Licensing arrangements for animal health and welfare
Overview guidance note

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

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

The following guidance and questions and answers provide more details about the new system of regulation.

What licensing activities need a licence?

A licence is required when any of the licensable activities outlined in Schedule 1 of the regulations are undertaken. These are:

a) selling animals as pets (Part 2);
b) providing or arranging for the provision of boarding for cats or dogs (including the provision of boarding for cats; kennels for dogs; home boarding for dogs; or commercial day-care for dogs (Part 3);
c) hiring out horses (Part 4);
d) breeding dogs (Part 5);
e) keeping or training animals for exhibition (Part 6).

Who can apply for a licence?

Any individual, who will be designated as the operator of the business, can apply for a licence providing they:

a) can demonstrate that they are a fit and proper person to carry out the licensable activity and meet the licence conditions; and
b) are not disqualified from holding a licence in accordance with Regulation 11 and Schedule 8.

How to apply for a licence

Licence applications must be submitted online
https://selfserve.cheshirewestandchester.gov.uk/

Any supporting information and documentation requested on the application form should also be uploaded. We cannot accept photographs of policy documents or submission via online file hosting platforms such as dropbox.

The appropriate fee also needs to be provided. Application fees are non-refundable. Successful applicants will also have to pay a further Grant fee if the application is successful – please see our fees and charges information for a breakdown of these costs.

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

An application or renewal application cannot be considered or progressed if the necessary supporting information and documentation is not provided. All information and documentation must be supplied at least 10 weeks before a licence expires. Failure to provide all the required documentation in good time may result in you being unable to continue to trade until the application has been fully considered.

What standards/conditions will I be expected to meet to obtain a licence?

DEFRA has produced mandatory conditions and associated guidance for each licensable activity. These are divided into two categories namely General Conditions (stipulated in Schedule 2) and Specific Conditions from the associated Schedule of the Regulations.

You will need to meet the requirements of all the minimum standards, although minor failings may be noted/recorded providing they do not compromise the welfare of the animals (these should be predominantly administrative in nature).

In addition each licensable activity (with the exception of the keeping or training animals for exhibition) also stipulates further optional conditions for “Higher Standards”.

Specific details will be stipulated on the inspection report.

How ‘Risk Rating’ is assessed

Existing operators will be risk rated against a standard 14 point criteria checklist which considers a number of factors relating to compliance history, complaints, welfare standards and management standards. This scoring system will determine if they are rated as either low (a score of 17 or less) or high (a score of 18 or more).

All new businesses which do not have 3 years of compliance history with a Local Authority or UKAS accredited scheme will be rated as high risk.

Licences for the keeping or training of animals for exhibition are not risk rated and will last for 3 years once issued.

What are the "Higher Standards"?

For each activity (except keeping or training animals for exhibition) a number of "higher standards" have been agreed. Meeting the higher standards is optional but is the only way to gain the highest star rating. The higher standards are classified into two categories – required (mandatory) and optional. These will usually be colour coded into blue and red respectively. To qualify as meeting the higher standards the business must achieve all the required (mandatory) standards as well as a minimum of 50% of the optional higher standards.

How long will my licence last?

Licences can be issued for a period of either one, two or three years depending on the risk rating and level of compliance. This also corresponds with the Star Rating for the establishment. See the scoring matrix below;

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	**Minimum Standards** (as laid down in the schedules and guidance)	**Higher Standards** (as laid down in the guidance)
Risk	**Low Risk**	**1 Star** 1yr licence Min 1 unannounced visit within 12 month period	**3 Star** 2yr licence Min 1 unannounced visit within 24 month period	**5 Star** 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	**1 Star** 1yr licence Min 1 unannounced visit within 12 month period	**2 Star** 1yr licence Min 1 unannounced visit within 12 month period	**4 Star** 2yr licence Min 1 unannounced visit within 24 month period

All licences for the keeping or training animals for exhibition are issued for three years.

How is the licence application assessed?

All licence applications will be assessed based on the following criteria:

a) an assessment of the operator (applicant) as to whether they are a fit and proper person to carry out the licensable activity, their knowledge, experience, compliance history, ability to meet their licence conditions, afford immediate access to their sites for inspection and whether they are currently disqualified from making an application;
b) an inspection of the site of the licensable activity by a suitably qualified inspector (and where applicable accompanied by a registered veterinarian);

c) the submission of the inspectors report which will contain information about the operator, details of the premises, records, conditions of the animals, the risk rating score, compliance details and a statement on whether licence conditions will be met;
d) the payment of the appropriate licence fee.

What information is provided with the licence?

Where a licence is issued the Council will provide the following details:

a) the Licence with the Star Rating
b) details of how the business has been rated including a list of the higher standards the business currently fails to meet or a list of the minimum standards the business is failing to meet and resulting in a “minor failing” category
c) details of the appeals process and timescales

What if my application is refused?

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

The Council must refuse to issue a licence if it considers that the applicant cannot meet the licence conditions, the granting of a licence will have a negative impact on animal welfare or if the level of accommodation, staffing or management is inadequate for the well-being of animals. A licence cannot be issued to an operator who is disqualified.

The applicant will have the right of appeal to a First-tier Tribunal within 28 days of the decision notice.

What can I do if I am unhappy/disagree with the star rating awarded to me?

To ensure fairness to the business, the Council must have an appeals procedure in place for the operator to dispute the star rating given.

The business will be provided with supportive information (the inspection reports) which will highlight the inspecting officer’s decision on how the risk rating, compliance level and star rating has been determined.

The appeal must be made in writing within 21 days and will be assessed and determined by an appointed manager within the Department. If the business disagrees with the outcome of the appeal they can challenge the decision by means of judicial review.

The business is encouraged to discuss the matter initially with the inspecting officer where possible.

A business may wish to apply for a re-inspection or re-rating on a chargeable basis following completion of works to rectify any non-compliance or improvements to achieve higher standards.

What will happen if I do not comply with the conditions of my licence?

The new Regulations introduce a range of enforcement powers to allow the Council to issue a suspension, variation or revocation notice where licence conditions are not being complied with; there is a breach of the regulations or issues relating to the protection of the welfare of an animal

The service of the above enforcement notices is subject to a strict process and includes for the provision of the right to representation and appeal.

. The Animal Welfare Act 2006 also allows for the serving of Improvement Notices in certain circumstances

Advice and guidance available

Operators must meet the mandatory conditions issued by DEFRA.

Where operators wish to discuss the application process and seek guidance on compliance and more detailed advice a pre-application visit/discussion can be arranged on a chargeable basis.

Are the licence details and star rating displayed?

DEFRA has encouraged Councils to maintain a list of licensed businesses and their associated ratings on their websites.

This list is available online at (https://selfserve.cheshirewestandchester.gov.uk/)

Licence cost

The licence cost is in two parts an “application / renewal” fee which covers the local authority cost of processing your application and inspection prior to issuing a licence, then a “Grant fee” which includes the cost of an interim inspection during the period of your licence. The costs have been calculated based on the latest government guidance and are expected to cover the costs to the Local Authority of inspection and licensing.

The calculated costs vary depending on your sector and are included on the fees table available on our website https://www.cheshirewestandchester.gov.uk/business/licensing-and-permits/animal-licences

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Explaining your fees

Why is the application/renewal fee more that it was?

If your business is fully-compliant and benefits from a three year licence businesses will find they are paying a similar amount over three years as before the new laws came into force. This means that there are genuine business benefits to meeting the highest standards of animal welfare.

The fees include the additional costs to the Council of setting up the new arrangements, and ensuring inspecting staff are trained to administer the new rating scheme fairly and to provide you with the advice you need to meet high standards of animal welfare. Prices also reflect the cost of interim inspections that were not previously part of the licencing arrangements.

The fees for dog breeding are based on the number of reeding bitches present at the premise

Will the fee be reviewed?

Our fees are based on cost recovery and the Council is obliged to keep the fees under review. The last review was carried out in February 2022.

I am a new business start-up, why am I being penalised for being entrepreneurial?

We appreciate that annual licences are needed for a new business until they can demonstrate a consistent record of compliance. Because the public demand high standards of animal welfare this is the cost of entering this business sector and we would advise including for a few years licence fees as part of your set up cost business case to account for this. If you focus on good compliance with your model standards you will minimise your excess costs.

I am a small business and the cost seems very high for what I do

To try to reduce barriers to small businesses we have introduced a 50% discount of the Grant Fee for businesses falling into the following categories to take account of this

- Maximum 2 aquatic species in a business run from a domestic property.
- Breeders with up to two breeding bitches
- Kennel or cattery hosting up to 10 dogs or cats (single species)
- Home boarding hosting up to two dogs.
- Commercial day-care hosting up to 6 dogs
- Exhibition of animals with up to five animals OR 10 animals of one species housed together
- Hiring of Horses with up to five horses.

Is there anything else I can do to keep licence costs down?

As mentioned previously, the Council is obliged to keep fees under review. If businesses manage their sites well, keep good records, policies and plans, and demonstrate clear evidence that these are being followed; this will reduce the inspection and processing time across the sector and support a reduction in fees over time.

For further details contact Animal Health and Welfare:

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