

Animal Activity Licensing Regulations 2018

Note to local authority licensing officers

Introduction

1. This note is for local authorities in England 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 are reminded that when considering an application under the [Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#), the decision to grant or refuse a licence should be based on the operator's compliance with the general licence conditions in schedule 2 and the specific licence conditions in schedules 3 to 7. Other considerations such as planning permission should be referred to the relevant department but should not form part of the grant or refusal decision for the animal activity licence. Similarly, public liability insurance is a specific licence condition only for hiring out horses and keeping or training animals for exhibition.

Promoting information

3. Some operators and applicants are stating that there is a lack of information on the new regulations on their local authority websites and we request all local authorities to ensure that information on the new regulations that you are disseminating, is up to date.

Supply of information to Defra

4. We would like to remind local authorities that under regulation 29, each local authority must provide the following information to Defra:
 - (a) the number of licences in force for each licensable activity in its area on each reference date (1 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.
5. These must be provided in an electronic form no later than 31 May each year from 2019 onwards. 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. Returns can be sent to: AnimalActivitiesLicensing@defra.gov.uk.
6. In addition to the information above which must be provided each year, Defra also welcomes 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.

Risk ratings

7. Can we remind local authorities that they must provide star ratings based on the Scoring Matrix and Risk Scoring table (see link below).

8. The activities of breeding of dogs, selling animals as pets, providing or arranging for the provision of boarding for cats or dogs and hiring out horses, must be risk rated and allocated a star rating after their inspection. The star rating must reflect how the business is operated and their compliance with the licence conditions. Local authorities must refer to the 'Procedural guidance for local authorities' (see link below) and use the Scoring Matrix and Risk Scoring table at paragraph 63 of that guidance. A licence must be issued from 1 to 3 years depending on the risk of the business and allocated a star rating. All licences for keeping or training animals for exhibition are for 3 years and are not risk rated (because these licences replace a registration scheme for performing animals).

<https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>

Certification by a UKAS accredited body

9. As per section 71 of the Procedural Guidance, 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 identified during the inspection. In relation to dog breeding, the Kennel Club Assured Breeder Scheme operates to the higher standards, and is currently the only UKAS accredited scheme operating in this area of animal activities.
10. As per paragraph 76 of the Procedural Guidance, any business that is certified by a UKAS accredited body (e.g. the Kennel Club – Assured Breeder Scheme) and has three years of compliance history with this body should be considered low risk and receive the appropriate star rating. This compliance history with UKAS should be considered even if the business is a new applicant to the local authority.
11. In addition, the Procedural Guidance states that, 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.

Business test

12. The Regulations licence commercial dog breeders and commercial pet sellers amongst other commercial activities.
13. This is covered in the 'Out of scope criteria' within the specific guidance notes for each activity including [guidance notes for conditions for breeding dogs](#) and on [selling animals as pets](#). A local authority in deciding if a breeder is commercial should consider all of the criteria listed in the relevant guidance and not one section in isolation.
14. For dog breeding, the guidance states that **out of scope** are: "*Breeders that breed a small number of puppies (i.e. less than 3 litters per year), and that sell them without making a profit.*"
15. For pet sellers, **out of scope** is: "*The infrequent sale of a small number of surplus offspring/excess stock by a private individual who breeds animals as a hobby, for*

pleasure, exhibition for prize, or for education, study or scientific advancement. For low value species that may produce large numbers of excess stock, consideration should be given to the value of the stock and the likelihood that the seller is making a profit.”

16. The £1000 trading income as referred to in the guidance documents should be used as an indicator and not a ceiling as someone with over £1000 trading income may not be a commercial dog breeder or pet seller and they may not be making a profit.

Animal Welfare Team

Defra

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