
ANIMAL WELFARE ACT 2006 & THE ANIMAL WELFARE (ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018

1 PURPOSE OF REPORT

- 1.1 To provide the Review Committee with an overview of the Animal Welfare Act 2006, and Animal Welfare (Licensing of activities Involving Animals) (England) Regulations 2018 (the “Regulations”) and the impact of the Regulations on the Licensing Team of Rochford District Council.

2 INTRODUCTION

- 2.1 On 1 October 2018, the Regulations came into force, which changed the licensing regime for businesses involved in dog breeding, dog and cat boarding including home boarding, dog day care, the selling of pet animals and the exhibiting of animals.

3 LICENSABLE ACTIVITIES UNDER THE REGULATIONS

- 3.1 The five licensable activities covered by Regulations include:
- a. Selling animals as pets.
 - b. 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).
 - c. Hiring out horses (for riding or instruction in riding).
 - d. 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 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
 - e. Keeping or training animals for exhibition.

4 THE NEW REQUIREMENTS OF THE REGULATIONS

- 4.1 The Regulations set 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.
- 4.2 The following changes were introduced under the Regulations:
- a. Mandatory Inspector Qualifications

- b. New General Conditions for all licence holders
- c. Specific Conditions relating to the relevant activity.
- d. Risk Scoring Matrix
- e. New Review, Revocation and Appeal process

Inspector Qualifications

- 4.3 The Regulations state all inspectors must be suitably qualified. This is defined as:
- a. Any person holding a Level 3 certificate or equivalent granted by a body, recognised and regulated by the Office of Qualifications and Examinations 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.

New General Conditions for all licence holders

- 4.4 The General Conditions that businesses must meet in order to obtain an animal activity licence centre, are focused 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.
- 4.5 Schedule 2 of the Regulations set out the General Conditions that operators must meet in order to be awarded a licence and are an integral part of the licence inspection.

Specific Conditions relating to the relevant activity.

- 4.6 The Specific Conditions for licensable animal activities are set out in the Regulation schedules:
- a. Schedule 3 – Specific conditions: selling animals as pets.

- b. Schedule 4 – Specific conditions: providing boarding for cats or dogs.
- c. Schedule 5 – Specific conditions: hiring out horses.
- d. Schedule 6 – Specific conditions: breeding dogs
- e. Schedule 7 – Specific conditions: keeping or training animals for exhibition.

Risk Scoring Matrix

- 4.7 The Regulations introduce a new system of risk-based inspection leading to a star rating system and variable frequency of inspection.
- 4.8 The purpose is to ensure consistency in implementation and operation of the licensing system by local authorities, and to ensure that consumers can be confident that the star rating applied to businesses is an accurate reflection of both their risk level and the animal welfare standards that they adopt.
- 4.9 For each animal licensing activity, a number of higher standards have been agreed. Meeting the higher standards is optional but is the only way to gain a higher star rating. The higher standards are classified in to two types: required and optional and are outlined in the relevant guidance documents for the activity in question. During an inspection, the inspector should assess whether or not the business meets the required number of higher standards

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

- 4.10 If an existing business has a number of minor failings with regards to the minimum standards laid down in the schedules and the guidance, they should receive a risk rating score of 1 star. These minor failings should be predominantly administrative or if they are in relation to standards, they must not compromise the welfare of the animals.

- 4.11 If animal welfare is being compromised, a licence should not be granted/renewed or, if already in place, should be suspended or revoked.
- 4.12 The star rating must be added to the licence and the licence should be displayed by the business. In addition, we encourage local authorities to maintain a list of licensed businesses and their associated ratings on their websites.

New Review, Revocation and Appeal process

- 4.13 Under the Regulations, to ensure fairness to businesses, local authorities must have an appeal procedure in place for businesses to dispute the star rating given in respect of their business. The appeal procedure is relevant where the business wishes to dispute the star rating given as not reflecting the animal welfare standards and risk level of their business at the time of the inspection. This should not be used if the business has made improvements to their business and wishes to be reassessed – in this case, they should apply for reinspection.
- 4.14 The local authority has 21 days from the date they receive the appeal to consider the appeal, within which time they must issue a decision to the business.
- 4.15 A local authority will determine the outcome of an appeal by considering the paperwork associated with the inspection and the past record of the business. In some circumstances, a further visit to the establishment may be required. The appeal process should be transparent. The costs of any additional inspections related to the appeal will be borne by the applicant unless it results in a higher rating being awarded.
- 4.16 If the business disagrees with the outcome of the appeal, they can challenge the local authority's decision by means of judicial review. The business also has recourse to the local authority complaints procedure (including taking the matter to the Local Government Ombudsman where appropriate) if they consider that a council service has not been properly delivered.

5 ROCHFORD DISTRICT COUNCIL LICENSING TEAM

- 5.1 Rochford District Council Licensing Team currently has the following number of Animal Welfare Act 2006 licensed businesses:

Licensable Activity		Number of venues / Businesses
Schedule 3 – Specific conditions: selling animals as pets		3
Schedule 4 – Specific conditions: providing	PART 1 — Providing boarding for cats	6

boarding for cats or dogs	PART 2 — Providing boarding in kennels for dogs	4
	PART 3 — Providing home boarding for dogs	28
	PART 4 — Providing day care for dogs	
Schedule 5 – Specific conditions: hiring out horses		5
Schedule 6 – Specific conditions: breeding dogs		7
Schedule 7 – Specific conditions: keeping or training animals for exhibition		4

- 5.2 The team has published the list of licensed venues on the Rochford Council website via <https://www.rochford.gov.uk/animal-establishment-licensing-0>

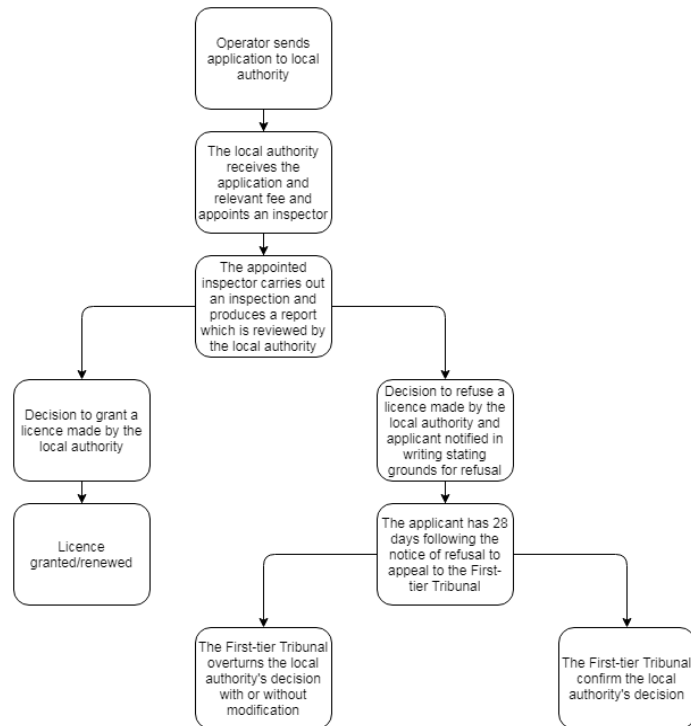
Qualified Inspectors

- 5.3 In January 2020, both the current Principal Licensing Officer and Licensing Officer attended a week intensive course at City of London (located at Heathrow Airport Animal Centre) to obtain formal training under the Regulations. As part of the qualification process the officers must submit assignments to finalise the qualification. Whilst the assignments are being conducted, both officers have been given the relevant authority to conduct the assessments under the Regulations.

Application Process

- The application process is detailed on the licensing web pages and as part of the application process, supporting documents are required, which include:
- Evidence of Training in relation to Animal Welfare, Handling, Behaviour, Cleanliness & Hygiene, Feeding & Food Preparation, Disease Control, First aid treatment of sick animals.
- Written procedures in place covering feeding regimes, cleaning regimes, transportation, prevention of and control of spread of disease, monitoring and ensuring the health and welfare of the animals, the death or escape of an animal, place of care for the animals in the event of an emergency, details of isolation or separation when caring for sick or injured animals.

Figure 1 Application flowchart



- Relevant Public and Employer Liability (if applicable) Insurance Certificate

5.4 Once the application is submitted, the team review the paperwork in accordance with the regulations prior to a site visit. Depending upon the type of application, some activities may require the attendance of a vet.

5.5 An average application will take approximately 3 weeks between initial application and issue of the licence. Each application takes approximately 5 hours of officer time. However, this can vary depending on the scale of the business.

6 IMPACT OF COVID-19

6.1 Covid-19 has impacted greatly on licence holders under the Animal Welfare Act 2006, especially as the majority licence holders offer Home Boarding / Dog Day Care. The majority of these licence holders provide services to those that are travelling on holiday and do not wish to place their dogs within a kennel environment.

6.2 The team continues to advise those businesses, including identifying grant streams and supporting their operations to be Covid-19 secure. Site visits have been reduced during this time, and processes risk assessed and

adapted reducing the time officers are spending time at licence holders' homes.

- 6.3 To guide the licence holders through the new process and to manage expectations, a new fact sheet has been introduced as outlined in Appendix A.
- 6.4 The team has had to prioritise workloads during this time and in some cases, renewal processes have again had to be made more flexible and temporary extension licences have been issued to those premises where site inspections have not be possible or where vets have not been able to attend.
- 6.5 To support the team to manage with limited resources, a suitably qualified animal inspection officer from the City of London Heathrow Airport Animal Centre, has since been commissioned to carry out all programmed Home Boarding inspections including those where licences have been extended. These will be completed in 2021 when tier restrictions allow.
- 6.6 This commissioned work provides the home boarders with an independent assessment and provides the team with a detailed baseline for future assessments.

7 RISK IMPLICATIONS

- 7.1 Covid-19 has impacted greatly on smooth running of the department and our availability to conduct inspections. Site visits have been reduced during this time, and processes risk assessed and adapted reducing the time officers are spending time at licence holders' homes.
- 7.2 As highlighted above in paragraph 5.5, an average inspection takes approximately 5 hours to complete. With the added complications of Covid-19, the processing of an application is taking longer due to the requirement to obtain various documentation as evidence of compliance that we would normally see during the face-to-face appointments.

8 RESOURCE IMPLICATIONS

- 8.1 The resources required to deliver this service have been contained within the original 2020/21 expenditure budget for the team, although income has been reduced due to the impact of Covid-19. The cost of commissioning a suitably qualified animal inspection officer from the City of London Heathrow Airport Animal Centre has been funded through savings from a vacant post; however,

it should be noted this post has been removed in the 2021/22 budget and therefore the budget will need to be closely monitored in 2021/22.

9 LEGAL IMPLICATIONS

9.1 The legal implications are covered in the body of the report.

EQUALITY AND DIVERSITY IMPLICATIONS

An Equality Impact Assessment has not been completed as no decision is being made.

RECOMMENDATION

It is proposed that the Committee **RESOLVES**

To note changes introduced by the Animal Welfare (Licensing of activities Involving Animals) (England) Regulations 2018 and the work of the licensing team to manage the ongoing need of its licensable animal welfare establishments.



Assistant Director People & Communities

Background Papers:-

For further information please contact Steven Greener, Principal Licensing Officer on:-

Phone: 01702 318148

Email: licensing@rochford.gov.uk

If you would like this report in large print, Braille or another language please contact 01702 318111.



How will Rochford Council Licensing Team conduct Animal Welfare visits with coronavirus restrictions

We are keen to get everyone back to work again. To enable our department to operate safely, keep you and your family safe. We have changed the way we conduct inspections.

Previously we have conducted the majority of the inspection at your premises looking at the paperwork and assessing your application based upon the single inspection. We are now changing the process to ensure we spend as little time at your premises as possible and the majority of the paperwork will be conducted in advance and through video calling facilities.

To assist you with your application process, we have created this fact sheet to explain the application process whilst we must follow the social distance guidelines set by government.

New Applicants

The majority of the application process will follow the same principals of the application process. The application process does require a large quantity of paperwork depending upon the type of application. All applications must comply with the conditions set under the Animal Welfare Act and the 2018 Regulations. The Licensing team cannot issue a licence if you fail to comply with the regulations.

Existing Licence Holders

Existing licence holders will be sent a renewal application form with some of the information completed.

The information on the right outlines the process step by step. Not all steps will apply to all applicants.

Application Process

- 1 The application form will be sent to the applicant. Please arrange for the application to be completed fully and returned to the licensing team. The form can be sent to the team at Rochford Council Offices in South Street or can be emailed to licensing@rochford.gov.uk
- 2 A member of the licensing team will contact you to ensure we have the relevant paperwork.
- 3 A member of the team will book an appointment and ask you to pay the licence fee.
- 4 The initial interaction with a member of the team will be via a video call using Microsoft Teams or Teleport.
- 5 Once the paperwork aspect has been completed, a member of the licensing team will arrange a site visit at your convenience.
- 6 If a vet is required as part of the regulations, a member of the licensing team will contact an approved vet to contact you directly to arrange the appointment.



Prior to the face to face appointment, what documentation do I need to produce?

General Conditions



Evidence of Training in relation to Animal Welfare, Handling, Behaviour, Cleanliness & Hygiene, Feeding & Food Preparation, Disease Control, First aid treatment of sick animals.
All new applicants to hold the OFQUAL level 2 qualification.



Written Staff Training Records



Procedures must be in place to ensure accommodation and any equipment within it is cleaned as often as necessary and good hygiene standards are maintained and the accommodation must be capable of being thoroughly cleaned and disinfected.



Water intake must be monitored



The animal must be provided with a suitable diet in terms of quality, quantity and frequency



Evidence of a written programme for each animal setting out enrichment both inside and outside unless veterinary advice suggests otherwise.



A log of exercise for each animal including daily routines.



Policy and monitoring log sheet to record any changes of behaviour indicative of suffering, stress, fear, aggression or anxiety.



Documented processes in place for needs of animals under 1 year of age.



Written procedures in place covering feeding regimes, cleaning regimes, transportation, prevention of and control of spread of disease, monitoring and ensuring the health and welfare of the animals, the death or escape of an animal, place of care for the animals in the event of an emergency, details of isolation or separation when caring for sick or injured animals.



Animal Profile sheet including details of vaccinations, behaviour and healthcare plan

Hiring of horses



Must hold employers liability insurance



Display at the Premises the full name, address and tel number of licence holder.



Instructions to action in the event of a fire or other emergency.



Records for each horse monitoring its individual health, body condition and diet including feeding amounts. The records should include passport (showing Microchip number and Unique Equine life number).



Structured Management health care plan including foot care, worming, dental care and vet care.



Daily records of workload for the horse.



Safety check log for jumping equipment, saddles and tack

Home Boarding



A written emergency plan in the case of a fire, breakdown of systems or other emergencies.



Plan for extrication of animals should the premises become uninhabitable.



Dedicated rooms, each dog must be provided with its own dedicated room with a window.



Each dog must be exercised at least once daily as appropriate for its age and health



If any person aged under 16 years resides at the home, there must be procedures in place to regulate the interactions between dogs and the person.



There must be a register of all dogs which includes name, age, sex, microchip number, breed, owners name, address, emergency contact details, normal vet, medical conditions and Insurance

Selling animals as Pets



A register must be maintained for all the animals(inc groups of fish) on the premise.



The register must include the full details of the supplier, the animals sex, the age (if known), details of any vet treatment, date it was acquired, date of sale, date of animal death.



Any advertisement for the sale of the animal must include licence number, local authority in which it is licensed, recognisable photo, age of the animal, country of residence and origin.



Evidence of pet care or other similar written or electronic instructions given at point of sale outlining 5 welfare needs.



A documented health checklist should be completed daily and must cover physical, behavioural and abnormal activity.

Boarding Cats



Evidence of sneeze barriers in place to prevent from coming into direct contact with other animals.



Each cat unit must be numbered and a system in place which ensures information about the cat(s) in each unit is available to all staff or inspector.



Each cat unit must include an elevated area



Each cat unit must include a facility for scratching.



A register must be kept for all cats which must include date of arrival and departure, cats name, age, sex, neuter status, breed, microchip number, owners name, address, tel number, contact details of emergency contact, details of normal vet, insurance, medical and behaviour history, diet requirements, vaccination dates, health care plan and any required consent form.