

# 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 licence 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, or 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, police and sporting animals are not included and neither are dogs exhibited at dog shows. Licences are not required for activities already licenced under the Dangerous Wild Animals Act 1976 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 a UKAS-accredited organisation) 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 current registration with 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

### Professional responsibilities of veterinary inspectors

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 set out 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 can perform inspections under the regulations.

As set out in the [RCVS Professional Code of Conduct](#), veterinary surgeons have a professional responsibility to work within their own area of competence. Therefore, inspections should only be undertaken by a veterinary surgeon with an appropriate level of experience and/or training in inspecting and licensing animal activities businesses, with a relevant CPD record for the species involved.

In addition, veterinary surgeons should be mindful that the [RCVS Professional Code of Conduct](#) sets out that "Veterinary surgeons must provide independent and impartial advice and inform a client of any conflict of interest". The Code states "generally speaking, conflicts of interest should be avoided. Veterinarians signing certificates should not allow commercial, financial or other pressures to compromise their impartiality".

Consequently, although veterinary surgeons should make their own decision on whether a conflict exists, it is usually not advisable for them to offer inspections for their existing clients.

As completion of the inspection form comes with the authority of a veterinary surgeon's professional status it is also important to follow [the RCVS guidance on certification and 10 principles of certification](#), including paragraph 21.5.

*'Veterinarians should also familiarise themselves with the form of certificate they are being asked to sign and any accompanying Notes for Guidance, instructions or advice from the relevant Competent Authority'*.

## 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, boarding kennel/cattery, pet shop, or animal exhibitor.
- 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 other 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).

Veterinary inspectors should agree their role with the local authority in advance, and be clear on whether they will be expected to accompany a local authority animal welfare-trained officer or conduct the inspection themselves. If a veterinary inspector is to undertake an inspection on behalf of a local authority without a suitably qualified officer present, then the local authority should appoint the vet as an inspector under section 51 of the Animal Welfare Act 2006.

Veterinary inspectors must only inspect to the conditions set out as part of the statutory guidance for each licensable activity, and follow [the RCVS 10 Principles of Certification](#).

[Read the statutory guidance for each licensable activity and licence 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. If your local authority does not have their own inspection template, please contact the team at the City of London local authority who are happy to share their templates [veterinary.harc@cityoflondon.gov.uk](mailto:veterinary.harc@cityoflondon.gov.uk).**

## 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 (PHP) with a licence holder who is registered to their practice for the animals in the licence holder's care. Read the [BVA, BSAVA, BVZS, CASC and CFSG preventative healthcare plan \(PHP\) guidance notes for private veterinary surgeons](#) and [download our template preventative health care plan](#).
- Conduct a puppy veterinary health check before the sale of a puppy to a new owner;
- Signpost and help the licence holder or prospective buyer to complete a puppy contract, such as [The Puppy Contract](#); or
- Provide appropriate isolation facilities to a licence 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 licence holder a letter from the practice confirming that they would accept an animal with signs or suspicions of infectious disease into their isolation facility. Download [the BVA, BSAVA, BVZS, CASC and CFSG template letter to confirm the provision of isolation facilities in accordance the Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) regulations](#).

**We would also encourage veterinary surgeons to make breeders aware of current animal welfare legislation when undertaking breeding decisions <sup>1, 2, 3</sup> and the responsibility of breeders under [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#)<sup>4</sup> 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. Read the [BVA, BSAVA, CASC and CFSG guidance on complying with this requirement and the role of private veterinary surgeon in providing 'fit to breed' assessments](#).**

### **[RCVS guidance on reporting suspected breaches of the Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#)**

Veterinary professionals may become aware a client is working in a licensable activity without a licence, or breaching the terms of their licence. In such circumstances the veterinary professional may consider reporting the client to the relevant authorities (usually the Local Authority) if they consider it is in the public interest, or to protect animal welfare. In Chapter 14 of the supporting guidance to 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 circumstances where client confidentiality may be breached and appropriate information reported to the relevant authorities, to include at 14.6d. *'where a breeder in England has presented litters without possessing a licence to breed, or has breached the licence conditions (where applicable).'*

Veterinary surgeons and veterinary nurses who wish to seek advice on matters of confidentiality and disclosing confidential information are encouraged to contact the RCVS Professional Conduct Department on 020 7202 0789 and/or their professional indemnity insurers.

<sup>1</sup> [The Animal Welfare Act 2006](#)

<sup>2</sup> [Animal Health and Welfare \(Scotland\) Act 2006](#)

<sup>3</sup> [Welfare of Animals Act \(Northern Ireland\) 2011](#)

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