



Applying for a Pet Vending (Animal Activity Licence) Animal Welfare Act 2006

Introduction and the Business Test: The running of a business of selling animals as pets is strictly controlled by the above legislation. To run such a business you need a Pet Vending Licence (Animal Activity Licence) from the Local Authority.

This includes all commercial selling of pet animals, including pet shops and businesses selling animals over the Internet.

The definition of this licensable activity is:

Selling animals as pets (or with a view to their being later resold as pets) in the course of a business including keeping animals in the course of a business with a view to their being so sold or resold.

The circumstances which will be taken into consideration in determining whether or not you run a business include:

- whether you are carrying on the activity with a view to making a profit, or
- earn any commission or fee from the activity

Further detailed information regarding the business test can be found in the Guidance Notes for Conditions for Selling Animals as Pets issued by the Department for Environment Food & Rural Affairs (DEFRA). This document can be found on our website at:

<https://www.e-lindsey.gov.uk/article/9523/Animal-Welfare>

The DEFRA guidance indicates that the following may assist in the consideration of whether or not you are running a business:

The Government announced in Budget 2016 a new allowance of £1,000 for trading income from April 2017. Anyone falling under this threshold would not need to be considered in the context of determining whether they are a business.

Applying for a Licence: The fee for a pet vending licence with this Council is currently £120.00.

Please note that pet vending licences are valid for a period of one, two or three years from the date of issue. However, it is this Authority's policy that successful

applicants applying for their first licence under the Animal Welfare Act 2006 will initially be granted a one year licence.

Once the licence application is received by the Council it will be forwarded to an appropriate Council officer to inspect the premises. The premises, facilities and management will be inspected to ensure they comply with the current pet vending licence conditions and the DEFRA guidance to Licensing Authorities. The determination of the licence application will include whether you are considered to be a fit and proper person to be the operator of an establishment selling animals as pets.

In some circumstances we may also request that a veterinary surgeon undertakes an inspection of the premises. In such cases the cost of the veterinary inspection will be recharged to you as the licence applicant.

Before you make your licence application you must make sure that you are aware of the following licence conditions:

- General Licence Conditions for All Animal Welfare Licensed Premises
- Specific Licence Conditions for Selling Animals as Pets

The above conditions can be found in Schedules 2 and 3 of the following document:

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

You must also make sure that you are aware of the following documents issued by the Department for Environment Food & Rural Affairs (DEFRA):

- Procedural Guidance Notes for Local Authorities
- Guidance Notes for Selling Animals as Pets

Your licensing (and any veterinary inspection) will look to ensure that your business is able to comply with the requirements laid down in the above documents. Please ensure that you are ready for the inspection – you may still be recharged for any veterinary inspection if you are found to be unable to comply with the above requirements.

The above documents can be found on the Council's website at:

<https://www.e-lindsey.gov.uk/article/9523/Animal-Welfare>

The licence application form can be found at:

<https://www.e-lindsey.gov.uk/article/5398/Pet-Shop>

Licence applications are approved with licence conditions or refused. The number and types of animals that may be accommodated at the premises will be specified on the licence.

Based on the information gathered from the application and inspection, we will assess the risk rating for the premises and award a 1 to 5 star rating. Low-risk

premises can attain up to 5 stars, and premises that have been assessed as higher risk can be awarded 1 to 4 stars.

When considering an application for a pet vending licence the Council will have regard to the following and other relevant matters:

- that animals will be kept in suitable accommodation, for example in regards to temperature, size, lighting, ventilation and cleanliness
- adequate food and drink will be provided to the animals and they will be visited at suitable intervals
- that any mammalian animals will not be sold too young
- that steps are taken to prevent disease spreading among the animals
- that adequate fire and emergency provisions are in place

Licence renewals (where appropriate) may also be subject to a veterinary inspection. However, renewal applications will normally be inspected by Council Officers, with veterinary inspections only taking place where there are specific concerns which warrant such a course of action.

Failed Application Redress: A licence applicant whose application is refused can appeal within 28 days to the First-Tier Tribunal. A licence holder who wishes to appeal against the star rating for their business can appeal to the Council.

Planning Permission: Any premises from which a pet vending establishment operates may require planning permission. Applicants are advised therefore to contact this Authority's Development Control Department, for further information regarding planning matters. Building works may also require approval from the Council's Building Control Section.

Further Information: If you have any general licensing questions then please do not hesitate to contact the Licensing Team by email at:

licensing@e-lindsey.gov.uk

Licensing Team
East Lindsey District Council
Tedder Hall
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