welfare (Licensing of Activities Involving Animals) England Regulations 2018
- Procedural Guidance notes for Local Authorities on the regulations
- Local Government Association: Open for business: LGA guidance on locally set licence fees

Appendix

1. Procedural Guidance notes for Local Authorities on the Regulations
 2. Proposed Fees and Charges
 3. Revised scheme of delegation
-



Department
for Environment
Food & Rural Affairs

**The Animal Welfare (Licensing of Activities
Involving Animals) (England) Regulations 2018**
Procedural guidance notes for local authorities
July 2018

Contents

Introduction and intended audience	4
Definitions used in this Guidance.....	4
Who and what to license	4
How long licences last	5
Before you grant a new animal activity licence	5
Suitably qualified inspectors	6
Deciding on a licence application.....	6
Granting a licence	6
Renewing a licence.....	7
Suspension, variation or revocation of a licence	9
Provision of information to the Secretary of State	13
Inspections during the term of a licence.....	13
Death of a licence holder	13
Powers of entry	14
Offences	14
Post-conviction powers	14
Transitional provisions	15
Fee setting	15
Activities covered by the licensing fees	15
Determining the length of a licence and the star rating of a business:.....	16
Assessing risk & standards.....	16
Animals activity star rating system.....	16
Does the business meet the minimum standards?	17
Minor failings	17
Does the business meet the higher standards?	17

Is the business low or high risk?	18
Certification by a UKAS-accredited body.....	18
Frequently asked questions	22
The process of providing a risk rating.....	22
The appeals process	22
Requests for re-inspections for re-rating purposes.....	23

Introduction and intended audience

1. This guidance is for local authorities who need to license activities involving animals and the relevant establishments. It can also be used by those who currently have a licence or wish to apply for one.
2. Local authorities, existing licence holders and anyone planning to apply for a licence should also read The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018⁽¹⁾ (the “Regulations”) to understand their obligations and duties under the new Regulations and the licences granted under these Regulations.

Definitions used in this Guidance

3. Terms used in this guidance have the same meaning as in the Regulations, unless stated otherwise.
4. For ease of reference some of the key definitions used in this guidance are set out below:

A “licensable activity” means one of five activities involving animals: selling animals as pets, providing for or arranging for the provision of boarding for cats or dogs (includes boarding in kennels or catteries, home boarding for dogs and day care for dogs), hiring out horses, dog breeding and keeping or training animals for exhibition.

An “operator” means an individual who—

- (a) carries on, attempts to carry on or knowingly allows to be carried on a licensable activity, or
- (b) where a licence has been granted or renewed, is the licence holder;

The “local authority” means—

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

A “listed veterinarian” means a veterinarian who for the time being is listed as being authorised to carry out an inspection on the list of veterinarians drawn up by the Royal College of Veterinary Surgeons.

Who and what to license

5. The Regulations apply to an operator of a licensable activity in England.
6. Local authorities must make sure that the person who carries on, attempts to carry on or knowingly allows a licensable activity to be carried on, the “operator”, either does not

(1) [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#)

need a licence due to not meeting the requirements in the Regulations, holds a licence in accordance with the Regulations or that appropriate enforcement action is taken on unlicensed activity.

7. The licence holder must be a named person who is not disqualified from holding a licence in accordance with the requirements of regulation 11 (Persons who may not apply for a licence).
8. Responsibility for ensuring that the correct licence has been obtained and is kept up to date with the relevant local authority or authorities falls to the licence holder or prospective licence holder.
9. Where businesses operate a franchise model each establishment should have its own licence and star rating.

How long licences last

10. For the activity of “Keeping or Training Animals for Exhibition”, all licences are for three years on the basis that these activities have hitherto been subject to a simple registration system. There is no risk assessment applied to such activities.
11. For all other activities, if a **new applicant** (someone who has no compliance history with a local authority or UKAS) is successful, they will automatically be considered as high risk due to a lack of history.
12. Such operators will have the length of their licence determined by their risk rating (automatically high risk) and whether the operator is already meeting the specified higher standards of animal welfare rather than the minimum required by the licence conditions.
13. If an **existing operator** is applying for the renewal of a licence, then the length of time the licence is granted for will be determined by their risk rating and the licence length can be up to three years. Those with longer licences will receive fewer inspections because inspections tend to be on renewal, and therefore they will pay less for inspection fees as a result.
14. The risk model guidance set out in paragraph 61 onwards must be used in determining the length of licence to award.

Before you grant a new animal activity licence

15. Once a local authority receives an application for the grant or renewal of a licence it must do all of the following before granting or renewing a licence:
 - (a) You 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.
 - (b) Inspect the site of the licensable activity and assess if it's likely to meet the licence conditions. You'll need to have a suitably qualified inspector present (as well as a veterinarian for the initial inspection of a dog breeding establishment, or a listed veterinarian for inspections of horse riding establishments). The inspector must prepare a report, in accordance with the requirements of regulation 10, to be submitted to the local authority following their inspection.

- (c) The inspector's report will contain information about the operator, any relevant premises, any relevant records, the condition of any animals and any other relevant matter and state whether or not the inspector considers that the licence conditions will be met.
- (d) Ensure that the appropriate fees have been paid, these can include fees for the consideration of the application, the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations, the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator and any fees in relation to the provision of information to the secretary of state.

Suitably qualified inspectors

16. All inspectors must be suitably qualified. This is defined as:

- (a) Any person holding a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation which oversees the training and assessment of persons in inspecting and licensing animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity. Or;
- (b) Any person holding a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons ("RCVS"), together with a relevant RCVS continuing professional development record;
- (c) Until October 2021, any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses.

Deciding on a licence application

17. You must consider the inspectors' report and any comments or conduct made by the applicant when deciding whether or not to approve a new licence application.

18. You must refuse to grant a licence if you:

- (a) Think the applicant is not capable of meeting their licence conditions.
- (b) Think that granting a licence might negatively affect the welfare, health or safety of the animals involved in the activity.
- (c) You can refuse to grant a licence if the accommodation, staffing or management are inadequate for the animals' well-being or for the activity or establishment to be run properly. The relevant guidance documents for the activity will explain in detail the requirements and conditions that must be met so you should have regard to these documents.
- (d) You can also refuse to grant a licence if the applicant has been disqualified from holding a licence as per Schedule 8 of the Regulations.

Granting a licence

19. The application form must be completed by the applicant for each of the licensable activities being applied for and sent to the relevant local authority along with payment

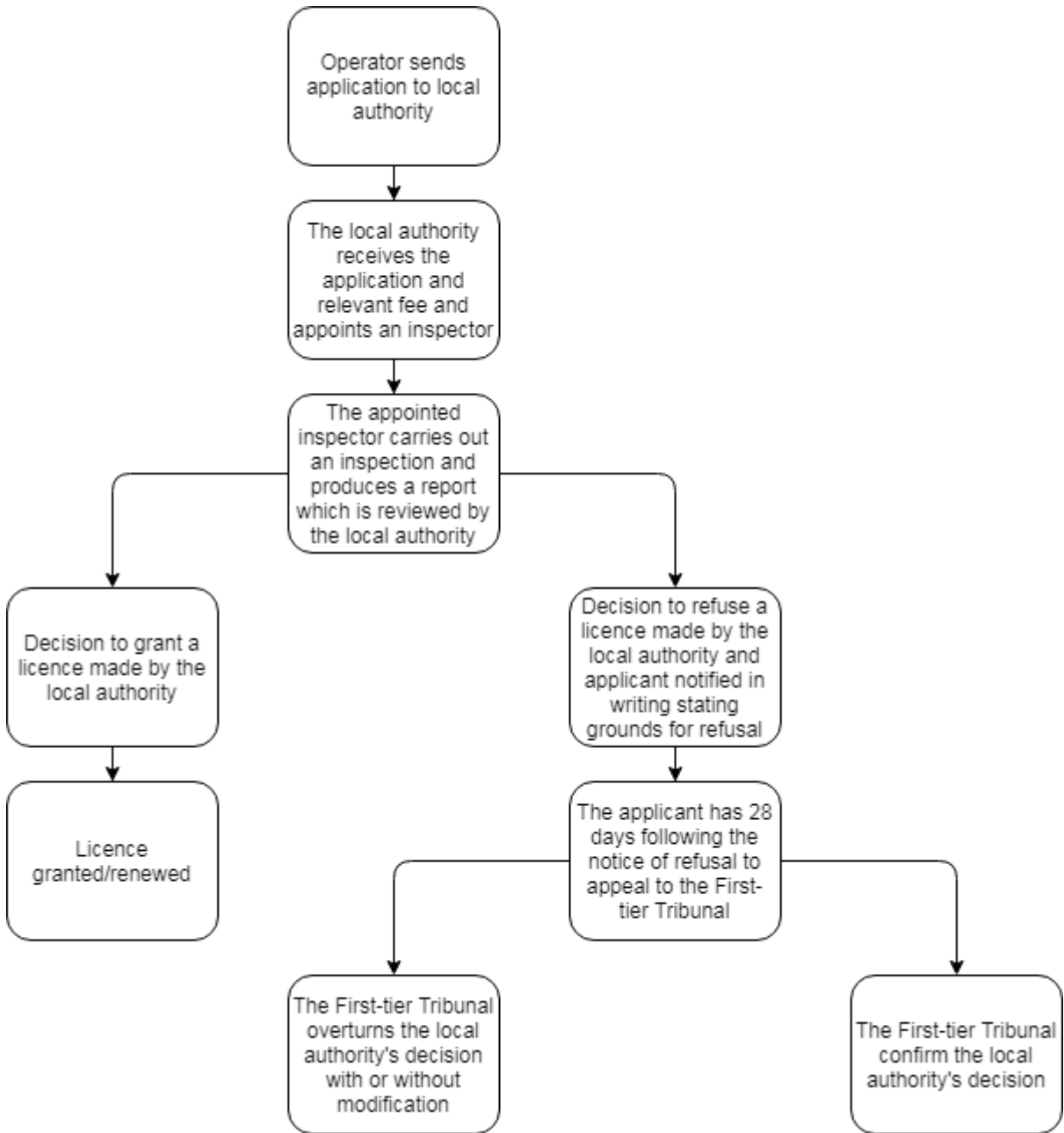
for the application fee. The relevant local authority will be the one in which the premises at which the majority of the licensable activities take place.

20. You should aim to issue a decision on an application within 10 weeks of receiving it. It is possible that the process may take longer, for example if further information is required from the applicant or if it proves difficult to make the arrangements for the inspection.

Renewing a licence

21. Local authorities should advise each licence holder in writing 3 months before their licence expires that they will need to renew it.
22. The licence holder must apply for a renewed licence at least 10 weeks before their current licence expires if they wish to continue to operate the licensable activity without a break.
23. Local authorities must carry out an inspection of the premises before renewing the licence. The form of the inspection will depend on the licensable activity in question.
24. Consider the inspection report (and any response from the applicant) when deciding whether to renew the licence or not.

Figure 1 Application flowchart



Suspension, variation or revocation of a licence

25. A local authority may at any time vary a licence:
- (a) On the application in writing of the licence holder, or
 - (b) On your own initiative, with the consent in writing of the licence holder.
 - (c) In addition to the above a local authority may suspend, vary or revoke a licence without the consent of the licence holder if:
 - i. The licence conditions are not being complied with,
 - ii. There has been a breach of the Regulations,
 - iii. Information supplied by the licence holder is false or misleading, or
 - iv. It is necessary to protect the welfare of an animal.
26. Such 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 unless the reason is to protect the welfare of an animal in which case you may stipulate that the decision has immediate effect.
27. The decision to vary or suspend the licence must be notified to the licence holder in writing, explain the reasoning for the decision, and provide information regarding when the suspension, variation or revocation comes into effect and the rights of the licence holder, as well as any specific changes that you deem necessary in order to remedy the situation.
28. The decision to vary or suspend a licence should be dependent on the severity of the situation, if an operator fails to meet administrative conditions or provide information when requested then this could potentially lead to the suspension of a licence if it happens repeatedly. Revocation of a licence should occur in an instance where poor welfare conditions are discovered or it would otherwise benefit the welfare of the animals involved to be removed from the activity. Variations can occur if adjustments need to be made, whether that is to the licence itself or to the premises/animals referred to in the licence.
29. Under paragraph 16(2) of the Regulations 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.
30. A local authority notice must be delivered in one of three ways, in person; by leaving it at or sending it by post to the person's current or last known postal address; or by emailing it to the person's current or last known email address.
31. Following the issuing of the notice the licence holder will then have 7 working days to make written representation. Upon receipt of this you must decide whether to continue with the suspension, variation or revocation of the licence or 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.
32. The business will not be able to trade once the suspension of a licence has come into effect and cannot do so until the decision is overturned by either the local authority

upon being satisfied that licence conditions are being met or by the First-tier Tribunal who may decide the local authority's decision was incorrect.

33. If a licence is suspended for a significant period of time then the local authority should ensure that the animals are checked on regularly to ensure that the welfare of the animals is maintained.
34. As with applications the licence holder may 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.
35. Note that if representation is not responded to within 7 working days of receipt then the initial decision the local authority made is deemed to be overturned, this is also the case if a licence which is initially suspended has no further action taken on it within 28 days.

Figure 2: Suspension or variation of a licence

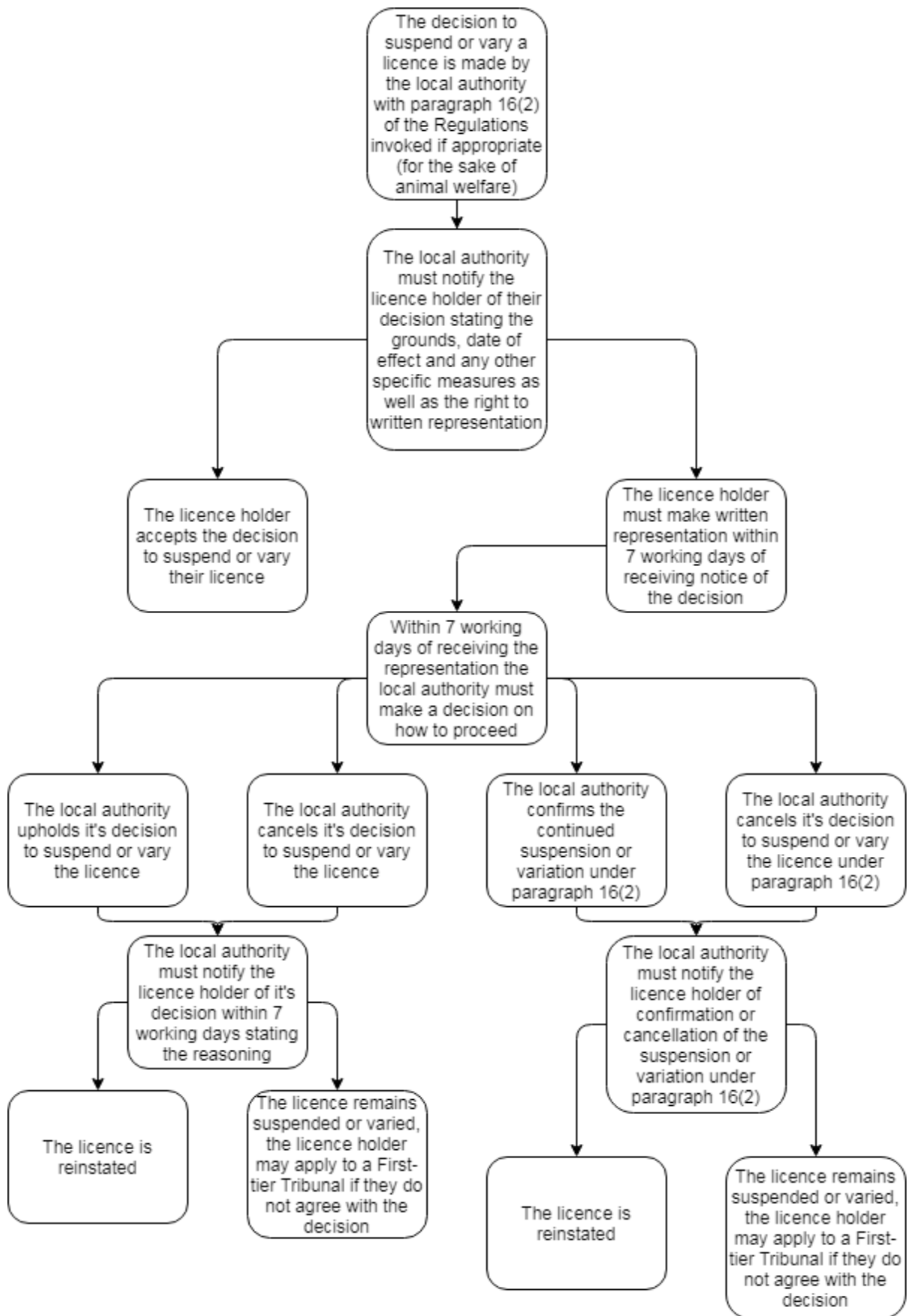
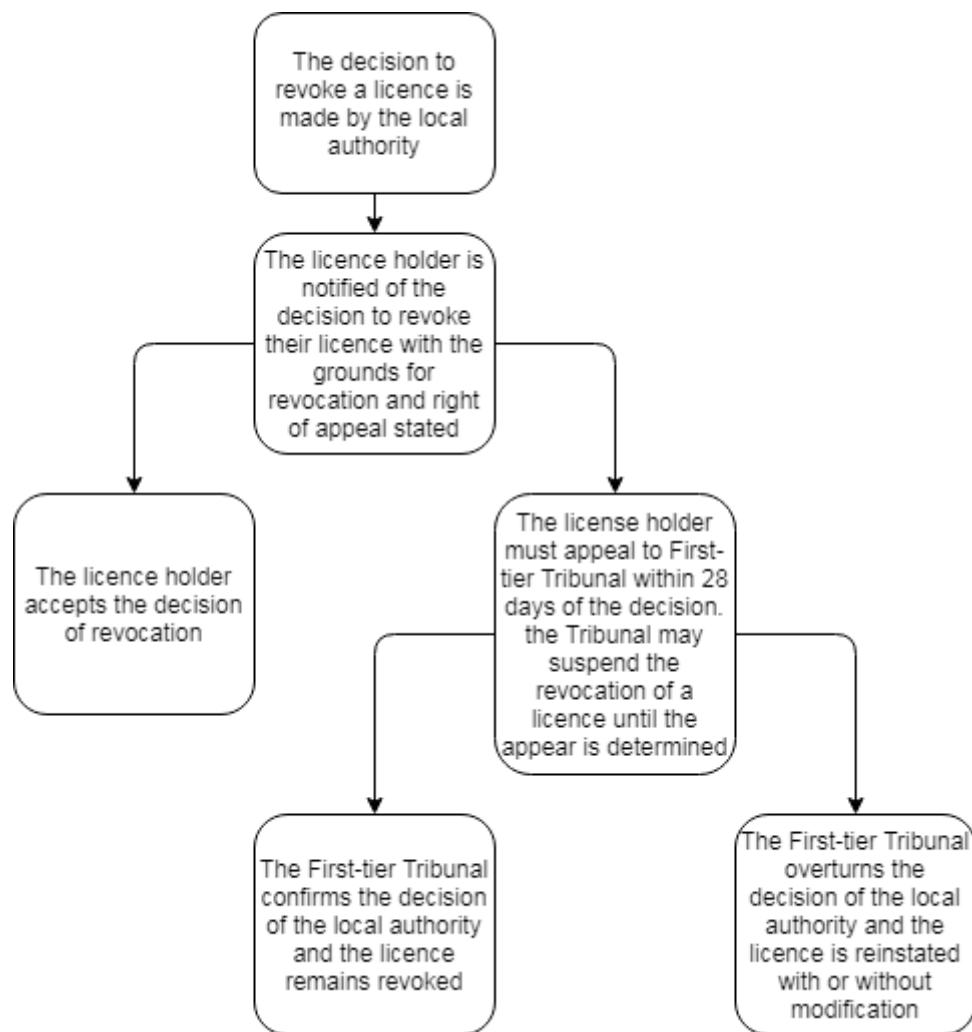


Figure 1 - Revocation of a licence



Provision of information to the Secretary of State

36. Each local authority must provide the following information to the Secretary of State in writing:
- (a) the number of licences in force for each licensable activity in its area on each reference date (1st April each year), and
 - (b) the average level of fees it has charged for licences it has granted or renewed for each licensable activity in each reference period.
37. These must be provided in an electronic form no later than 31st May each year from 2019 onwards.
38. The reference period means the period beginning with 1st October 2018 and ending with 31st March 2019, the year beginning with 1st April 2019 and each subsequent year beginning with an anniversary of 1st April 2019.
39. In addition to the information above which must be provided each year Defra may also contact you to request further information such as the average star rating given out for each establishment type or other pieces of information which could be useful for informing policy or the progress on implementation, it is not a requirement of the Regulations to provide this information however.

Inspections during the term of a licence

40. There will be cases where inspections must be carried out during the term of a licence.
41. For the activity of hiring out horses, there is a requirement for an annual inspection by a listed veterinarian, regardless of the total length of the licence. The local authority must appoint a listed veterinarian to inspect the premises on which the activity is being carried on before the end of the first year after the licence is granted and then each subsequent year.
42. Unannounced inspections can also be carried out and should be used in the case of complaints or other information that suggests licence conditions are not being complied with or that the welfare of the animals involved in a licensed activity is at risk.
43. During the course of an inspection the inspector may choose to take samples for laboratory testing from the animals on the premises occupied by an operator. The operator must comply with any reasonable request of an inspector to facilitate the identification, examination and sampling of an animal including ensuring that suitable restraints are provided if requested.

Death of a licence holder

44. If a licence holder dies, the procedure in regulation 12 of the Regulations applies. It allows the personal representative of the deceased to take on the licence provided that they inform the local authority within twenty-eight days of the death that they are now the operators of the licensable activity. The licence will then remain in place for three months from the death of the former 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.

45. Additionally a local authority can extend the three month period by up to another three months if requested by the representative and if they believe this time is needed to wind up the estate of the former licence holder.
46. 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.

Powers of entry

47. An inspector may not enter any part of premises which is used as a private dwelling unless 24 hours' notice of the intended entry is given to the occupier, parts of the premises which are not a private dwelling may be entered by an inspector if the premises is specified in a licence as premises on which the carrying on of an activity is authorised or is a premises on which he reasonably believes an activity to which a licence relates is being carried on.
48. A justice of the peace can issue a warrant authorising an inspector or a constable to enter a premises on the request of an inspector or constable using reasonable force if necessary in order to search for evidence of the commission of a relevant offence.
49. The justice will only issue a warrant if there are reasonable grounds for believing that a relevant offence has been committed on the premises, or that evidence of the commission of a relevant offence is to be found on the premises, and that section 52 of the Animal Welfare Act 2006 is satisfied in relation to the premises.
50. All other considerations from the Animal Welfare Act 2006 also apply.

Offences

51. It is an offence to breach any licence condition. It is also an offence not to comply with an inspector's request in the process of taking a sample from an animal. Samples should be as non-invasive as possible however inspectors may deem more invasive samples necessary if there are concerns over the welfare of the animals, the provision for sampling is primarily aimed at veterinarians carrying out inspections and it is not expected that samples be taken by those without the training to properly and safely do so.
52. It is also an offence to obstruct an inspector who has been appointed by a local authority to enforce the Regulations. Committing either of these offences could result in an unlimited fine.
53. Anyone who carries on any of the licensable activities without a licence is liable to imprisonment for a term of up to six months, a fine or both, section 30 of the Animal Welfare Act 2006 allows for local authorities to prosecute for any offences under that Act.

Post-conviction powers

54. The post-conviction power from section 34 of the Animal Welfare Act 2006 is in place whereby a person convicted of an offence under the Act is disqualified from owning, keeping, participating in the keeping of animals and from being party to an

arrangement under which they can control or influence the way an animal is kept, they are also may not transport or deal in animals. Breaching these disqualifications is an offence.

55. The post-conviction power from section 42 of the Animal Welfare Act is also in place whereby a court can cancel a currently existing licence and disqualify a person from owning a licence for any period it sees fit if that person is convicted of an offence under the Act.

Transitional provisions

56. Any unexpired licences granted under the Pet Animals Act 1951, Animal Boarding Establishments Act 1963, Riding Establishments Act 1964, Riding Establishments Act 1970 will continue in force for the rest of their terms under the relevant Act.

57. An unexpired licence granted under the Breeding of Dogs Act 1973 will continue in force for the rest of its term subject to the provisions of that Act, the Breeding of Dogs (Licensing Records) Regulations 1999, the Breeding and Sale of Dogs (Welfare) Act 1999 and the Breeding and Sale of Dogs (Welfare) Act 1999.

58. Any registration of a person under the Performing Animals (Regulation) Act 1925 will continue in force, for six months from the date on which these Regulations come into force. These Regulations come into force on 1 October 2018 so this registration will expire on 1 April 2019.

Fee setting

59. When setting fees, local authorities should have regard to Open for business: LGA guidance on locally set licence fees², which sets out the steps that must be taken to set fair and reasonable fees, and explains the EU Services Directive upon which the LGA guidance is based. Local authorities should also have regard to the BEIS Guidance for Business on the Provision of Services Regulations. As with other areas of licensing, regard should also be had to the principles in the Regulators' Code. "Reasonable anticipated costs" will be fact specific and dependent on the local authority in question. The "Open for business: LGA guidance on locally set licence fees" guidance includes information on what could be considered reasonable.

Activities covered by the licensing fees

60. Regulation 13 of the Regulations set out what a local authority may charge fees for:

- (a) The costs of consideration of an application, including any inspection relating to that consideration;
- (b) The reasonable anticipated costs of consideration of a licence holder's compliance with the Regulations and the licence conditions to which a licence holder is subject. This includes the costs of any further inspections related to compliance;
- (c) The reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator; and

² <https://www.local.gov.uk/open-business-lga-guidance-locally-set-licence-fees>

(d) The reasonable anticipated costs of the local authority compiling and submitting the data required by regulation 29 to the Secretary of State.

Determining the length of a licence and the star rating of a business:

Assessing risk & standards

61. This guidance describes the risk-based system that must be used when issuing animal activities licences under the Regulations with the exception of “Keeping or Training Animals for Exhibition” where all licences are issued for 3 years. This system should be used to determine both the length of the licence and the star rating to award. Local authorities in England are expected to follow it in full.
62. The purpose is to ensure consistency in implementation and operation of the licensing system by local authorities, and to ensure that consumers can be confident that the star rating applied to businesses is an accurate reflection of both their risk level and the animal welfare standards that they adopt.

Animals activity star rating system

63. The scoring matrix for a premises is displayed in Table 1.

Table 1 – The Scoring Matrix

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

64. The model takes into account both the animal welfare standards adopted by a business as well as their level of risk (based on elements such as past compliance). This model should be used every time a licence is granted or renewed.
65. Businesses must be given a star rating, ranging from 1 star to 5 stars, based on this model, and the results of their inspection. This star rating must be listed on the licence by the issuing local authority officer. The system incorporates safeguards to ensure fairness to businesses. This includes an appeal procedure and a mechanism for requesting a re-inspection for the purposes of re-rating when improvements have been made.
66. In order to use this model to calculate the length of the licence and associated star rating, it is necessary to address the following questions, based on the inspection and on records of past compliance:
- (a) Does the business meet the minimum standards?
 - (b) Does the business meet the higher standards?
 - (c) Is the business low or higher risk?

Does the business meet the minimum standards?

67. To obtain a licence for a single activity i.e. dog breeding, the applicant must meet the minimum standards set out in the specific Schedules to the Regulations (i.e. for Dog Breeding, Schedule 6) in addition to those in the General Schedule (Schedule 2). All businesses should meet the minimum standards but see paragraph 69 below for minor failings.
68. Additional information on how to meet these standards for each activity are outlined in the relevant specific guidance documents. During an inspection, the inspector should assess whether or not the business is meeting each of these minimum standards. If this is the case, they will qualify for a minimum of a two star rating (but subject to paragraph 69 below for minor failings).

Minor failings

69. If an existing business has a number of minor failings with regards to the minimum standards laid down in the schedules and the guidance, they should receive a risk rating score of 1 star. These minor failings should be predominantly administrative or if they are in relation to standards, they must not compromise the welfare of the animals. If animal welfare is being compromised, a licence should not be granted/renewed or, if already in place, should be suspended or revoked.

Does the business meet the higher standards?

70. For each activity, a number of higher standards have been agreed. Meeting the higher standards is optional but is the only way to gain a higher star rating. The higher standards are classified in to two types: **required** and **optional** and are outlined in the relevant guidance documents for the activity in question. To distinguish required standards from optional ones they have each been given a specific colour which is used in each guidance document. **Higher standards that appear in blue text are required**, whereas **those that appear in red text are optional**. To qualify as meeting the higher standards, the business needs to achieve all of the required higher standards as well as a minimum of 50% of the optional higher standards. During an

inspection, the inspector should assess whether or not the business meets the required number of higher standards.

71. Where a scheme utilising UKAS accredited certification is operational, it will be operated against either the minimum or higher standards as set out in the certification scheme criteria and as agreed with UKAS as part of the accreditation process. If a business is certified by a UKAS-accredited certification body to the higher standards, they should automatically be considered as meeting these standards, unless there is significant evidence of poor animal welfare or non-compliance is identified during the inspection.

Is the business low or high risk?

72. Table 2 Risk Scoring Table below should be used to determine if a business that is not certified by a UKAS accredited body is low or higher risk.
73. The risk assessment is not meant to reconsider specific issues taken into account in assessment of compliance with the minimum or higher standards. It does, however, require an assessment on the likelihood of satisfactory compliance being maintained in the future.
74. In considering risk, “management” covers the system as a whole. For a multi-site business, the company wide management system and procedures are a key element of this but local site / premises management is also important as that will influence how these systems and procedures are applied
75. Assessments of the written procedures should be based on the principle of proportionality, i.e. commensurate with the nature and size of the business. For small businesses which present lower risks, it may be sufficient that the business has in place good welfare practices and understands and applies them, i.e. it meets its prerequisites.

Certification by a UKAS-accredited body

76. Any business that is certified by a UKAS-accredited body and has three or more years of compliance history with this body should be considered low risk and receive the higher star ratings (unless there is significant evidence of poor animal welfare or non-compliance) as the welfare and risk management systems have been reviewed by an accredited third party.
77. New businesses that do not have three years of compliance history with a local authority or a UKAS-accredited body should automatically be considered high risk as they have no operational history.
78. If concerns are raised at the inspection indicating 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 adjusted accordingly. In addition these concerns should be reported directly to the UKAS-accredited body so that they can also intervene and / or suspend or withdraw the business’s certification.
79. Where businesses are certified by a UKAS-accredited body, that body can inform the relevant 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 including using the UKAS-accredited body's assessment of compliance.

80. For existing licensed businesses that are not certified by a UKAS-accredited body that are applying for a licence renewal, the following risk management table (Table 2) should be used to generate a risk score for the business. Each element should be reviewed and a score given (1 for low risk and 2 for high risk). An overall score can then be arrived at.
81. Where there is any uncertainty, if a business cannot provide satisfactory evidence that it is low risk in a given category, it should be scored as high risk.
82. A score of 17 or less is required for the business to be classed as low risk and a score of 18 or more means that the business will be classed as higher risk.

Table 2 – Risk Scoring Table

	Low (Score 1)	High (Score 2)	Score
Compliance History - inspections	Documented evidence from formal inspections over the previous three years reveal consistent and high levels of compliance in terms of welfare standards and risk management.	Formal inspections over the previous three 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.	
Compliance History – follow up action	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 (e.g. 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 non-compliance.	
Compliance History – re-inspection	No re-inspection necessary (apart from standard unannounced inspection) before next planned licence inspection / renewal	Re-inspection necessary to ensure compliance.	

	Low (Score1)	High (Score 2)	Score
Complaint History – complaints to the LA	No complaints received direct to the LA that are justified in relation to welfare standards or procedural issues during the previous three years.	Low level substantiated complaints identifying concerns over the business / licence holder have been received within the previous three years.	
Complaint History – complaints to the business	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.	Licence holder does not record feedback received directly or show willingness to address any issues identified.	
Appreciation of welfare standards - enrichment	Sound understanding by the licence holder of relevant environmental enrichment applicable to the activity (guided by expert advice), with demonstrated implementation.	Little environmental enrichment present, inconsistently used and its importance not understood or really valued.	
Appreciation of hazards / risks	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.	Licence holder not fully engaged with their role/responsibilities, lacks time to fulfil role, no system for review and reassessment of hazards to both animals and staff.	
Appreciation of hazards / risks - maintenance	A suitably planned maintenance, repair and replacement program for infrastructure and equipment is in place.	No planned maintenance program. Building, installations and equipment allowed to deteriorate before action is implemented.	
Appreciation of hazards / risks – knowledge and experience	Staff have specialist and appropriate knowledge of the taxa / species that are kept. There is sufficient staff, time and resource for daily, adequate routine monitoring, evidenced through records and staff rotas.	Key staff lack experience / knowledge of the species. Staff appear overburdened and / or unsupported by management, corners being cut.	

	Low (Score1)	High (Score 2)	Score
Appreciation of hazards / risks – dealing with issues	Clear defined roles / responsibilities of staff, with clear processes for reporting and addressing any identified issues.	Lack of any process, or ownership and responsibility within the business to identify and deal with issues.	
Welfare management procedures – written procedures	Written procedures / policies clearly documented, implemented and reviewed appropriately.	Limited written procedures / policies. No overall strategic control or direction.	
Welfare management procedures – supervision of staff	Appropriate supervision of staff evident where applicable.	Inadequate supervision of staff evident on inspection or from the training records.	
Welfare management procedures – record keeping	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.	
Welfare management procedures - training	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.	
Total Score of 17 or less = Low risk Score of 18 or more = Higher risk.			
Risk Rating			

Frequently asked questions

The process of providing a risk rating

Q1. When should businesses be rated?

83. Businesses should be rated following an inspection that takes place prior to grant/renewal of the licence or a requested re-inspection. Businesses may also be re-rated following an unannounced or additional inspection (e.g. following a complaint), if major issues are highlighted that require follow up action.

Q2. When should new businesses be rated?

84. New businesses should be rated following their initial inspection.

Q3. Where businesses have a licence for multiple activities within the scope of the regulations, should each activity be rated separately?

85. The licence holder should receive only one rating, which must cover all the activities. Where they are meeting different standards for different activities (e.g. meeting the higher standards for dog breeding, but the minimum standards for dog boarding), the overall score should reflect the lower of the two.

Q4. What information should the local authority provide with the star rating following the inspection at which a rating was determined?

86. The following information should be provided in writing:

- (a) The star rating itself.
- (b) Details of why the business was rated as it was. This should include a list of the higher standards that the business is currently failing to meet, or a list of the minimum standards that the business is failing to meet if it is 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.
- (c) Details of the appeals process and the deadline by which an appeal must be made.

The appeals process

87. To ensure fairness to businesses, local authorities must have an appeal procedure in place for businesses to dispute the star rating given in respect of their business. The appeal procedure is relevant where the business wishes to dispute the star rating given as not reflecting the animal welfare standards and risk level of their business at the time of the inspection. 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 re-inspection

Q5. How can a business appeal their star rating?

88. If a business wishes to appeal the star rating given by the 'inspecting officer' (i.e. the officer undertaking the inspection) on behalf of the local authority, the appeal should be made in writing (including by email) to the local authority.

89. A business disputing a rating should be encouraged to discuss this informally first with the 'inspecting officer' so that there is an opportunity to help explain to the business

how the rating was worked out, as this may help resolve the matter without the business having to lodge an appeal. Any such discussions do not form part of the formal appeal process and do not change the deadline within which an appeal must be lodged. This should be made clear to the business so that they may lodge an appeal, and may subsequently withdraw it, if they wish.

90. Businesses have 21 days (including weekends and bank holidays) following the issue of their licence in which to appeal the star rating.

Q6. How will a local authority determine the outcome of the appeal?

91. The appeal should be determined either by the head of the department that issued the licence within the local authority, or by a designated deputy, or 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.
92. The local authority then has 21 days (including weekends and bank holidays) from the date they receive the appeal to consider the appeal, within which time they must issue a decision to the business.
93. A local authority will determine the outcome of an appeal by considering the paperwork associated with the inspection and the past record of the business. In some circumstances, a further visit to the establishment may be required. 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 will depend on the nature of the dispute and whether a decision can or cannot be made on the basis of the paperwork.

Q7. What if the business disagrees with the outcome of the appeal?

94. If the business disagrees with the outcome of the appeal, they can challenge the local authority's decision by means of judicial review. The business also has recourse to the local authority complaints procedure (including taking the matter to the Local Government Ombudsman where appropriate) if they consider that a council service has not been properly delivered

Requests for re-inspections for re-rating purposes

95. To ensure fairness to businesses, local authorities must have a procedure in place for undertaking re-inspections at the request of the business for re-assessing their star rating.
96. The re-inspection mechanism applies in cases where businesses with ratings of '1' to '4' have accepted their rating and have subsequently made the necessary improvements to address non-compliances identified during the local authority's previous inspection. Businesses should be aware that re-inspection for re-rating purposes could lead to a lower rating being awarded rather than an increase in rating.

Q7. Who pays for a re-inspection visit?

97. Re-inspection falls under full cost recovery, and so the business will be required to pay for the costs of the inspection.

Q8. When is the inspection carried out?

98. The re-inspection should be carried out within three months of receipt of the request. Where an inspection does not occur within the three months, the business can raise the issue with the head of the licensing department within the local authority. If the

matter cannot be resolved, the business has recourse to the local authority complaints procedure.

Q9. How many re-inspections can a business request?

99. 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.

Q10. How should a business request a re-inspection?

100. The request should be made in writing (including by email) and should outline the case for a re-inspection, i.e. it should indicate the actions that have been taken by the business to improve the level of compliance or welfare since the inspection and, where appropriate, should include supporting evidence. The supporting case should refer to those actions that the local authority informed the business would need to be made in order to achieve a higher rating.

Q11. Must the local authority accede to all requests for re-inspections?

101. No. If the case made by the business is not substantiated or insufficient evidence is provided, the local authority can refuse to undertake a re-inspection on that basis. In doing so, the local authority must explain why the request is being refused at this stage and should re-emphasise the priority actions that must be taken in order to improve the rating and indicate what evidence will be required for agreement to a re-inspection to be made on further request. If the business disagrees with the local authority's decision to refuse a request for a re-inspection, they can raise the issue with the head of the licensing department within the local authority. If the matter cannot be resolved, the business has recourse to the local authority complaints procedure.

Q12. Where there is a supporting case, must a re-inspection be made or can a new rating be given on the basis of documentary evidence?

102. A re-inspection must be made. A new rating must not be given on the basis of documentary evidence only.

Q13. Where a re-inspection is to be undertaken, should this be unannounced?

103. This will depend on the reason for the re-inspection. This can be by appointment, unless an unannounced visit is necessary to ensure that compliance is checked properly (e.g. if the non-compliance was related to cleanliness standards).

Q14. If standards have not improved or have deteriorated at the time of the re-inspection, should a lower rating be given?

104. At the time of the re-inspection, the local authority officer should not only check that the required improvements have been made, but should also assess the ongoing standards. This means that the rating could go up, down or remain the same, change in licence length should be handled using the varying process described in paragraphs 25-35.

Q15. Should the ratings be published?

105. The star rating must be added to the licence and the licence should be displayed by the business. In addition, we encourage local authorities to maintain a list of licensed businesses and their associated ratings on their websites.



© Crown copyright 2018

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence v.3. To view this licence visit www.nationalarchives.gov.uk/doc/open-government-licence/version/3/ or email PSI@nationalarchives.gsi.gov.uk

Any enquiries regarding this publication should be sent to us at:

animal.welfare@defra.gsi.gov.uk

Table of proposed fees for Animal Activities for the period 1 October 2018 to March 2019

Appendix 2

Licensable Activity		Application fee/Renewals	Additional Costs	Grant Fee		
				1 year	2 year	3 year
Animal Boarding: to include Home Boarding Day Care Catteries Kennels	Up to 10 animals	£125		£180	£230	£280
	11 to 30 animals	£155		£230	£305	£380
	31 to 60 animals	£185				
	61 to 99 animals	£210				
	100+ animals	£255				
Dog Breeding	1 – 5 Bitches	£125	Vets fees on inspections on application and throughout duration of licence			
	6 – 10 Bitches	£155				
	11 Plus Bitches	£175				
Hiring of Horses	1 – 20 Horses	£125	Vets fees on inspections on application and throughout duration of licence	£125	£175	£225
	20 + Horses	£155				
Selling Animals as Pets		£155		£230	£305	£380
Exhibiting Animals		£125				£225
Combination of licensable activity		Reduce by 50% of the lowest application fee	Vets fees where required	Reduce by 50% of the lowest Grant fee		
Variation of licence		£50	£75 for inspection if required or Vets fees where required			
Re-evaluation of rating		£50	£75 Inspection fee	£25		
Transfer due to death		£50				

This page is intentionally left blank

Appendix 3

Scheme of Delegation (Licensing Committee 26 September 2018)

Specific to Licensing

Licensing Act 2003

Table of delegations of licensing functions

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence with unspent convictions		If a police objection	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application.
Application for provisional statement		If a relevant representation made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application
Application to vary premises licence/club registration certificate		If a relevant representation made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of a premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application to review premises licence / club premises registration		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notices		All cases	
Determination of an Environmental Health representation to a temporary event notice		All cases	
Determination of application to vary premises license at Community premises to include alternative license conditions		If police object	All other cases
Decision whether to consult other responsible authorities on minor variation applications.			All cases
Determination of minor variation application			All cases
Decision to suspend club premises certificate or premises licence for non-payment of annual fee.			All cases
Making a representation on behalf of the Licensing Authority			Licensing Manager and Senior Licensing officers
Initiating a review on behalf of the Licensing Authority			Licensing Manager and Senior Licensing Officers
Determination of Minor Variations			All cases

Gambling Act 2005

Table of Delegations of Licensing Functions

Matter to be dealt with	Full Council	Licensing Committee or Sub-Committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting - when appropriate	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X

Matter to be dealt with	Full Council	Licensing Committee or Sub-Committee	Officers (Public Protection Licensing Manager)
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination as to whether a person is an interested party			X
Determination as to whether representations are relevant			X
Determination as to whether a representation is frivolous, vexatious or repetitive			X

Table of Delegated Functions - Miscellaneous

Matter to be dealt with	Full Committee	Sub – Committee	Officers
Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 (as required by the sex establishments policy)	The Licensing Committee or Sub Committee will determine any new application or existing application where objections have been received	The Licensing Committee or Sub Committee will determine any application	To determine renewals where no objections have been
Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 (Consent street trading)	The Licensing Committee or Sub Committee will determine applications where refusal has been recommended by officers, and subsequent representations have been received from the applicant	The Licensing Committee or Sub Committee will determine applications where refusal has been recommended by officers, and subsequent representations have been received from the applicant	In all other cases
<p>Powers to suspend/revoke or refuse to renew licenses under the following legislation: Town Police Clauses Act 1847 as amended Section 50</p> <p>Local Government (Miscellaneous Provisions) Act 1976 –Section 60,61 and 62</p> <p>Powers to determine applications for licences and permits under the following legislation: Town Police Clauses Act 1847 as amended Sections 40,46 Local Government (Miscellaneous Provisions) Act 1976 – Section 48,51,55</p> <p>Section 13 – 17 Local Government (Miscellaneous Provisions) Act 1982 (acupuncture, tattooing, ear piercing and electrolysis)</p> <p>Performing Animals (regulation) Act 1925</p> <p>Zoo Licensing Act 1981</p>	<p>For all these functions there is no role for the committee as there is a statutory right of appeal to the Magistrates’ Court</p> <p>The Licensing Committee will determine any application made by an officer or member of the Council.</p>	For all these functions there is no role for the sub - committee as there is a statutory right of appeal to the Magistrates Court	All other cases.

Matter to be dealt with	Full Committee	Sub – Committee	Officers
House to House Collections Act 1939 Pet Animals Act 1951 Animal Boarding Establishments Act 1963 Riding Establishments Act 1964 and 1970 Breeding of Dogs Act 1973 Breeding and Sale of Dogs (Welfare) Act 1999 Scrap Metal Dealers Act 1964 Dangerous Wild Animals Act 1976 Lotteries and Amusements Act 1976 Hypnotism Act 1952 (as amended) and Schedule 3 Local Government (Miscellaneous Provisions) Act 1982	For all these functions there is no role for the committee as there is a statutory right of appeal to the Magistrates' Court The Licensing Committee will determine any application made by an officer or member of the Council.	For all these functions there is no role for the sub - committee as there is a statutory right of appeal to the Magistrates Court	All other cases.
The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018			All other cases. Appeals to Head of Service or Licensing Manager

Criminal Justice and Police Act 2001 and Violent Crime Reduction Act 2006

Table of Delegations of Licensing Functions

Matter To Be Dealt With	Full Council	Licensing Committee or Sub-Committee	Officers (Service Director Public Protection)
Making Designated Public Places Orders (DPPOs)		x	