

# Animal Licensing Policy 2025

## Staffordshire Moorlands District Council

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## **1. Introduction**

### **1.1 Background**

Staffordshire Moorlands District Council (“The Council”) have a statutory responsibility for licensing all business operators, also known as licence holders, where the business activities, fall under the (Licensing of Activities Involving Animals) (England) Regulations 2018 (LAIA Regs), Dangerous Wild Animals Act 1976 and Zoo Licensing Act 1981.

This policy has been introduced in pursuant of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“the Regulations”) introduced on 1 October 2018. The Council will review the policy 3 years or at any other times were considered necessary, to reflect any significant changes in legislation or guidance.

The Council is the enforcing authority for activities relating to animal welfare that are subject to the above legislation. Licensing, compliance and enforcement will be the responsibility of the Authorities Environmental Health Team. When considering the granting of a license relating to a licensable activity, the contents of this policy, the current legislation and guidance notes must be considered. This information is freely available on Gov.uk website and is available on the Councils Animal Licensing website pages.

### **1.2 Service Aims and Objectives**

The licensing of activities involving animals aims to protect the public and to promote animal welfare.

The licensing process includes inspection of boarding establishments for cats and dogs, breeding dogs, selling animals as pets, hiring out of horses, and exhibiting animals. A risk-based process is applied and a “Star Rating” is given to each establishment based on the findings at the inspection visit. This will enable the public to make an informed choice when selecting which establishment to use.

The Purpose of the risk-based inspection is to ensure the operator is a fit and proper person; ensuring that any conditions applicable to the individual activity are being met, that welfare standards and management controls are in place, and being maintained to ensure animals are protected from harm.

### **1.3 Role of Animal Welfare Establishments - (Operators/Licence Holders)**

The operators of the animal licensed establishments have an important role to play not only in the licensing process, but by maintaining and improving standards at their premises ensuring the highest level of animal welfare protection as possible.

The level of compliance with the relevant licence conditions has a direct impact on the “Star Rating” allocated to the establishment, and therefore, the operator. The “Star Rating” allocated to the premises and operator dictates the duration of the licence and the appropriate licensing fee.

The overall responsibility for ensuring that the correct licence has been applied for and kept up to date with the relevant local authority, falls to the licence holder or prospective licence holder, this includes the licence application, fee, and any supporting documents requested by the Council, Failure to supply such documents may delay the process and may result in the application being refused

The licence holder must apply to renew their licence at least 10 weeks before their current licence expires if they wish to continue to operate the licensable activity without a break.

Where the Authority's officers are unable to visit the applicant's/licensed holders premises before a licence has expired, and it can be reasonably justified that this is through no fault of the license holder/applicant, the Council may extend the licence until such time as an inspection can be carried out.

This temporary extension will cease to have effect once an inspection has been carried out. Any decision to renew or decline the issue of a licence will be based on the standards found at that inspection.

#### **1.4 Best Practice Guidance**

Guidance documents have been produced by DEFRA, to assist local authority officers and business operators to interpret the legislation and what is required when applying the relevant conditions to their particular licensable activities. The guidance can be used by current licence holders or prospective licence holders.

The links to current guidance may be accessed on the [Staffordshire Moorlands District Council Animal Licensing Pages](#)

All guidance documents should be read in conjunction with the relevant legislation such as:

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018  
<https://www.legislation.gov.uk/uksi/2018/486/contents>
- The Dangerous Wild Animals Act 1976 (as amended)  
<https://www.legislation.gov.uk/ukpga/1976/38>
- Zoo Licensing Act 1981  
<https://www.legislation.gov.uk/ukpga/1981/37>
- The Animal Welfare Act 2006  
<https://www.legislation.gov.uk/ukpga/2006/45/contents>

### **1.5 Departure from policy**

The Council in exercising its discretion in carrying out its regulatory functions, will have due regard to this policy.

Notwithstanding the existence of the policy and any other relevant Council policy, each application or enforcement measure will be considered on its own merits.

Where it is necessary for the Council to depart substantially from its policy, it will give the reasons for so doing and retain a record of the decision.

### **1.6 Organisational Arrangements**

The process for the licensing of animal welfare establishments includes not only the administrative process of the licence application and collection of the appropriate fee but also includes a physical inspection of the premises to verify compliance with welfare standards and management controls. The inspecting officer will complete a relevant inspection proforma and report. Following the inspection, a risk score and, where appropriate, a star rating will be allocated to the business and the duration of the licence period.

All administration processes will be the responsibility of the Licensing Section.

Staffordshire Moorlands District Council work in conjunction with Staffordshire County Council. Staffordshire Moorlands remains the issuing Authority for all licenses issued under the LALA Regulations, Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981. Physical inspections and the provision of reports and recommendations for those establishments may be provided by Authorised officers of Staffordshire Moorlands District Council or Staffordshire County Council.

### **1.7 Enforcement**

All enforcement activities will have due regard to the Animal Welfare legislative framework, any relevant guidance documents issued by central government (e.g. DEFRA) and the Staffordshire Moorlands District Council, Enforcement Policy.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 introduced enforcement powers and measures that officers may use to secure compliance of some licensable activities, such as variations and suspensions of licences, but also provide safeguards to applicants and operators if they feel aggrieved by the process or decisions of the Council.

Wherever possible, the Council will adopt a graduated, education approach to enforcement however, where necessary it will take appropriate and proportionate action against non-compliant businesses.

### **1.8 Delegated Powers and Authorisations**

Officers of the Council, are duly authorised under the Council's Scheme of Delegations, and are responsible for the day-to-day implementation of the Council's Animal Licensing Policy, and where applicable, the enforcement of the legislation and conditions relating to the licensable activities.

In accordance with the Council's function and where necessary, a "listed veterinarian" authorised by Staffordshire Moorlands District Council will be duly appointed to undertake and assist with inspections and provide specialist advice and a report as required by the legislation.

## 1.9 Useful Definitions

*Within the application of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (the "Regulations") - A "licensable activity" means one of five activities involving animals: selling animals as pets, providing for or arranging for the provision of boarding for cats or dogs (includes boarding in kennels or catteries, home boarding for dogs and day care for dogs), hiring out horses, dog breeding and keeping or training animals for exhibition.*

*For the purposes of this Policy a "licensable activity" will also include activities involving animals and where such activities are licensable under the Dangerous Wild Animals Act 1976 (as amended) and the Zoo Licensing Act 1981*

*An "operator" means an individual who—*

- (a) carries on, attempts to carry on or knowingly allows to be carried on a licensable activity, or*
- (b) where a licence has been granted or renewed, is the licence holder;*

*"working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under section 1 of the Banking and Financial Dealings Act 1971(c).*

*A "listed veterinarian" means a veterinarian who for the time being is listed as being authorised to carry out an inspection on the list of veterinarians drawn up by the Royal College of Veterinary Surgeons.*

*'puppy' means a dog aged less than 6 months.*

*'breeding bitch' means an unneutered female dog which is more than 6 months old.*

*'pet' an animal mainly or permanently, or intended to be mainly or permanently kept by a person for*

- a) personal interest*
- b) companionship*
- c) ornamental purposes or*
- d) any combination of a) to c)*



## 1.10 Fees

Licensing fees are calculated on a cost recovery basis. Activities covered by the licensing fees set out in Regulation 13 of the 2018 Regulations are as follows:

A local authority may charge such fees as it considers necessary for—

- the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,
- the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration,
- the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and
- the reasonable anticipated costs of compliance with regulation 29.

The same principles will apply for fee calculation in relation to Dangerous Wild Animals and Zoo Licences.

In setting fees, all relevant guidance will be taken into consideration and the fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

Fees will be reviewed annually and published on the Council's website.

Where a vet has had to attend as part of the application or subsequent inspection these fees will be re-charged to the applicant/licence holder separately.

That any fee submitted for an application that is rejected or withdrawn be refunded minus any costs incurred by the Council in reviewing the application. Such costs will be based on the published hourly Officer rate for business advice/assistance.

There will be no refunds or partial refunds in the case of applications rejected or withdrawn after an inspection has been carried out.

The fees and charges are brought to the attention of the Licensing Committee and are published on the Fees and Charges [Fees and Charges](#) of Staffordshire Moorlands District Council.

## **2. Licensable Activities and Legislative Framework**

### **2.1 Animal Welfare Act 2006**

This Act is the primary piece of legislation controlling the welfare of animals in England and Wales and established set welfare standards must be maintained by all people who are responsible for an animal. It has consolidated animal welfare legislation in areas such as preventing unnecessary suffering, mutilation and animal fighting. The Act also places responsibilities on to numerous enforcement agencies.

The Act introduces a ‘duty of care’ on any person that is responsible for an animal to ensure that the needs of that animal are met. A person does not have to be the owner of the animal for the ‘duty of care’ to apply to them.

The Act creates an offence of failing to provide for the needs of an animal in a person’s care and increases the penalties for animal abuse allowing the courts to disqualify a person from being in charge of animals. Any person disqualified under the Act will also be disqualified from holding a licence under any of the primary licensing Acts.

The Act permits the Department for the Environment, Food and Rural Affairs (Defra) to pass regulations that may repeal or amend any of the primary licensing Acts or to create new forms of licences.

Section 9 of the 2006 Act creates five overarching principles of animal welfare. The Act refers to these as the ‘five needs’ of all animals. It is the duty of any person responsible for an animal to ensure that each of these five needs are met.

- The need for a suitable environment;
- The need for a suitable diet;
- The need to be able to exhibit normal behaviour patterns;
- Any need to be housed with, or apart from, other animals; and
- The need to be protected from pain, suffering, injury and disease.

### **2.2 The Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018.**

The Animal Welfare (Licensing of Activities Involving Animals) Regulations provides the legal framework for the following licensable activities:

- Dog Breeding
- Boarding of Dogs in Kennels
- Home Boarding of Dogs
- Dog Day Care
- Boarding of Cats
- Selling Animals as Pets
- Hiring of Horses
- Keeping or Training of Animals for Exhibition



Along with the regulations, guidance documents for each licensable activity have been published. All of which are available on the Staffordshire Moorlands District Council website along with further information and application forms.

<https://www.staffsmoorlands.gov.uk/Animal-Licensing>

### **2.3 Dangerous Wild Animals Act 1976.**

The Dangerous Wild Animals Act 1976 defines all the species that require the owner to have a licence to keep such animals. The controls required to keep individual species will vary dependant on that species.

The licensing process will include veterinary inspection of the animals. The contents of the veterinary officer's report will inform the decision-making process when considering such applications.

Further information and application forms are published on the Council's Animal Licensing web pages.

<https://www.staffsmoorlands.gov.uk/article/2497/Dangerous-wild-animals-and-zoos>

### **2.4 Zoo Licensing Act 1981.**

The Zoo Licensing Act 1981 specifically sets out the licensing process for Zoos. The licensing process will include extensive contributions by veterinary officers including veterinary inspection of the animals. The contents of the veterinary officer's report will inform the decision-making process when considering such applications.

Further information and application forms are published on the Council's Animal Licensing web pages.

<https://www.staffsmoorlands.gov.uk/article/2497/Dangerous-wild-animals-and-zoos>

### **2.5 Licensing Process**

All licence applications include the following:

- Administration of licence and payment of fee
- Processing of licence application and an initial inspection of the premises
- Placing appropriate conditions on licence
- Issue of licence

The duration of the licence may be legislative specific; however, The Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 requires the inspection process to include the inspecting officers to produce a risk rating score and a star rating to every licensable activity. *See below*

The star rating allocated will have a direct impact on the duration of the licence and therefore the costs to the operator and the enforcement burden placed on the licence holder.

The enforcement of Animal Welfare licences will generally include an interim inspection of the business during the life of the licence, which may include a visit by the veterinary officer.

In addition, licenses issued for Hiring out of Horses are statutorily required to undergo an annual Veterinary inspection by a Council appointed 'listed vet'

Officers may also visit where the Council receives information or a complaint raising concern about animal welfare issues.

Applications made to the local Authority must be completed using the relevant Application forms available from the Council website or on request from the Licensing Section. Any application submitted that, upon review, is without the supporting documentation will be rejected.

There are a number of different areas that may affect or be affected by licence holders or potential licence holders under the primary licensing Acts and where necessary these will be considered by the Council in carrying out its functions under the Animal Welfare Act 2006.

Applicants are advised to seek the relevant planning permission (as applicable) before seeking a licence.

Each licence type has its own application process and requirements that the Council need to take into consideration before granting a licence. Details on how to apply for a licence can be viewed at. <https://www.staffsmoorlands.gov.uk/Animal-Licensing>

Each of the primary licensing Acts states clearly the criteria which the Council must be satisfied of before any licence is granted. Where the relevant licensing officer is not satisfied that the legal requirements are met, or when an inspector or the listed Veterinary surgeon has raised concerns that the legal requirements or standards are not met or unlikely to be met, the applicant will be notified. The applicant will have the opportunity to address these matters in the hope of satisfying the relevant criteria.

## **2.6 Persons who may not apply for a licence**

The following persons may not apply for a licence in respect of any licensable activity—

a) a person listed as a disqualified person in paragraph 4 or any of paragraphs 6 to 17 of Schedule 8 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (LAIA Regs) where the time limit for any appeal against that disqualification has expired or where, if an appeal was made, that appeal was refused;

b) a person listed in any of paragraphs 1 to 3 and 5 of Schedule 8 of the 2018 Regulations as having held a licence which was revoked where the time limit for any appeal against that revocation has expired or where, if an appeal was made, that appeal was refused.

Any licence granted or renewed, or held by, a person mentioned in paragraph (1)(a) or (b) is automatically revoked.

Regulation 4 para (7) of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 also requires applicants to be **'fit and proper'**

*(7) In considering whether the licence conditions will be met, a local authority must take account of the applicant's conduct as the operator of the licensable activity to which the application for the grant or renewal relates, whether the applicant is a **fit and proper person** to be the operator of that activity and any other relevant circumstances.*

The term **'fit and proper'** is not defined in the legislation or guidance. For the purpose of this Policy, Staffordshire Moorlands District Council will consider a **'fit and proper person'** to be an individual who can demonstrate upon application that they have: -

- 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 licence activity.

If on renewal, operating standards have fallen below the minimum required, and welfare issues relating to the care, treatment and management of animals in the applicant's care, have been identified by the inspector, then the Council may consider the applicant to NOT be **'fit and proper'** and a licence may not be renewed.

For applicants who have previously been trading unlicensed but have been identified as trading either through a complaint or intelligence, and where:

- there are no suspected or identified animal welfare issues relating to the care, treatment and management of animals in the applicants care and,
- providing the applicant has fully engaged in the licensing procedure and,
- regulatory enforcement for animal welfare offences under any of the relevant legislation is not under consideration

then the Council may accept the application and process accordingly.

The Council reserve the right to consider all relevant factors and submissions in each individual case and make a determination based on the circumstances at the time.

## 2.7 Decision making

Decisions will be made in accordance to relevant statute, inspections and guidance. Internal reviews of decisions will be undertaken by a delegated manager and appeals of decisions must be made in writing to the appropriate first tier tribunal.

## **2.8 Risk Scoring, Star Rating and Duration of Licences**

For those activities falling under the LAIA Regulations the officer must assess the standards on animal welfare and the management controls in place including previous compliance. The process includes, ascertaining whether the business is meeting the minimum or higher standards, and whether some minor failing exists.

The officer completes a risk score matrix and the star rating will be determined from those findings. Where a veterinary inspection is required, the contents of the report will have a direct influence on the star rating allocated to that activity.

The star rating allocated will have a direct impact on the business, therefore it is in the interest of the operator to have and maintain the highest possible welfare standards and management controls in place.

The risk score matrix and the output of the scoring exercise is a procedural document and forms part of the Regulations to promote consistency.

Further information is available in the DEFRA document - Procedural guidance notes for local authorities which is available on the Staffordshire Moorlands District Council website.

## **2.9 Competent Officers**

The Council must appoint suitably qualified and competent officers to undertake any inspections and enforcement activities in relation to animal welfare. This duty extends to the Council in respect of the appointment of suitably qualified and “listed” veterinary officers to undertake inspections of specified licensable activities.

## **2.10 Enforcement & Offences**

Inspectors from the Council are appointed to fulfil duties and carry out licensing functions on its behalf. They may inspect the premises at all reasonable times. If the Council have any concerns about the welfare of the animals kept under the licence it may be that the Council instructs a vet to ascertain if the measures in place are acceptable.

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. Samples should be as non-invasive as possible however inspectors may deem more invasive samples necessary if there are concerns over the welfare of the animals, the provision for sampling is primarily 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.

It is also an offence to obstruct an inspector who has been appointed by a local authority to enforce the 2018 Regulations. Committing either of these offences could result in an unlimited fine.

If a licence holder is not complying with their licence conditions the Council may take appropriate enforcement action. This may be to advise them that they no longer meet the licensing requirements and must cease the licensable activity or to prosecute them.

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.

### **2.11 Grounds for suspension, variation without consent or revocation of a licence**

A local authority may, without any requirement for the licence holder's consent, decide to suspend, vary or revoke a licence at any time on being satisfied that—

- (a) the licence conditions are not being complied with,
- (b) there has been a breach of the 2018 Regulations,
- (c) information supplied by the licence holder is false or misleading, or
- (d) it is necessary to protect the welfare of an animal.

### **2.12 Fixed Penalty Notices**

[The Animals \(Penalty Notices\) \(England\) Regulations 2023](#) came in to force from 1<sup>st</sup> January 2024 following the passing of the [Animal Penalty \(Notices Act\) 2022](#) in April 2022. It provides for the use of Fixed Penalty notices for operators who are in breach of:

- Animal Welfare Act 2006 and any associated Regulations.
- Animal Health Act 1981
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981
- Wild Animals in Circuses Act 2019
- Retained European Union law relating to animals or animal products
- Dangerous Dogs Act 1991

As a lower tier authority Staffordshire Moorlands District Council would only seek to use these notices in relation to those areas where it has enforcement powers and authorised officers. Namely:

- Animal Welfare Act 2006 and any associated Regulations.
- Animal Health Act 1981
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981
- Dangerous Dogs Act 1991
- The Trade in Animals and Related Products Regulations 2011 (TARP)
- Animal By Products (Enforcement) (England) Regulations 2013

The Act does not create new offences. The introduction of Penalty Notices adds to the existing portfolio of enforcement measures available to the Authority relating to the enforcement of animal health and welfare legislation, such as warning letters, statutory notices including suspension and revocation of licenses.

Penalty Notices provide a “middle ground” enforcement tool that sits between the existing measures referred to above and prosecution in the criminal courts. Penalty Notices, as stated, can be an alternative to prosecution and the risk of an individual obtaining a criminal record on conviction.



Penalty Notices give a person who is issued with such a Notice the opportunity to discharge any liability to conviction for the relevant offence by the payment of the amount specified in the Penalty Notice.

The amount specified in a Penalty Notice may not exceed whichever is the lesser figure of £5,000 or the maximum fine for which a person convicted of the relevant offence would be liable to pay on summary conviction. The amount of the Penalty Notice is determined by the council using a 'Calculator' provided by the Department of Food & Rural Affairs. This measures a combination of 'Harm' and 'Culpability' to derive a figure that is then subject to 'Mitigating' or 'Aggravating factors' which may lead to an increase or decrease of the original calculated figure.

The amount is reduced by 50% if the fine is paid within 14 days.

Penalty Notices can only be issued if the person responsible for issuing the Penalty Notice believes beyond reasonable doubt that a relevant offence has been committed by the person to be served with the Penalty Notice i.e the same test that would be applied were a criminal court be determining the matter.

As stated above, the maximum penalty notice amount will be whichever is the lower figure between:

- £5,000; or
- the maximum fine the offender could be liable to pay if convicted in the courts for the same offence

The Authority must consider the factors set out in section 4(2) of the Act in every case when determining the level of penalty to be imposed. The factors are:

- the seriousness of the conduct to which the proposed Notice relates (the "relevant conduct");
- the duration of the relevant conduct;
- any evidence of intention behind the relevant conduct;
- any evidence of previous acts or omissions by the person similar to the relevant conduct;
- any action taken by the person to eliminate or reduce any risk of harm resulting from the relevant conduct;
- any action taken by the person to remedy or mitigate any harm resulting from the relevant conduct;
- whether the person reported the relevant conduct to the enforcement authority or constable;
- the conduct of the person after the relevant conduct is drawn to their attention by the enforcement authority or constable.

In addition to the factors set out in section 4(2) of the Act and the statutory guidance published under the Act, the Authority should consider other matters which include: -

- the number of Penalty Notices received by a person within the last 3 years
- what offences the previous Notices were received for
- the nature and seriousness of the offence(s) being considered
- the nature and seriousness of the previous offences
- the offender's circumstances and whether there is an explanation for the repeat offending



Revenue raising is never the objective of the enforcement of the law. Indeed, sums received by the Authority from the Penalty Notices must be paid by the Authority into the “Consolidated Fund” which is the government’s general bank account with the Bank of England. Before paying sums to the Consolidated Fund, the Authority can deduct the costs of investigating the offence and issuing the Penalty Notice.

If the maximum fine an individual could be liable to pay if convicted for an animal health or welfare offence is £5,000 or more, the Authority will apply the tables set out in the [Statutory guidance on the use of Penalty Notices for Animal Health and Welfare Offences](#)

to determine the starting point and range of Penalty Notice amount to be applied.

There is no right of appeal against the service of a Penalty Notice. Payment of the penalty within the requisite time period removes an individual’s criminal liability. If payment is not made, then the individual can be prosecuted for the original offence and if convicted will be sentenced by the Court.

## **2.13 Powers of entry**

An inspector may not enter any part of the premises which is used as a private dwelling unless 24 hours’ notice of the intended entry is given to the occupier, parts of the premises which are not a private dwelling may be entered by an inspector if the premises is specified in a licence as premises on which the carrying on of an activity to which a licence relates is being carried on.

A Justice of the Peace can issue a warrant authorising an inspector or a constable to enter a premises on the request of an inspector or constable using reasonable force, if necessary, in order to search for evidence of the commission of a relevant offence.

The justice will only issue a warrant if there are reasonable grounds for believing that a relevant offence has been committed on the premises, or that evidence of the commission of a relevant offence is to be found on the premises, and that section 52 of the Animal Welfare Act 2006 is satisfied in relation to the premises.

All other considerations from the Animal Welfare Act also apply.

## **3.0 Grievance Safeguarding Processes**

The Council has in place a customer complaints and comments procedure which allows all users of the Council’s services to raise concern about the way they have been treated by the Council.

The business operator has recourse to the 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 and in accordance with its policy.

In addition, the Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 contain a number of safeguarding measures where a business operator who is aggrieved by the process and to ensure business operators are treated appropriately.

## **3.1 Right to Appeal Star Rating**

The business operator has the right to appeal the star rating allocated to their business through the licencing process.

The procedures on the right to appeal the star rating is available on the Staffordshire Moorlands District Council website, along with the appeal form.

### **3.2 Requesting a Star Rating Re-Score Visit**

The business operator can request a re-score visit, where they have completed the work outlined in their inspection report.

There are no limits on the number of re-score visits a business operator can request, but there is a charge for each re-score visit.

The procedures on the requesting a re-score visit is available on the Staffordshire Moorlands District Council website, along with the request form.

### **3.3 Right to Appeal- Suspensions and Variations**

Where the business operator is aggrieved by the decision of the Authority to vary or suspend an animal welfare licence, they have the right to appeal that decision, in the first instance to the Authority and secondly to a first-tier tribunal.

The procedures for varying or suspending a licence is available on the Staffordshire Moorlands District Council website.

### **3.4 Right to Appeal, First-tier Tribunal - Refusal, Suspensions, Variations and Revocations**

Where the business operator is aggrieved by the decision of the Authority to refuse, revoke, suspends or varies an animal welfare licence, they have the right to appeal that decision a First-tier tribunal.

The procedures for refusing, revoking, varying or suspending a licence are available on the Staffordshire Moorlands District Council website.

### **3.5 Transfer of Licence in the case of the Death of the Licence Holder**

If a licence holder dies, the procedure in regulation 12 of the Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 applies. It allows the personal representative of the deceased to take on the licence provided that they inform the Authority within twenty-eight days of the death that they are now the operators of the licensable activity. 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.

Additionally, The Authority can extend the three-month period by up to another three months if requested by the representative and if they believe this time is needed to wind up the estate of the former licence holder.

If the personal representative does not notify the Authority within 28 days of the death of the licence holder the licence will cease to have effect after those 28 days.

### **3.6 Register of Animal Welfare Establishments**

The Authority holds a register of premises licensed under animal welfare legislation which is available on the Council's website.

The register will be amended to include the Star Rating allocated to premises licenced under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

### 3.7 Change of circumstances

The Authority has an expectation that licence holders will inform them should there be significant changes to how their business operates. For example, where a licence holder decides to employ a manager who will have responsibility for the day to day operating of the business, where this was not the case at the time of application.

The Authority must ensure that licence holders remain fit and proper during the life of a licence.

For this reason, licence holders must notify the Authority, in writing, within 72 hours, if any of the following occurs:

- They have any type of animal licence suspended or revoked
- They are convicted or receive warnings or cautions for serious offences (see above);
- Are arrested or charged with a serious offence (see above);
- Are subject to bail conditions which may affect the licence holder's ability to operate their business.

Failing to notify the Council will raise serious questions as to the integrity of the licence holder.

