

Animal Welfare (Licensing of Activities Involving Animals) (England)
Regulations 2018 – Q&A
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General

Q: Where is the guidance and is it statutory?

The guidance is statutory. It is now available on the gov.uk website:

https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities?utm_source=ca27e455-79f3-4734-8398-4645653b77b3&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate

We worked with a large stakeholder group consisting of businesses, charities, veterinarians and local authorities in drafting the regulations and the guidance.

Q: How are the fees decided and what can I do if I think they are too high?

A: It is up to local authorities to set their fees based on full cost recovery. If an operator is finding that fees are disproportionate then these should be disputed with the local authority or the ombudsman can be contacted. Many councils will charge a separate application fee and fee for a one, two or three year licence in which case the savings come from only having to pay the application fee once over a three year period.

When setting fees, local authorities should have regard to “Open for business: LGA guidance on locally set licence fees”, which sets out the steps that must be taken to set fair and reasonable fees, and explains the EU Services Directive upon which the LGA guidance is based.

Local authorities should also have regard to the BEIS Guidance for Business on the Provision of Services Regulations. As with other areas of licensing, regard should also be had to the principles in the Regulators’ Code. “Reasonable anticipated costs” will be fact specific and dependent on the local authority in question. The “Open for business: LGA guidance on locally set licence fees” guidance includes information on what could be considered reasonable.

All activities are covered under a single licence however local authorities may choose to break up fees into separate parts in order to simplify these.

Q: Why are businesses that have not been licensed before considered as high risk, even if they have been in business for many years already?

A: Any business that has not been licensed before does not have a history of compliance with their local authority and so cannot be classed as low risk. They can, however, meet the higher standards and so are able to achieve a two year licence and a four star rating. Businesses that have been in operation for a number of years should have held a licence under the existing legislation or were most likely operating illegally.

Q: How can local authorities assess the knowledge and experience of operators?

A: Clear evidence of knowledge and experience will be assessed in tandem with inspections. Training has been developed for local authority inspectors which will cover how to assess this and if standards at an establishment are lacking then it may also become obvious that there is also a lack of knowledge/experience.

Q: Why do I need OFQUAL regulated training?

A: The guidance states that training must be “*a minimum of an OFQUAL regulated level 2 qualification in a relevant subject, or clear evidence of knowledge and experience*”. The OFQUAL qualification is not mandatory, as long as the operator can demonstrate clear knowledge and experience.

Q: Why is there so much emphasis on paperwork?

A: The regulations and guidance include a number of requirements for written procedures. This is important both to make sure that animal welfare is being protected and also to aid local authority inspections. However, the procedural guidance clearly states that “*Assessments of the written procedures should be based on the principle of proportionality, i.e. commensurate with the nature and size of the business. For small businesses which present lower risks, it may be sufficient that the business has in place good welfare practices and understands and applies them, i.e. it meets its prerequisites.*”

Q: What about unlicensed businesses?

A: Unlicensed businesses are committing an offence under Section 13 of the Animal Welfare Act 2006. A person guilty of this offence is liable to an unlimited fine or up to six months in prison.

Q: Why was there a short lead in time for local authorities?

A: The initial consultation was launched in December 2015. We have been working with the local authority led National Companion Animal Focus Group and a number of other local authorities to develop the regulations and the accompanying guidance. We have also attended a number of meetings and conferences at the LGA and the Institute of Licensing to seek feedback from local authorities and to disseminate information about the licensing regime. The regulations also include transitional provisions, so that any licences in force when the regulations came into force remain so until their expiry date.

Q: Why haven't businesses been given sufficient time to prepare?

A: The initial public consultation was launched in December 2015, which outlined the proposals for the new licensing scheme. The regulations were made in Parliament in April 2018, almost six months before they came into force. The regulations also include transitional provisions, so that any licences in force when the regulations came into force remain so until their expiry date. These provisions ensured that

businesses had at least six months to prepare (and for the majority of businesses at least nine months to prepare).

Q: Will grandfather rights continue to apply after 2021?

A: The guidance states that “until October 2021, any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses” will fall under the definition of suitably qualified. After this date, a qualification will be needed.

Q: The guidance makes reference to unannounced inspections. How can domestic premises be subject to unannounced visits?

A: Domestic premises can be subject to unannounced visits if the inspector requests permission to enter and this is permitted by the homeowner. Otherwise an inspector must give 24 hours’ notice to inspect any premise used as a private dwelling. If it is felt that this may compromise the reason for the visit, it is possible to seek a warrant.

Q: The guidance states that animal exhibits licences will automatically run for three years. What happens if a business has another licensable activity e.g. hiring out of horses does that licence also have to run for three years?

A: In this instance, two licences will have to be issued, but the inspections could be combined.

Q: Can I continue to operate while the local authority considers my application?

A: It is an offence to operate any of the animal activities as a business without a licence.

Home boarding and dog day care

Scope

Q: Does a home boarding business that also runs day care from their home need to have a licence for both home boarding and for day care?

A: Any business that provides accommodation for dogs in a home environment must have a home boarding licence and follow the home boarding guidance. Businesses should not be licensed under both activities.

Q: Why are dog walkers and dog groomers not licensed?

A: We did not consider that sufficient evidence was presented during the consultation period to justify including these activities in the licensing regime. If sufficient evidence is presented, this can be reconsidered at the five year review period.

Q: Why was there no mention of home boarding and dog day care in the original consultation? Have these businesses been consulted at all?

A: The public consultation focussed on the major changes proposed to the system. It was stated that the legal requirements for each activity would be updated and we received responses from a number of home boarders and boarding establishments. The guidance was developed by local authorities, welfare organisations, vets, the Kennel Club and trade associations such as the Pet Industry Federation (PIF). Home boarders and dog day care providers were part of this consultation.

Condition 5.1

Q: Why is the mesh size different between home boarding and dog day care?

A: The guidance has been edited to ensure that these are consistent.

Q: Why is the minimum gap size for fences different in home boarding and dog day care?

A: The guidance has been edited to ensure that these are consistent.

Condition 5.8

Q: Isn't providing multiples of resources, such as food, dangerous and contradicts the condition that dogs should be separated for feeding?

A: 6.1 states that dogs should be fed separately unless the permission of the owner is given. Where an owner gives permission for their dog to be fed alongside other dogs then competition must be minimised as per 5.8. In this case there must be resources for each dog and the dogs should be carefully monitored.

Conditions 5.9 (in both) and 26.1 (dog day care)

Q: Do dogs need to be constantly supervised in day care and home boarding?

A: In home boarding, dogs must not be routinely left alone for more than 3 hours in a 24 hour period, or shorter intervals as necessary for the individual health, safety and welfare of an individual dog.

In dog day care, dogs must be supervised at all times.

Condition 7.1

Q: Why have you insisted on the provision of scatter feeders?

A: The guidance states that dogs must receive appropriate toys and feeding enrichment. If certain forms of enrichment are not considered to be appropriate then they do not need to be provided. To aid clarity, we have removed the reference to scatter feeders.

Walking dogs (dog day care 7.2; home boarding 15.2)

Q: Why can only four dogs be walked at one time, when some local authorities have a maximum of six?

A: We have edited the guidance so that a maximum of six dogs can be walked at one time, to ensure consistency with Public Space Protection Orders.

Q: Why can home boarders walk dogs off the lead (with the owner's permission), but dog day care operators can only walk dogs on the lead?

A: The dog day care guidance has been edited to state that dogs can be walked off the lead with the owner's permission.

Q: If I walk the dogs on private land, do I still need to follow the 4/6 dog rule?

A: The guidance has been changed to say that up to six dogs can now be walked at any one time. The guidance does not specify whether this relates to public or private land.

Condition 9.4

Q: Why are you insisting on a leptospirosis vaccination?

A: The four core vaccines (against canine parvovirus, canine distemper, canine adenovirus/infectious canine hepatitis and leptospirosis) are all recommended by BSAVA. Research shows that the risk of a dog experiencing a serious side effect to one of the core vaccines is remote and that not vaccinating dogs against these diseases is a much greater risk.

Condition 18.2 (home boarding) and 26.2 (dog day care)

Q: Why do I need a preventative health care plan?

A: A healthcare plan is necessary to ensure that the policies and procedures in place are sufficient to prevent or minimise risk and to protect animal welfare.

Home boarding

Scope

Q: Can I home board cats?

A: Home boarding of cats is not permitted unless it meets the standards set out in the Defra [Guidance notes for conditions for providing boarding for cats](#).

Conditions 3.2 and 13.2 (designated rooms)

Q: Why does each dog need its own designated room? Does this include the owner's dogs?

A: Dogs from the same family unit can share a designated room. This includes the owner's dogs.

Q: If the dogs are shut in their designated rooms, then they are not in compatible social groups and this is a welfare concern. Home boarded dogs usually like to socialise with one another?

A: The purpose of the designated rooms is so that dogs can be separated if the need arises (e.g. if they are being aggressive towards one another). The dogs should not be permanently shut in their designated rooms.

Q: If I have permission from the owner for dogs to be kept together, do they still need a designated room each?

A: Under normal circumstances, dogs can be kept together. However if dogs need to be separated into their designated rooms (e.g. if they are being aggressive towards one another), then dogs from the same family unit can share a designated room, but dogs from different family units cannot share a room, even if permission from the owner is granted.

Q: Can I use my bedroom as a designated room?

A: Yes, unless the usual occupant is under 16 years old.

Q: What changes have been made to the requirements on designated rooms?

A: We have discussed the requirements on designated rooms in more detail with stakeholders. We have edited the guidance in response to this. We have made it clear that bedrooms can be used as designated rooms as long as the usual occupant of the room is aged over 16. We have also included bathrooms and hallways as suitable rooms (as long as they meet the requirements in the rest of the guidance document), and included the provision for businesses to use barriers to separate rooms into more than one "designated room".

Dogs from the same household can also share a designated room.

Maintaining the requirement for designated rooms is important to ensure that the welfare of the dogs can be maintained, for example, if the dogs became aggressive and needed to be separated.

Q: Does the 6m² space requirement relate to all rooms?

A: The 6m² space requirement refers to rooms that are separated into multiple designated rooms through the use of barriers. Each area must have a minimum area of 6m².

All other rooms must meet the space requirements outlined in the rest of the guidance document (e.g. under condition 13.3).

Q: Can designated rooms have carpet?

A: Yes, as long as it is kept suitably clean.

Condition 5.1

Q: Why do doors have to open internally?

A: We accept that it may not always be possible to have a setup where a door opens inwards. The following sentence in the guidance states: *“Where this is not feasible there must be a procedure in place to demonstrate safety”*.

Condition 12.1

Q: Why can someone not board dogs if they have a communal hall?

A: Having a communal hall does not prevent someone from boarding dogs as long as they also have a separate private entrance. We have clarified the guidance so that this is clear.

Conditions 13.5 and 13.6 (dog crates)

Q: Can I crate a dog overnight?

A: A dog can only be confined in a crate for three hours in any 24 hours. A crate can be used overnight as long as the crate is kept open so that the dog is not confined.

Q: Why can't I use my own dog crate if the owner provides one that is unsafe?

A: If an owner cannot provide a suitable crate then the dog should either not be kept in a crate or should not be boarded at the establishment.

Day care questions

General

Q: Why are there references to fish and horses in the dog day care guidance?

A: This wording comes from the regulations themselves where some of the wording of the conditions are reproduced in the guidance. The regulations cover five different animal activities: dog breeding, animal boarding, hiring out horses, pet sales and animal exhibits.

Condition 3.2

Q: Does the number of dogs that can be kept on the premises include dogs that are there for grooming?

A: The guidance states that the figure includes dogs kept in the licensed premises which are not present for day care and must not be exceeded. It would be for the local authority to decide if this includes dogs kept temporarily, such as for grooming.

Condition 4.1

Q: What is the staff to dog ratio for dog day care?

A: As a guide, a ratio of staff to dogs in established businesses must not normally exceed 1:10.

Condition 5.2

Q: Why is crate time for dog day care restricted to one hour in any eight hour period? What if they need to be isolated for health or behavioural reasons?

A: Stakeholders agreed that dogs should not be confined in a crate for long periods of time. The establishment is required to have separate isolation facilities (condition 9.3) and so if a dog needed to be isolated for health or behavioural reasons, the isolation facilities should be used rather than a crate.

Condition 5.3

Q: Why are dog day care providers responsible for grooming? As they are only present during the day, shouldn't this be the owner's responsibility?

A: The guidance states that licence holders should ensure that dogs benefit from "*adequate routine grooming and other health regimes as needed e.g. cleaning of eyes or keeping long fur from matting and inspection for parasites*". The intention is not that the licence holder groom the dogs on a daily basis, but that they ensure that the dog's welfare is maintained by preventing their fur from matting for example.

Condition 5.5

Q: If I have to remove the dogs from the room before cleaning it, do I have to do this every time they go to the toilet?

A: Dogs must be removed from the room before a thorough clean is undertaken. Spot cleaning of faeces or urine can occur while the dogs are present.

Condition 5.6

Q: Why are there so many conditions on transport?

A: Some dog day care providers collect all of the dogs in the morning and return them in the evening. It is important that the dog's welfare during these journeys is maintained and that they do not spend excessive amounts of time in transport.

Conditions 5.9 and 26.1

Q: Why do dogs need to be supervised at all times in dog day care? How is this possible in a home environment?

Q: There is inconsistency in the amount of time that dogs can be left for – in one place it says they must be supervised at all times and in another that they can be left as long as they are not in distress?

Answer to both: In dog day care, dogs must be supervised at all times. If an operator is running a day care business from a home environment, they should be licensed under home boarding.

Q: How can I walk the dogs if I cannot leave them unsupervised?

A: The dogs could be walked together or an additional member of staff could supervise the other dogs.

Condition 6.1

Q: Isn't it the owner's responsibility to ensure that a dog has a suitable diet?

A: The owner can provide the food for the dog, but the licence holder must take into consideration whether or not this is suitable.

Dog boarding in kennels

Condition 5.1

Q: Why do doors have to open inwards?

A: This is for staff safety. If you do not have inward opening doors (or do not agree that these are useful), you need to have a written procedure to show how the safety of the staff is maintained.

Condition 7.2

Q: Does the kennel need to have an attached run?

A: The guidance states that *“a dog should have constant access to an exercise run during the daytime. Where this is not possible, a dog must be removed from its unit at least four times per day for exercise and toileting.”*

Q: Does the size of the kennels refer to square metres or metres squared?

A: The sleeping area must be 2.85 square metres (e.g. 1m x 2.85m) not 2.85x2.85m.

Q: Why don't home boarders have the same restrictions on space requirements?

A: Home boarders have to comply with different conditions to reflect the different environment that home boarding takes place in. Each dog (or dogs from the same family unit) must have their own designated room. There are outcome based measures in the home boarding guidance to ensure that all dogs have sufficient space within these rooms.

Condition 7.2

Q: Why does the higher standard require two walks per day? This is not possible whilst also achieving the suggested staff ratio and is not appropriate for some sick or elderly dogs.

A: The guidance states that *“dogs from different households must not be mixed, including in exercise areas and when being walked, unless prior written consent has been obtained from the owners”*. This means that with written consent, it would be possible to walk or exercise dogs together. The regulations also state that *“each dog must be exercised at least once daily away from its kennel unit as appropriate for its age and health”* and that *“any dog, which on the advice of a veterinarian, cannot be exercised must be provided with alternative forms of mental stimulation”*. If two 20 minute walks is not appropriate based on the health of the dogs, they should be provided with alternative forms of mental stimulation and/or an appropriate exercise regime.

Condition 10.2

Q: What is a preventative healthcare plan?

A: The preventative health care plan should cover provisions around vaccination and internal and external parasite control, as well as the general monitoring of the health of the animals. It should be signed by the registered veterinarian.

Condition 10.4

Q: Why does someone have to be on site at all times for this higher standard? This is over the top and stricter than the requirements for home boarding.

A: The higher standard is not a mandatory standard, but is optional in order to attain a higher star rating. Stakeholders agreed that ensuring that someone is always onsite is an important higher standard (as it provides additional protection in case of emergencies). There is an equivalent mandatory higher standard for home boarders which is the "*There must be a designated other person or member of staff who can cover any emergency or absence of leave so that the dogs are never left alone.*"

Cat boarding

Condition 2.6

Q: Is the higher standard 1.5 times the area or 1.5 times each individual dimension?

A: The higher standard refers to 1.5 times the minimum area, not the individual dimensions of the unit.

Q: Does the higher standard include raised areas in the calculation of 1.5 times the areas?

A: Yes, raised areas can be included in the calculation.

Condition 5.4

Q: What is a preventative healthcare plan?

A: The preventative health care plan should cover provisions around vaccination and internal and external parasite control, as well as the general monitoring of the health of the animals. It should be signed by the registered veterinarian.

Condition 10.4

Q: Why is there a higher standard for opaque sneeze barriers?

A: The higher standard is not a mandatory standard, but is optional in order to attain a higher star rating. Stakeholders agreed that opaque sneeze barriers were beneficial for cats, to prevent potential stress from seeing other cats.