

BVA guide to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Introduction

The aim of this briefing paper is to help vets to understand how [the Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#) will affect animal activities and establishments, as well as the role of veterinary inspectors and private veterinary surgeons within this new regulatory framework.

What are the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018?

[The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#) sets out the duties of local authorities in England to license activities involving animals and the relevant establishments relating to this. The regulations are intended to be a risk-based, robust framework based on full cost-recovery that will safeguard the health and welfare of the animals involved. The new regulations will apply to operators of the licensable activities set out below.

The five licensable activities covered by the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 include:

- Selling animals as pets;
- Providing for or arranging for the provision of boarding for cats and dogs (includes boarding in kennels or catteries, home boarding for dogs and day care for dogs);
- Hiring out horses (for riding or instruction in riding);
- Dog breeding (A breeding licence will be required for anyone breeding three or more litters and selling at least one puppy in a 12-month period, and , and for anyone that places an advertisement for a puppy if they meet the business test of an income of over £1000 within a year and fail to provide documented evidence that no profit has been made); and
- Keeping or training animals for exhibition (for people attending in person or recording of images for display. Military, policy and sporting animals are not included. Licences are not required for activities already licenced under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 or the Zoo Licensing Act 1981).

[Guidance notes for each licensable activity set out the higher and required welfare standards operators must meet.](#)

[If you are uncertain as to whether an activity falls under these licensing regulations, please contact your local authority for clarification.](#)

General conditions

The [General Conditions](#) that businesses must meet in order to obtain an animal activity licence centre around the five welfare needs as set out in the Animal Welfare Act (2006).

These are:

- a) its need for a suitable environment;
- b) its need for a suitable diet;

- c) its need to be able to exhibit normal behaviour patterns;
- d) any need it has to be housed with, or apart from, other animals; and
- e) its need to be protected from pain, suffering, injury and disease.

Schedule 2 of [the Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#) sets out the General Conditions that operators must meet in order to be awarded a licence and are an integral part of the licence inspection. The guidance on Schedule 2 General Conditions is different for each licensable activity so it is essential to read [the total guidance available on the Defra website for each licensable activity respectively](#).

Specific conditions

The Specific Conditions for licensable animal activities are set out in the following Schedule contained within [the Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#):

- Schedule 3 – Specific conditions: selling animals as pets
- Schedule 4 – Specific conditions: providing boarding for cats or dogs
- Schedule 5 – Specific conditions: hiring out horses
- Schedule 6 – Specific conditions: breeding dogs
- Schedule 7 – Specific conditions: keeping or training animals for exhibition

The Regulations introduce a new system of risk-based inspection leading to a star rating system and variable frequency of inspection. The methodology for the assessment of risk is [set out in the Procedural Guidance](#). The assessment is a task for the local authority based on the results of the inspection. In each guidance document there is some guidance labelled as 'higher standards' which contribute to the risk assessment. Some are in blue writing and some in red and contribute differently to the risk assessment. They should be inspected and reported on in exactly the same manner as all the other guidance.

Length of licences

Licences are issued through a risk-based system which determines a risk scoring for each operator and indicates the licence length and star rating that a business should be awarded. The maximum licence length for a low risk, 5-star establishment is a **3-year licence with a minimum of 1 unannounced visit within a 36-month period**.

According to the [Defra Procedural guidance notes for local authorities on Animal Activity Licensing](#):

- 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.
- 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.
- 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.
- 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.

How is the risk score calculated?

Licence length is determined through a risk scoring matrix calculated by the local authority. Guidance on how

local authorities should apply this matrix is set out in detail in the [Defra Procedural guidance notes for local authorities from paragraph 61 onwards](#).

Criteria considered within the risk scoring matrix includes:

- History of meeting licensing conditions;
- History of complaints received;
- Understanding of relevant environmental enrichment;
- Understanding of potential risks/hazards and role under relevant legislation; and
- Welfare management procedures (written procedures; supervision of staff; record keeping; training of staff).

NB as a UKAS accredited scheme, the Kennel Club Assured Breeder Scheme, may be considered as part of a breeding establishment's compliance history by the local authority.

Factors that will be considered include history in meeting licensing standards, nature of complaints received and how they were dealt with and the quality of record keeping. Only compliance history which has been obtained either through local authority licensing or through a UKAS accredited scheme, such as the Kennel Club Assured Breeder Scheme, will be considered.

How is an animal activity licence granted?

Upon application to a local authority for an animal activity licence, the business will be inspected. The licence will be issued or denied based upon a report issued by a suitably qualified inspector assessing whether the business is likely to meet the general and specific licence conditions as set out for the licensable activity in question in [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#). The inspector's report will also inform the risk scoring matrix that will determine the licence length for a business. A local authority may at any time suspend, vary or revoke a licence if:

- The licence conditions are not being complied with;
- There has been a breach of [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#);
- Information supplied by the licence holder is false or misleading; and
- It is necessary to protect the welfare of an animal.

Local authorities must carry out an inspection with a suitably qualified inspector before renewing the licence.

A suitably qualified inspector 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

Vets holding an up-to-date MRCVS qualification therefore do not require additional qualifications in order to undertake inspections under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. However, as set out above, it is important to emphasise that inspections should be undertaken by a veterinarian with an appropriate level of experience in inspecting and licensing animal activities businesses.

The role of veterinary inspectors

Under these regulations, local authorities may request a veterinary inspector to:

- Conduct the initial or renewal inspection of a dog breeding establishment.
- Conduct an initial, renewal and annual inspection of horse-riding establishments. NB this only applies to veterinarians who are listed on [the RCVS approved riding establishment inspectors list](#).
- Provide advice to suitably qualified inspectors.
- For the purposes of ensuring the licence conditions are being complied with, take samples for laboratory testing from any animals on premises occupied by an operator.
- Produce an inspector's report following an inspection stating whether it is expected that the business will be able to meet the licence conditions (both the general and specific conditions).

[Read the statutory guidance for each licensable activity and license conditions: Animal activities licensing: guidance for local authorities](#)

What should be included in an inspector's report?

According to the [Defra Procedural guidance notes for local authorities](#), an inspector's report should state whether or not the inspector considers that the licence conditions will be met and should contain:

- Information about the operator
- Any relevant premises
- Any relevant records
- The condition of any animals
- Any other relevant matters

NB: Local authorities may have their own inspection templates. Please contact your local authority for more advice.

The role of private veterinary surgeons

As part of the General Conditions of the regulations it is stipulated that:

The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinarian must be readily available to all staff on the premises on which the licensable activity is carried on.

Private veterinary surgeons who are not veterinary inspectors may also be asked to:

- Agree a preventative healthcare plan with a license holder who is registered to their practice for the animals in the license holder's care. [Download the Defra template preventative healthcare plan](#);
- Conduct a puppy veterinary health check before the sale of a puppy to a new owner;
- Signpost and help the license holder or prospective buyer to complete a puppy contract, such as [The Puppy Contract](#); or
- Provide appropriate isolation facilities to a license holder for the care of sick, injured or potentially infectious animals in the event that they are not able to provide separate, self-contained facilities at the licensed establishment. In this scenario, local authority inspectors would require from the license holder a letter from the practice confirming that they would accept an animal with signs of infectious disease into their isolation facility.

We would also encourage veterinary surgeons to make breeders aware of current animal welfare legislation

when undertaking breeding decisions ^{1, 2, 3} and **the responsibility of breeders under [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#)⁴ not to breed from any dog if it can be reasonably expected on the basis of its genotype, phenotype or state of health that breeding from it could have a detrimental effect on its health or welfare or the health and welfare of its offspring.**

RCVS guidance on reporting

In the RCVS Code of Professional Conduct for Veterinary Surgeons, [the RCVS provide supporting guidance regarding breaching client confidentiality/reporting clients](#). In the guidance, the RCVS sets out the following circumstances where client confidentiality may be breached, and appropriate information reported to the relevant authorities:

Disclosing to the authorities

14.6 In circumstances where the client has not given permission for disclosure and the veterinary surgeon or veterinary nurse considers that animal welfare or the public interest is compromised, client confidentiality may be breached and appropriate information reported to the relevant authorities. Some examples may include situations where:

- a. an animal shows signs of abuse*
- b. a dangerous dog poses a risk to safety*
- c. child or domestic abuse is suspected*
- d. where a breeder in England has presented litters without possessing a licence to breed, or has breached the licence conditions (where applicable)***
- e. where the information is likely to help in the prevention, detection or prosecution of a crime*
- f. there is some other significant threat to public health or safety or to the health or safety of an individual.*

¹ [The Animal Welfare Act 2006](#)

² [Animal Health and Welfare \(Scotland\) Act 2006](#)

³ [Welfare of Animals Act \(Northern Ireland\) 2011](#)

⁴ [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#)