



**MALDON**  
DISTRICT COUNCIL

# **Animal Welfare Licensing Policy**

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**Document Control Sheet**

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**Validity Statement**

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.

## Maldon District Council

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## 1. **Introduction**

- 1.1 This policy outlines how the Council will implement its responsibilities under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the Animal Welfare Act 2006, the Dangerous Wild Animals Act 1976, and the Zoo Licensing Act 1981.
- 1.2 This policy has been established in response to the commencement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 ("the Regulations") on October 1, 2018. Where relevant and appropriate, specific information pertaining to the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981 has been included.
- 1.3 The policy will be reviewed at least every three years after its initial approval, and additionally whenever necessary, such as to reflect significant changes in relevant legislation or guidance.
- 1.4 Any general reference to "guidance" in this policy refers to the "Animal Activities Licensing: Guidance for Local Authorities" produced by DEFRA. The full guidance can be viewed here: <https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>. If any other guidance is referenced in this policy, specific details will be provided.
- 1.5 This policy outlines the principles the Council will follow when handling animal-related licensing matters, including processing new licence applications, and addressing issues related to licensed premises.
- 1.6 This policy establishes the criteria the Council will consider when determining whether an applicant or existing licence holder is suitable to be granted, have renewed, or continue to hold a licence. Beyond criminal convictions, the Council will also, where permitted by relevant legislation, take into account other factors such as general character, compliance with licence requirements / guidance / conditions, non-criminal behaviour, and other pertinent records or information from reliable sources.

## 2. **Policy Objectives**

- 2.1 The policy is designed to ensure that:
  - 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 Regulations.
  - the licence holder is not disqualified from holding a licence as per the requirements of the Regulations.
  - the five overarching principles of animal welfare, known as the "five needs," introduced by the Animal Welfare Act 2006, are upheld in every decision.
  - the safeguarding of any children or vulnerable persons in contact with a licensable activity is ensured.
  - each application is considered on its merits.
  - decisions made by the Council are transparent and consistent.

- that the obligations of the Council's Public Sector Equality Duty under section 149 of the Equality Act 2010 are fulfilled by eliminating discrimination, harassment, victimisation, and other conduct prohibited by the Act, advancing equality of opportunity, and fostering good relations between individuals who share and those who do not share protected characteristics.

2.2 In addition, the Council will base its licensing regime on the following principles derived from the responsibilities under the Animal Welfare Act 2006:

- Responsibility to protect the welfare of all animals.
- Ensuring the welfare of domestic or captive animals by implementing appropriate standards that promote the "five needs".
- Ensuring that those responsible for the management of animal welfare observe recognized standards of good practice.
- Ensuring that, within its powers, all animal-related legislation is rigorously and proactively enforced.

### 3. **Animal Welfare Act**

3.1 The Animal Welfare Act 2006 established the requirement for maintaining reasonable welfare standards while unifying all animal legislation, including responsibilities assigned to various enforcement agencies.

3.2 The Act introduced five overarching principles of animal welfare, known as the "five needs," which are:

1. **The need for a suitable environment:**
  - Providing an appropriate environment, including shelter and a comfortable resting area.
2. **The need for a suitable diet:**
  - Ensuring ready access to fresh water and a diet that maintains full health.
3. **The need to exhibit normal behaviour patterns:**
  - Offering sufficient space, proper facilities, and, where appropriate, the company of other animals of the same kind.
4. **The need to be housed with or apart from other animals:**
  - Providing the company of other animals of the same kind when suitable.
5. **The need to be protected from pain, suffering, injury, and disease:**
  - Preventing or rapidly diagnosing and treating issues, while ensuring conditions and treatments that avoid mental suffering.

### 4. **Licensable Activities**

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

4.1 The Regulations took effect on 1<sup>st</sup> October 2018 and impacted establishments that were previously licensed under earlier animal health legislation. This includes those formerly licensed as pet shops, catteries, kennels, home boarders, dog day-care, riding establishments, dog breeders, and performing of animals.

- 4.2 A licence is required for any of the licensable activities listed in Schedule 1 of the Regulations, which include:
- selling animals as pets (Part 2)
  - providing or arranging boarding for cats or dogs, including catteries, kennels, home boarding for dogs, or dog day care (Part 3)
  - hiring out horses (Part 4)
  - breeding dogs (Part 5)
  - keeping or training animals for exhibition (Part 6)
- 4.3 The Regulations supersede the previous licensing and registration regimes established under the following legislation:
- Pet Animals Act 1951
  - Animal Boarding Establishments Act 1963
  - Riding Establishments Acts 1964 & 1970
  - Breeding of Dogs Act 1973 and Breeding and Sale of Dogs (Welfare) Act 1999
  - Performing Animals (Regulation) Act 1925

#### Dangerous Wild Animals Act 1976

- 4.4 The Dangerous Wild Animals Act 1976 requires that a licence from the Council is obtained to keep certain animals deemed wild, dangerous, or exotic. A complete list of these animals that require a licence can be viewed here:  
<http://www.legislation.gov.uk/ukxi/2007/2465/schedule/made>.
- 4.6 The Council does not endorse the licensing of primates as 'pets' under the Dangerous Wild Animals Act 1976 for domestic living. The Council acknowledges that primates are dangerous and highly intelligent animals with complex needs that cannot be adequately addressed in a home environment.

#### Zoo Licensing Act 1981

- 4.7 The Zoo Licensing Act 1981 requires a licence from the Council to display wild animals to the public for at least seven days a year, in any location that is not a circus or pet shop.
- 4.8 All relevant legislation mentioned in this section can be accessed in full at  
<http://www.legislation.gov.uk/>.

### **5. Primates**

- 5.1 Primates are not suitable as companion animals because their welfare needs cannot be adequately met in a domestic setting. Therefore, all primates in England must be housed under zoo-level standards.
- 5.2 Under new legislation, private keepers will only be able to keep primates if they have a specialist private primate keepers' licence. The measures come into force from the

6<sup>th</sup> April 2026 under The Animal Welfare (Primate Licences) (England) Regulations 2024.

- 5.3 Although the Council will discourage the keeping or selling of primates, a separate policy will be implemented to manage any applications starting in April 2026. This policy will be available for review from March 2026.

## 6. **Suitability of Applicants**

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

- 6.1 In accordance with the Regulations, any individual conducting a licensable activity will be designated as the 'operator' of the business and may apply for a licence, provided they are not disqualified under Regulation 11 and Schedule 8. The 'operator' must be the person in control of the business, meaning an active participant in its management and operations, and cannot be an absent or inactive partner in the business.
- 6.2 To ensure compliance with our duties to confirm that an individual is not disqualified from holding a licence, the Council will:
- require the applicant to provide a basic disclosure (DBS) certificate issued within 3 months of the application date, demonstrating that they are not disqualified from holding a licence and have no relevant convictions that might impact their suitability as a 'fit and proper' person to hold a licence.
  - may request information from Essex Police under our information-sharing agreement regarding any relevant convictions the applicant may have. This information sharing is authorized under Section 17 of the Crime and Disorder Act 1998, which mandates that local authorities consider the potential effects of their functions on crime and disorder and take all possible measures to prevent crime and disorder in their area.
- 6.3 A licence will be granted to an applicant if the Council is satisfied that they will meet the licence conditions. In evaluating this, the Council will assess whether the applicant is a 'fit and proper' person to operate the activity. Although the term 'fit and proper' is not explicitly defined in the legislation or guidance, for the purposes of this Policy, the Council will consider an individual to be 'fit and proper' if they can demonstrate the following upon application:
- The right to work in the UK.
  - No relevant convictions
  - No disqualification from holding a licence.
  - The knowledge, experience, compliance history, and capability to adhere to licence conditions and ensure the welfare of animals in their care.
  - Adequate management and training arrangements to safeguard staff and/or members of the public affected by the licensed activity.

This assessment is not limited to these criteria, and the Council may consider other factors relevant to the licensing process.





### Relevance of convictions

- 6.4 This section provides guidance on how the Council will assess whether an applicant or licence holder is suitable to be granted or to retain a licence under the Regulations. The Council will evaluate each conviction or behaviour individually and determine the appropriate weight to assign to it. While each case will be assessed on its own merits, it will be considered in the context of these guidelines.
- 6.5 Ideally, most applicants or licensees will have no convictions. However, it is acknowledged that people can make mistakes, and many learn from them and do not repeat such offences. Consequently, an isolated conviction, particularly if it occurred some time ago, will generally not prevent the grant or renewal of a licence.
- 6.6 The Council will typically not grant a licence to an individual with one or more convictions for offences related to animal cruelty or suffering. Given that the primary aim of the Regulations enforced by the Council is to ensure animal welfare, such offences are particularly pertinent.
- 6.7 The Council will generally not grant a licence to an individual with one or more convictions for offences related to licensing, as these offences indicate a disregard for licensing processes and procedures.
- 6.8 In addition to the above, the Council has broader responsibilities to prevent crime and disorder and to safeguard children and vulnerable adults, as mandated by the Crime and Disorder Act 1998, the Children Act 2004, and the Care Act 2014. Therefore, the Council will typically not grant a licence to an individual with one or more convictions for the following types of offences:
- Violent offences
  - Possession of a weapon
  - Sexual and indecency offences
  - Offences involving a minor
  - Offences involving dishonesty
  - Drug-related offences
- 6.9 Any offences or behaviours not specifically addressed by this Policy may still be considered.

## **7. Safeguarding**

- 7.1 The regulations have the aims 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, principally the protection of children and vulnerable persons.
- 7.2 The Council recognises that some licensable activities may involve unsupervised contact with children and/or vulnerable individuals, such as providing riding lessons to young people at a riding establishment or entertaining at a children's party with an animal exhibition.

7.3 In this regard, the Council expects applicants and licence holders whose activities involve contact with children or vulnerable individuals to:

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

## **8. Application Process**

8.1 Licence applications must be submitted in writing using the relevant application form and in accordance with applicable legislation. Applicants should also include any required supporting information (as specified in the form, this Policy, and any specific case requirements), along with the appropriate fee.

8.2 Payment for veterinary inspections required by legislation or by the Council to assess the application will be an additional charge passed on to the applicant or licence holder.

8.3 The following is a brief overview of the application process for animal-related licences administered by the Council. In all instances, the process outlined in the relevant legislation will be adhered to.

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

8.4 The relevant Guidance produced by DEFRA for licences issued under these Regulations, stipulate that once the council receives an application it must complete the following steps before granting or renewing a licence:

- Evaluate whether the applicant's conduct demonstrates that they are a fit and proper person to carry out the licensable activity and meet the licence conditions.
- Inspect the site of the licensable activity to determine if it is likely to meet the licence conditions. This inspection must be conducted by a suitably qualified inspector, and a veterinarian is required for the initial inspection of a dog breeding establishment, or a listed veterinarian for horse riding establishments. The inspector must prepare a report, as per the Regulations, to be submitted to the Council after the inspection.
- The inspector's report will include details about the operator, relevant premises, records, the condition of any animals, and other pertinent matters, and will indicate whether the inspector believes the licence conditions will be met.
- Ensure that all appropriate fees have been paid.

8.5 The Council will notify licence holders of their licence's impending expiration (3 months before it expires). Licence holders must submit a new application at least 10 weeks before the licence expires to continue their activity without interruption. It is the licence holder's responsibility to ensure the renewal application is submitted on time. The Council will not be liable for any delays or lapses in licensing due to incomplete or late applications.

### Dangerous Wild Animals Act 1976

- 8.6 Upon receiving an application for the grant or renewal of a licence, the Council will undertake the following steps before proceeding:
- Verify that the applicant has not been disqualified from keeping dangerous wild animals.
  - An Officer from the Council will inspect the relevant premises to determine if it meets the legislative requirements. Additionally, a qualified veterinarian will be appointed to inspect the premises and provide a report.
  - The reports will include details on the suitability of the accommodation, the applicant's handling skills and experience, and their qualifications related to the species. The vet will also evaluate the animal's ability to exhibit natural behaviours and the owner's knowledge of how to promote the animal's welfare. The completed report will be submitted to the Council for review.
  - Confirm that all appropriate fees have been paid.
- 8.7 Although not legally required, the Council will strive to give licence holders a 3-month notice period before their licence expires. Licence holders should submit their renewal application at least 10 weeks prior to the expiry date. It is the responsibility of the licence holder to ensure the renewal application is submitted on time. The Council cannot be held accountable for any delays or lapses in the licence due to incomplete or late applications.

### Zoo Licensing Act 1981

- 8.8 Before submitting a licence application to the Council under the Zoo Licensing Act 1981, an applicant must provide a notice of intention to apply at least two months in advance. This notice must include various required details as stipulated by the Act.
- 8.9 Additionally, a notice must also be published in a local newspaper (circulating the Essex area) and a newspaper that is circulated nationally.
- 8.10 Upon receiving an application, the Council will undertake the following steps before granting or renewing a licence:
- Verify that the applicant is not disqualified from keeping dangerous wild animals.
  - An Officer from the Council will inspect the premises to assess whether it meets legislative requirements. Additionally, a qualified veterinarian, approved by the Secretary of State's list of suitably qualified inspectors, will inspect the premises, and provide a report.
  - Consider any representations made by or on behalf of individuals entitled to submit them, as specified by the legislation.
  - Consult with the applicant regarding the proposed conditions for the premises licence.
  - Ensure that all applicable fees have been paid.
- 8.11 The Council will strive to notify licence holders 9 months before their licence is set to expire. Licence holders are required to submit their renewal application at least 6

months prior to the expiry date. It is the responsibility of the licence holder to ensure that the renewal application is submitted promptly. The Council will not be liable for any delays or lapses in licensing resulting from incomplete or late applications.

## 9. Rating and Licence duration

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

- 9.1 Except for licences related to 'keeping or training animals for exhibition,' licences issued under the Regulations can be valid for one, two, or three years, based on the risk rating and level of compliance. The duration of the licence will align with the establishment's Star Rating.
- 9.2 The Scoring matrix is below:

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	<b>1 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>3 Star</b> 2yr licence Min 1 unannounced visit within 24 month period	<b>5 Star</b> 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	<b>1 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>2 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>4 Star</b> 2yr licence Min 1 unannounced visit within 24 month period

- 9.3 Licences for the keeping or training animals for exhibition are issued for three years.

### Dangerous Wild Animals Act 1976

- 9.4 Premises licensed under the Dangerous Wild Animals Act are not risk rated and licences, if issued, are valid for 2 years.

### Zoo Licensing Act 1981

- 9.5 Premises licensed under the Zoo Licensing Act are not risk rated and any new premises licence, if issued, will be valid for 4 years. On renewal, licences will be valid for 6 years.

## 10. Standards and Conditions

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

- 10.1 The Regulations mandate conditions for each licensable activity, with DEFRA providing corresponding guidance. These conditions are classified into two categories: General Conditions, as outlined in Schedule 2, and Specific Conditions detailed in the relevant Schedule of the Regulations.
- 10.2 Applicants and licence holders must meet all mandatory conditions. For existing businesses, minor failings may be noted or recorded, provided they do not compromise animal welfare. These failings should be primarily administrative in nature, as specified in the relevant guidance.
- 10.3 For each activity (except for keeping or training animals for exhibition), the guidance includes a set of "higher standards." While meeting these higher standards is optional, it is the sole method for achieving a higher star rating.
- 10.4 The higher standards are divided into two categories: required (mandatory) and optional. These are typically color-coded as blue and red, respectively, or otherwise clearly marked and differentiated. To qualify as meeting the higher standards, a business must achieve all of the required (mandatory) standards and at least 50% of the optional higher standards.

### Dangerous Wild Animals Act 1976

- 10.5 The Council will enforce all conditions mandated by the legislation. Additionally, the Council may impose any conditions recommended by DEFRA or required by the Inspecting Officer or Vet.
- 10.6 When the Council imposes conditions on a license, they will be based, wherever possible, on existing codes of best practice and industry standards from organizations such as, but not limited to:
  - I. DEFRA
  - II. British Veterinary Association
  - III. National Trade Associations

### Zoo Licensing Act 1981

- 10.7 The Council will enforce all conditions mandated by the legislation. Additionally, the Council may impose any conditions recommended by DEFRA or required by the Inspecting Officer or Vet.
- 10.8 When the Council imposes conditions on a license, they will be based, wherever practicable, on existing codes of best practice and industry standards from organisations such as, but not limited to:
  - I. DEFRA

II. British Veterinary Association

III. National Trade Associations

## 11. **Granting an application**

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

11.1 When a licence is issued, the Council will provide the following information (if applicable):

- The Licence along with the Star Rating
- An explanation of the business's rating, including a list of higher standards not currently met or a list of minimum standards not met (resulting in a "minor failing" category)
- A copy of the risk management assessment table
- Information about the appeals process and associated timescales

### Dangerous Wild Animals Act 1976

11.2 These premises are not risk rated and as a result, only the licence is sent out, along with the relevant conditions.

### Zoo Licensing Act 1981

11.3 These premises are not risk rated and as a result, only the licence is sent out, along with the relevant conditions.

## 12. **Refusing an application**

12.1 The following section offers a summary of the Council's powers to refuse an application. It is important to note that the absence of information does not preclude the Council from denying a license on any other legal grounds.

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

12.2 Depending on the licence being applied for, the Council will consider the report from the inspector(s) and any comments made by the applicant when deciding whether to issue a licence. The Council will work with the applicant to secure compliance, particularly in relation to minor issues, to help ensure that all necessary standards are met before a decision is made.

12.3 The Council may refuse to issue a licence if it considers that the applicant cannot meet the licence conditions. The Council may also refuse a licence if the granting of a licence could have a negative impact on animal welfare or if the level of accommodation, staffing or management is inadequate for the well-being of animals.

- 12.4 The Council may also refuse to issue or renew a licence if the applicant has a history of non-compliance with licensing conditions or requirements, is obstructive towards officers, or if there are safeguarding concerns arising from the licensed activity. The above list is not exhaustive, but indicative of the circumstances where the Council may want to refuse an application.
- 12.5 The Council may also refuse an application if it considers that the applicant does not meet the 'fit and proper person' test.
- 12.6 A licence cannot be issued to an operator who has been disqualified, as per the relevant Regulations.
- 12.7 If a licence is refused under the Regulations, the applicant will have the right of appeal to a First-tier Tribunal within 28 days of the decision notice.

Dangerous Wild Animals Act 1976

- 12.8 The Council will consider the report from the inspector(s) and any comments made by the applicant when deciding whether to issue a licence.
- 12.9 The Council must not issue a license unless it is satisfied that:
- Granting the license will not be contrary to the public interest on grounds of safety, nuisance, or other concerns.
  - The applicant is a suitable person to hold a license under the relevant Act.
  - Any animal covered by the license will, at all times: (i) Be kept in accommodation that prevents escape and is appropriate in terms of construction, size, temperature, lighting, ventilation, drainage, and cleanliness, and that is suitable for the number of animals intended to be housed; (ii) Be provided with adequate and suitable food, water, bedding, and be checked at appropriate intervals.
  - Appropriate measures will be in place for the protection of the animal in case of fire or other emergencies.
  - All reasonable precautions will be taken to prevent and control the spread of infectious diseases.
  - The animal's accommodation will allow it to take adequate exercise while at the premises.
- 12.10 A licence may be refused where an applicant has been convicted of any relevant offence, as per the relevant legislation.
- 12.11 If a licence is refused under the Dangerous Wild Animals Act 1976, the applicant will have the right of appeal to the magistrates' court within 21 days of the decision notice.

Zoo Licensing Act 1981

- 12.12 The Council will consider the report from the inspector(s) and any comments made by any relevant party when deciding whether to issue a licence.

12.13 The Council may refuse a license if:

- it believes that the zoo, or its continued operation, would negatively impact the health or safety of people living nearby or significantly affect law and order.
- it is not convinced that the zoo can meet the conditions necessary for implementing the relevant conservation measures.
- it finds that the standards of accommodation, staffing, or management are inadequate for the proper care and well-being of the animals or for the overall operation of the zoo.
- it is not satisfied that planning permission has been granted for the zoo, or it may suspend the license until the local planning authority confirms that permission has been granted or is deemed to be granted.

12.14 A licence may also be refused if anyone associated with the zoo has a conviction under the Zoo Licensing Act 1981 or any of the Acts mentioned in the legislation.

12.15 If a licence is refused under the Zoo Licensing Act 1981, the applicant will have the right of appeal to the magistrates' court within 28 days of the decision notice.

### **13. Appeals to star ratings**

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

13.1 To ensure fairness to the business, the Council has an appeals procedure in place for the operator to dispute the star rating given.

13.2 The business will be provided with supporting information (the inspection reports) which will highlight the inspecting officer's decision on how the risk rating, compliance level and star rating has been determined. The business is encouraged to discuss the matter initially with the inspecting officer where possible.

13.3 A business may appeal if they consider their star rating to be wrong - in other words, if it does not reflect the standards found at the time of inspection. Any appeal to the rating given must be made in writing to the Council within 21 days, from when the star rating is issued. It is important to note that the appeal concerns specifically the standards present at the time of the inspection and will be chargeable, should the original decision be upheld.

13.4 DEFRA Guidance states that no officer involved with the initial star rating or inspection should consider an appeal. Accordingly, the Council will ensure that a separate officer determines the appeal in all cases. DEFRA Guidance also states that the appeal should be determined by the head of the department, or a designated deputy, and this Council will consider the delegation of such functions to an officer that is considered suitably qualified. Depending on the specific details of the appeal, the relevant officer may or may not visit the premises themselves. Additionally, the Council may arrange for an independent inspection by a qualified inspector or veterinarian, as appropriate, to assist in the determination of the appeal.

13.5 If the business disagrees with the outcome of the appeal, they can challenge the decision by means of judicial review. The business also has recourse to the Council's



complaints procedure (taking the matter to the Local Government Ombudsman where appropriate) if they consider that the service has not been properly delivered.

- 13.6 Separate to the appeal process highlighted above, a business may wish to apply for a 're-rating' following completion of works to rectify any non-compliance or improvements to achieve higher standards. This re-rating is carried out on a chargeable basis (for more information on fees see section 17 of this Policy).

#### **14. Variations, Suspensions and Revocations of Licences**

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

- 14.1 The Regulations enable the local authority to modify a licence at any time:
- Upon receiving a written request from the licence holder, or
  - On the local authority's own initiative, with the written consent of the licence holder.
- 14.2 In addition to the above, a local authority may suspend, vary, or revoke a licence without the licence holder's consent if:
- The licence conditions are not being met,
  - There has been a violation of the Regulations,
  - The licence holder has provided false or misleading information, or
  - It is necessary to protect the welfare of an animal.
- 14.3 A suspension or variation of a licence will typically take effect 7 working days after the decision has been communicated to the licence holder. However, if the reason is to protect an animal's welfare, the Council may require the decision to take immediate effect.
- 14.4 The decision to vary or suspend a licence must be communicated to the licence holder in writing, including an explanation of the reasons for the decision. The notification must also specify when the suspension or variation will take effect, outline the licence holder's right to submit written representations, and detail any specific changes required to address the situation.
- 14.5 The decision to vary, suspend, or revoke a licence will depend on the severity of the situation. If an operator fails to comply with administrative conditions or fails to provide requested information, this could result in a licence suspension. Repeated occurrences may lead the Council to consider revocation. A licence will also be revoked if poor welfare conditions are identified, or if doing so would otherwise benefit the welfare of the animals involved. Variations may be made to the licence or to the premises/animals specified in the licence, as needed.
- 14.6 After the notice of suspension or variation is issued, the licence holder will have 7 working days to submit written representations. Once these are received, the Council will decide whether to uphold the suspension or variation of the licence or to reverse the decision.

- 14.7 If the licence has been altered with immediate effect to protect an animal's welfare, the Council must specify this as the reason.
- 14.8 The business will be unable to operate once the licence suspension takes effect and can only resume trading if the Council overturns the decision, for instance, upon confirming that the licence conditions are being met.
- 14.9 There is no right to appeal a licence suspension. After 28 days of suspension, the licence must either be revoked or reinstated.
- 14.10 A licence holder can appeal to a First-tier Tribunal if they disagree with the Council's decision to vary or revoke their licence. The appeal must be submitted within 28 days of the decision, and information on the appeal process will be provided to the licence holder at the appropriate time.

#### Dangerous Wild Animals Act 1976

- 14.11 The Council may, at any time, add, modify, or remove conditions on a Dangerous Wild Animal licence, except for those conditions mandated by legislation, which cannot be altered or revoked.

#### Zoo Licensing Act 1981

- 14.12 The Council may, at any time, vary, cancel, or impose new conditions on a licence if deemed necessary or desirable to ensure the proper management of the zoo. Before making any changes, the licence holder will have the chance to make representations. If the proposed change is substantial, an inspection of the premises must be conducted, and the report reviewed before any modifications to the licence are made.
- 14.13 If a condition is not being met, the Council can issue a direction under the Zoo Licensing Act 1981, requiring compliance. This direction will outline the steps the licence holder must take and the timeframe for completing them. Additionally, the direction may mandate that the zoo, or a portion of it, be closed to the public while it is in effect. The direction will be revoked once the zoo has fulfilled its requirements.
- 14.14 Under the Zoo Licensing Act 1981, the Council is required to permanently close a zoo in specific situations, such as failure to comply with a direction related to a conservation measure. The Council also has discretionary authority to close a zoo for various reasons, including non-compliance with directions not related to conservation measures.

### **15. Transfer of a licence upon the death of a licence holder**

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

- 15.1 If a licence holder dies, regulation 12 of the Regulations applies. This regulation allows the personal representative of the deceased to assume the licence, provided they notify the local authority within 28 days of the death that they are now the licence holder. The licence will remain valid for three months from the date of the

former holder's death, or for the remainder of its original term if that period is shorter. The new licence holder should then apply for a new licence at least one month before the end of this extended period.

- 15.2 Additionally, the local authority may extend the three-month period by up to an additional three months if requested by the personal representative and if it is deemed necessary to facilitate the winding up of the former licence holder's estate.
- 15.3 If the personal representative fails to notify the local authority within 28 days of the licence holder's death, the licence will expire after those 28 days.

#### Dangerous Wild Animals Act 1976

- 15.4 If a licence holder dies, the licence will remain valid for 28 days as if it were held by their personal representative. During this period, if an application for a new licence is submitted, the existing licence will be considered active while the new application is being processed or decided.

#### Zoo Licensing Act 1981

- 15.5 If a licence holder dies, the licence will remain valid for 3 months as if it were granted to their personal representative. The Council may extend this period if it deems it appropriate.

### **16. Inspections during a licenced period**

- 16.1 There will be cases where inspections must be carried out during the term of a licence.
- 16.2 For the activity of hiring out horses, an annual inspection by a listed veterinarian is required, regardless of the licence's duration. The local authority must appoint a listed veterinarian to inspect the premises where the activity occurs before the end of the first year after the licence is issued and then annually thereafter.
- 16.3 Depending on the type of zoo, inspections may be required annually. However, the frequency of inspections can be reduced if an exemption (or 'dispensation') is granted. Inspections will include visits from both the Secretary of State's zoo inspectors and licensing officers.
- 16.4 Unannounced inspections may also be conducted in response to complaints or information indicating that licence conditions are not being met or that the welfare of the animals involved in a licensed activity is at risk.
- 16.5 During an inspection, the inspector may collect samples for laboratory testing from the animals on the premises. The operator must comply with any reasonable requests from the inspector to assist in identifying, examining, and sampling the animals, including providing suitable restraints if required.

## 17. Qualifications of Inspectors

- 17.1 All Licensing Authority inspectors, whether employed by the Council or contracted, must be suitably qualified. This is defined as follows:
- An individual holding a Level 3 certificate from a body recognized and regulated by the Office of Qualifications and Examinations Regulation, which oversees training and assessment for inspecting and licensing specific animal activity businesses, and who has passed an independent examination. The inspector is only considered qualified to inspect a particular type of activity if their certificate is relevant to that activity; OR
  - An individual with a formal veterinary qualification recognized by the Royal College of Veterinary Surgeons (RCVS) and a relevant RCVS continuing professional development record.
- 17.2 There will be instances when advice or joint visits from expert consultants are needed. **Appendix A** provides a list of our current expert consultants.

## 18. Fees

- 18.1 The fees can be viewed on the Council's website ([www.maldon.gov.uk](http://www.maldon.gov.uk)).
- 18.2 All fees are calculated and reviewed annually in accordance with the statutory requirements of Regulation 13, with the goal of achieving full cost recovery.

## 19. Enforcement

- 19.1 The Council's primary enforcement and compliance role in animal licensing is to ensure animal welfare. This involves ensuring adherence to licence conditions and taking action when standards are not met. Additionally, the Council investigates and takes appropriate measures against unlicensed premises.
- 19.2 The Council will record and, if deemed necessary, investigate complaints related to Animal Establishments that are currently licensed or may need a licence. Complainants will be asked to provide their name and contact details to ensure the complaint is not malicious and to enable the collection of witness evidence if needed for further action.
- 19.3 While the primary focus of enforcement activities is to ensure compliance with animal licensing legislation, officers attending a premises are also required to address or refer any other issues identified during an inspection to the appropriate organisation or relevant Council team (e.g. breaches of health and safety regulations).
- 19.4 We strive to ensure a consistent approach in investigating complaints and making decisions. In reaching any decision, we will consider, among other factors:
- The seriousness of any offences or breaches of conditions
  - The operator's past history
  - The consequences of non-compliance
  - The likely effectiveness of different enforcement options

- The potential danger to animal welfare and/or public safety
- 19.5 Below is a brief overview of some of the enforcement options available to the Council under various legislation. The absence of a specific enforcement action from this list does not preclude the Council from utilising it.
- 19.6 Under the Animal Welfare Act 2006, Section 30 authorises local authorities to prosecute for any offences committed under the Act.
- 19.7 Section 34 of the Animal Welfare Act 2006 provides post-conviction powers allowing for the disqualification of individuals convicted of an offence under the Act or relevant regulations. Such disqualifications may include being barred from owning, keeping, participating in the care of animals, or being involved in arrangements that control or influence how animals are kept. Disqualification may also extend to transporting or dealing in animals. Violating these disqualifications constitutes an offence.
- 19.8 Section 42 of the Animal Welfare Act also provides post-conviction powers allowing a court to revoke an existing licence and disqualify an individual from holding a licence for any period deemed appropriate when that individual is convicted of an offence under the Act or relevant regulations.

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

- 19.9 The Regulations provide the Council with various enforcement powers to issue suspension, variation, or revocation notices in cases of non-compliance with licence conditions, breaches of the regulations, or issues concerning the protection of animal welfare.
- 19.10 Anyone engaging in any of the licensable activities without a licence is committing a criminal offence and may face imprisonment for up to six months, a fine, or both.
- 19.11 Breaching any licence condition is a criminal offence. Additionally, failing to comply with an inspector's request to take a sample from an animal is also a criminal offence.
- 19.12 Under the Animals (Penalty Notices) Act 2022, the Council has the authority to issue a penalty notice for any relevant offence listed in Schedule 1 of the Animals (Penalty Notices) (England) Regulations 2023. Not all offences are included, and the legislation may be subject to future amendments as laws are updated.
- 19.13 Obstructing an inspector appointed by a local authority to enforce the Regulations is a criminal offence. Committing such an offence may result in an unlimited fine.
- 19.14 The Regulations also authorise inspectors to collect samples from animals on premises occupied by an operator for laboratory testing, to ensure compliance with licence conditions. Licence holders must comply with any reasonable requests from an inspector to facilitate the identification, examination, and sampling of an animal, and must specifically arrange suitable restraints for an animal if requested by the inspector.
- 19.15 Samples should be collected using the least invasive methods possible. However, inspectors may consider more invasive sampling necessary if there are concerns about the animals' welfare. The provision for sampling is primarily intended for

veterinarians conducting inspections, and it is not expected that individuals without the appropriate training will perform sample collection.

- 19.16 Further details about the suspension and revocation of a licence are provided in section 14 of this policy.

**Dangerous Wild Animals Act 1976**

- 19.17 Anyone who keeps a dangerous wild animal without the necessary licence is committing a criminal offence and may face a fine.
- 19.18 Breaching any licence condition is a criminal offence. Additionally, obstructing an inspector appointed by the Council to enforce the Act is also a criminal offence. Committing either of these offences could result in a fine.

**Zoo Licensing Act 1981**

- 19.19 Operating a zoo without the required licence constitutes a criminal offence and may result in a fine.
- 19.20 Breaching any licence condition is a criminal offence. Additionally, obstructing an inspector appointed by the Council to enforce the Act is also a criminal offence. Both of these offences could lead to a fine.
- 19.21 For more details on the suspension and revocation of a licence, please refer to section 14 of this policy.

**20. Additional Information**

- 20.1 The Council provides additional information online, including application forms, guidance documents, and details on conditions. You can access these resources here: [https://www.maldon.gov.uk/info/20075/licensing/9377/animal\\_welfare\\_licences](https://www.maldon.gov.uk/info/20075/licensing/9377/animal_welfare_licences)