

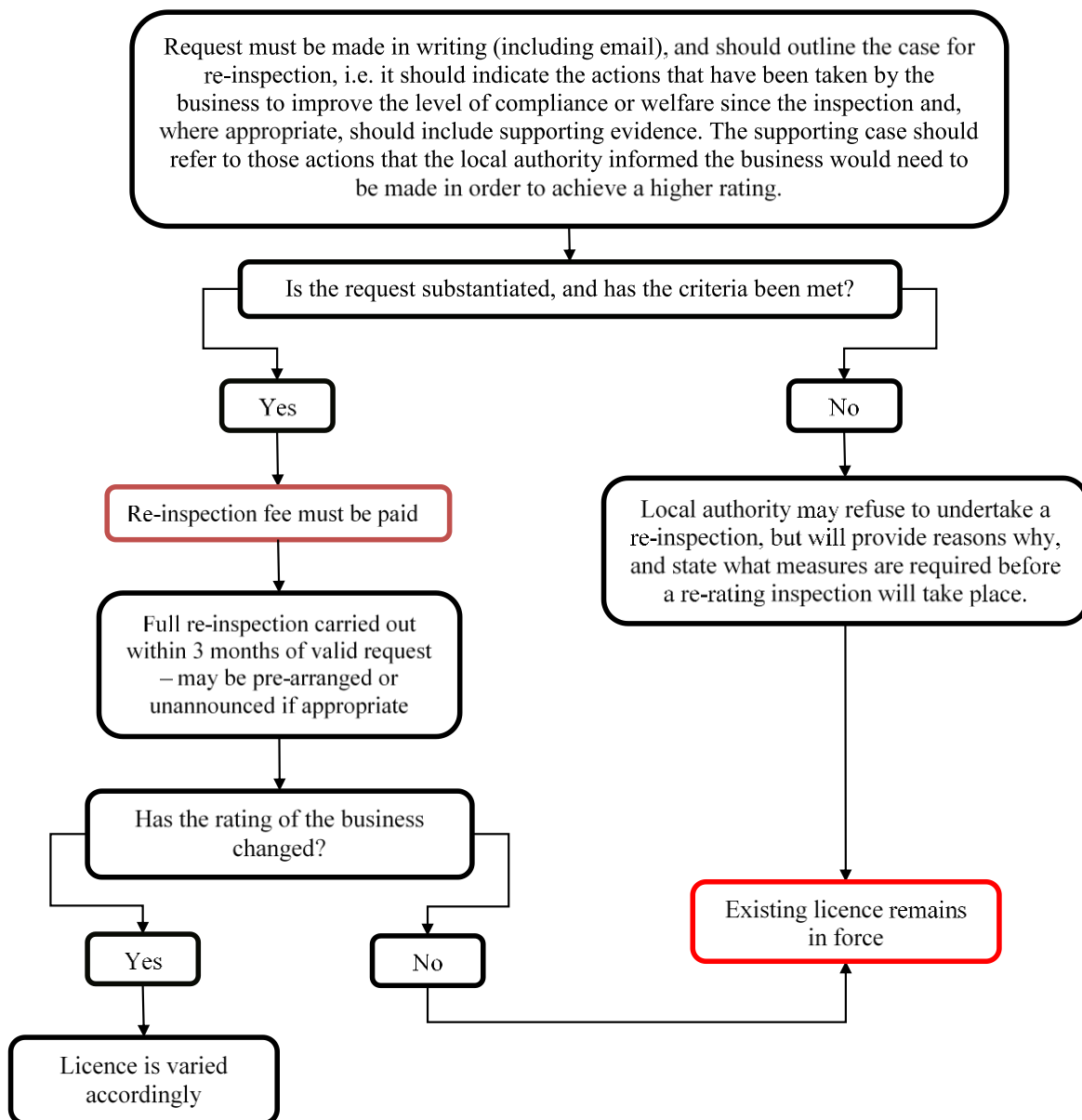
## Animal Welfare Licensing Procedure - Requests for re-inspections for re-rating purposes

Under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the Licensing Authority must have a procedure in place for re-assessing the star rating given to a business.

The re-inspection mechanism applies in cases where businesses with ratings of '1' to '4' accepted their initial rating, but have subsequently made improvements to meet the criteria of a higher rating.

Whilst very unlikely, businesses should be aware that re-inspections for re-rating purposes could lead to a lower rating being awarded rather than an increase in rating.

### Flowchart illustrating the appeal procedure



## **Questions and Answers**

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

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

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

2.1 The re-inspection should 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 head of the licensing department within the local authority. If the matter cannot be resolved, the business has recourse to the local authority complaints procedure.

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

3.1 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.

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

4.1 The request should be made in writing (including by email) and should outline the case for a re-inspection, i.e. it should indicate the actions that have been taken by the business to improve the level of compliance or welfare since the inspection and, where appropriate, should 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.

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

5.1 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 must 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 head of the licensing department within the local authority. If the matter cannot be resolved, the business has recourse to the local authority complaints procedure.

### **6. 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?**

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

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

7.1 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).

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

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

### **9. Should the ratings be published?**

9.1 The star rating must be added to the licence and the licence should be displayed by the business.