



Cheshire East Council Draft Animal Welfare Licensing Policy

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1. Introduction

The Animal Welfare Licensing Policy has been produced to assist the Licensing Authority, current and potential licence holders and the public as to how the animal welfare licensing regime is administered within the Borough.

The Policy sets out how the Council exercises its functions under the Dangerous Wild Animals Act 1976, the Zoo Licensing Act 1981, the Animal Welfare Act 2006 (in relation to animal welfare licensing) and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

It also sets out the principles the Council will use when dealing with animal related licensing matters.

The policy does not deal with dog walkers, groomers, charities, animal sanctuaries, rescue centres or similar, livery yards, circuses, or dog shows as these do not currently require a licence.

2. Legislation and Statutory Guidance

On 1st October 2018, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (made under the Animal Welfare Act 2006) replaced disparate animal licensing legislation for local authorities in England. It provides a single licensing regime for animal licensing activities, requiring those undertaking the following activities to be licensed:

- Selling animals as pets
- Providing or arranging for the provision of boarding for cats or dogs (including day care)
- Hiring out horses
- Breeding dogs
- Keeping or training animals for exhibition

The Regulations replaced the previous licensing and registration regimes under:

- Pet Animals Act 1951
- Animal Boarding Establishments Act 1963
- Riding Establishments Acts 1964 and 1970
- Breeding of Dogs Act 1973 and Breeding and Sale of Dogs (Welfare) Act 1999
- Performing Animals (Regulations) Act 1925

The 2018 legislation does not apply to Zoo licences or Dangerous Wild Animals licences which remain subject to previous legislative requirements.

There is no legislative requirement for a policy, but it is considered good governance to have such a policy. Additionally, the policy sets out the general approach the Council will take when considering applications under this legislation.

The legislation is comprehensive and whereas, under the previous legislation, local authorities had to adopt their own licence conditions, these are now part of the legislation. There are a number of standard conditions applicable to every licence and

specific conditions depending upon the licensable activity authorised. The local authority does not have discretion to impose its own conditions.

In addition to the legislation there is statutory guidance relating to each of the licensable activities and procedural guidance for local authorities to follow when dealing with licensing matters.

[Animal Welfare Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[Animal activities licensing: statutory guidance for local authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

3. Licensing Principles

To determine if an activity is covered by the Regulations and needs a licence to operate, the Council will consider a range of factors including:

- Whether the activity is being conducted as a commercial business
- Whether the operator makes any sales or carries out the activity to make a profit
- Whether the operator earns any commission or fee from the activity
- HMRC's 9 badges of trade
- HMRC's income threshold – currently £1000

Before a licence is issued, an application must be submitted to the Council along with the information required by the legislation and the appropriate fee.

The Council may require additional information to assist with determining whether the licence conditions are likely to be met. Such additional information is required to be provided within 2 weeks of being requested unless otherwise agreed with the Licensing Officer. The Council reserves the right to refuse a licence application where the process becomes overly protracted.

4. Application/Renewal Process

Licence applications must be submitted in writing on the relevant application form and in accordance with the relevant legislation. Applicants should include any supporting information that is required (as detailed in the form, legislation, this policy and as may be required in any particular case), together with the appropriate application fee. The application should also include details of the applicants home postal address in addition to any business address.

4.1 Pre-application Inspection

The Council offers a pre-application inspection service to those considering applying for an animal activity licence. This is a chargeable service involving an inspection of the proposed premises and discussion/provision of advice regarding the requirements of the relevant conditions to enable the individual to understand what is needed and submit an application that includes all relevant information.

Below is a brief overview of the application and renewal processes for animal related licences issued by the Council. In all cases, the process prescribed in the relevant legislation will be followed.

4.2 Veterinarian Inspections

Veterinary inspections may be required by legislation or by the Council in order to determine the application. Payment for vet inspections will be an additional charge that is passed on to the applicant/licence holder and invoiced separately.

Veterinarians are independent of the Council.

Veterinarians carrying out inspections for premises involved in the activity of the Hiring of Horses must be 'listed' veterinarians [Riding Establishments - Professionals \(rcvs.org.uk\)](http://rcvs.org.uk).

Authorisation of Veterinarians

Where a veterinarian is accompanied by a suitably qualified local inspector, they will be appointed by the Council under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

Where a veterinarian is required to carry out the inspection without being accompanied by a suitably qualified officer, they will additionally be appointed under the Animal Welfare Act 2006

For Dangerous Wild Animal inspections a suitably qualified/experienced vet (appropriate to the species being kept) will be appointed under the Dangerous Wild Animals Act 1976.

For Zoo Licensing Inspections an inspector will be appointed from the Secretary of State's list of Inspectors which is held by DEFRA.

4.3 General Application Requirements

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

The Statutory Guidance issued by DEFRA for licences issued under these Regulations require that the Council must do all of the following before granting or renewing a licence:

- 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 the licence conditions.
- Inspect the site of the licensable activity and assess if it is likely to meet the licence conditions. The inspection must be carried out by a suitably qualified inspector.
- A veterinarian is additionally required for the initial inspection of a dog breeding establishment.
- A listed veterinarian is additionally required for inspections of premises carrying out the activity of hiring of horses. A listed veterinarian is a veterinarian who is authorised to carry out an inspection on the list of veterinarians held by the Royal College of Veterinary Surgeons Riding Establishments Inspectorate List.
- Inspections will normally be conducted by a local authority inspector. In some circumstances however an officer from another local authority or a qualified veterinarian may be appointed to carry out an inspection on behalf of the Council.
- The inspector must prepare a report, in accordance with the requirements of the Regulations, to be submitted to the Council following the inspection.
- 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.
- Ensure that the appropriate fees have been paid.

Dangerous Wild Animals Act 1976

Upon receipt of an application for the grant or renewal of a licence and the appropriate fee, and prior to granting or renewing a licence the Council will:

- Ensure that the applicant has not been disqualified from keeping dangerous wild animals
- Inspect the relevant premises and assess if it is likely to meet the requirements of the legislation.
- Additionally, a qualified vet will be appointed to inspect the premises and produce a report.
- Reports will contain information about the suitability of the accommodation, suitability of the applicant in terms of their handling skill/experience and their views on qualification relating to species. The vet will also consider the animal's ability to express their natural behaviour and the knowledge of the owner to promote the animal's welfare. The report will then be sent to the Council for consideration.

Zoo Licensing Act 1981

An applicant must provide the Council with a minimum of 2 months' notice of their intention to apply for a licence under the Zoo Licensing Act 1981. The notice must contain the information required by the legislation.

In addition to providing notice to the Council, the applicant must publish a notice in a local newspaper (circulating the Cheshire East area) and a newspaper that is circulated nationally.

Upon receipt of the subsequent application and relevant fees, and prior to granting or renewing a licence, the Council will:

- Ensure the applicant has not been disqualified from keeping dangerous wild animals
- Inspect the relevant premises to assess if it is likely to meet the requirements of the legislation. A qualified vet will also be appointed to inspect the premises and produce a report. The vet will be approved as part of the Secretary of State's list of suitably qualified and experienced inspectors.
- The Council will take into account any representations made by or on behalf of any persons entitled to make such representations (in accordance with the legislation).
- The Council will consult the applicant on the conditions that are proposed for the premises licence.
- The applicant will be given 28 days' notice of the inspection, unless otherwise agreed.

4.4 Licence Renewal Applications

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

The Council will aim to provide licence holders with 3 months' notice of their licence being due to expire. Licence holders must submit an application at least 10 weeks before their licence expires. It is the responsibility of the licence holder to ensure that any renewal application is made in good time. The Council cannot be held responsible for any delay or lapse of a licence caused by an incomplete or late application. Where a licence lapses, the licence holder will be required to submit a new application.

Where a business moves premises during the course of a licence a new application will need to be submitted, and where required by the legislation, or the Council deems necessary, a veterinary inspection will also be required as detailed above.

Dangerous Wild Animals Act 1976

The Council will aim to provide licence holders with 3 months' notice of their licence being due to expire. Licence holders must submit an application at least 10 weeks before their licence expires. It is the responsibility of the licence holder to ensure that any renewal application is made in good time. The Council cannot be held responsible for any delay or lapse of a licence caused by an incomplete or late application. Where a licence lapses, the licence holder will be required to submit a new application.

Zoo Licensing Act 1981

The Council will aim to provide licence holders with 9 months' notice of the date of their licence expiry. Licence holders must then submit an application at least 6 months

prior to their licence expiring. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.

4.5 Timescales

There are no deadlines laid down in the legislation for the various applications processes. The Council will process these as quickly as possible following receipt of relevant information and any necessary inspection requirements.

In relation to activities falling within the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the Council endeavours to provide a decision within 10 weeks of the application. The process may take longer however for example where additional information is needed from the applicant or it is difficult to arrange the inspection.

4.6 Rating and Licence Duration

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

With the exception of the activity of 'keeping or training animals for exhibition', licences may be issued under the Regulations for a period of one, two or three years depending on the risk rating and level of compliance. The length of the licence will correspond with the Star Rating for the establishment.

Licences for the keeping or training animals for exhibition are issued for three years. The decision on star rating and licence length is based on the adoption of a risk-based approach, taking account of the compliance history of the individual applying for the licence, animal welfare standards followed by the individual, whether they have minor failings, follow minimum standards or already operate at a higher standard.

When granting or renewing a licence, the Council will consider the inspection and records of past compliance to determine whether the business meets the minimum standards, the higher standards and whether the business is low or higher risk.

A copy of the Scoring Matrix is included at Appendix A.

The star rating table is below:

	Minor failings	Minimum standards	Higher Standards
Low risk	1 star rating, 1 year licence, at least 1 unannounced visit within 12 months	3 star rating, 2 year licence, at least 1 unannounced visit within 24 months	5 star rating, 3 year licence, at least 1 unannounced visit within 36 months
Higher risk	1 star rating, 1 year licence, at least 1 unannounced visit within 12 months	2 star rating, 1 year licence, at least 1 unannounced visit within 12 months	4 star rating, 2 year licence, at least 1 unannounced visit within 24 months

Dangerous Wild Animals Act 1976

Premises licensed under the Dangerous Wild Animals Act are not risk rated and, where a licence is issued, it is valid for 2 years.

Zoo Licensing Act 1981

Premises licensed under the Zoo Licensing Act are not risk rated and any new premises licence issued will be valid for 4 years. On renewal, licences are valid for 6 years.

4.7 Standards and Conditions

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

The Regulations include mandatory conditions for each licensable activity and DEFRA have produced associated statutory guidance. The conditions are divided into two categories, 'General Conditions' and 'Specific Conditions'. Applicants and licence holders will need to meet all of the mandatory conditions.

All businesses are expected to meet the minimum standards. A one star licence may be issued where there are minor failings of the minimum standards. This gives the operator opportunity to address the issues and meet the minimum standards.

Minor failings will normally be administrative in nature and must not compromise the welfare of the animals. Where animal welfare is compromised, a licence will be refused. Where a licence is already in place it will be suspended, varied or revoked depending on the circumstances.

For each activity (with the exception of keeping or training animals for exhibition), a number of 'higher standards' have been included in the guidance. Meeting the higher standards is optional but is the only way to achieve a higher star rating.

There are two categories of higher standards – required and optional. To meet the higher standards the business must achieve all of the required standards and 50% of the optional higher standards.

Dangerous Wild Animals Act 1976

The Council will impose any conditions prescribed in the legislation and additionally may impose conditions suggested by DEFRA or required by the Inspecting Officer/Vet.

Where the Council places conditions on a licence they will be based, wherever practicable, on existing codes of best practice and industry standards produced by, but not limited to, organisations such as:

- DEFRA
- British Veterinary Association
- National Trade Associations

Zoo Licensing Act 1981

The Council will impose any conditions prescribed in the legislation and additionally may impose conditions and/or directions suggested by DEFRA or required by the Secretary of State's Inspector/Vet.

Where the Council places conditions on a licence they will be based, wherever practicable, on existing codes of best practice and industry standards produced by, but not limited to, organisations such as:

- DEFRA
- British Veterinary Association
- National Trade Associations

4.8 Granting an Application

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

Where a licence is issued the Council will provide the following details (if applicable):

- The licence with the star rating
- 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 (resulting in a 'minor failing' category)
- A copy of the risk assessment table
- Details of the appeals process and timescales
- The General Licence Conditions
- The relevant Specific Licence Conditions

Dangerous Wild Animals Act 1976

These premises are not risk rated and consequently only the licence and relevant conditions are issued.

Zoo Licensing Act 1981

These premises are not risk rated and consequently only the licence and relevant conditions are issued.

4.9 Refusing an Application

The following section provides a brief overview of the powers available to the Council to refuse an application.

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

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

The Council may refuse to issue a licence if it considers that the applicant cannot meet the licence conditions. The Council may also refuse a licence if the granting of a licence may have a negative impact on animal welfare or if the level of accommodation, staffing or management is inadequate for the well-being of animals.

The Council may refuse to issue or renew a licence if the applicant has a history of non-compliance with licensing conditions or requirements, is obstructive towards officers, fails to provide required information, or if there are safeguarding concerns arising from the licensable activity. The above list is not exhaustive.

The Council may refuse an application if it considers that the applicant does not meet the 'fit and proper person' test, taking into account factors such as the conduct of the business operator, whether or not the animal welfare requirements and licence conditions are likely to be met.

A licence cannot be issued to an operator who has been disqualified as stipulated in the relevant Regulations.

Where a licence is refused under the Regulations, the applicant will have the right of appeal to the First Tier Tribunal within 28 days of the decision notice.

[Welfare of Animals: appeal to a tribunal - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Dangerous Wild Animals Act 1976

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

The Council must not grant a licence unless it is satisfied that:

- It is not contrary to the public interest on the grounds of safety, nuisance or otherwise to grant the licence;
- The applicant for the licence is a suitable person to hold a licence under the Act;
- Any animal covered by the licence will at all times –
 - (1) Be held in accommodation which ensures that the animal will not escape, which is suitable in terms of construction, size, temperature, lighting, ventilation, drainage and cleanliness and which is suitable for the number of animals proposed to be held in the accommodation, and
 - (2) Be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals;
- Appropriate steps will at all such times be taken for the protection of any animal concerned in the event of fire or other emergency;
- All reasonable precautions will be taken at all such times to prevent and control the spread of infectious diseases;
- The accommodation is such that any animal subject to the licence can take adequate exercise.

A licence may be refused where an applicant has been convicted of any relevant offence as stipulated in the legislation.

Where a licence is refused under the Dangerous Wild Animals Act 1976, the applicant will have the right of appeal to the magistrates' court within 21 days of the decision notice.

Magistrates' courts may be located via [Find a Court or Tribunal - GOV.UK \(find-court-tribunal.service.gov.uk\)](https://www.gov.uk/find-court-tribunal)

Zoo Licensing Act 1981

The Council will consider the report from the inspector(s) and any comments made by any relevant party when deciding whether to issue a licence.

The Council may refuse a licence when:

- It is satisfied that the zoo, or its continuance, would injuriously affect the health or safety of persons living in the neighbourhood of the zoo, or seriously affect the preservation of law and order
- It is not satisfied that the zoo would be able to meet conditions to take forward the relevant conservation measures
- It is not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and well-being of the animals as a whole or for any of them, or otherwise for the proper conduct of the zoo
- It is not satisfied that planning permission has been granted for a zoo (or the granting of the licence can be suspended until the local planning authority confirm that permission has been, or is deemed to be, granted).

A licence may also be refused if anyone associated with the zoo has a conviction under the Zoo Licensing Act 1981 or any other relevant legislation.

If a licence is refused under the Zoo Licensing Act 1981, the applicant has the right of appeal to the magistrates' court within 28 days of the decision notice.

Magistrates' courts may be located via [Find a Court or Tribunal - GOV.UK \(find-court-tribunal.service.gov.uk\)](https://www.gov.uk/find-court-tribunal)

4.10 Appeals to Star Rating

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

To ensure fairness to the business, the Council has an appeals procedure in place to enable the operator to dispute the star rating given.

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

A business may appeal if they consider their star rating to be wrong i.e., it does not reflect the standards found at the time of the inspection. Any appeal to the rating must be made in writing to the Council within 21 days from issue of the star rating. It is important to note that the appeal concerns specifically the standards present at the time of the inspection and will be chargeable should the original decision be upheld (see section 9).

DEFRA Guidance states that no officer involved with the initial inspection or star rating should consider an appeal. Accordingly, the Council will ensure that an alternative officer determines the appeal in all cases. In the majority of instances this will be the Team Leader for Animal Health and Welfare, but in some circumstances such determination will be by another suitably qualified officer.

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

[Cheshire East Council Complaints Procedure.](#)

4.11 Re-rating

This is separate to the appeals process highlighted above and enables a business to apply for a 're-rating' following completion of works to rectify any non-compliance or improvements to achieve higher standards. This re-rating is subject to a charge (see section 9).

Where a re-inspection is requested, it will be carried out within 3 months of the request, unless there is insufficient evidence of the required improvements being made, in which case the local authority may refuse to re-inspect the business.

Requests should be made in writing (including by email).

Where a business is unhappy with the outcome of a re-inspection, it may seek recourse via the [Cheshire East Council Complaints Procedure.](#)

5. Variation, Suspension and Revocation of Licences

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

The Regulations enable the Council to vary a licence:

- On the written application of the licence holder, or
- On the initiative of the Council, with the written consent of the licence holder.

In addition to the above, the Council may suspend, vary or revoke a licence without the consent of the licence holder if:

- The licence conditions are not being complied with
- There has been a breach of the Regulations
- Information supplied by the licence holder is false or misleading
- It is necessary to protect the welfare of an animal

A suspension or variation 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 the Council may stipulate that the decision has immediate effect.

A decision to vary or suspend the licence must be notified to the licence holder in writing and the reasons for the decision must be explained. The Council must also provide information regarding when the suspension or variation comes into effect and the rights of the licence holder to make written representations, as well as any specific changes deemed necessary in order to remedy the situation.

The decision to vary, suspend or revoke a licence will 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 such scenario happens repeatedly, the Council may consider revocation appropriate. Revocation of a licence will also 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.

Following the issue of the notice of suspension or variation, the licence holder will have 7 working days to make written representations. Upon receipt of this, the Council will decide whether to continue with the suspension or variation of the licence or cancel the decision.

If the licence has been altered with immediate effect to protect the welfare of an animal, the Council must indicate that this is the reason.

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 the Council, upon, for example, being satisfied that the licence conditions are being met.

There is no right of appeal against the suspension of a licence. After 28 days of suspension, the licence must be revoked or reinstated.

A licence holder may appeal to the First-tier Tribunal if they do not agree with the decision made by the Council to vary or revoke a licence. This appeal must be made within 28 days of the decision. Details relating to the appeal process will be provided to the licence holder at the time of the decision to vary or revoke the licence.

[Welfare of Animals: appeal to a tribunal - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Dangerous Wild Animals Act 1976

The Council can, at any time, add, vary or remove conditions accompanying a Dangerous Wild Animals licence. Conditions prescribed in the legislation cannot be varied or revoked.

Zoo Licensing Act 1981

The Council can, at any time, vary, cancel or attach new conditions to a licence if it is considered necessary or desirable to do so to ensure the proper conduct of the zoo. Prior to such amendments, the licence holder will have an opportunity to make

representations. If the amendment is significant, an inspection of the premises must be arranged and the subsequent report considered prior to any licence amendment being implemented.

Where there is failure to comply with a condition, the Council can issue a direction under the Zoo Licensing Act requiring compliance. The direction will state the steps that the licence holder must take and set out the timescale within which they must be taken. Such direction can also require the zoo, or part of the zoo, to be closed to the public while the direction is in force. The direction will be revoked when the zoo has complied with the requirements.

The Zoo Licensing Act 1981 requires the Council to permanently close a zoo in certain circumstances (e.g., non-compliance with a direction relating to a conservation measure). The Council also has a discretionary power to close a zoo. This may be used in a variety of situations e.g., non-compliance with a direction that does not relate to a conservation measure.

6. Status of a Licence upon the Death of a Licence Holder

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

Upon the death of a licence holder, the Regulations permit the personal representative of the deceased to take on the licence provided that they inform the Council that they wish to do so within 28 days of the death. The licence will remain in place for three months from the death of the former holder or for the remainder of the licence period 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.

The Council may extend the three month period by up to a further three months if requested by the personal representative and where they believe this time is required to enable the winding up of the former licence holder's estate.

Where the personal representative does not notify the Council within 28 days of the death of the licence holder, the licence will cease to have effect after the 28 day period.

Dangerous Wild Animals Act 1976

Upon the death of a licence holder, the licence will continue for 28 days as if it had been granted to their personal representative. If an application is made for a new licence within this period, the licence will remain in force pending the grant or refusal of the new application.

Zoo Licensing Act 1981

Upon the death of a licence holder, the licence will continue for 3 months as if it had been granted to their personal representative. The Council may extend this period where it considers it appropriate to do so.

7. Inspections during the course of a Licence

There are cases where inspections must be carried out during the term of a licence.

All licenced premises should receive an interim inspection during the licence period.

For hiring out horses, there is a requirement for an annual inspection by a listed veterinarian, regardless of the total length of the licence. The Council must appoint a listed veterinarian to inspect the premises on which the activity is being carried out before the end of the first year after the licence is granted and then each subsequent year. It is this Council's policy that the veterinarian must be independent and not one that is retained by applicant/licence holder, unless agreed in exceptional circumstances.

Depending on the type of zoo, inspections may be required on an annual basis, but the frequency of inspections can be less if an exemption (or 'dispensation') is in place. Inspections will include visits by the Secretary of State's zoo inspectors, in addition to licensing officers.

Unannounced inspections can also be carried out and may be used in the case of complaints or other information that suggests the licence conditions are not being complied with or that the welfare of the animals involved in a licensed activity is at risk.

During the course of an inspection of premises licensed under the Regulations, 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.

8. Qualifications of Inspectors

All licensing inspectors (whether employed by the Council or contracted/appointed) must be suitably qualified. This is defined as:

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 certain 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

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; OR

Any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses who is enrolled on a course of study for the Level 3 certificate mentioned above.

9. Fees

Fees are reviewed annually and can be viewed on the Council's website.

[Environmental Health Fees and Charges \(cheshireeast.gov.uk\)](http://cheshireeast.gov.uk)

Fees for activities governed by the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 are made up of 2 parts, the Application Fee and the Licence Issue Fee.

In setting the fees, the Council has regard to the Animal Welfare Licence Fees – A Practical Guide to Fee Setting (Non-Statutory Guidance) and the Cheshire East Council Charging Strategy.

<https://www.cfsg.org.uk/general-guidance-documents/#>

The application fee covers the costs associated with processing the application, including administration, assessment of required information, carrying out the inspection and production of the inspection report. It is payable on submission of the application and is non-refundable. Applications will not be processed until the correct fee has been received.

Where the licensing regime requires an inspection by a veterinarian, this is invoiced separately to the applicant.

There may additionally be circumstances where the Council may consider that a veterinary inspection is necessary. Where this is the case, the cost of the veterinarian will be invoiced separately to the applicant/licence holder.

In exceptional circumstances, where officers from another local authority are used, this will be charged to the applicant/licence holder at cost.

The licence issue fee includes the costs associated with the operation of the licensing function including administration processes, inspection, compliance checking and staff training. This fee is payable following the decision to issue a licence and prior to the licence being issued.

Sites carrying out more than one activity or which qualify as a small business may be eligible for a discount.

Fees relating to Zoo and Dangerous Wild Animals licences are also reviewed annually on a cost recovery basis. Veterinarian fees are invoiced separately to the applicant.

9.1 Non-Payment

Where fees such as fees for veterinarian inspections are invoiced separately the Council's standard debt procedures will be followed where an invoice remains unpaid.

10. Complaints and Enforcement

In relation to animal welfare licensing, the main enforcement and compliance role for the Council is to ensure the welfare of animals. This is done by ensuring compliance with licence conditions and taking action where standards are not met. The Council will also investigate and take appropriate action against unlicensed premises.

The Council will log and, if considered appropriate, investigate complaints relating to animal establishments which are currently licensed or may require a licence.

The Council requires complainants to provide their name and contact details to ensure that a complaint is not malicious in nature, and in order that witness evidence may be obtained if required for further action. Anonymous complaints will be logged for wider intelligence purposes only.

When investigating complaints and making decisions, the Council aims to achieve and maintain a consistent approach. Account is taken of a number of factors including, but not limited to, the seriousness of any offences or breach of conditions, the operator's previous history, the consequences of non-compliance, the likely effectiveness of the various enforcement options and danger to the welfare of animals and/the public.

In carrying out its enforcement duties, the Council has adopted an enforcement policy.

[Enforcement policy \(cheshireeast.gov.uk\)](http://cheshireeast.gov.uk)

The Council has a range of powers available under the Animal Welfare Act 2006 and other legislation such as the power to seize animals in certain circumstances. Such powers may be exercised in carrying out enforcement duties.

11. Verbal/Physical Abuse Towards Officers

The Council is committed to ensuring that its officers are able to carry out their work safely and without fear and, where appropriate, will use legal action to prevent abuse, harassment or assault towards officers.

To obstruct an officer in carrying out their duties is an offence and legal action may be taken against any person(s) doing so.

Officers are entitled, if subjected to verbal abuse either in person or on the telephone, to terminate the meeting or telephone call.

12. Work with other Departments/Agencies

In carrying out the licensing function, the Council will aim to maximise its effectiveness by working with a range of internal and external agencies to share intelligence and resources where it is lawful to do so. Such departments/agencies include, but are not limited to:

- Planning
- Social Services
- Animal and Plant Health Agency (APHA)
- Department for Environment, Food and Rural Affairs (DEFRA)
- Police
- Health and Safety Executive (HSE)
- Environment Agency (EA)

It should be noted that whilst there is a requirement for planning permission to be in place prior to the issue of a zoo licence, there is no similar legislative requirement in relation to dangerous wild animals or animal activities licensing. In relation to these activities, provided the licence conditions are met, the Council is obliged to issue a licence.

13. Requests for Information

Where there is a need for Cheshire East Council to share information regarding a business with individuals or other agencies, we will follow the provisions of the Data Protection Act 2018 and General Data Protection Regulations 2018 (GDPR) and in line with the Council's Data Protection Policy.

14. Review of this Policy

This policy will be reviewed every three years or more frequently in response to a significant service change or changing regulation/legislation.

15. Further Information

Further information regarding the licensing process is available on the Council's website along with a list of licensed premises [Animal welfare and licensing \(cheshireeast.gov.uk\)](https://www.cheshireeast.gov.uk/animal-welfare-and-licensing)

If you have any queries regarding the content of this policy please contact:

AnimalHealthAndWelfare@cheshireeast.gov.uk

Appendix A - RISK SCORING TABLE

	Low Risk (Score 1)	High Risk (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 address.	
Compliance History Inspections (Follow up)	No evidence of follow-up action by local authority in the last year apart from letters highlighting some minor, administrative areas for improvement.	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 Inspections (Repeat)	No repeat inspection necessary before next planned inspection.	Repeat inspection necessary to ensure compliance.	
Compliance History Complaints to LA	No complaints received that are justified in relation to welfare standards or procedural issues during the previous three years.	Substantiated complaints identifying concerns over the business/licence holder have been received within the previous three years.	
Compliance History Complaints to business	Licence holder documents any feedback received in order to demonstrate compliance and willingness to address issues.	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.	
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 Score of 17 or less = Low risk Score of 18 or more = Higher risk.			