



**LEWES DISTRICT COUNCIL
AND
EASTBOURNE BOROUGH COUNCIL
STATEMENT OF ANIMAL LICENSING POLICY**

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

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1. Introduction

Animals Used as Prizes and in Performances

- 1.1 The Authorities (Lewes District Council and Eastbourne Borough Council) have on a number of occasions been asked by animal welfare organisations to express their position in relation to the use of animals in performances, such as circuses and the use of pets as prizes, for example at fairs. Currently, it is an offence to give animals away as prizes to anyone under the age of 16 unless accompanied by an adult. This differs from Scotland, where it is an offence to give animals away as a prize to anyone, regardless of age, and Wales has now banned the giving away of animals as prizes on all council owned land.
- 1.2 From January 2020, the use of wild animals in circuses was banned by way of the Wild Animals in Circuses Act 2019. However, this does not prevent the use of domestic animals such as horses, dogs and birds in circus performance. In the interests of animal welfare, the Authorities will not permit their land to be used for circus and performances using animals in this context.
- 1.3 The above does not prevent the use of animals being used for exhibition, such as reptile handling, bird displays and pony parties as controlled by the Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 and also the Zoo Act (As Amended) 1981 which requires that the welfare needs of animals exhibited under these regulations and legislation is carefully managed and will be considered, providing the appropriate licences are in place.
- 1.4 **Overview of Policy**
- 1.5 This Policy sets out how the Council (Lewes District Council or Eastbourne Borough Council) will exercise its functions under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 1.6 The aim of this policy is to ensure that the Council's current and potential licence holders and the public are familiar with how the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 are administered within the District/Borough.
- 1.7 This policy will be reviewed at least every 5 years following first approval, and at other times where considered necessary, for example, to reflect significant changes in relevant legislation or Guidance.
- 1.8 This Policy sets out the criteria to be taken into account by Lewes District Council or Eastbourne Borough Council when determining whether or not an applicant or an existing licence holder is suitable to be granted, have renewed or continue to hold a licence. In addition to criminal convictions the Council will also take into account other factors such as general character, compliance with licence

requirements/guidance and conditions, non-criminal behaviour and Police or other relevant records or information received from reliable sources.

- 1.9 The Policy has been produced having due regard to the relevant legislation, guidance, both statutory and non-statutory Guidance on the Regulations issued by DEFRA. Whilst the Council will have full regard for both the Guidance and its own Statement of Animal Licensing Policy, in determining individual licensing applications, it may depart from either if reason exists for doing so.
- 1.10 This Policy supersedes all previous policy decisions relating to the relevant areas made by the Council from the date of this policy being published.

2. Policy Objectives

2.1 This policy is intended to achieve the objectives of:

- Ensuring any person who carries on, attempts to carry on or knowingly allows a licensable activity to be carried on holds a licence in accordance with the legislation and Regulations.
- Ensuring the licence holder is not disqualified from holding a licence in accordance with the requirements of the legislation and Regulations.
- That the five overarching principles of animal welfare, (known as the “five needs”)
- introduced by the Animal Welfare Act 2006 are upheld in any decision.
- The safeguarding of any children or vulnerable persons in contact with a licensable activity is ensured.
- Each application is considered on its merits

2.2 Existing legislation requires licence conditions to ensure acceptable animal welfare standards. The Animal Welfare Act 2006 introduced five overarching principles of animal welfare, known as the “five needs”, which are:

- The need for a suitable environment (by providing an appropriate environment, including shelter and a comfortable resting area).
- The need for a suitable diet (by ready access, where appropriate, to fresh water and a diet to maintain full health).
- The need to be able to exhibit normal behaviour patterns (by providing sufficient space, proper facilities and the company of an animal of its own kind, where appropriate).
- Any need to be housed with, or apart from, other animals (by providing the company of an animal of its own kind, where appropriate).
- The need to be protected from pain, suffering, injury and disease (by prevention or rapid diagnosis and treatment and ensuring conditions and treatment which avoid mental suffering).

2.3 The Council will base its licensing regime on the following four principles:

- Responsibility to protect the welfare of all fellow creatures.
- Ensuring the welfare of domestic or captive animals by implementing appropriate
- standards that promote the “five needs” to secure animal welfare
- Ensuring that persons responsible for the management of animal welfare observe recognised standards of good practice.
- Ensuring that, so far as it falls within its powers, the requirements of all animal-related legislation will be rigorously and pro-actively enforced

3 Licensable Activities

3.1 On 1 October 2018, The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 replaced disparate animal licensing legislation. It provides a single licensing regime for animal licensing activities. Those undertaking the following activities will need to be licensed under the new regime:

- 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

3.2 The Regulations replaced previous licensing and registration regimes under the following legislation:

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

3.3 A licence is required where any of the above activities are being carried on in the course of a business, whether or not the operator makes a sale or carries on the activity with a view to making a profit or earns commission or fee from the activity. There are a range of other matters that also need to be considered within the context of the proposed operation when considering whether a licence is required and regard will be had to the legislation, regulations and Guidance (statutory and non statutory) when determining this.

4 Dog Boarding Franchises and Host Sites

- 4.1 Lewes District Council and Eastbourne Borough Council have carefully considered the issue of Dog Boarding Franchises and their hosts. The main office and all host sites require a licence in their own right if they are providing or arranging for the provision of accommodation for other people's dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business by providing home boarding for dogs and earns any commission or fee from the activity.

5 Suitability of Applicants

- 5.1 In accordance with the legislation, guidance and Regulations, any individual, who carries on a licensable activity will be designated as the operator of the business and can apply for a licence providing they are not disqualified from holding a licence in accordance with Regulation 11 and Schedule 8.
- 5.2 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, upon application the Council will require a new applicant (or applicants) to provide a Basic Disclosure Certificate from the Disclosure and Barring Service (DBS). The certificate must have been issued within 2 months of the date of licence application.
- 5.3 For any renewal application, the requirement for a DBS will begin in relation to the renewals of licences that take effect from January 2026.
- 5.4 DBS checks must show that the applicant (or applicants) are not disqualified from holding a person to hold a licence. The DBS check will then be required on a rolling 3 year basis.
- 5.5 It will be the responsibility to obtain the DBS certificate in good time, and to pay any fees or charges associated with them.
- 5.6 An applicant will be granted a licence if the Council is satisfied that the licence conditions will be met. In considering this, the Council will take into account whether the applicant is a fit and proper person to be the operator of the activity.
- 5.7 It is noted that no attempt is made within the legislation to define the term "fit and proper person", and this policy document likewise makes no attempt to formulate such a definition. The Council may consider any relevant issue when making its determination on this point, and these guidelines should be regarded as examples of issues that may lead to the Council not being satisfied that an applicant is fit and proper, rather than an exhaustive list of the issues that may be taken into consideration.
- 5.8 As detailed above the term 'fit and proper' is not defined in the legislation or guidance. For the purpose of this policy, the Council will normally consider a

'fit and proper person' to be an individual who can demonstrate upon application that they have:

- the right to work in the UK
- no relevant convictions
- not been disqualified from holding a licence
- the knowledge, experience, compliance history and ability to comply with licence conditions and safeguard the welfare of animals in their care
- made suitable management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licensed activity.

The above list does not limit the scope of the fit and proper assessment, and the Council may take into account other matters, should they be considered as relevant to the licensing process. The Council may fail to be satisfied that a person is a fit and proper person to hold a licence for any good reason.

- 5.9 The onus is on an applicant to satisfy the Council that they are 'fit and proper'. Simply being free from convictions and disqualifications is not enough. Licence holders must remain 'fit and proper' to retain their licence.
- 5.10 Relevance of Convictions. In all cases, the Council will consider the conviction or behaviours in question and what weight should be attached to it. Each and every case will be determined on its own merits, but in light of these guidelines.
- 5.11 The Council will not normally grant a licence to a person with one (or more) convictions for any offence that is related to animal cruelty or suffering. The primary purpose of the Regulations enforced by this Council is to ensure the welfare of animals and as such, these types of offences are highly relevant.
- 5.12 In addition to the above, the Council also has a wider obligation to prevent crime and disorder and safeguard both children and vulnerable adults. These obligations arise from the Crime and Disorder Act 1998, the Children Act 2004 and the Care Act 2014. As a result, the Council will not normally grant a licence to a person with one (or more) conviction for any of the following offences:
- Offences involving violence
 - Possession of a weapon
 - Sex and indecency offences
 - Offences involving dishonesty
 - Offences involving drugs
- 5.13 Any offences or behaviour not expressly covered by this Policy may still be taken into account.

- 5.14 The Council must ensure that licence holders remain fit and proper during the life of a licence. For this reason, licence holders must notify the Council, in writing, within 72 hours, if any of the following occurs
- They have any type of licence suspended or revoked
 - They receive any warnings or cautions
 - Are arrested (whether or not charged with an offence)
 - Are charged with any criminal offence
 - Are convicted of any criminal offence
 - Allegations are made of their involvement in criminal activity
 - Any pending charges, to include any notices of intended prosecution
- 5.15 Failing to provide such notification will raise serious questions for the Council as to the honesty of the licence holder.
- 5.16 Animal welfare licence holders are not identified as an exempt profession under the Rehabilitation of Offenders Act 1974, and, therefore, the provisions of that Act relating to convictions becoming spent after a certain amount of time will apply in full. The Council will not take into consideration any conviction, caution or similar sanction that is deemed to be spent by virtue of a provision of the 1974 Act (and any associated regulations).
- 5.17 **Financial Propriety:** As operators of animal welfare licensed businesses, will be responsible for the financial aspects associated with operating a business (which may including ,maintaining customer accounts, negotiating contracts and sales, payments to employees, and maintenance of accurate business accounts), the Council will, where appropriate, consider evidence of previous financial impropriety or difficulties when assessing the fitness and propriety of applicants for licences.
- 5.18 **Previous Licences:** Any relevant licensing history relating to an applicant or operator may be considered during further applications. For example, if an applicant has previously had a licence revoked, whether by this Authority or by any other Authority, this may indicate an underlying issue with the fitness or propriety of that person. Where appropriate to do so, further information may be sought from any other relevant authority to the extent permitted by data protections laws.

6 Safeguarding

- 6.1 The legislation, regulations and guidance have the aim of maintaining and improving animal welfare standards. However, there are other safeguarding considerations arising from licensable activities, which the Council has a statutory duty to ensure, in particular, the protection of children and vulnerable persons.
- 6.2 The Council is aware that some licensable activities may involve unsupervised contact with children and/or vulnerable persons. For example, the tuition of a young person provided at a Riding Establishment or “Animal

Parties” and other activities which involve the exhibition of animals.

6.3 To this extent, the Council would expect applicants and licence holders whose activities involve contact with children or young persons to:

- Have a written safeguarding policy and provide training for staff; and
- Have a procedure for vetting staff who have unsupervised contact with young/vulnerable persons.

7. Fees

7.1 Licensing fees are split into two categories – application and grant. The grant of the licence is not payable until after an inspection has been undertaken. The licence will not be issued until payment has been received.

7.2 The current level of licence fee will be displayed on the Council’s webpage. Applicants and licence holders will also be required to pay vets fees for inspections where this is required. All fees are calculated and reviewed annually, taking into account the statutory requirements of Regulation 13, with the aim of full cost recovery.

7.3 If the licence is approved, any additional fees required (vet fees, etc.) must be paid before the licence can be granted or renewed. The current fees and charges payable can be found at Appendix A or on the Council’s website.

8. Application Process

8.1 The Application is to be made via the Council’s published application forms.

8.2 Applications must be submitted a minimum of 10 weeks prior to renewal or grant of an application. This will allow officers time to consider the application, make enquiries and inspect premises. We will not be able to guarantee processing applications which have been made outside of this window or have missing documentation.

8.3 Written reminders will be sent out by the Council three months prior to renewal of Licence. These will be sent by email.

8.4 An application will only be accepted as valid if it is accompanied by the correct fee and any relevant documentation required. This includes details of the intended activity, animals, policies, procedures, training, insurances and plans.

Once a valid application has been received, an appointment will be booked with the applicant to arrange a risk rating assessment and inspection to be conducted of the premises.

8.5 Upon receipt of a valid application for the grant or renewal of a licence we will take the following steps:

- The Council will 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 their licence conditions.
- The Council will inspect the site of the licensable activity and assess if it's likely to meet the licence conditions. The inspection will be completed by a suitably qualified inspector (as well as a nominated veterinarian for the initial inspection of a dog breeding establishment, or a nominated, listed veterinarian for inspections of horse-riding establishments).
- 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.
- This information will be assessed to determine whether a licence can be granted.

9. Qualification of Inspectors

9.1 All inspectors must be suitably qualified. This is defined in DEFRA guidance 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.
- 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.

10. Inspections

10.1 Inspections will assess the premises and documentation in accordance with the relevant legislation, Regulations and DEFRA guidance for the type of licence being applied for. This will include the assessment of:

- Records and documentation
- Use, number and type of animal
- Housing with, or apart from, other animals
- Staffing and/or supervision
- Suitable environment

- Suitable diet
- Monitoring of behaviour and training of animals
- Animal handling and interactions
- Protection from pain, suffering, injury and disease
- Emergencies
- Purchase and/or sale of animals
- Consideration of the 5 animal welfare needs and if these will be met

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

10.3 Unannounced inspections can also be carried out and will be conducted 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

10.4 During the course of an inspection 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.

10.5 The provision for sampling is aimed at veterinarians carrying out inspections and it is not expected that samples be taken by those without the training to properly and safely do so. Qualified Inspectors may however, scan animals for microchip details or handle animals where appropriate to do so, and/or request that the operator handles animals to aid the inspection and assessment process.

10.6 For the activity of 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.

11. Standards and Conditions

11.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 include mandatory conditions for each licensable activity and DEFRA has produced associated guidance. The conditions are divided into two categories namely General Conditions, stipulated in Schedule 2 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, and Specific Conditions stipulated as follows in the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018:

- Schedule 3: selling animals as pets
- Schedule 4: providing boarding for cats and dogs

- Schedule 5: hiring out horses
- Schedule 6: breeding dogs
- Schedule 7: keeping or training animals for exhibition

11.2 The General Conditions cover the following areas:

Licence Display: A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on. The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

Records: The licence holder must ensure that at any time all the records that the licence holder is required to keep as a condition of the licence are available for inspection by an inspector in a visible and legible form. The licence holder must keep all such records for at least 3 years.

Use, number and type of animal: No animals, or types of animal, other than those animals and types of animal specified in the licence may be used in relation to the relevant licensable activity. The number of animals kept for the activity at any time must not exceed the maximum that is reasonable, taking into account the facilities and staffing on any premises on which the licensable activity is carried on.

Staffing: Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met. The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour. The licence holder must provide and ensure the implementation of a written training policy for all staff.

Suitable environment: All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained. Animals must be kept at all times in an environment suitable to their species and condition with respect to their behavioural needs, its situation, space, air quality, cleanliness and temperature, the water quality (where relevant), noise levels, light levels, and ventilation.

Staff must ensure that the animals are kept clean and comfortable.

Suitable diet: The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them. Feed and (where appropriate) water intake must be monitored, and any problems

recorded and addressed.

Monitoring of behaviour and training of animals: Active and effective environmental enrichment must be provided to the animals in inside and any outside environments. The animals' behaviour and any changes of behaviour must be monitored and advice must be sought, as appropriate and without delay. Where used, training methods or equipment must not cause pain, suffering or injury.

Animal handling and interactions: All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease. The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals and no animals from a social species may be isolated or separated from others of their species for any longer than is necessary. The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

Protection from pain, suffering, injury and disease: Written procedures must be in place and implemented covering feeding regimes, cleaning regimes, transportation, the prevention of, and control of the spread of, disease, monitoring and ensuring the health and welfare of all the animals, the death or escape of an animal, and covering the care of the animals following the suspension or revocation of the licence or during and following an emergency. All people responsible for the care of the animals must be made fully aware of these procedures.

Emergencies: A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

11.3 Specific Conditions specify additional controls to those in the General Conditions relevant to the animals being cared for. In addition, depending on the licence type, the Specific Conditions also cover:

- Advertisements and sales
- Prospective sales (pet care and advice)
- Purchase and sale of animals
- Insurance

12. Risk Assessment and Rating

12.1 The result of the assessment is translated into a 'Star Rating', which will be used to determine the length of the licence (between one and three years), with the exception of 'Keeping or Training Animals for Exhibition'

where all licences are issued for three years.

12.2 The scoring matrix is outlined in the table below:

Scoring Matrix		Welfare Standards		
		Minor Failings (existing businesses 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 1-year licence Min 1 unannounced visit within 12-month period	3-Star 2-year licence Min 1 unannounced visit within 24-month period	5-Star 3-year licence Min 1 unannounced visit within 36-month period
		1-Star 1-year licence Min 1 unannounced visit within 12-month period	2-Star 1-year licence Min 1 unannounced visit within 12-month period	4-Star 2-year licence Min 1 unannounced visit within 24-month period
	Higher Risk	1-Star 1-year licence Min 1 unannounced visit within 12-month period	3-Star 2-year licence Min 1 unannounced visit within 24-month period	5-Star 3-year licence Min 1 unannounced visit within 36-month period
		1-Star 1-year licence Min 1 unannounced visit within 12-month period	2-Star 1-year licence Min 1 unannounced visit within 12-month period	4-Star 2-year licence Min 1 unannounced visit within 24-month period

12.3 Businesses will be rated from 1 to 5 stars, based on their risk rating and the results of their inspection (determining if the business meets higher or lower standards). The rating will appear on the licence issued by the Council.

13. Granting an application

13.1 Where a licence is granted, the Council will provide the following documents:

- The Licence with the Star Rating must be clearly displayed in a position where it can be clearly seen by the public. In the case of a commercial premises, such as at the entrance to the premises and in the case of a private dwelling, in a location where it can be clearly seen by prospective and actual customers.
- 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 and resulting in a 'minor failing' category.
- A copy of the risk management assessment table.
- Details of the appeals process and timescales.

13.2 Any fee(s) required upon the grant of the application must be paid in full prior to the grant of the licence.

14. Refusing an application

- 14.1 The Council will consider the report from the inspector and any comments made by the applicant when deciding whether to issue a licence.
- 14.2 The Council must refuse to issue a licence if it considers that the applicant cannot meet the licence conditions, the granting of a licence will have a negative impact on animal welfare or if the level of accommodation, staffing or management is inadequate for the wellbeing of animals.
- 14.3 The Council will also refuse an application if it considers that the applicant does not meet the 'fit and proper' person test.
- 14.4 A licence cannot be issued to an operator who is disqualified.
- 14.5 Any application fees or veterinary inspection fees paid will not be refunded for unsuccessful applications.
- 14.6 Any applicant aggrieved by a decision by a Council to refuse to grant or renew a licence, or to revoke or vary a licence, may appeal to the First-Tier Tribunal. The period within which an operator may bring such an appeal within 28 days of the decision notice.

15 Appeals to Star Rating

- 15.1 Businesses have 21 days (including weekend and bank holidays) following the issue of their licence in which to appeal the star rating if they consider the star rating awarded does not reflect the licence history and standards found at the time of inspection.
- 15.2 Businesses should not appeal if they have made improvements to their business and wish for those improvements to be reassessed. This should be achieved by application for a re- inspection.
- 15.3 Prior to making an appeal, we encourage applicants to discuss their rating with the inspecting officer should they disagree with it. This will afford the opportunity to explain the process that must be followed and may resolve matters without the business having to lodge an appeal.
- 15.4 The Council 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 costs of any additional inspections related to the appeal will be borne by the applicant unless it results in a higher rating being awarded. This will depend on the nature of the dispute and whether a decision can or cannot be made on the basis of the paperwork.
- 15.5 Appeals will be determined by the Public Protection Manager, or by an equivalent person in the authority. No officer involved with the inspection or rating will determine an appeal.

15.6 The appeal decision will be notified to the applicant within 21 days of receipt of the request.

16. Requests for Re-inspection

16.1 A business that has made changes since the inspection and wishes for these to be taken into account should apply for a re-score inspection.

16.2 Requests for re-inspection must be made in writing to the Council.

16.3 A fee is applicable for re-inspections.

17. Variations, Suspensions and Revocations of Licences

17.1 The legislation and regulations provide for a local authority at any time to vary a licence:

- On the application in writing of the licence holder, or
- On the initiative of the local authority, with the consent in writing of the licence holder.

17.2 In addition to the above a local authority 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, or
- It is necessary to protect the welfare of an animal

17.3 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 local authority may stipulate that the decision has immediate effect.

17.4 A decision to vary or suspend the licence must be notified to the licence holder in writing, explaining the reasons for the decision, and providing information regarding when the suspension or variation comes into effect and the rights of the licence holder, as well as any specific changes deemed necessary in order to remedy the situation.

17.5 A notice will be delivered in one of three ways, in person, by leaving or sending it by post to the person's current or last known postal address or by emailing it to the person's current or last known email address.

17.6 Following the issuing of the notice the licence holder will then have seven working days to make written representation. Upon receipt of this

the Council will decide whether to continue with the suspension, variation or revocation of the Licence or cancel the decision to make changes to the Licence. If the licence has been altered to protect the welfare of an animal, then the council must indicate that this is the reason and whether the change is still in effect.

- 17.7 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 either the Council upon being satisfied that licence conditions are being met or by the First-Tier Tribunal.
- 17.8 If a licence is suspended for a significant period of time, the Council will ensure that the animals are checked on regularly to ensure that the welfare of the animals is maintained.
- 17.9 As with applications the licence holder may appeal to a First-Tier Tribunal if they do not agree with the decision made by the Council. This must be done within 28 days of the decision.

18 Transfer of a licence upon the death of a licence holder

- 18.1 If a licence holder dies, the procedure in Regulation 12 of the Regulations applies. It allows the personal representative of the deceased to take on the licence provided that they inform the local authority within twenty-eight days of the death that they are now the licence holders. The licence will then remain in place for three months from the death of the former holder or for the rest of the time it was due to remain in force 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.
- 18.2 Additionally, the local authority can extend the three-month period by up to another three months if requested by the personal representative and if they believe this time is needed to conclude the estate of the former licence holder.
- 18.3 If the personal representative does not notify the local authority within 28 days of the death of the licence holder, the licence will cease to have effect after those 28 days.

19. Enforcement

- 19.1 The Regulations introduce a range of enforcement powers to allow the Council to issue a suspension, variation or revocation notice where licence conditions are not being complied with; there is a breach of the regulations or issues relating to the protection of the welfare of an animal.
- 19.2 The service of an enforcement notice is subject to a strict process and includes provision for the right to make written representations and/or appeal.

- 19.3 It is an offence to breach any licence condition. It is also an offence not to comply with an Inspector's request in the process of taking a sample from an animal. The provision for sampling is aimed at veterinarians carrying out inspections and it is not expected that samples be taken by those without the training to properly and safely do so.
- 19.4 It is an offence to obstruct an inspector who has been appointed by a local authority to enforce the Regulations.
- 19.5 Committing any of these offences could result in legal action being taken.
- 19.6 Anyone who carries on any of the licensable activities without a licence is liable to imprisonment for a term of up to six months, a fine or both. Section 30 of the Animal Welfare Act 2006 allows for local authorities to prosecute for any offences under that Act.
- 19.7 In carrying out its enforcement duties with regards to the inspection of premises and the powers to institute criminal proceedings in respect of certain offences under the Act, the Regulatory Services department has adopted an enforcement policy.
- 19.8 From 1 January 2024, the Council as the Enforcement Authority or a Police Constable) can use penalty notices for animal health and welfare offences under the Animals (Penalty Notices) Act 2022 ('the act'). A penalty notice under the Act for specific matters as listed by the Act, gives an individual or body the opportunity to avoid prosecution for a criminal offence by paying a fee. Payment of a penalty notice does not require an admission of guilt and will not result in a criminal record.
[Penalty notice for AHW offences - print ready.pdf \(publishing.service.gov.uk\)](#)
- 19.9 Penalty notices will add to and complement the current suite of enforcement and regulatory options, such as:
- Advice and guidance
 - Warning letters or statutory notices
 - Movement restrictions
 - Cautions and prosecutions
- 19.10 This is to support early redirection through behaviour change, to promote compliance with animal health and welfare rules. Penalty notices are not designed for serious offences or for minor breaches where advice and guidance in the first instance would be sufficient in rectifying the issue. Advice and guidance should be your primary enforcement action to promote compliance in most cases followed by warning letters or statutory notices. Issuing a penalty notice will supplement these actions or be the next enforcement steps.
- 19.11 Consideration is also given as to whether prosecution would be the most

appropriate enforcement action in the first instance where there is evidence of:

- A serious animal welfare offence.
- A significant threat to the human food chain or national biosecurity

20. Information sharing

20.1 In the interests of protecting public safety, the safety and wellbeing of animals and ensuring fitness and propriety of licence holders the Council will share information with other enforcement agencies including the RSPCA, HMRC, Police and other local authorities. Information may also be shared with internal council departments including revenues and benefits and planning. The Council may also share information with other local authorities. All information will be exchanged in accordance with relevant statute as the law permits.

20.2 Consideration will be given to the council's enforcement policy and the guidance by DEFRA

21. Primary Authority

21.1 Primary Authority enables local authorities to improve compliance and build better relationships with big businesses that have branches across a large number of areas whilst supporting local economic growth. Under Primary Authority, a local authority partners with a business or group of businesses to provide them with regulatory advice that other authorities have to respect.

21.2 Primary Authority establishes statutory duties for all local authorities when they exercise regulatory functions that are within scope of the scheme in respect of any business that has a primary authority. These duties relate primarily to:

- Following an inspection plan for the business, where one has been issued by the primary authority, and providing any feedback required.
- Notifying the primary authority of enforcement action in relation to the business

21.3 Applicants and Operators must identify if their business is covered by the Primary Authority Scheme. The Council will consult the secure Primary Authority Register to identify if the business has a partnership in place and will ensure that their officers have sufficient understanding of the responsibilities of an enforcing authority within Primary Authority.

22 How to contact us

22.1 Complaints and correspondence about licensed and unlicensed businesses and sites should be sent to the Council's Licensing Team as

follows:

By Telephone:

Lewes District Council 01273 471600
Eastbourne Borough Council 01323 410000

By Email: licensing@lewes-eastbourne.gov.uk

Appendix A – Fees and Charges

Please note these are regularly updated and you are advised to email the Council

*NB Home boarder hosts operating as part of a franchise operation will be inspected in their own right and awarded a Star Rating and will be required to pay the below fees for inspection and rating

Dangerous wild animals	Per annum	£250.00
Dog Breeding Establishments	Application	£212.00
Dog Breeding Establishments	Grant of Licence	£108.00
Dog Breeding Establishments	Re-inspection	£143.00
Boarding for cats and/or dogs (kennels)	Application	£202.00
Boarding for cats and/or dogs (kennels)	Grant of Licence	£87.00
Boarding for cats and/or dogs (kennels)	Re-inspection	£116.00
Home boarding for dogs	Application	£202.00
Home boarding for dogs	Grant of Licence	£87.00
Home boarding for dogs	Re-inspection	£116.00
Arrangers Licence (Franchise)	Fee (Franchise)	
Dog day care	Application	£ 202.00
Dog day care	Grant of licence	£87.00
Dog day care	Re-inspection	£148.00
Horses up to 10	Application	£202.00
	Grant of licence	£87.00
	Re-inspection	£151.00
Horses Between 11-20	Application	£284.00
	Grant of Licence	£121.00
	Re-inspection	£170.00
Horses More than 20	Application	£404.00
	Grant of Licence	£128.00
	Re-inspection	£334.00
Selling animals as pets	Application	£212.00
Selling animals as pets	Grant of licence	£108.00
Selling animals as pets	Re-inspection	
Keeping or training animals for exhibition	Application	£137.50
Keeping or training animals for exhibition	Grant of licence	£48.50
Keeping or training animals for exhibition	Re-inspection	N/A