

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

### **Guidance on the Star Rating Scheme**



#### **Introduction and Overview**

Regulation 5 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 states that a local authority may grant or renew a licence for a period of one, two or three years if it is satisfied that a period of one, two or three years, as the case may be, is appropriate on the basis of its assessment, having regard to such guidance as may be issued by the Secretary of State, of –

- (i) The risk of an operator breaching any licence conditions
- (ii) The impact on animal welfare of any such breaches; and
- (iii) Whether the operator is already meeting higher standards of animal welfare than are required by the licence conditions

The Secretary of State has published guidance entitled “Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 – Procedural guidance notes for local authorities (hereafter referred to as “the Procedural Guidance”).

A full copy of the Procedural Guidance available to download and read here:

<http://www.worcsregservices.gov.uk/licensing/animal-licensing-change-is-coming.aspx>

The Procedural Guidance describes the risk-based system that must be used when issuing licences under the Regulations with the exception of “Keeping or Training Animals for Exhibition” where all licences are issued for 3 years.

Use of this system determines both the length of the licence and the star rating that will be awarded. Local authorities in England are expected to follow it in full.

The purpose is to ensure consistency in implementation and operation of the licensing system by local authorities, and to ensure that consumers can be confident that the star rating applied to businesses is an accurate reflection of both their risk level and the animal welfare standards that they adopt.

## Animal Activity Star Rating System

The scoring matrix is shown in the table 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

The model takes into account both the animal welfare standards adopted by a business as well as their level of risk (based on elements such as past compliance). This model should be used every time a licence is granted or renewed.

Businesses must be given a star rating, ranging from 1 star to 5 stars, based on this model, and the results of their inspection. This star rating must be listed on the licence by the issuing local authority. The system incorporates safeguards to ensure fairness to businesses. This includes an appeal procedure and a mechanism for requesting a re-inspection for the purposes of re-rating when improvements have been made.

In order to use this model to calculate the length of the licence and associated star rating, it is necessary for the local authority to address the following questions, based on the inspection and on records of past compliance:

- (a) Does the business meet the minimum standards?
- (b) Does the business meet the higher standards?
- (c) Is the business low or higher risk?

## Does the business meet the minimum standards?

To obtain a licence for a single activity i.e. dog breeding, the applicant must meet the minimum standards set out in the specific Schedules to the Regulations (i.e. for Dog Breeding, Schedule 6) in addition to those in the General Schedule (Schedule 2). All businesses should meet the minimum standards but see the paragraph below in relation to minor failings.

## Minor failings

If an existing business has a number of minor failings with regards to the minimum standards laid down in the schedules and the guidance, they will receive a risk rating score of 1 star. These minor failings should be predominantly administrative or if they are in relation to standards, they must not compromise the welfare of the animals. If animal welfare is being compromised, a licence will not be granted / renewed or, if already in place, will be suspended or revoked.

## Does the business meet the higher standards?

For each activity, a number of higher standards have been agreed. Meeting the higher standards is optional but is the only way to gain a higher star rating. The higher standards are classified in to two types: **required** and **optional** and are outlined in the relevant guidance documents for the activity in question.

To distinguish **required** standards from **optional** ones they have each been given a specific colour which is used in each guidance document. **Higher standards that appear in blue text are required**, whereas **those that appear in red text are optional**.

To qualify as meeting the higher standards, the business needs to achieve all of the required higher standards as well as a minimum of 50% of the optional higher standards.

During an inspection, the inspector will assess whether or not the business meets the required number of higher standards.

Where a scheme utilising UKAS accredited certification is operational, it will be operated against either the minimum or higher standards as set out in the certification scheme criteria and as agreed with UKAS as part of the accreditation process. If a business is certified by a UKAS-accredited certification body to the higher standards, they should automatically be considered as meeting these standards, unless there is significant evidence of poor animal welfare or non-compliance is identified during the inspection.

## Is the business low or higher risk?

The Procedural Guidance contains a Risk Scoring Table which will be used to determine if a business that is not certified by a UKAS accredited body is low or higher risk.

The risk assessment is not meant to reconsider specific issues taken into account in assessment of compliance with the minimum or higher standards. It does, however, require an assessment on the likelihood of satisfactory compliance being maintained in the future.



### **Certification by a UKAS-accredited body**

Any business that is certified by a UKAS-accredited body and has three or more years of compliance history with this body will be considered low risk and receive the higher star ratings (unless there is significant evidence of poor animal welfare or non-compliance) as the welfare and risk management systems have been reviewed by an accredited third party.

New businesses that do not have three years of compliance history with a local authority or a UKAS-accredited body will automatically be considered high risk as they have no operational history.

If concerns are raised at the inspection indicating that the certified business may not be operating to the high standards or controlling risks appropriately, the inspector will address these in line with the guidance on procedural issues and the risk rating score adjusted accordingly. In addition these concerns will be reported directly to the UKAS-accredited body so that they can also intervene and / or suspend or withdraw the business's certification.

Where businesses are certified by a UKAS-accredited body, that body can inform the relevant local authority with a list of the certified businesses in their area. Where notified, and where covered by confidentiality waivers, the local authority may request the UKAS-accredited body's inspection reports and can use that information to inform its own inspection including using the UKAS-accredited body's assessment of compliance.

For existing licensed businesses that are not certified by a UKAS-accredited body that are applying for a licence renewal, the risk management table in the Procedural Guidance will be used to generate a risk score for the business. Each element will be reviewed and a score given (1 for low risk and 2 for high risk). An overall score will then be arrived at.

Where there is any uncertainty, if a business cannot provide satisfactory evidence that it is low risk in a given category, it should be scored as high risk.



## Frequently Asked Questions

### Rating Process

#### ***When will businesses be rated?***

Businesses will be rated following an inspection that takes place prior to grant / renewal of the licence or a requested re-inspection. Businesses may also be re-rated following an unannounced or additional inspection (e.g. following a complaint), if major issues are highlighted that require follow up action.

#### ***When will new businesses be rated?***

New businesses will be rated following their initial inspection.

#### ***Where businesses have a licence for multiple activities within the scope of the regulations, will each activity be rated separately?***

The licence holder will receive only one rating, which will cover all the activities. Where they are meeting different standards for different activities (e.g. meeting the higher standards for dog breeding, but the minimum standards for dog boarding), the overall score will reflect the lower of the two.

#### ***What information will the local authority provide with the star rating following the inspection at which a rating was determined?***

The following information will be provided in writing:

- (a) The star rating itself.
- (b) Details of why the business was rated as it was. This will include a list of the higher standards that the business is currently failing to meet, or a list of the minimum standards that the business is failing to meet if it is considered to be in the minor failing category. This will also include a copy of the risk management table showing the scores under each point. Details recorded must be sufficient to support the score given for each element to facilitate internal monitoring or enable review where an appeal is made.
- (c) Details of the appeals process and the deadline by which an appeal must be made.

## **Appeals Process**

To ensure fairness to businesses, local authorities must have an appeal procedure in place for businesses to dispute the star rating given in respect of their business. The appeal procedure is relevant where the business wishes to dispute the star rating given as not reflecting the animal welfare standards and risk level of their business at the time of the inspection. This will not be used if the business has made improvements to their business and wishes to be reassessed – in this case, they should apply for re-inspection

### ***How can a business appeal their star rating?***

If a business wishes to appeal the star rating given by the 'inspecting officer' (i.e. the officer undertaking the inspection) on behalf of the local authority, the appeal must be made in writing (including by email) to the local authority.

Appeals can be sent to [enquiries@worcsregservices.gov.uk](mailto:enquiries@worcsregservices.gov.uk) or posted to:

Licensing and Support Services Manager  
Worcestershire Regulatory Services  
Wyre Forest House  
Finepoint Way  
Kidderminster  
Worcestershire  
DY11 7WF

A business disputing a rating is encouraged to discuss this informally first with the 'inspecting officer' so that there is an opportunity to help explain to the business how the rating was worked out, as this may help resolve the matter without the business having to lodge an appeal.

Any such discussions do not form part of the formal appeal process and do not change the deadline within which an appeal must be lodged.

Businesses have 21 days (including weekends and bank holidays) following the issue of their licence in which to appeal the star rating.

### ***How will a local authority determine the outcome of the appeal?***

The appeal will be determined by the Licensing and Support Services Manager or a nominated deputy. No officer involved in the production of the rating, or in the inspection on which the rating is based will consider the appeal.

The local authority has 21 days (including weekends and bank holidays) from the date they receive the appeal to consider the appeal, within which time they must issue a decision to the business.

The local authority will determine the outcome of an appeal by considering the paperwork associated with the inspection and the past record of the business. In some circumstances, a further visit to the establishment may be required. The appeal process will be transparent. The costs of any additional inspections related to the appeal will be borne by the applicant unless it results in a higher rating being awarded. This will depend on the nature of the dispute and whether a decision can or cannot be made on the basis of the paperwork.

### ***What if the business disagrees with the outcome of the appeal?***

If the business disagrees with the outcome of the appeal, they can challenge the local authority's decision by means of judicial review. The business also has recourse to the local authority complaints procedure (including taking the matter to the Local Government Ombudsman where appropriate) if they consider that a council service has not been properly delivered.

### **Requests for re-inspections for re-rating purposes**

To ensure fairness to businesses, there is a procedure in place for undertaking re-inspections at the request of the business for re-assessing their star rating.

The re-inspection mechanism applies in cases where businesses with ratings of '1' to '4' have accepted their rating and have subsequently made the necessary improvements to address non-compliances identified during the local authority's previous inspection.

Businesses should be aware that re-inspection for re-rating purposes could lead to a lower rating being awarded rather than an increase in rating.

### ***Who pays for a re-inspection visit?***

Re-inspection falls under full cost recovery, and so the business will be required to pay for the costs of the inspection.

### ***When is the inspection carried out?***

The re-inspection will be carried out within three months of receipt of the request. Where an inspection does not occur within the three months, the business can raise the issue with the Licensing and Support Services Manager.

If the matter cannot be resolved, the business has recourse to the local authority complaints procedure.

### ***How many re-inspections can a business request?***

There is no limit to the number of re-inspection visits a business can request, however, there will be a fee for each visit charged at full cost recovery.

### ***How should a business request a re-inspection?***

The request must be made in writing (including by email) and should outline the case for a re-inspection, i.e. it must indicate the actions that have been taken by the business to improve the level of compliance or welfare since the inspection and, where appropriate, must include supporting evidence. The supporting case should refer to those actions that the local authority informed the business would need to be made in order to achieve a higher rating.

Written requests for re-inspections should be directed to the same addresses as appeals against star ratings, as set out above.

***Must the local authority accede to all requests for re-inspections?***

No. If the case made by the business is not substantiated or insufficient evidence is provided, the local authority can refuse to undertake a re-inspection on that basis. In doing so, the local authority will explain why the request is being refused at this stage and should re-emphasise the priority actions that must be taken in order to improve the rating and indicate what evidence will be required for agreement to a re-inspection to be made on further request.

If the business disagrees with the local authority's decision to refuse a request for a re-inspection, they can raise the issue with the Licensing and Support Services Manager. If the matter cannot be resolved, the business has recourse to the local authority complaints procedure.

***Where there is a supporting case, must a re-inspection be made or can a new rating be given on the basis of documentary evidence?***

A re-inspection must be made. A new rating will not be given on the basis of documentary evidence only.

***Where a re-inspection is to be undertaken, should this be unannounced?***

This will depend on the reason for the re-inspection. This can be by appointment, unless an unannounced visit is necessary to ensure that compliance is checked properly (e.g. if the non-compliance was related to cleanliness standards).

***If standards have not improved or have deteriorated at the time of the re-inspection, should a lower rating be given?***

At the time of the re-inspection, the local authority officer will not only check that the required improvements have been made, but will also assess the ongoing standards. This means that the rating could go up, down or remain the same, change in licence length should be handled using the variation process described in paragraphs 25-35 of the Procedural Guidance.

***Will the ratings be published?***

The star rating must be added to the licence and the licence must be displayed by the business. In addition, the Procedural Guidance encourages local authorities to maintain a list of licensed businesses and their associated ratings on their websites.