



## Companion Animal Sector Council Post Implementation Review of the Licensing of Activities Involving Animals (LAIA) Regulations.

September 2023

## Introduction

CASC is a multi-disciplinary group whose member organisations are drawn from a wide range of stakeholders, including trade organisations, enforcement authorities, veterinary organisations, hobby keeper groups, academia and welfare organisations. This gives CASC the ability to draw on a wide range of experience and opinions to develop a consensus position, with high stakeholder engagement, on subjects relating to all aspects of animal welfare in companion animals (excluding dogs, cats and equine species).

The welfare of animals kept or sold by businesses is protected by The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (LAIA). The regulations are currently subject to a Post Implementation Review (PIR) to assess their performance in relation to the initial aims. The guidance relating to selling of animals as pets and animal exhibitions fall within the remit of CASC and in this report we present our findings and opinions in relation to the PIR in these areas and the regulations Statutory Instrument (SI).

## Method

To inform our report CASC members gathered opinions from their members, and we also conducted an online survey between November 2022 and January 2023. The survey allowed for responses from specific stakeholder groups (pet sellers, animal exhibits and inspectors) associated with species within the scope of CASC, as well as a general section for interested parties who are not direct stakeholders (the general public).

Questions were multiple choice, with opportunities for free form text input to provide further details if required.

Most questions related directly to the LAIA regulations, but there were also questions that related to other areas that are of interest to CASC.

In total 291 responses were received.

- 118 pet sellers representing 567 outlets
- 8 animal exhibit businesses
- 47 inspectors or Local Authority (LA) employees
- 117 interested parties

### *Types of Businesses:*

Of the 118 responses received from pet sellers:

74 (63%) were from single store retail outlets

18 (15%) were from retail outlets with 2-5 stores

20 (17%) were from retail outlets with more than 5 stores

2 (1.7%) were from online retail outlets

3 (2.5%) were from wholesalers

1 (0.8%) was from a commercial animal breeder

Of the 4 responses received from animal exhibit businesses, all (100%) were from business that use animals for education/entertainment visits. They exhibited all classes of animals other than fish, including invertebrates, birds, mammals and reptiles & amphibians.

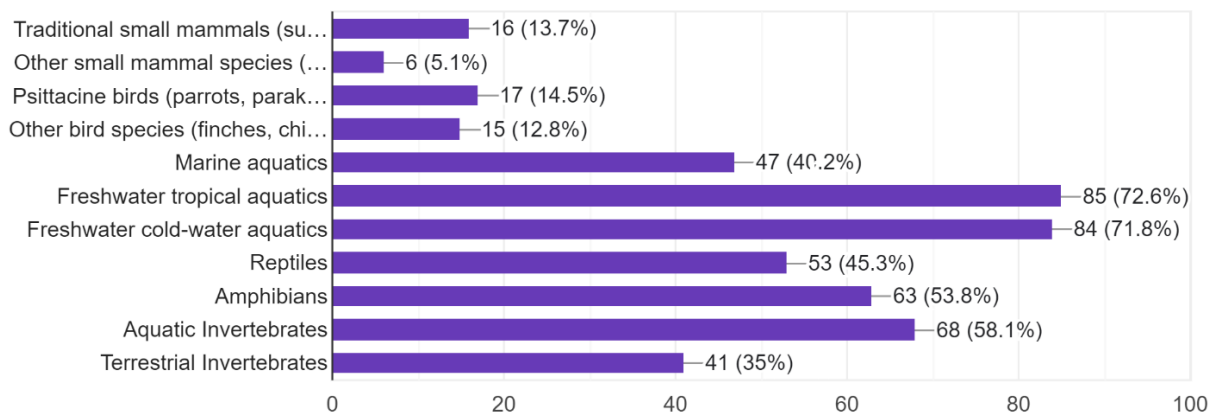
### *Types of LA Employees:*

Of the 44 responses received from LA employees, all (100%) were from inspectors.

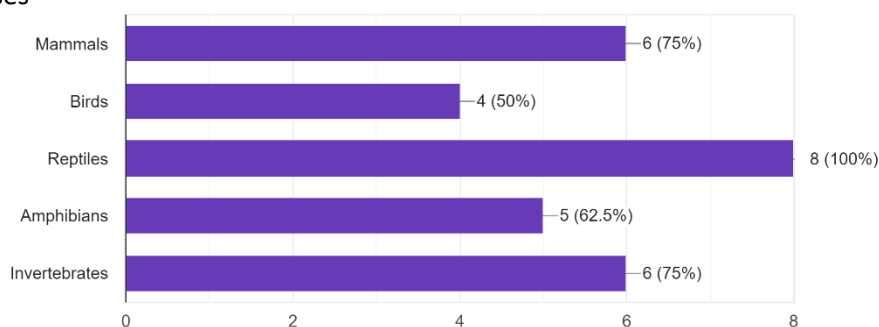
### Animal types Represented:

Businesses involved with Pet Vending, animal exhibits and LA inspectors were associated with a wide range of species:

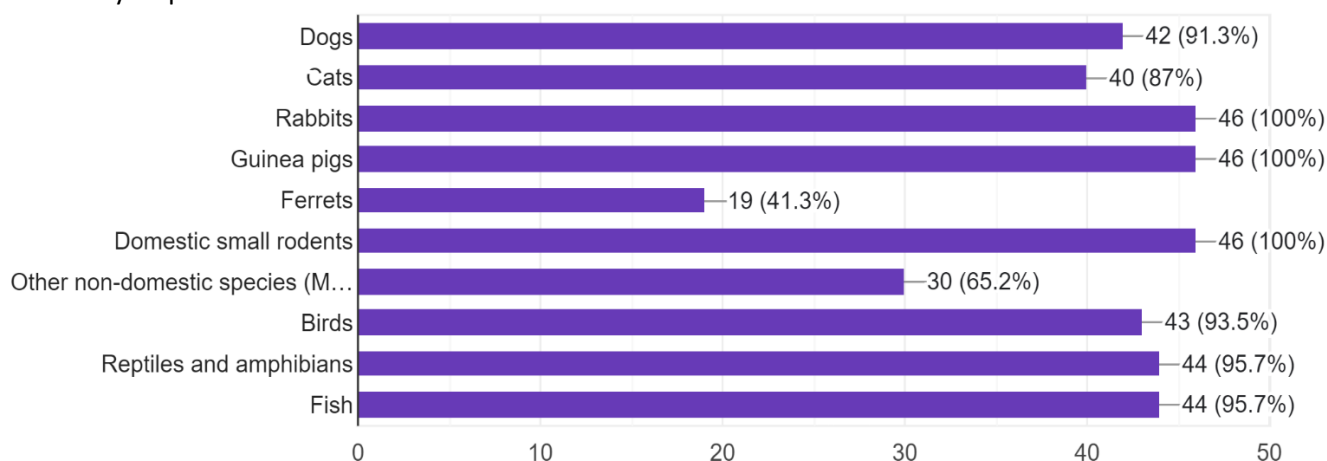
#### Pet Vending Businesses



#### Animal Exhibits Businesses



#### Local Authority Inspectors



Detailed results from the survey can be found in the separate CASC report “Licensing of Activities Involving Animals (LAIA): CASC Stakeholder Survey Results” which is also included in this report at Appendix 1.

## Discussion

The survey has generated large amounts of data, much of it collated for the first time. The results allow an assessment to be made of the success of the LAIA regulations, when compared to their original aims. They also allow deficiencies that currently exist to be identified, and changes to be proposed that could be made to mitigate them.

The deficiencies can be broadly categorised to give top level themes to address, and below that specific proposals that could be applied to address them. Some of these may be “quick fixes”, others indicate workstreams to be timetabled over the coming months and years and others are novel solutions to be evaluated further.

The timetables for the different actions will depend on the approach favoured by DEFRA as a result the PIR outcome.

### Evaluation of current legislation performance when evaluated against the original aims.

Aim 1: Replace a number of pieces of older legislation to bring them up to date and ensure compliance with the animal welfare act 2006.

- *By definition this aim was achieved during the development of the regulations since many (but not all) of the old pieces of legislation have been repealed.*

Aim 2: Create statutory guidance across England to improve clarity and constancy of delivery.

- *This aim has NOT been met. There are clear indicators of inconsistencies across England from both businesses and inspectors. These inconsistencies cover a wide range of areas: differences in pricing structure and value, variable application, variable inspector performance and training, variable conditions imposed on businesses. The list is long and comprehensive. By far the strongest theme emerging was that the guidance was unclear, inconsistent and over burdensome. This was especially prevalent when considering the excessive keeping of records and their benefit (or lack of it) to improving welfare.*

Aim 3: Improve welfare of animals involved in a regulated activity by implementing a minimum welfare standard as required by the Animal Welfare Act 2006.

- *This aim has been PARTLY MET. There is some evidence to indicate that the welfare of animals within the business environment has been improved. However, this is limited and has come at the expense of extra burden on businesses and inspectors.*

Aim 4: Introduce licences of 1,2- or 3-years duration. Businesses licensed for 2 or 3 years should produce savings for those businesses as there will be fewer inspections. However, those businesses with 1-year licences (high risk businesses) will still have to pay for annual inspections and so will not have any savings. The aim was to encourage businesses to gain earned recognition, become low risk and thereby save money, so promoting good compliance and encouraging higher standards.

- *This aim has been PARTLY MET. Although there is evidence to show that businesses can achieve a higher star rating (lower risk) and gain financially from this, it has come at a large cost for businesses and inspectors alike, requiring excessive time to administer for little or no benefit. Many businesses simply do not strive to gain a higher star rating as they do not perceive any benefit from it. The pre-implementation impact assessment was woefully inaccurate and although this cannot be corrected now, in future such impact assessments should involve stakeholders who will be affected and are best placed to predict the likely impact.*

**Overall, the LAIA regulations can NOT be considered to have met their original aim and their application should be re-evaluated completely.**

Given that the aims of the regulations have not been met then it is appropriate for the necessary changes to be made to both the regulations and the associated guidance. CASC has identified 5 broad themes where changes could be made to improve the application of the LAIA regulations relating to selling animals as pets.

## Theme A - Inconsistency in application across local authorities

Recommendations for changes:

- Pricing differences between authorities.
  - CASC recommends that a standard pricing structure is adopted which allows for only minimal variance between Local Authorities (LA's). This would improve consistency of pricing between LA's.
- Given that welfare standards should be equally applied wherever you are in the country, local authority inspectors should be adequately trained to carry out their duties.
  - CASC recommends that training is improved and the quality standardised. It should include requirements for new inspectors to be teamed up with experienced inspectors from neighbouring authorities, a requirement for practical "hands on" and ongoing training for inspectors.
- Inconsistent application forms.
  - CASC recommends that a standard application form is introduced.
- Updates to guidance are not communicated well.
  - CASC recommends that a system is introduced to enable automatic notification to subscribers when changes are made. If such a system already exists, then it should be promoted.
- Many businesses work with specific groups of animals which inspectors may not be knowledgeable about.
  - CASC recommends that species/group specific training should be made available to local authority inspectors e.g., Fish, Reptiles, Birds, etc. and that inspectors should be required to have specific training on the types of animals that they are inspecting.
- The lack of inspection consistency and inspector knowledge is a significant problem that hinders consistent delivery of the regulations.
  - CASC recommends that consideration be given to the moving of inspections from Tier 2 to Tier 1 and the creation of a central or geographical area pool of inspectors akin to zoo/wildlife inspectors. This has the potential to increase consistency and reduce cost.

## Theme B - Inconsistency in application of regulations / guidance by Inspectors

### Recommendations for changes:

- There is evidence of inspectors applying licensing conditions that are not listed in guidance.
  - CASC recommends that DEFRA issue a briefing document that clarifies that inspectors should not apply conditions not specified in the guidance.
- There is evidence of some inspectors requesting different documents/information that are not listed in guidance.
  - CASC recommends that DEFRA issue a briefing document that clarifies that inspectors should only ask for documentation specified in the guidance.
- There is evidence of inspectors requesting actions based on opinion or public perception, e.g. insisting that aquatic shops remove algae from tanks when this is deliberately left for grazing by inhabitants.
  - CASC recommends that DEFRA issue a briefing document stressing that welfare considerations should take precedence over opinion or public perception. If in doubt, then inspectors should seek primary authority guidance.
- There is inconsistency in the quality of training available to inspectors which results in knowledge gaps and poor application of the regulations due to a lack of understanding of the guidance and regulations.
  - CASC recommends that DEFRA develops an agreed syllabus for inspector training and that this must include elements of practical training and species/group specific training to address a lack of inspector knowledge e.g., unfamiliar with species requirements such as the husbandry of aquatics.
- The existing guidance is unclear in places, which allows interpretation and so inconsistency across different LA's. The guidance should be extensively reviewed to improve clarity and relevance. This is especially relevant to birds, fish and reptiles where the wide range of species available make a "one size fits all" approach less robust. Please see detailed comments below under Theme C.
- The guidance should specify that links to online care resources are acceptable for businesses to display, and physical information need not be present in the shop.
- Currently any disputes that cannot be resolved by negotiation must proceed to a first-tier tribunal appeal. This is costly and time consuming for operators and LA's.
  - CASC recommends that following an unsuccessful dispute resolution, there is a formal process for an operator to request a second inspection from an inspector from a different LA or other independent inspector, an appeals panel consisting of inspectors, vets and relevant species experts or request a primary authority decision. This would allow a less onerous appeals process prior to a formal appeal.

- Currently the licence can only be issued to an individual. This causes issues for larger businesses where local members of staff, or post holders are responsible for licensing at individual stores.
  - CASC recommends that the reference to an operator being an “Individual” in the regulations of changed to a “person” which then allows corporate entities to be licence holders. This already happens with some LA’s as it makes operational sense.
- Clarity should be provided in the statutory guidance for pet sellers and inspectors on what samples an inspector may reasonably ask for in section 6 of the regulations.
- Clarity should be provided in the statutory guidance for pet sellers and inspectors on what an inspector may reasonably ask for by way of assistance to take samples in section 7 of the regulations.
- Section 5.6 of the guidance lays out that transport must be in accordance with current transport legislation. However, there are cases where some LA’s ask operators to provide vehicle details for authorised transport operators delivering animals sold by a licensed pet seller, when by default transporters must be providing complaint welfare provision in transport by virtue of being authorised. This results in duplication of the checking of transporters.
  - CASC recommends that the guidance relating to transport be amended to read: “The licence holder must demonstrate that a suitable vehicle is available to transport the animals. This may be using their own compliant vehicle or by demonstrating the use of an authorised transport operator.
- There has been discussion around the requirement in the regulation that stipulates ‘The licence holder must provide and ensure the implementation of a written training policy for all staff (Regulation sched 2, section 4(3), page 15). Some members feel that this requirement is over onerous on small businesses, whilst others feel that is relevant to ensure knowledge of staff. There seems to be some inconsistency in interpretation over what exactly a “training policy” should look like.
  - CASC recommends that the requirement for a training policy be retained but that the content and format be clarified, possibly by way of a template policy setting out the content. It may be that for smaller businesses, a simple outline of training which covers basic needs is more appropriate. Key points to mention could be - environment, hygiene, food/water, temperature, enrichment (where appropriate), bedding, etc.

## Theme C – Regulations/guidance are not fit for purpose i.e., do not achieve welfare gains.

### Recommendations for changes:

- A majority of survey respondents across all stakeholder groups felt that the statutory guidance was overly complex and bureaucratic, too detailed and contained areas that were irrelevant. The higher standards are confused and fail to provide a framework for separating the quality of businesses across all sectors. The guidance increased burdens on both businesses and inspectors that failed to provide any welfare gains. The guidance should be reviewed entirely with a view to re-writing it.
  - CASC recommends that the guidance document is reviewed and re-written from scratch to provide a shorter, more concise and less complex document which also re-evaluates the use and definitions of the higher standards. This project should ensure engagement from key stakeholder groups including businesses and inspectors and aim to deliver high welfare whilst reducing burdens on businesses and stakeholders.
  - If the guidance cannot be re-written from scratch, then the current guidance should be extensively edited. The exact nature of the detailed changes will depend on the approach DEFRA takes to the proposed changes, such as replacing higher standards with a single standard. Once the way forward has been clarified, then CASC will provide details of the changes it would propose.

However, there are some key issues with the current guidance that we would recommend are changed as soon as possible as they have been specifically highlighted by stakeholders:

- Bird cage sizes. The current table for bird cage sizes is confusing as the higher standards and multiple occupancy definitions refer to percentage increases with no definition of what needs to be increased. This has resulted in inconsistent application, with some LA's increasing one length, some 2 lengths and some working on cage area. CASC members agree that cage area is the most suitable measurement to use as this allows the generation of a multiple occupancy table for ease of use for inspectors, whilst allowing some flexibility for pet sellers to use a combination of width and depth changes to achieve the required area. This approach is already used in Wales and bringing England into line with this approach would increase consistency across the UK.

CASC has previously identified that the bird sizes used in the current guidance were excessive and this resulted in larger cages being required than was necessary. We have previously submitted an amended table (below) which corrected this also introduced the concept of using cage area. If this table with the more accurate measurements cannot be introduced, then the concept of using cage area should be introduced using the current measurements.



TABLE J-01 MINIMUM ENCLOSURE SIZES FOR BIRDS and J-02 HIGHER STANDARDS FOR ENCLOSURE SIZES FOR BIRDS

SPECIES	Body length (cm) of mature bird	Max. Flying Wingspan (cm)	Minimum Dimensions (cm)			Min. Floor area for 2 birds	Increase in floor area per extra bird (%)	Increase in floor area per extra bird (cm³)	J-02 Increase in floor area for higher Standard (%)
			(2x flying wingspan)						
			W	D	H				
Psittacine Species									
Budgerigars	15	25	50	50	50	2500	5	125	100%
Cockatiels	20	35	70	70	70	4900	10	490	100%
Lovebirds	12	28	56	56	56	3136	10	310	100%
Small parakeets & Conures	15-20	35	70	70	70	4900	10	490	100%
Large parakeets, Conures, small macaws	20-30	45	90	90	90	8100	10	810	100%
Amazon parrots	30	60	120	120	120	14400	20	2880	100%
African grey parrots (incl. Timneh)	25-30	65	130	130	130	16900	20	3380	100%
Senegal & Meyers parrots	15-20	40	80	80	80	6400	20	1280	100%
Cockatoos (small - medium)	25-30	65	130	130	130	16900	20	3380	100%
Large Cockatoos & Macaws	35-70	120	240	240	240	57600	20	11520	100%
Cage & Aviary Birds									
Canaries	10 to 12	22	44	44	44	1936	5	97	100%
Finches	8 to 10	18	36	36	36	1296	5	65	100%
Pigeons	30-35	60	120	120	120	14400	10	1440	100%
Chickens	45-60	80	160	160	160	25600	10	2560	100%
Bantams	20-25	45	90	90	90	8100	10	810	100%
Quail	8 to 15	20	40	40	40	1600	10	160	100%

*NOTES TO ACCOMPANY TABLE J-01 and J-02*

Note 1 - some small birds may have quite long tails

Note 2 - poultry species should be provided with a substrate in which they can scratch & dig

Note 3 - multiple-occupancy cages for small species MUST provide adequate perching, food and water points for all birds to avoid competition & bullying

Note 4 - mixing species will depend on compatibility

Note 5 - For species not illustrated in the tables then cage sizing for a species of similar size and habit should be used as a guide

Note 6 - Calculating required floor areas.

1. Count the birds in the cage and subtract 2
2. Multiply the answer from step 1 by value in the "Increase in floor area per extra bird (cm<sup>2</sup>)" column for the correct species.
3. Add the answer from step 2 above onto the value in the "Min area for 2 birds" column for the correct species to obtain the required floor area in cm<sup>2</sup> for the number of birds counted in the cage for step 1
4. Calculate the floor area of the cage in cm<sup>2</sup> by multiplying the width in cm by the depth in cm
5. Subtract the answer in step 3 from the answer in step 4
6. If the answer to step 5 is positive then the cage is big enough, if it is negative then it is too small

Calculating higher standard values.

- 1a. Calculate the required cage size by completing steps 1-3.
- 2a. Increase the answer from step 1a above by the required Higher standard floor area percentage increase to obtain the required floor area in cm<sup>2</sup>

TABLE J-03 EXAMPLE ENCLOSURE FLOOR AREA SIZES (cm<sup>3</sup>) FOR BIRDS WITH MULTIPLE OCCUPANCY

Inspection Standard	Minimum	Higher	Minimum	Higher	Minimum	Higher	Minimum	Higher	Minimum	Higher
	3	3	4	4	5	5	6	6	7	7
<b>Number of Birds</b>										
<b>Psittacine Species</b>										
Budgerigars	2625	5250	2750	5500	2875	5750	3000	6000	3125	6250
Cockatiels	5390	10780	5880	11760	6370	12740	6860	13720	7350	14700
Lovebirds	3450	6899	3763	7526	4077	8154	4390	8781	4704	9408
Small parakeets & Conures	5390	10780	5880	11760	6370	12740	6860	13720	7350	14700
Large parakeets, Conures, small macaws	8910	17820	9720	19440	10530	21060	11340	22680	12150	24300
Amazon parrots	17280	34560	20160	40320	23040	46080	25920	51840	28800	57600
African grey parrots (incl. Timneh)	20280	40560	23660	47320	27040	54080	30420	60840	33800	67600
Senegal & Meyers parrots	7680	15360	8960	17920	10240	20480	11520	23040	12800	25600
Cockatoos (small - medium)	20280	40560	23660	47320	27040	54080	30420	60840	33800	67600
Large Cockatoos & Macaws	69120	138240	80640	161280	92160	184320	103680	207360	115200	230400
<b>Cage &amp; Aviary Birds</b>										
Canaries	2033	4066	2130	4259	2226	4453	2323	4646	2420	4840
Small finches	1361	2722	1426	2851	1490	2981	1555	3110	1620	3240
Pigeons	15840	31680	17280	34560	18720	37440	20160	40320	21600	43200
Chickens	28160	56320	30720	61440	33280	66560	35840	71680	38400	76800
Bantams	8910	17820	9720	19440	10530	21060	11340	22680	12150	24300
Quail	1760	3520	1920	3840	2080	4160	2240	4480	2400	4800

**Reptile cage sizes.** CASC has proposed a new cage size table with more detail on species, updated sizes and a more suitable method for applying higher standards using cage area. It also introduces a higher standard for snakes.

The working group has robustly debated the issue of snake cage sizes but was unable to reach a consensus which all members could agree on, with opposing views being presented.

1. British Small Animal Veterinary Association and City of London felt that there should be provision for snakes to stretch out if they wished to and favoured the introduction of a requirement in the guidance for one cage dimension to be 100% of the length of the snake at both minimum and higher standards. This was based on their view that published information indicated that snakes may prefer larger enclosures and so the provision to stretch out to 100% along should be provided for snakes to utilise if they wished to. This is also in line with the approach adopted by Welsh Government and overall, provides for alignment across countries and consistency for individuals at local level.
2. The British Veterinary Zoological Society supports that snakes should be able to stretch to 100% of their length. The regulations should provide for the length of the housing to be no less than 1 x STL. This requirement should apply to both minimum and higher standards.
3. Reptile & Exotic Pet Trade Association, Sustainable Users Network and the Federation of British Herpetologists felt that there was no welfare benefit to providing the provision for snakes to stretch out to 100% of their length. This position is based on their view that the published information fails to provide any evidence that the current provisions contained within the LAIA guidance for selling animals as pets are detrimental to welfare. They do not accept that snakes require to stretch out to 100% of their length and that in reality snakes do not normally extend to 100% of their length as a natural behaviour.

The same groups accepted that there should be a higher standard for snakes and hold the position that the previous CASC recommendation of having a higher standard provision of 80% of the length along one dimension in the enclosure should be adopted as a higher standard.

4. Due to a lack of expertise, Ornamental Aquatic Trade Association did not feel able to comment on the suitability of sizes. However, they felt that they could not support a proposal for a provision of 100% as there had been no evidence provided to them that the current provisions were harmful to welfare, or that allowing 100% of length was required to ensure better welfare than the current provision provided, especially in the context of time-limited holding facilities. They were also concerned about the impacts of any change on people's livelihoods created by the potential need to replace all their vivaria. They concluded that the provision of the higher standard should be determined by groups with relevant husbandry expertise and be based on clear evidence.
5. The remaining members of the working group felt that insufficient evidence had been provided to determine if the provision of a 100% of cage size was a requirement that would provide higher welfare than was currently provided for in the guidance but agreed that a higher standard was required.

After discussion the group chair proposed a compromise position. This allowed for:

- a. No change to the current minimum standards
- b. A higher standard which allowed for 100% of snake length in any 1 dimension within the enclosure (width, depth or diagonal).

This chair felt that this proposal balanced the views of the group, the inconclusive evidence provided, welfare provision and business need and represented a suitable compromise. This compromise proposal was supported by National Fancy Rat Society, Rabbit Welfare and Fund, British Rabbit Council, Parrot Society UK, Pets at Home, Tropical Fish Keeping UK, North Kent College and The Pet Charity.

The compromise proposal is reflected in the table presented below, but the differing views represented above should be noted.

All the proposed changes would require further adaptations and investment from businesses that have already made changes in 2018 when the LAIA regulations were first introduced. To reflect this then an adaptation period of 5 years should be allowed for compliance.

TABLE K-01 MINIMUM ENCLOSURE SIZES FOR REPTILES AND AMPHIBIANS and K-02 HIGHER STANDARDS

Group	Habit and example species	Minimum Width (Length)	Minimum Depth	Minimum Height	Water	Stocking density	Additional area per animal above initial stocking density	K-02 Higher standards area increase
This is the type of animal	Where appropriate this column divides types of animals, e.g. Frogs, into smaller groups where these may have different requirements. E.g., Aquatic, active. It also gives some examples, but this is not an exhaustive list.	The width of the housing, also referred to as the length. This would normally be the side that is presented for viewing the animal (the front).	The measurement of the housing from front to back	The height of the housing from the floor to the ceiling.	Description, and where appropriate dimensions, of the water area provided for drinking and swimming (for aquatic Sp.)	The number of animals that can be housed in the minimum sized enclosures detailed in this table.	The additional floor area that should be provided for each animal above the stocking density shown.	The increase in floor area required to meet higher standards.
Frogs and Toads	Sedentary ambush hunters.  Examples: Horned Frogs, African Bullfrogs or Budgetts Frog.	10cm or 3x SVL (whichever is greater)	10cm or 3x SVL (whichever is greater)	5cm or 3x SVL (whichever is greater)	May not be necessary if kept in shallow water, or damp substrate. If provided in a bowl then must be large enough	1	N/A. Should be housed individually once metamorphosed	20%

					for frog to sit in, but no deeper than the eye level of the animal when resting.			
Frogs and Toads	<p>Small or moderately active species or individuals. May use water only occasionally or be competent swimmers. Not powerful jumpers.</p> <p>Examples: Fire Belly Toads, Cane Toads, Spiny Toads, Poison Dart Frogs, Mantella Sp., Red Eye Tree Frogs, Green Tree Frog,</p>	<p>15cm or 3x SVL (whichever is greater)</p>	<p>10cm or 3x SVL (whichever is greater)</p>	<p>20cm or 3 x SVL (whichever is larger)</p>	<p>As appropriate for species. This may be a shallow dish for species such as Dendrobates, or a larger area for species such as Fire Belly Toads (small species that will use water to swim and feed). In all cases animals should be able to easily leave the water and/or have resting refuges such as floating plants or islands. Water depth should reflect the swimming ability of the species.</p>	4	20%	20%

Frogs and Toads	<p>Nervous or highly active species.</p> <p>Examples: Paddy Frogs, Marsh Frogs, Leopard Frogs</p>	<p>30cm</p> <p>or</p> <p>3x SVL (whichever is greater)</p>	<p>30cm</p> <p>or</p> <p>3x SVL (whichever is greater)</p>	<p>30cm</p> <p>or</p> <p>3 x SVL (whichever is larger)</p>	<p>As appropriate for species. These frogs are often semi-aquatic and may require a larger water area for swimming. This should be at least 2 x SVL. In all cases animals should be able to easily leave the water and/or have resting refuges such as floating plants or islands. Water depth should reflect the swimming ability of the species.</p>	4	20%	20%
Frogs and Toads	<p>Aquatic Species</p> <p>Examples: Pipa Toads, Clawed Frogs.</p>	<p>15cm</p> <p>or</p> <p>3x SVL (whichever is greater)</p>	<p>10cm</p> <p>or</p> <p>3x SVL (whichever is greater)</p>	<p>20cm</p> <p>or</p> <p>3 x SVL (whichever is larger)</p>	<p>These species are totally aquatic and would not normally come onto land. Water quality and density should be</p>	<p>Stocking density is dependent on being able to maintain water quality and avoid any negative interactions.</p>	20%	20%



					maintained as per fish, with allowances made for cannibalistic tendencies.			
Frogs and Toads	<p>Arboreal Species</p> <p>These are species that spend their adult life living arboreally, not species that are predominantly terrestrial but will climb if the opportunity is presented.</p> <p>Examples: Green Treefrog, Red Eye Treefrog, White's Treefrog, Grey Treefrog, Milk Frog.</p>	<p>20cm</p> <p>or</p> <p>2x SVL (whichever is greater)</p>	<p>30cm</p> <p>or</p> <p>3x SVL (whichever is greater)</p>	<p>30cm</p> <p>or</p> <p>3x SVL (whichever is greater)</p>	<p>Most arboreal species would only require access to a small water bowl unless breeding. In all cases animals should be able to easily leave the water and/or have resting refuges such as floating plants or islands. Water depth should reflect the swimming ability of the species as many arboreal species are poor swimmers.</p>	4	20%	20%
Frogs and Toads	Tadpoles.	--	--	--	For husbandry purposes tadpoles should	N/A	N/A	As per fish requirements

	All species				be treated as fish and follow the equivalent stocking density and water quality guidelines.			
Newts and Salamanders	<p>Terrestrial Species.</p> <p>Examples: Fire Salamander, Tiger Salamander, Fire Belly Newt, Marbled Newt, Red Spotted Newt, Italian Crested Newt.</p>	<p>20cm or 3x SVL (whichever is greater)</p>	<p>15cm or 2x SVL (whichever is greater)</p>	<p>10cm or 2x SVL (whichever is greater)</p>	<p>Most Newt and Salamander species that are being kept terrestrially need only a small shallow water dish. They should be able to sit in the water and lift their head out of the water</p>	4	20%	20%
Newts and Salamanders	<p>Fully aquatic species or species being kept aquatically.</p> <p>Examples: Axolotl, Siren, Caecilian, Mud Puppy, Fire Belly Newt (when Aquatic),</p>	<p>20cm or 3x SVL (whichever is greater)</p>	<p>15cm or 2x SVL (whichever is greater)</p>	<p>10cm or 2x SVL (whichever is greater)</p>	<p>Water quality should be maintained according to the same standards as fish that require the same water type</p>	<p>Stocking density is dependent on being able to maintain water quality and avoid any negative interactions.</p>	20%	20%

	Marbled Newt (when Aquatic), Red Spotted Newt (when Aquatic), Italian Crested Newt (when Aquatic).							
Newts and Salamanders	Tadpoles.  All species	--	--	--	For husbandry purposes tadpoles should be treated as fish and follow the equivalent stocking density and water quality guidelines. Allowance should be made for the carnivorous habits of the larvae when considering density.	N/A	N/A	As per fish requirements
Snakes	Terrestrial and Fossorial Species.  Examples: Corn Snake, King	No less than 2/3 (66%) length STL or Dimension in combination with minimum	No less than 1/3 (33%) length STL or Dimension in combination with width to	Enclosure height is not defined and will vary depending on the type of enclosure used and the nature	Most snakes would require only a small water bowl. It may be beneficial for the bowl to be	Usually 1, but can be up to 4 for group tolerant species	20%	In addition to the requirements detailed for minimum standards, one dimension must

	Snake, Royal Python, Garter Snakes, Burmese Python, Reticulated Python, Hog Nose Snake  Hatchling and juvenile animals may establish better in smaller housing	depth to provide diagonal vivarium measurement equivalent to 75% of length of the snake. One dimension to be 1/3 of the length of the snake.	provide diagonal vivarium measurement equivalent to 75% of length of the snake. One dimension to be 1/3 of the length of the snake.	of the species, i.e., terrestrial, fossorial.	large enough for the snake to immerse itself if desired. Semi aquatic species such as Garter Snakes or Anacondas should have water bowls that allow immersion.			be as long as the snake. This can be an internal diagonal.
Snakes	Arboreal Species.  These are species that spend their life living arboreally, not species that are predominantly terrestrial but will climb if the opportunity is presented.  Examples: Green Tree Python, Rough Green Tree Snake.  Hatchling and juvenile animals	No less than 9/20th (45%) length STL  or  Dimension in combination with height to provide diagonal vivarium measurement equivalent to 75% of length of the snake. One dimension to be 1/3 of the length of the snake	No less than 1/3rd (33%) length STL	No less than 2/3rd (66%) length STL  or  Dimension in combination with width to provide diagonal vivarium measurement equivalent to 75% of length of the snake. One dimension to be 1/3 of the length of the snake	Most snakes would require only a small water bowl. It may be beneficial for the bowl to be large enough for the snake to immerse itself if desired.	Usually 1, but can be up to 4 for group tolerant species	20%	In addition to the requirements detailed for minimum standards, one dimension must be as long as the snake. This can be an internal diagonal.

	may establish better in smaller housing							
Lizards	<p>Terrestrial and Fossorial Species.</p> <p>Examples: Bearded Dragon, Leopard Gecko, Blue Tongue.</p>	4 x SVL	2.5 x SVL	<p>2 x SVL minimum.</p> <p>Consideration must be given regarding the ecological nature of the species, i.e., terrestrial or fossorial.</p>	<p>Most lizards would require only a small water bowl. Semi aquatic species such as Crocodile Skinks or Water Dragons should have water bowls that allow immersion.</p>	4	20%	20%
Lizards	<p>Arboreal Species.</p> <p>These are species that spend their life living arboreally, not species that are predominantly terrestrial but will climb if the opportunity is presented.</p> <p>Examples: Yemen</p>	2.5 x SVL	2.5 x SVL	4 x SVL	<p>Most lizards would require only a small water bowl. Many arboreal species require regular spraying so that they can drink from droplets and will not use a water bowl.</p>	4, except for species that need to be kept singly.	20%	20%

	Chameleon, Crested Gecko, Panther Chameleon, Green Anole, Bark Anole							
Terrapins and turtles	Amphibious and margin living species.  Examples: Musk Turtle, Diamondback Terrapin, European Pond Terrapin	60cm  or 5x PL (whichever is larger)	3x PL	2 x PL	3 x PL  There must always be provision for easy exit from the water and adequate basking zones. For most species that leave the water to bask a 25/75 split between land and water is suitable. For margin living species (Musk turtles) floating plants may provide a more suitable basking zone	4	20%	20%
Terrapins and turtles	Aquatic Species.	60cm  or	3x PL	2 x PL	3 x PL  These species are more likely	4	20%	20%

	Examples: Snapping Turtle, Soft Shell turtle, Snake Neck Turtle.	5x PL (whichever is larger)			to bask on floating plants as young animals than to leave the water. Large animals rarely leave the water.			
Tortoises		60cm or 5x PL (whichever is larger)	3x PL	2 x PL	A shallow water bowl that is deep enough for the animal to immerse its mouth and nose. Never deeper than 1/3 of the height of the shell and must be easy for the animal to get out of the dish.	4	20%	20%
Crocodilians		Land 2x SVL	Land 1.5x SVL	Prevent escape	Water area is required for swimming.  Depth: 0.3 x SVL Width: 2.5 x SVL  Depth: 2 x SVL	4	20%	20%

**Notes to accompany enclosure size tables K-01 and K-02 for reptiles.**

These notes provide further information regarding the considerations that must be considered when assessing the suitability of housing. Notes apply to both tables.

- The initial vivarium size guidelines above are for up to the number of animals shown in the “Stocking Density” column. For each additional animal the initial vivarium area should be increased by the percentage/size indicated in the column headed “Additional area per animal above initial stocking density”
- Higher standard housing is calculated by calculating the housing required at Minimum Standards and then increasing the floor area provided by the required percentage. As long as any minimum sizes are met (where stipulated) then dimension increases can be applied to the width or depth of the housing to provide the required area.
- Fossorial (Burrowing) species may require deeper substrate.
- To calculate the enclosure size required with stocking density above the initial stocking density:

1. Count the animals in the cage and subtract the initial stocking density.
2. Calculate the enclosure area required for the initial stocking density and then calculate the area represented by the percentage shown in the column headed "Additional area per animal above initial stocking density" for the correct animal group. So, if the cage area required for an initial stocking density is 1000cm<sup>2</sup> and the additional area is 20% then the additional area for each animal is  $1000 \times 0.2 = 200\text{cm}^2$  (you can also calculate this by doing 1000 divided by 100 and then multiply by 20)
3. Multiply the answer to step 2 by the answer in step 1 to calculate the total extra area required for the animals housed. Add this to the area required for the initial stocking density to obtain the required floor area in cm<sup>2</sup> for the number of animals counted in the cage for step 1.
4. Calculate the area of the enclosure in cm<sup>2</sup> by multiplying the width of the enclosure by the depth.
5. Subtract the answer in step 3 from the answer in step 4
6. if the answer to step 5 is positive then the cage is big enough, if it is negative then it is too small.

Calculating higher standard values.

- 1a. Calculate the required cage size by completing steps 1-3.
- 2a. Increase the answer from step 1a above by the required Higher standard floor area percentage increase to obtain the required floor area in cm<sup>2</sup>

Note: snakes continue to use animal length as the measurable parameter.



- Presently, those breeding small mammals such as rabbits and guinea pigs outdoors, are unable to do so because of the minimum temperature range provided (12-26°C). These species are commonly kept outdoors in the UK year-round when temperatures may be below 12°C with the provision of suitable housing and bedding materials. CASC recommends that in a similar vein to birds, which are also commonly housed outdoors in aviaries, guidance should recommend that rabbits & guinea pigs be kept at a temperature which is appropriate for the species and that extremes in temperature should be avoided. Keeping these animals outdoors often allows the provision of increased space, natural light and ventilation, all of which are beneficial from a welfare point of view.
- The guidance requires excessive record keeping that doesn't actively improve welfare for animals and eats into time which could be spent on husbandry.
  - CASC recommends that the record keeping requirements are reviewed by a group of inspectors and businesses to agree the best selection of relevant records that would satisfy the auditing requirements of the inspection process whilst reducing the overall time burden. This should also explore other methods of providing auditability without record keeping. Where records and written procedures are mandatory, template forms should be provided in the guidance, to ensure the consistency of records being kept.
- There is concern that the star rating system and higher standards do not deliver higher welfare standards but simply increase bureaucracy - Only 38.2% of respondents thought that the higher standards and star rating had improved welfare. The higher standards and star rating system is poorly understood, poorly applied and not seen as something to aspire to by operators. Amongst the public there is little appreciation or understanding of the star ratings awarded and it is unlikely that they influence buying patterns.
  - CASC recommends that the purpose and application of the star rating systems be reviewed to determine its welfare or operational benefits and changes be made where appropriate. This should assess the benefits of removing the higher standards/star rating to deliver a single high welfare standard that everyone must meet, as anything relevant to good welfare should be asked for as a minimum in the guidance or retaining the higher standards/star rating system with changes to make it fit for purpose. Removal of the higher standards, to be replaced with a single welfare standard would aid clarity, interpretation and delivery resulting in a simpler set of guidance. It would however mean that a mechanism would need to be developed to deliver the 1,2- and 3-year licence. This could be achieved by having a 3-year licence as the default, with the licence duration reduced if failings were observed or operators could "earn" a longer licence period over subsequent inspections. If they then fail to meet the required standards, they would be returned to a shorter inspection period. A hybrid arrangement could see existing operators who have demonstrated good practice defaulting to a 3-year licence, with new applicants or existing operators who have had failings starting at a 1-year licence and having to earn a longer period.
- The higher standards are poorly written, inappropriate and do not deliver higher welfare.
  - CASC recommends that if the higher standards/star rating system are to be retained then they need to be completely reviewed and re-written.
- The guidance and regulations ask for a wide range of policies. These are not always appropriate and do not assist the delivery of high welfare.

- CASC recommends that the range of policies is reviewed and reduced where appropriate to those that deliver welfare gains and that a set of model policies are developed to clarify the requirements, aid consistency and assist both inspectors and businesses.
- There are references in the guidance to conditions that are covered by other regulations, such as fire safety, health and safety, transport of animals and electrical safety. By specifying conditions there is a risk of applying conditions that conflict with other regulations or that are not updated as other regulations are.
  - CASC recommends that in occurrences where conditions are applied that are defined in other regulations the guidance is worded such that the other regulations are referenced, rather than specifying specific details. For example, a guidance point may say “Businesses must remain compliant to current fire regulations” rather than specify conditions itself.
- The guidance should include commentary to ensure a named personal representative is included who will be responsible for animal welfare in the event of the death or absence of the licence holder.
- The SI Schedule 2, section 5(3) (Suitable environment) is vague, listing that “Staff must ensure that the animals are clean and comfortable”. This wording is not suitable for fish.
  - CASC recommends that the wording in Schedule 2, section 5(3) (Suitable environment) of the SI be amended to include “in the case of fish, water quality should be maintained within acceptable parameters as set out in the guidance”.
- The SI Schedule 2, section 7(1) (Monitoring of behaviour and training of animals) states “Active and effective environmental enrichment must be provided to the animals.....” This wording is not suitable for fish where environmental enrichment can be detrimental to welfare during sale.
  - CASC recommends that the wording in Schedule 2, section 7(1) (Monitoring of behaviour and training of animals) of the SI and relevant guidance be amended to reflect this.
- The SI Schedule 2, section 6 (1 & 4) (Suitable diet) state that “new feeds must be introduced gradually to allow animals to adjust to them” and that “feed and drink receptacles must be capable of being cleaned and disinfected” This wording is not suitable for fish since they are often adapted to a range of commercially available feeds and do not use feeding receptacles.
  - CASC recommends that the wording in Schedule 2, section 6(1 & 4) (Suitable diet) of the SI, and relevant guidance is amended to reflect this.
- The SI Schedule 2, section 9 (3) (Protection from pain, suffering, injury and disease) state that isolation facilities should be in separate, self-contained facilities. This wording is not suitable for fish since isolation and treatment is often achieved using appropriate sterilization, or whole systems are treated as a precaution.
  - CASC recommends that the wording in Schedule 2, section 9(3) (Protection from pain, suffering, injury and disease) of the SI, and relevant guidance is amended to reflect this.
- The SI Schedule 3, section 2 (1) (Records and advertisements) requires the maintenance of a register of animals on a premises. This requirement is over burdensome, impossible to achieve at an individual animal level for many taxa and its welfare benefits are unclear.
  - CASC recommends that the wording in Schedule 3, section 2 (1) (Records and advertisements) of the SI and relevant guidance is amended to remove this requirement.

Records of purchases, sales and mortality provide information regarding the animals a business handle.

- The SI Schedule 3, section 3 (3) (Prospective sales: pet care and advice) requires that appropriate reference materials on the care of all animals for sale must be on display. This requirement fails to reflect modern advances in information delivery.
  - CASC recommends that the wording in Schedule 3, section 3 (3) (Prospective sales: pet care and advice) of the SI and relevant guidance is amended to reflect the use of digitally delivered reference material (eg, QR codes) and printed media.
- Not all the required records emphasise the exception reporting approach.
  - CASC recommends that where possible all record keeping is by exception (so only recording values when they are outside of parameters along with a record of corrective action), and this is made clear in the guidance.
- In some cases, predatory fish are offered live “feeder” fish as food items. There is a risk with this practice that the prey fish may suffer a painful death and the predator may be at risk of contracting disease. For most predatory species, suitable alternatives exist, such as large frozen feeds, dead or prepared foods making live feeding live unnecessary.
  - CASC recommends that to ensure that live feeding of fish is considered that the guidance relating to live feeding be amended to: *“Animals should only be fed live vertebrate prey in exceptional circumstances (for example, a snake that isn’t eating or a predatory fish that will not eat dead or prepared food*

## Theme D - Who does/should LAIA apply to?

### Recommendations for changes:

- The business test is unclear and there is considerable confusion over who is in scope, with inconsistencies across different LA's.
  - CASC recommends that the business test be reviewed and re-written to increase clarity. This should introduce some aspect of taxa specific guidance rather than preserving the current simple “one size fits all” solution. The business test can be enhanced in the short term by the addition of additional guidance points as shown below. However, CASC recommends that the business test is followed up as a separate workstream, involving other agencies such as HMRC, to develop a better long-term definition. It should also be noted that feedback from inspectors highlight that a major issue with detection and enforcement of unlicensed commercial operators is the lack of allocated resources that they have available.

“An operator is likely to be selling animals as pets as a commercial business and will need a licence if they satisfy some or all the following criteria:

    - import, distribute and sell animals for a fixed fee.
    - buy animals with the express intent to sell them on
    - buy animals and then re-advertise for sale or sell within a short period of time.
    - have systematic and repeated transactions using the same means of advertising.
    - sell or advertise high volumes of animals or high number of litters or progeny.
    - sell or advertise low volumes of animals - this could indicate high sales prices or large profit margins.
    - trade a wide range of animals.
    - advertise many animals for sale at any one time or over a short period of time, or regularly, including on classified websites, even where there is no actual sale taking place on the internet.
    - advertise through a variety of sites, forums or media.
    - The individual buys animals from other individuals to sell.
    - The individual sets out to generate annual profit from breeding animals which is substantially over and above what was spent on acquiring the animals and maintaining the animals, to include housing, feeding, heating, lighting, bedding materials, veterinary fees and other associated husbandry costs over time.
    - The individual relies on the breeding of livestock for a substantial portion of their living.
    - The individual employs staff to be involved in the breeding process.
    - The individual pays commercial rates for the facilities used to breed their livestock.
- The regulations interpretations in Part 1, section 2 of the Statutory Instrument (SI) define an “Operator” as an “individual”. Legally this prevents a business entity being the licensed operator which can cause issues for larger businesses with multiple outlets where the business takes on licensing centrally, with a named person or job post taking on the responsibility for compliance locally. It should be noted that some LA's already take this approach.
  - CASC recommends that the SI wording be changed to show an operator as a “person” which can then allow a natural or legal person to be the licence holder (operator).

- Currently rescue and rehoming operations are out of scope of the LAIA regulations, despite essentially carrying out the same process as a pet shop.
  - CASC recommends that rescue and rehoming centres are brought into scope and have associated guidance. Rescue and rehoming operators (RRO, defined as Animal Welfare Establishments (AWE) in Scotland) should be brought into scope of LAIA as they operate essentially the same as commercial pet sellers and are responsible for animal welfare. However, great care must be taken to ensure that requirements are proportionate to the size and nature of the operation to ensure that there are no unintended consequences and especially driving operators out of the sector and negatively impacting the availability of provision. We recommend a variable scheme where small operators would be required to register and provide an annual return, while large operators would be inspected. This is a proportional response to the welfare impact (with smaller operators responsible for fewer animals in total) and would collect data to guide future policy.

Currently the size of the RRO sector is unknown. As a minimum CASC recommends that a registration scheme be put in place for all RRO's with a requirement for an annual return to be completed. This could be initially put in place for 3-5 years and the data used to guide future policy development.
- Currently boarding establishments for taxa other than dogs or cats are out of scope of the LAIA regulations.
  - CASC recommends that boarding establishments for other taxa are brought into scope and have associated guidance. Care must be taken however to ensure that requirements are proportionate to the size and nature of the operation to ensure that there are no unintended consequences and especially driving operators out of the sector and negatively impacting the availability of provision.
- Currently the LAIA guidance specifically exclude breeder's meetings: "organised events where people meet to sell surplus animals they have bred, or animals that are surplus to their requirements, whether or not this is open to the public", from being licensed.

This causes confusion over the status of such meetings and who can sell.

- CASC recommends that these meetings are considered for inclusion within scope of LAIA or are licensed under a separate regime. Licensing could take the form of a separate schedule and guidance notes for breeder's meetings under LAIA, or in the form of a separate taxa specific general licence. e.g., "General Licence for Reptile & Amphibian Gatherings", "General License for Fish Gatherings". General licence guidance would define general principles, such as having a vet present, and would match the general licence system that is already in place for bird gatherings.
- There are a number of animal related activities which cause significant welfare concerns. These include:
  - Giving animals as prizes at fairs, particularly goldfish. There are considerable welfare concerns associated with fish care prior to being given as prizes and the practice also results in keepers receiving animals they may not want and have no knowledge of, or provision to keep them.
  - Use of animals in one-time only decorations, e.g., for bowls at weddings etc, as their five welfare needs cannot be met in these circumstances and often there is not enough thought regarding aftercare of these animals.

- Use in beauty treatments e.g., foot spas as not only can this compromise welfare if not set up correctly, but it can also be a biosecurity issue for humans and animals.
  - Use for temporary/one off use in cultural practices, e.g., short term displays or release into natural waterbodies. Not only does this compromise their welfare, but it also presents a biosecurity issue for native aquatic biodiversity.
  - Fish are either dyed or tattooed for cosmetic purposes and this severely compromises their welfare and lifespan.
  - Animal yoga. In dog yoga for example young puppies are denied contact with the mother and food and drink withheld for extended periods of time.
- CASC recommends that all these practices are banned, or if not banned then brought into scope so that welfare guidance can be put into place.
- Animal breeders are sometimes licensed but inspected against the selling of animals' criteria. This is problematic as the activity of animal breeding is very different to selling and so the business test for selling animals and guidance for selling animals is not appropriate for use with breeders.
- CASC recommends that consideration is given to producing taxa specific licensing schedules for animal breeders, in much the same way as is in place for dog breeding in England, and dog, cat and rabbit breeding in Scotland where licensing is based on the number of litters bred in a year (6). As taxa-specific guidance is developed then breeder licensing for those taxa can be introduced. This would allow for a gradual introduction of breeder licensing, with the most urgent taxa given priority. Given that this would involve a considerable increase in licences issued it may be appropriate to consider a 2-tier system, with a registration scheme for smaller operators and a full licensing scheme for larger operators.
- Currently there is no provision within LAIA for pet selling businesses who have permanent display animals on their licensed premises to be exempt from the Zoo Licensing Regulations. This provision was contained within the old pet shop licensing regulations (replaced by LAIA) and was originally intended to be carried over into the LAIA regulations. This has been done in both Scotland and Wales. This means that pet sellers should apply for a Zoo licence or an exemption in order to have permanent display animals on their premises, imposing a great deal of cost for businesses and workload for DEFRA.
- CASC recommends that the provision for pet sellers with permanent display animals on their premises are exempt from a Zoo licence and that this provision is introduced into the LAIA regulations.

## Theme E - What species does / should LAIA apply to?

### Recommendations for changes:

- The guidance is too generalised and attempts to be a “one size fits all” document.
  - CASC recommends that the guidance is rewritten to be clearer and provide more species or group specific detail where needed.
- The guidance provides no specific protection for animals with debilitating genetic issues or mutilations.
  - CASC recommends that animals with genetic issues that have a welfare impact, or mutilations should be banned from being sold in commercial settings.

## Recommendations relating to Animal Exhibits.

Currently Animal Exhibits only have provision for a 3-year licence and no provision for an unannounced inspection. This causes problems with enforcement as there is no method to reduce a star rating for non-compliant businesses and at the other end of the scale there are excellent businesses that deserve a 5-star licence.

- CASC recommends that the guidance for animal exhibits is re-written to include options for 1,2- and 3-year licences and unannounced visits.

There is a small typo in the guidance which should be corrected. 3.2: number of animals “any animals kept as pets **THAT** are not included in licence ~~and~~ must not be exhibited”.

The use of animals on film/tv sets currently has no associated guidance. This leads to inconsistencies across different LA's and potential welfare issues for animals on set.

- CASC recommends that suitable guidance be developed to cover animals used on set in the film and TV industry. This should include provision for:
  - Preventing the use of staff pets without appropriate professional handlers in place
  - Preventing the purchase of animals by production companies or staff for use as props without the presence of professional handlers and only with a plan for their care after the shoot.
  - The requirement for production companies to confirm that animal providers are licensed.
  - The requirement for a suitably experienced vet to be on set.
  - Where pet animals and private owners are used to provide animals then there should be a requirement to have an experienced handler on site from a licensed company.
  - Introduce a requirement for handlers to become licensed or registered regardless of if they own their own animals.
  - Add the requirements for welfare RA to be approved by the attending vet.
- Consideration also needs to be given to define who would qualify as a professional handler.

## Conclusion

The points raised in the discussion above illustrate key areas that need to be addressed to make the current LAIA regulations and guidance fit for purpose. DEFRA should identify issues that can be resolved quickly and ensure that these are addressed, whilst identifying those items that require the establishment of longer term workstream. Ongoing workstreams should ensure the inclusion of relevant stakeholders and this must include representation from both those being regulated and those enforcing the regulation.

## Details of the Companion Animal sector Council

CASC is a multi-disciplinary group whose member organisations are drawn from a wide range of stakeholders, including trade organisations, enforcement authorities, veterinary organisations, hobby keeper groups, academia and welfare organisations. This gives CASC the ability to draw on a wide range of experience and opinions to develop a consensus position, with high stakeholder engagement, on subjects relating to all aspects of animal welfare in companion animals (excluding dogs, cats and equines).

CASC can be contacted via its website ([www.casc.org.uk](http://www.casc.org.uk)) or by email at [secretariat@casc.org.uk](mailto:secretariat@casc.org.uk)



## Appendix 1: Survey Results

A summary of the results of the CASC stakeholder survey is included below. A full list of the survey questions and full results is available on request.

### Licensing of Activities Involving Animals (LAIA): CASC Stakeholder Survey Results

#### Introduction

CASC conducted an online survey between November 2022 and January 2023. The survey allowed for responses from specific stakeholder groups (pet sellers, animal exhibits and inspectors) associated with species within the scope of CASC as well as a general section for interested parties who are not direct stakeholders.

Questions were multiple choice with opportunities for free form text input to provide further details if required. A list of questions can be seen in Appendix 1.

Most questions related directly to the LAIA regulations but there were also questions that related to other areas that are of interest to CASC.

In total 291 responses were received.

118 pet sellers representing 567 outlets  
8 animal exhibit businesses  
47 inspectors or Local Authority (LA) employees  
117 interested parties

#### *Types of Businesses*

Of the 118 responses received from pet sellers:

74 (63%) were from single store retail outlets  
18 (15%) were from retail outlets with 2-5 stores  
20 (17%) were from retail outlets with more than 5 stores  
2 (1.7%) were from online retail outlets  
3 (2.5%) were from wholesalers  
1 (0.8%) was from a commercial animal breeder

Of the 4 responses received from animal exhibit businesses all (100%) were from business that use animals for education/entertainment visits. They exhibited all classes of animals including Invertebrates, birds, mammals and reptiles & amphibians.

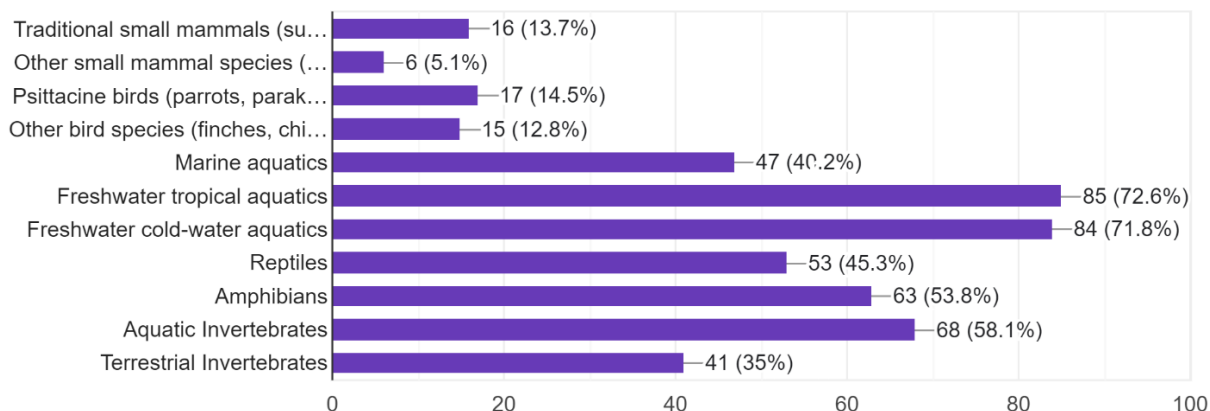
#### *Types of LA employees*

Of the 44 responses received from LA employees all (100%) were from inspectors.

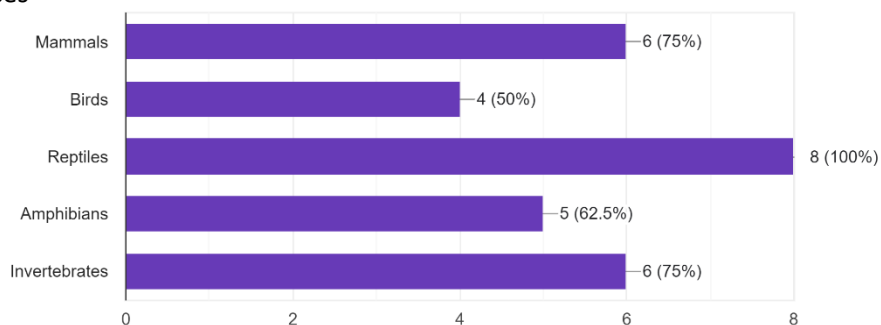
## Animal types represented

Businesses involved with Pet Vending, animal exhibits and LA inspectors were associated with a wide range of species:

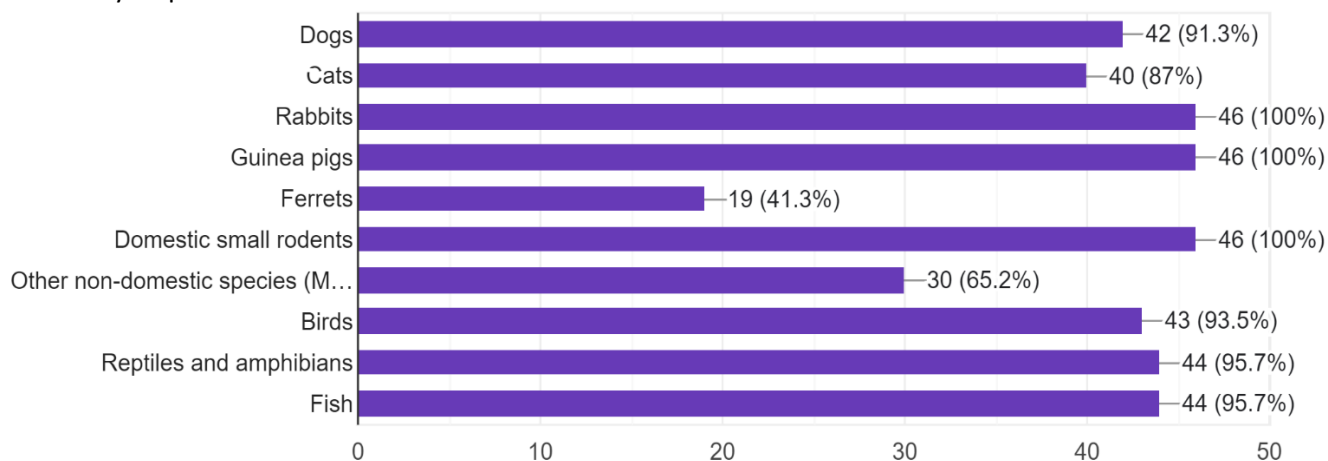
### Pet Vending Businesses



### Animal Exhibits Businesses



### Local Authority Inspectors



## Survey Results

### Aims of the Regulations

The Licencing of Activities Relating to Animals (LAIR) Regulations in England were developed with a number of aims:

1. Replace a number of pieces of older legislation to bring them up to date and ensure compliance with the animal welfare act 2006. This happened by default during the creation of the regulations and so is not covered in the survey.
2. Create statutory guidance across England to improve clarity and constancy of delivery.
3. Improve welfare of animals involved in a regulated activity by implementing a minimum welfare standard as required by the Animal Welfare Act 2006.
4. Introduce licences of 1,2- or 3-years duration. Businesses licensed for 2 or 3 years should produce savings for those businesses as there will be fewer inspections. However, those businesses with 1-year licences (high risk businesses) will still have to pay for annual inspections and so will not have any savings. The aim was to encourage businesses to gain earned recognition, become low risk and thereby save money, so promoting good compliance and encouraging higher standards.

Prior to development a Pre-Implementation Impact Assessment was carried out to identify the impact, benefits and costs on businesses and licencing authorities from the new regulations.

The CASC survey presented several questions to explore if the LAIA regulations had delivered these aims and also explored related questions around other types of animal activity licensing.

## Aim 2: Create statutory guidance across England to improve clarity and consistency of delivery

### We Asked...

*“Do you think that licensing is more consistent across differing local authorities as a result of the introduction of the new regulations?”*

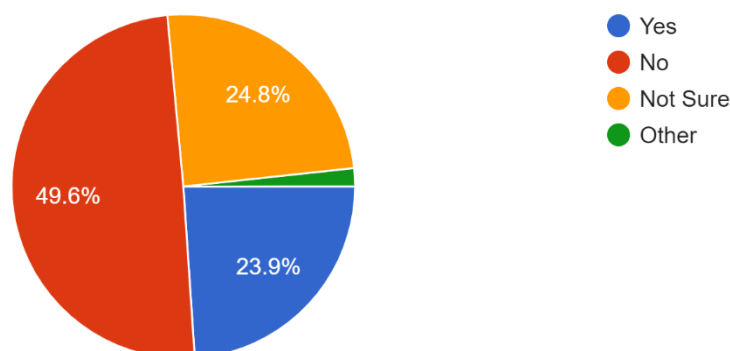
Why did we ask this?

We wanted to determine if stakeholder opinion was that the new regulations had met one of its stated aims.

Respondents told us

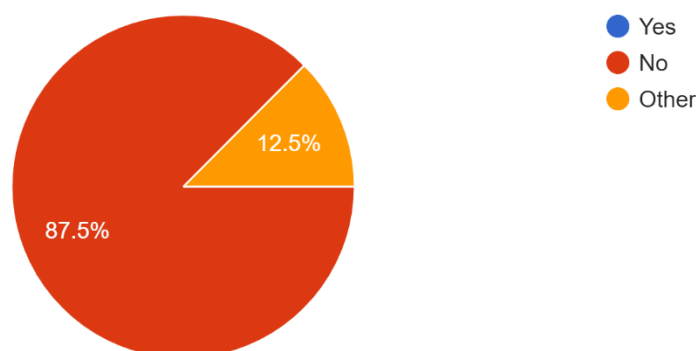
#### Pet Sellers

Only 23.9% of pet vending businesses felt that the new regulations had delivered an inspection and licensing process that was more consistent across different Local Authorities. 49.6% believed that the inspection process was not more consistent and 24.8% did not hold a specific view.



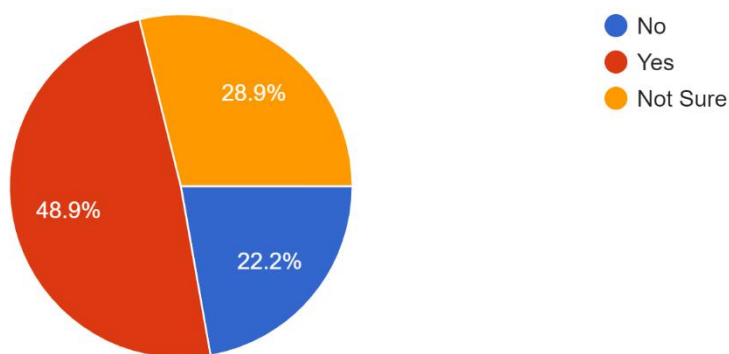
#### Animal Exhibits

No (0%) animal exhibits businesses felt that the new regulations had delivered a more consistent inspection and licencing process that was more consistent across different Local Authorities. 87.5% of businesses felt that the process was not more consistent.



#### Local Authority Inspectors

48.9% of local authority inspectors believed that the new regulations had delivered a more consistent inspection and licencing process that was more consistent across different Local Authorities. 22.2% believed that the inspection process was not more consistent and 28.9% did not hold a specific view.



What does this tell us?

None of the stakeholder groups surveyed held a majority opinion that the new regulations had delivered on the aim to improve consistency at a national level. Local Authority (LA) inspectors were more confident that consistency had been improved, possibly due to better access to information from other LA's.

However, there were many examples of inconsistency across different LA's including from inspectors themselves. (see Appendix 1)

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### ***We specifically asked LA inspectors...***

*One of the key benefits of the new LAIA regulations identified in the Pre-Implementation Impact Assessment (PIIA) was that: "The updated legislation and guidance should result in a clearer, simpler and more consistent licensing system."*

*Do you believe this benefit has been realised?*

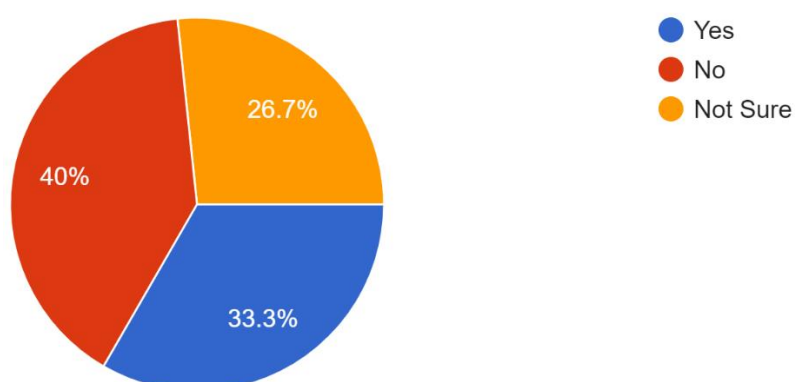
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Why did we ask this?

We wanted to determine if the regulations had delivered a clearer, simpler licencing system even if the consistency had not been improved

Respondents told us

40% of LA inspectors felt that there had not been an improvement in the clarity, simplicity and constancy of licencing and a further 26.7% held no particular view. Only 33.3% felt that these aspects had been improved.



What does this tell us?

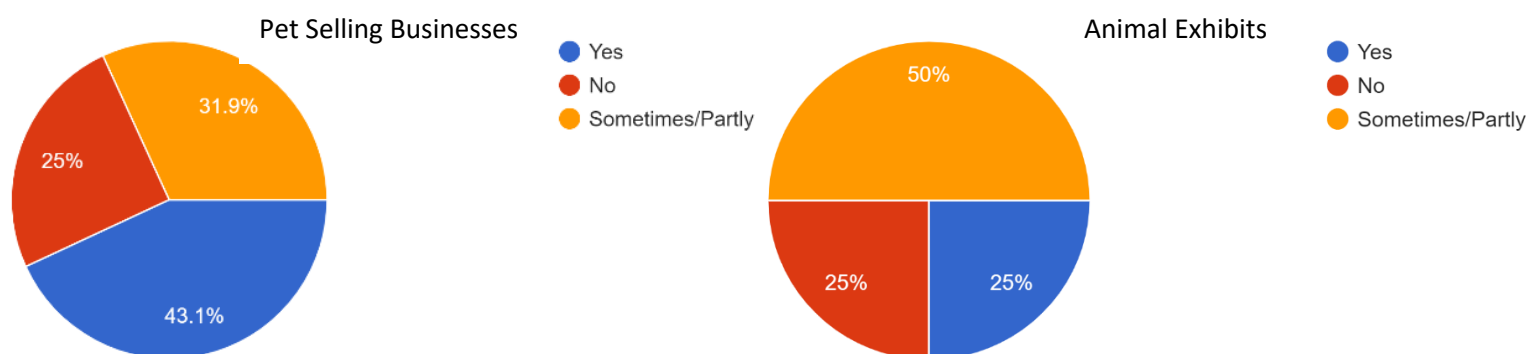
Despite 48.9% of inspectors believing that the licencing process was now more consistent, this was not reflected when the 3 areas of consistency, clarity and simplicity were considered together. Given that inspectors should have the most insight into this then it should be regarded that the new regulations have failed to meet the aim of improving clarity and consistency.

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### ***We asked pet Businesses...***

*Do you think that the inspection process is fair and consistent?*

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Why did we ask this?

We wanted to assess the views of businesses subject to licensing to determine if they felt they were treated fairly during licencing and if the process they were subjected to locally was consistent.

Respondents told us

Of the 117 pet selling businesses that responded 43% felt that the new licensing process was fair and consistent. 25% felt that it was not while 32% felt that there were variations through the process.

Only 25% of animal exhibits businesses also felt the process was fair and a further 50% believed these criteria were partly met. 25% felt that the process was not fair and consistent.

What does this tell us?

Although 43% of pet selling businesses and 25% of animal exhibits businesses felt the new licensing process is fair and consistent there is significant feeling that the new process is not fair to those being licenced. There were many detailed responses to this question which can be seen in Appendix 1.

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### ***We asked...***

*We asked business and inspectors a series of questions relating to the ways that they obtain their information about the guidance and changes to this.*

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Why did we ask this?

The guidance is the reference point for all businesses and inspectors as it defines how they should operate. If they are unable to access this or are not aware of changes as they are made then this will impact compliance and consistency.

### Respondents told us.

Both types of businesses were very aware of the guidance document posted on the .GOV website with over 90% of pet sellers and 100% of animal exhibits businesses being aware of the document. A similarly high number had read the document, with 85% of pet sellers and 100% of animal exhibits businesses having read it.

However, only 66% of pet sellers found the document clear and useful, although 100% of animal exhibits businesses found it clear and useful.

When changes are made to the guidance only 61% of pet sellers and 75% of animal exhibits businesses are informed of the change.

When asked why the document was seen as not clear and useful respondents said:

- “The guidance and licence has been developed by people who have never actually worked in a retail selling environment and there are several inconsistencies in it.”
- “It mainly related to mammals such as cats and dogs whose care and requirements are very different to that of reptiles”
- “Like many documents written by governing bodies it is often subject to interpretation, it is also not realistic in many ways.”
- “Too general and not very specific to aquarium fish trade.”
- “In the case of fish only and no other animals much of the guidance is useless, pointless and sometimes contradictory.”
- “It's very strict to a script...doesn't allow for common sense”
- “Some of the guidance is very vague and leaves it open to the readers interpretation”
- “It is too in-depth and too long winded for a lot of people to get their heads around.”
- “It is useful but some may find it confusing and hard to apply to their individual business”
- “It's very jumbled and contains many aspects which are irrelevant to us”
- “It's all over the place, links to click and not all in a way you can take it away to read it”
- “Provides no precise information”
- “Very extensive and difficult to interpret”
- “I simply found it useful in so much as those were the rules that we had to meet and it provided a 'tick-sheet' for us to make sure that we were inspection-ready. As for their 'content' this was not useful as many councils had their own individual 'interpretation' of these regulations whilst I believed were supposed to be strictly adhered to across the board as they were written. There seems little point in having a set of 'rules' when there are such discrepancies across the inspectors in how they are 'applied'.”
- “The Guide is NOT useful it does not apply to a small Retail Pet Shop - it only applies to Equine, Dog Business Boarding etc, Zoo and Agriculture and Farming”
- “Because the guidelines were not, in many cases, necessary and to enforce everything to the letter caused a great deal of expense and upset for owners without bringing great benefit to the animal. Some of the enclosure requirements made no sense at all”
- “Parts not made clear”
- “The cage sizes given are not clear in terms of extra animals added to an enclosure.”
- “We found it useful but not very clear”
- “Because the limits are unrealistic in a lot of cases i.e cage sizes for birds, no shop can meet those requirements. Paperwork needed takes up too much time which could be better spent on animals and there is no guidance on how to execute such paperwork, no templates or help whatsoever. We were told to “ask another shop how they do it””
- “Yes however there are aspects that aren't clear.”
- “Highly restrictive and impractical for established pet stores. The new regulations and costs to comply fully are resulting in a reduction of range and discontinuing of certain livestock lines which is then resulting in the Businesses becoming not viable. The cost implications on replacing previously good enclosures to new compliant versions with stocking density's greatly also reduced (for any term, never mind just short term stocking) continues to make the Business not viable to invest in new enclosures and to restrict new pet stores trying to start businesses.”
- “Too long”

When asked where business do get information about the guidance from they told us:

- local authority
- Through CASC
- Via management
- I am on a Facebook page for businesses with AAL regular updates are posted on changes
- My council has told me and sometimes get emails from PIF about updates.
- Welfare inspector emails us
- PIF report on social media and email, Kennel Club also do this
- Trade associations
- Not through local authority only through groups like OATA or REPTA
- email sent over by LA
- through our governing body PIF
- social media
- Wholesaler contacts me and I also check regularly for updates myself.
- On renewal or from other business owners
- Through our head office meetings.
- Usually OATA
- My local officer notified us during our last inspection of forthcoming changes and sent us a link to the government site.

When asked how businesses would like to receive updates they said:

- Email (this was the most popular answer by a large majority)
- Email or push notifications direct to my phone
- Letter or email.
- OATA
- Information from local authority to inform you of changes should occur, they are the licensing body for your shop so they should be keeping you up to date when changes occur
- The ability to subscribe to email updates would be useful to me, or text updates would also be acceptable.
- Suppliers
- CASC
- REPTA

Inspectors largely agreed with these opinions. 98% were aware of the guidance on the .GOV website, but only 32% felt it was clear and useful which is a lower percentage than businesses.

Only 48% are constantly informed of changes with information coming from City of London, .GOV website. Local Government Animal Welfare Group (LGAW) and Institute of Learning (IOL). Inspectors also showed a preference for direct emails when changes are made.

#### What does this tell us?

Both businesses and inspectors are aware that the guidance exists online and do access it. However, it would appear that the clarity and/or format could be improved.

Many businesses and inspectors were not aware when changes are made and would like some form of pro-active alert system, preferably by email.



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### *We asked...*

#### *How much do you pay for your licence?*

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Why did we ask this?

We wanted to determine the level of consistency across the UK in relation to the cost burden on business for their license.

Respondents told us.

Businesses reported a huge range of costs that they were charged for their licence, ranging from £100 to £900. This range was also reflected in answers from LA's.

What does this tell us?

There is no constancy of cost across the UK. Whilst LA's are able to recover full costs for the licencing process there is lack of clarity about how this is calculated, and why the costs are so inconsistent. It is not possible to determine all of the factors involved from this survey. Consideration should be given to gathering more information and developing a national pricing model to improve consistency.

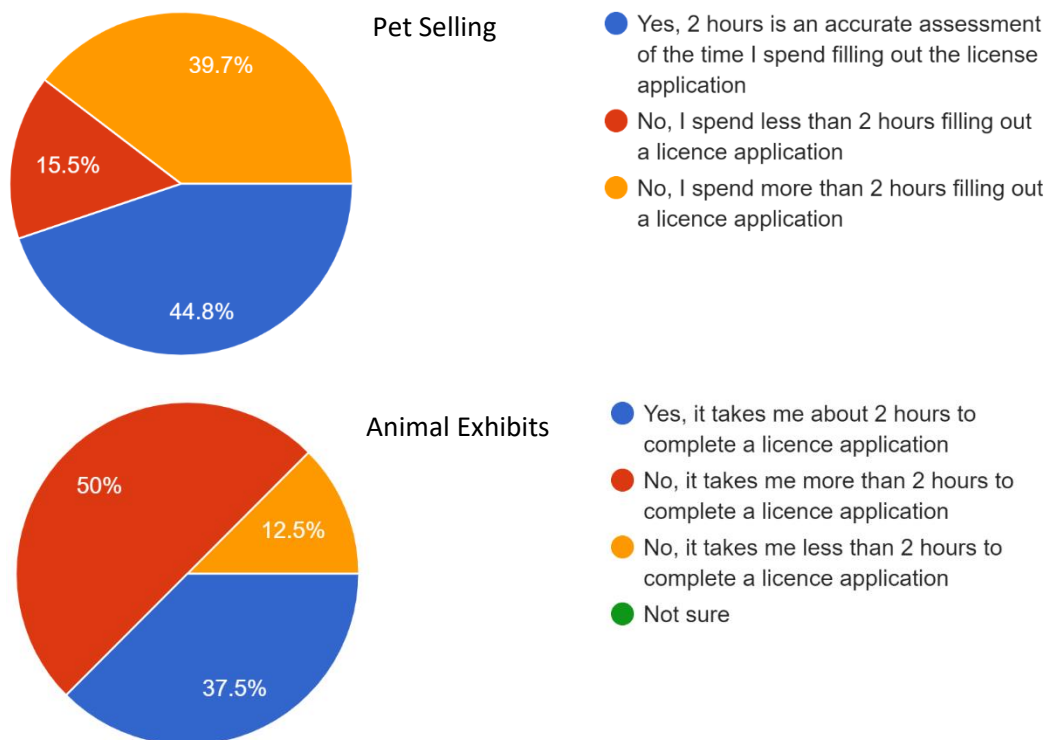
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### *We asked...*

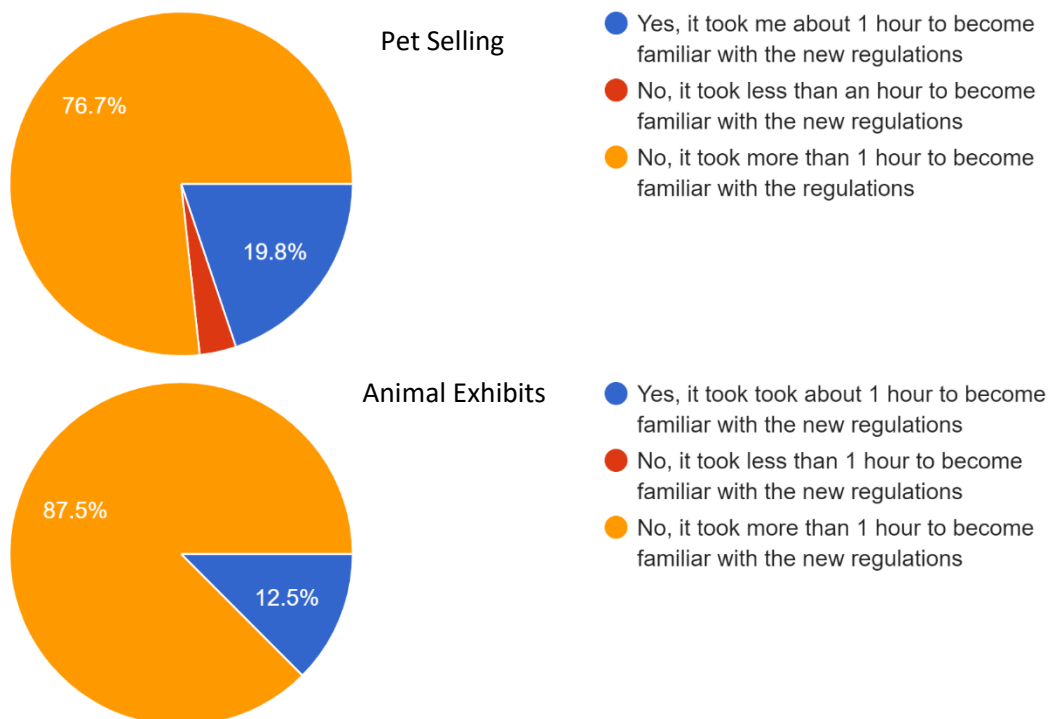
#### *A series of questions relating to the impact assessment carried out prior to the implementation of the regulations*

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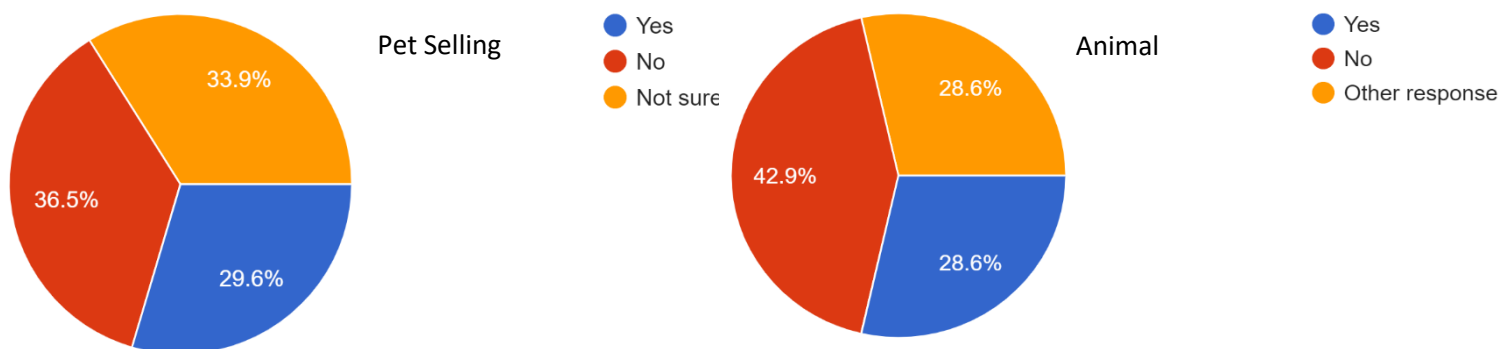
*Prior to the implementation of the LAIA regulations the pre-implementation Impact Assessment determined that businesses would spend 2 hours per year filling out the licence application. Do you feel that this reflects your experiences of preparing the licence application?*



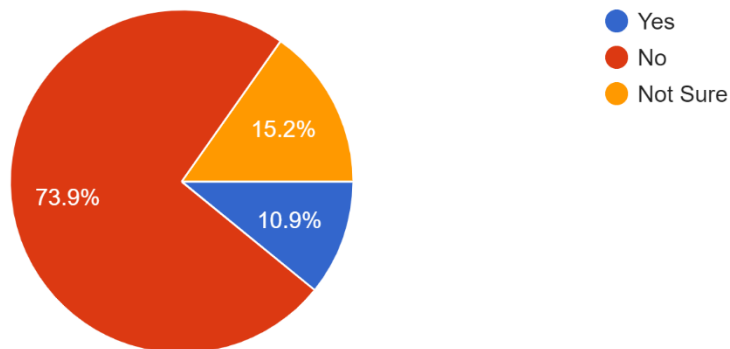
Prior to the implementation of the LAIA regulations the pre-implementation Impact Assessment determined that businesses would require 1 hour to become familiar with the new regulations. Do you feel that this accurately reflects your experiences of becoming familiar with the introduction of the LAIA regulations?



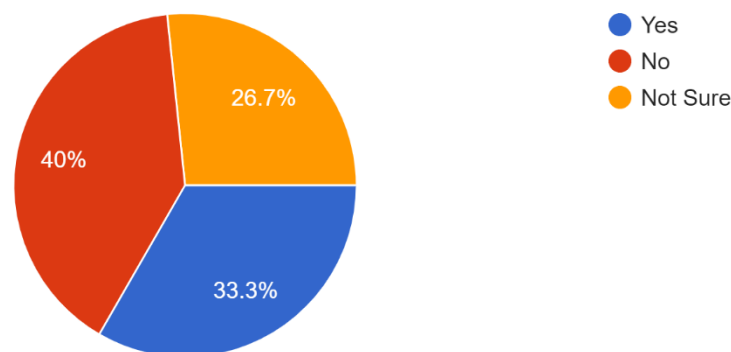
Prior to the implementation of the LAIA regulations the pre-implementation Impact Assessment determined that businesses would benefit from the implementation of the new regulations. Do you feel that this reflects your experiences of being licenced under the LAIA regulations?



*We asked Local Authority inspectors: One of the key costing assumptions in the pre-implementation Impact Assessment was that: "One off time costs for local authorities to familiarise themselves with the new regulations and disseminate this to staff is assumed 2 hours." Do you think that this was an accurate assumption?*



*We asked Local Authority inspectors: One of the key benefits of the new LAIA regulations identified in the pre-implementation Impact Assessment was that: "The updated legislation and guidance should result in a clearer, simpler and more consistent licensing system." Do you believe this benefit has been realised?*



Why did we ask this?

We wanted to determine if the pre-implementation risk assessment was accurate and had correctly predicted the impact on businesses and LA's

Respondents told us

There were no responses received from pet selling businesses, animal exhibit businesses or Local Authority inspectors that supported the accuracy of the pre-implementation risk assessment.

What does this tell us?

The impact on businesses and local authorities was far in excess of that which was predicted prior to the implementation of the regulations. Whilst nothing can be done now to correct this, lessons should be learned for future. The protocols and data sources used for the creation of the pre-implementation risk assessment should be examined in detail so that weaknesses can be identified and avoided in future.

Local Authority inspectors were especially critical of the accuracy of the predicted time they would need to become familiar with the new regulations. They said:

- "There are several documents which LA officers have to read and understand. They also have to keep up to date with the minor changes which take place, and in addition, put in place the correct inspection documents etc. to allow the inspection to take place. "
- "Many, many hours."
- "Weeks. we still discuss them regularly".

- "Still ongoing! As guidance has been updated and we continue to discuss interpretation etc at team meetings"
- "It is impossible to be familiar with the regulations in 2 hours!! I am always referring to them. Along with the guidance. I can't estimate how long it took as it is ongoing."
- "Several hours"
- "several days"
- "I am unsure, but it took many hours."
- "It took much longer for the new Regs to be fully understood, i cannot put a number to this due to the extent!"
- "My job role does not just include AAL so this had to be fitted in around other workload, I would easily say a full day if i could dedicate that amount of time."
- "At least 6 hours but this is ongoing."
- "in order to be understood and implemented correctly more time is needed"
- "Months (may be 4 months + FTE?) (A cost we will not pass onto our local businesses)"
- "The Regulations and guidance are lengthy and comprehensive. Some staff still don't understand it!"
- "to thoroughly read through and understand all guidance for pet shops and all types of animals was at least a day."
- "Very hard to evaluate - over 5 hours approximately. There is a lot of additional guidance documents and you cannot familiarised yourself with these in two hours! In addition there had been so many amendments and changes with the last ones not coming with any help outlining what those changes were."
- "Ongoing process as the guidance is amended regularly"
- "At least 10 hours."
- "it is hard to say as it is a continually evolving understanding!"
- "more like 5 days"
- "Still learning - 4 years on!"
- "Still doing it as DEFRA didn't answer any questions"
- "I am still learning but at least one month"
- "2 hours per licence if you want us to know it well"
- "The regulations are long and difficult to digest"
- "This is no way near the amount of time needed - for all the regulations i would estimate more like 70 hours (2 weeks) and just for selling pets probably 3 days (20 hours)."
- "How long is a piece of string? Familiarity with the regulations themselves may take 2 hours but the guidance takes far longer and is an ongoing process, especially where DEFRA keep changing it. There are also a lot of grey areas in the guidance which people will interpret in different ways."
- "5-6 hours"
- "At least 6 months, especially as there was no initial training"
- "2 hours per statutory guidance and more time as guidance is revised"
- "Days of work. The release of the guidance was too late and did not give LA's time to prepare for the new licensing regime."
- "The regulation put provisions in place for an inspector to be suitably qualified. It has cost us in OFQUAL Course fees per officer, officer time to do a BTEC for all 4 officers which is a significant resource drain also the time it takes to ensure the licencing systems are set up to process application in line with the new system. This has taken considerably longer than 2hrs!"
- "3-4 hours"
- "At least one working day."

Critically only 33% of LA inspectors agreed with the statement *"The updated legislation and guidance should result in a clearer, simpler and more consistent licensing system."* Meaning that the regulators themselves do not agree that the legislation has met one of its key aims.

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### ***We asked...***

*A series of questions of Local Authority inspectors to determine the inspector resources they have available to administer the licensing process, and the training they have received.*

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96% of the Inspectors surveyed responded that all of the inspectors in their LA were trained to carry out inspections, with 70% of respondents being fully qualified officers, and a further 28% undergoing level 3 OFQUAL training. Most LA's have 1 or 2 inspectors available to carry out inspections, although some authorities had up to 8.

<b>No. of Inspectors</b>	<b>LA's</b>
0	1
1	17
1.5	2
2	13
3	1
4	4
6	2
7	1
8	1

15% of LA's will use inspectors who are not employed directly by the LA but inspect under contract. Usually this was restricted to 1 or 2 contract inspectors, but one LA used 6 contract inspectors.

Only 37% of LA's have inspectors who specialise in inspecting animal businesses, the other 63% use inspectors drawn from a pool of staff who will inspect other types of establishments (Taxi's, Pubs and so on)

Only 22% of LA inspectors who responded felt that they had sufficient manpower to administer the licensing process well.

### ***Why did we ask this?***

We wanted to determine if LA's have sufficient resources available of trained inspectors to enable them to administer the licencing process in a fair and consistent way.

### ***What does this tell us?***

Generally, it appears that LA's prefer to run the inspection process in house, using their own trained inspectors who have embraced the need for upskilling and are being trained to the required standard. However, the resources available to successfully fully manage the processes required is lacking. It is difficult to see how improvements can be made without reducing the workload and time required for each licence or making more inspectors available. This is especially pertinent with future legislation, such as the licencing of primate keeping by private individuals, coming under the remit of LA's and so increasing workload. It might be that changes to the guidance to reduce record keeping and other aspects with limited welfare impact can help businesses and LA's alike.

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### ***We asked...***

*Do you think that inspector training should include an element of practical, hands on training? if so what type of training and content would you like?*

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#### **Why did we ask this?**

Effective training is essential to deliver a fair and consistent inspection process. Given the unique nature of livestock businesses, along with a deficit of specialist knowledge within the inspector workforce, then practical training is likely to be beneficial. If inspectors recognise this as beneficial then there is an opportunity to deliver useful training that inspectors will engage with as they see the benefits of it.

#### **Respondents told us**

This question allowed respondents the opportunity to respond with free form text. A selection of responses received were:

- “yes”
- “Practical training inspecting an actual premises.”
- “Assessing welfare standards of animals commonly found and assessing documentation”
- “Definitely. In the course I did we had practical sessions, setting up accommodation units, measuring water quality, handling animals etc.”
- “Definitely. As part of the training, dummy inspections should be carried out. I don't think you can really learn without carrying out inspections. There are now some online courses with no practical element included.”
- “Yes, mock inspections to help assess against the licence conditions to identify what's acceptable structurally and what is not and where compromises can be made if at all.”
- “I think it would benefit students to shadow training providers on inspections. There is a lot of inconsistency in inspections amongst LAs surrounding our area.”
- “yes, faux inspections of business set-ups”
- “Absolutely. I completed the PIF training where animals were brought into the classroom, far better than my colleague who is completing a direct access course, which is all online. Practical sessions, you don't seem to forget. Possibly visiting a pet shop or farm would be good.”
- “I do. I think mock scenarios of inspections with actual animals in place. I also think mentoring on visits would be really useful to see how best to approach certain visits and how to apply the legislation. My LA did not have a dedicated person before me and so I have not been mentored and have found my own way but it would have been very useful to accompany an experienced officer/trainer.”
- “Less written and more practical training”
- “Reptile/horse training, understanding unit sizing in pet shops/kennels”
- “Yes - physical inspections with the trainers”
- “Yes mock inspections for different set ups of animals”
- “Absolutely, and the City of London / PIF course does. I have also undertaken a practical bird of prey course, will shortly be doing a practical inspecting horses course, as well as many theoretical / written courses on all subjects, including a level 3 in reptiles”
- “Practical training is more useful than just reading guidance. Useful to see how certain conditions can be met in a real life setting. See the types of equipment you will see in a pet shop and understand how it all works.”
- “Yes - training should include site visits and hands-on welfare sessions where live animals are present”
- “Yes, I believe the training does before Covid hit.”
- “definitely hands on is required. Visits to specialist pet centres as well as equine activities are vital as many candidates know nothing about animals before being sent on the training course.”
- “Yes - shadowed and assessed on an inspection”
- “Yes. Inspection”
- “Yes, part of my training was at the Animal Reception Centre at Heathrow which was very useful
- yes. more practical training during the taught section of the course, maybe physical visits to premises or mock premises”

- “Yes - for Pet Shops - provide examples of suitable environments for all species groups, water testing for amphibians and fish, measurements of reptiles to determine suitable enclosure sizes.”
- “Yes - for Exhibition of Animals - provide a mock set-up of a couple [few?] popular attractions, e.g. birds of prey, provide examples of the equipment used and more information about caring for the animals.
- Absolutely. practical and Hands on training for all activities should be carried out to ensure interpretation of the conditions are consistent.”
- “It should cover all of the common companion animals that an inspector is likely to meet. Training is most useful when done in the environment that you are going to be inspecting, so for example at a stable, or cattery or kennels, etc”
- “Yes - supervised inspection of two different areas of LAIA”
- “Yes - mock inspection/common issues”
- “Yes Training should include a mock inspection which is observed by those enrolled on the course and the completion of an inspection report”
- “No”
- “yes definitely, i have spoken to many inspectors who do not feel that they have hands on experience in dealing with animal related premises. Officers seem particularly anxious about inspecting riding establishments (hiring out horses) as they have had no experience of horses or their care or management and what is good and poor practice.”
- “Yes. Heathrow is a good base, or licensed premises close to the classroom.”
- “Yes, inspecting with an experienced officer”
- “yes absolutely. water quality, reptile husbandry, stocking density workshops, mock inspections”
- “Would have been if not for covid, but in future needs to be”
- “For new officers yes however, not for experienced officers”
- “Yes, numerous scenario inspections that include elements not quite covered by the LAIA”
- “Depends on your experience of 'inspecting' as a skill and whether you are in an environment whereby you've access to inspect animal activities requiring a licence. It wouldn't be necessary for me as my core work is inspection albeit H&S enforcement, so reviewing management documentation, an asking the relevant questions and assessing the evidence provided to comply with a condition is very familiar. Applying this to animal welfare conditions has not needed additional training.”
- “Yes. Inspectors need to see examples of all licenced premises and as many as possible”
- “yes, an example inspection would have been very helpful as I only took on the inspections after the 2018 regs with no prior inspection experience.”
- “My training was all online and I don't think I needed any hands-on”

#### What does this tell us?

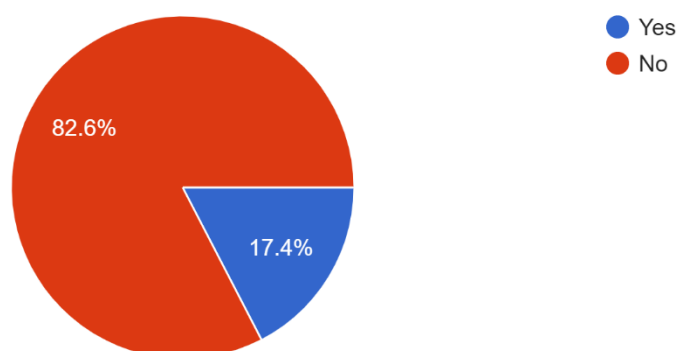
The overwhelming response was that practical training was highly desired and beneficial. Practical training should be considered a required part of the training curriculum.

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### We asked...

*Specifically of inspectors. "Do you included conditions on a licence that are not included in the guidance documents, and if so can you give an example?"*

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### Why did we ask this?

There were 2 reasons for asking this question. Firstly, to determine what additional conditions individual LA's may impose as this will reduce national consistency and allow inspectors to impose their opinions on licensees, something that was often seen under the old Pet Shop Licensing system. Secondly, to determine the depth of knowledge of inspectors since under the new regulations they should not add additional conditions.

### Respondents told us

17% of respondents did add additional conditions that were not included in the guidance. The types of additional conditions were (it should be noted that many of these related to dogs and so not relevant to CASC):

- "Only where there is a DWA in place where the licence is a Selling Animals as Pets licence."
- "Evidence of euthanasia and treatment from vet when it was felt the truth wasn't being told."
- "Home boarder where the segregation method of animals does not meet the Defra guidance for height requirements on a barrier. Limit on dog able to board, in that area, will be reflective on Barrier Height."
- "We do not add conditions but do insist on a dog fight procedure for day care and home boarding."
- "Stipulating dog sizes suitable for specific kennels/cat units etc."
- "Animals Policy for the Local Authority"
- "6ft fences or min height defined for home-boarding and dog day care facilities, DWA requirements, not allowing use of electric collars, max 6 dogs for home boarding / dog day care in private dwelling – more than 6 requires planning permission."
- "Sometimes conditions will relate to the guidance but not be specified in the guidance. For example, for a seller of chameleons, I asked for specified numbers of mister sprays per day in a vivarium as this is a requirement for that species."
- "Areas that cannot be used for the licensable activity"

### What does this tell us?

Some respondents noted that they were unable to add their own specific conditions indicating that some inspectors possessed a good in-depth knowledge of the regulations. However, potentially 17% of LA's are acting outside of the remit of the regulations demonstrating a weakness in inspector knowledge and leaving the LA open to legal challenge.

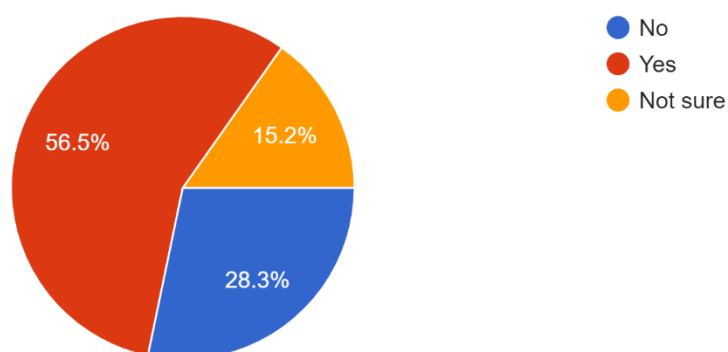


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### We asked...

*Local Authority Inspectors: Do you think that the risk rating system works and enables you to categorise a business?*

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### Why did we ask this?

We wanted to determine if the risk rating system was successful and allowed inspectors to categorise businesses, and so allowed them to access the planned savings achieved by a longer license.

### Respondents told us

57% of inspectors who responded felt that the risk rating system worked, whilst 28% felt that it did not. The remainder were undecided.

When asked if it didn't work then why was this they responded:

- "It could be clearer"
- "the fact a business can't go from a 3 to a 4 makes it meaningless to the public"
- "The wording on the risk rating system is poor and some of it is not fit for purpose. Really designed for large scale businesses and not for small independent shops with no staff apart from owners."
- "don't really need it"
- "it does work but i think the high and low risk is confusing to operators. I also do not think a business should be granted a licence (albeit 1star 1 year on renewal) when there are minor failings, even if administrative."
- "Pet shops birds - Required HS -Birds must be displayed for sale in aviaries that are 4 times the bird's flying wingspan or larger in size for length, depth and height for an individual bird and 20% increase for each successive bird for multiple occupancy - please explain to me how I do this accurately!!"
- "Pet Shop birds - required HS - Specialist nutritional advice must be sought where appropriate. What is specialist advice - is this a Vet? is this an independent nutritionist or one that works for a feed company. again is this not a minimum standard?"
- "Pet shops - Guinea Pigs there is only one optional higher standard for the specific conditions how can you achieve 50% of 1 optional higher standard - surely this makes it a required higher standard?"
- "Pet Shops Rabbits - required HS - litter trays why is this a higher standard if the rabbits choose not to use them then this is a nonsense and it becomes a hazard to the rabbit?"
- "The rating system as a whole is poorly thought out, it removes officer judgement and is not a consideration of the attitude and values of the business owners, it is a meaningless tick box exercise. A system similar to the Food Hygiene rating scheme would be much better and enable businesses to actually improve. I have found that the star rating for animal activities has actually caused apathy in business owners rather than encouraging improvement"
- "The risk rating should be set up with enforcement officers, where the assessment method not just the outcome is considered, relative to risk. Enforcement officers know how a rating may be assessed and so can help formulate ratings that work in the field (paperwork assessment or practical finding). In food hygiene the whole business does not need to be inspected there are options dependent upon the rating, saving officer and businesses time, this should perhaps be considered for animal licensing."
- "I like the risk rating system but it is too easy to manipulate and make whatever you wish. The points are too general and repetitive so you score the same things twice on occasions."

- “The system is over complicated and gold plated - all businesses satisfying legal minimums should be eligible for the top rating (this is the case for food hygiene).”
- “In addition consumers are not aware of it and none refer to it when making their selection making it fairly useless as a means of pushing up standards, this lack of consumer awareness puts no pressure on businesses to strive for the top rating. The system needs to be publicised for it to be effective.”
- “the Higher standards are too easy to achieve. and the 3 stars for minimum standards is misleading for consumers, and detrimental to those businesses achieving them.”
- “the public don’t understand the system.”
- “I would prefer to be able to give a 4 star licence to a business that is low risk rather than the 3 star which may not accurately reflect the care being given.”
- “There is not a sufficient gradient of weightings for each score 1 or 2 is so black and white”
- “If a star rating is to be given, it should be the same as all other star systems, 1 being poor 5 being high quality”
- “It is good to have a risk rating system but a linear progression would make more sense than the current system.”
- “the overall principle is a good enforcement tool, but the system is massively over complicated”
- “Existing business which may be failing gets a 2 star whilst a new business which has everything in place gets 2 star rating whilst they are at opposite spectrums of compliance”
- “Any business should be able to have 1 - 5 star rating. Customers would understand the system better. Restrictions for low risk and high risk do not help the system where a trader being 4 or 5 star meet the same requirements.”
- “It should be more a linear progression that you can move up the scale from a 3 to a 4”

#### What does this tell us?

Although a majority of inspectors were happy with the risk rating system, this was only 57%. Given that this is a core element of the regulations this represents a failure of the system. There is some dissatisfaction with the structure and content of the system and so it should be removed or re-written

Aim 3: Improve welfare of animals involved in a regulated activity by implementing a minimum welfare standard as required by the Animal Welfare Act 2006.

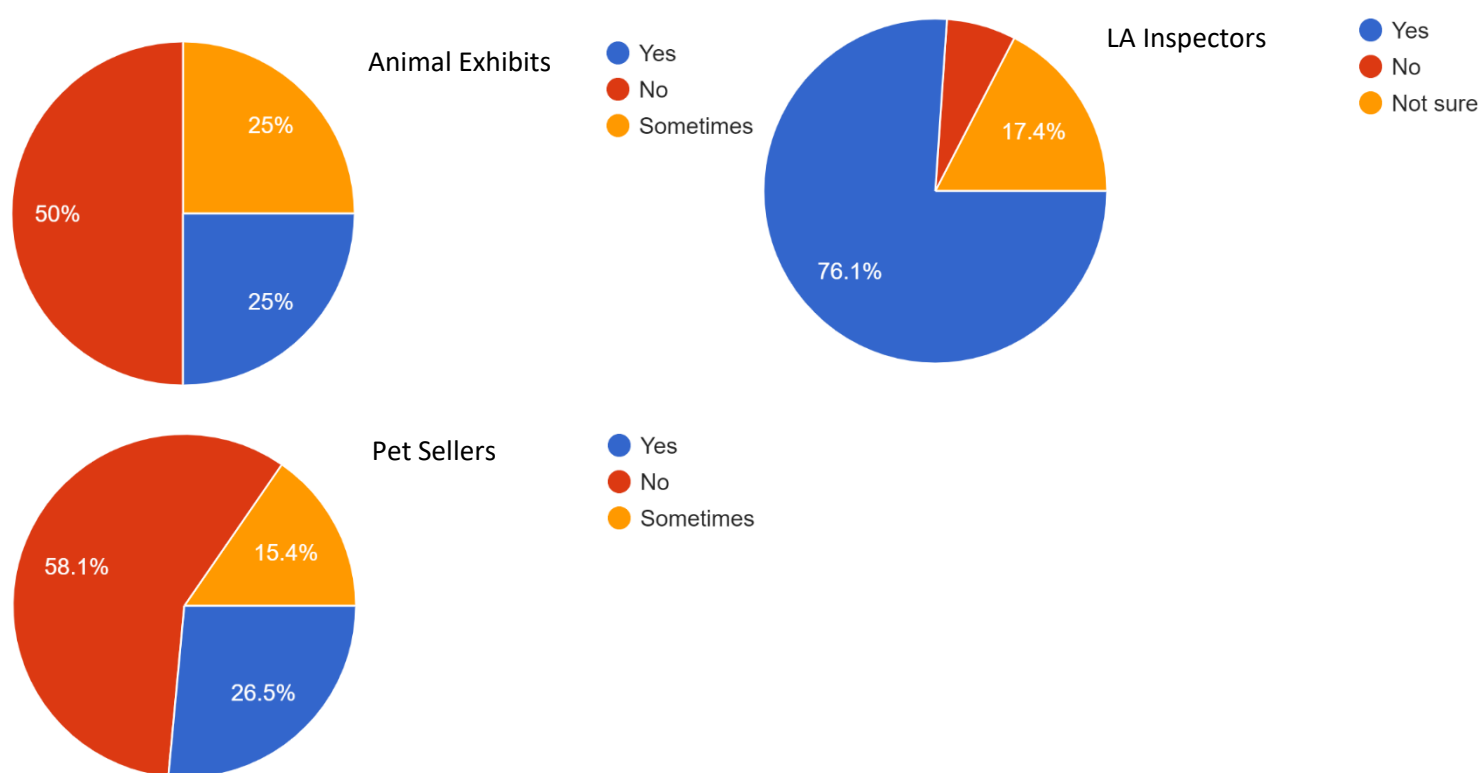
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### We asked...

*Pet selling and animal exhibits businesses: Do you think that the new regulations have improved the welfare of animals in your business compared to the old pet shop licensing/performing animals scheme?*

*Local Authority Inspectors: One of the stated aims of the LAIA legislation was stated to be: "To improve animal welfare by bringing five animal activities licensing schemes up to date and in line with the requirements of the Animal Welfare Act 2006." Do you believe it achieved this and the new LAIA regulations has improved the welfare of the animals it regulates when compared to the old Pet Shop Licensing scheme?*

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Why did we ask this?

We wanted to determine if one of the primary aims of the legislation had been achieved

Respondents told us

In both types of businesses surveyed the majority felt there had been no improvement in animal welfare. Only around 25% of businesses felt that there had been an improvement.

When looking at comments regarding this area the main criticisms centred around:

- Overburdensome paperwork and record keeping
- Inappropriate cage size requirements
- Inspector knowledge
- A "box ticking" approach by inspectors
- Little change in actual husbandry, but more time spent writing down what you have done

Positives included:

- A better awareness of water parameters
- Including UV light for reptiles so poor businesses were forced to use them
- Records reminded staff to keep standards high
- Poor shops forced to change

A large number of comments were received which can be provided if needed.

However, LA Inspectors felt that welfare had improved. 76% of this group felt improvements had been achieved. The reason cited included:

- "Standards have risen, but the burden on businesses to record information has increased."
- "old pet shop standards were vague with small cage sizes, new regs have given us tools to insist on larger enclosures"
- "Because the five welfare needs are forefront in our minds when inspecting now
- With pet shops they have improved. There is more enrichment, enclosure sizes are larger, staff receive more training. The pet shops in our area are at a higher standard than before."
- "Requirement for bigger enclosures, more enrichment and better environmental conditions"
- "initially there were improvements in our area but now we don't have sufficient resources to ensure improvements are maintained/ begun etc. other authorities may not have sufficient resources. a big problem is licensable activities who won't apply for a licence, especially dog breeding.. we often don't have resources to enforce this"
- "Environment animals are kept in."
- "welfare conditions have drastically improved at businesses but there are still some loopholes"
- "Pet shop premises in particular have had to improve their standards especially with regards to paperwork, this is something some pet shops struggle with."
- "Given me power to get changes enforced for example cage sizes for birds, more enrichment for small mammals and better dietary choices for all"
- "It has enabled the officer to be able to give advice on the new regulations and ensure those that get licensed are complying."
- "I think under the new regs Pets Shops in our area have had to bring their shops upto a better standard ie cage sizes and paperwork. However, they sometimes fail to continue to keep up with the requirements and in some cases Improvement Notices have been served on premises."
- "The guidance is still a tick box exercise, in reality we have no more powers now regarding the safe running of these businesses than we had before. The guidance on what constitutes a 'business' is still sketchy at best. The majority of businesses that register for a licence do so because they want to run a legitimate business. Local authorities do not have the time or resources to research and investigate unregistered businesses unless we get a complaint. I do not believe that the guidance is based on the 5 welfare needs, I believe it is based on what a panel of ill advised people have decided what they think is best with no evidence base."
- "I didn't licence under the old pet shop licensing"
- "It is now the same standard across the country. There is much more information on the welfare requirements of specific groups of animals to meet welfare needs - this is much better than it was as, in time, it should strengthen consistency in enforcement."
- "It is clear that all the licence conditions come under the welfare needs headings, and have a purpose."
- "the sizing's and having minimum and higher standards for shops."
- "The Regulations and Conditions are stricter, inspections and interventions are greater and the training of inspectors is more advanced."
- "Cage sizes and stock density has improved."
- "Housing is vastly improved- in size, stocking density as well as enrichment and shelter."
- "Because its not a 'one size fits all industry'"
- "Having specific conditions to meet the needs of individual species has massively improved welfare standards"
- "Our standards were high anyway but the paperwork and size of cages has improved"
- "Great consistency and guidance available"

- “Enclosure sizes and stock densities have improved”
- “the new regulations clearly state what is required to meet the conditions and thus raises the standards of animal welfare”
- “Improvements to cages/enclosures have been made across all of the shops inspected, with less animals per cage giving more room and enrichment being provided along with correct diets. Veterinary advice is sought more often.”
- “It raises awareness of the improvements to businesses, good talking point”
- “Larger enclosures, better enrichment etc”
- “much more guidance provided, higher welfare standards set out in LAIA. like how much records need to be maintained. good focus on enrichments”
- “The need for environmental enrichment across all the licensing activities is a huge improvement. The increase in bird cage sizes (although v unpopular with the pet shop owners) is a further improvement. However, i do believe that whilst the requirement to monitor and record animal's health is a good one, i think some of this is too arduous and can therefore detract from business operators taking the time to care for their animals.”
- “Some of the higher standards do promote good animal welfare, but others are just about additional checks and paperwork - many business operators argue its tick box exercise”
- “There is far more attention to the mental wellbeing of the animals now with things like enrichment schemes or not housing predators close to prey. There is more specific guidance for things like temperature control and housing for different species”
- “improved standards and training of staff which directly impacts animal welfare”
- “It makes the standards easier to audit as the conditions are specified you either meet them or you don't”
- “The regulations mean that inspections are consistent across the country.”
- “Businesses spending more time to meet the requirements as the is substantial. The paperwork is extensive and time consuming for a business sector not used to this.”
- “Consolidating the legislation and applying the same welfare standard themes, although themes would be applied differently depending on the activity and animal, it gives a more solid foundation for inspectors and reinforces the different aspects that enable welfare. Having the accompanying statutory guidance which goes into the specifics, also links to the Animal Welfare Act 2006 s.9 nicely, in relation to 'good practice'.”
- “It has made businesses look at the accommodation and lot of other important welfare concerns and improve matters”
- “I've seen a lot of positive changes from the inspections I make. We also prosecute individuals who are carrying out activities without a licence - this can only improve animal welfare.”

### What does this tell us?

It would appear that for all its good intentions the new regulations have failed to meet one of its primary aims and has not improved welfare of animals in businesses from the business point of view, a view not shared by inspectors. However, when examining the reasons given by the differing groups this difference is likely to be due to a different interpretation of the improvements and the depth of husbandry knowledge. Inspectors often interpret larger cages to be a welfare improvement, whereas this view may not be shared by a business who do not see welfare issues in relation to the old cage sizing. As is often the case the truth is likely to be somewhere in the middle with some changes having had a real impact on welfare and others less so. This is likely to be at the cost of increased workload burdens on both businesses and inspectors. One theme that emerged once again in the comments from inspectors was the issue of overburdensome paperwork.

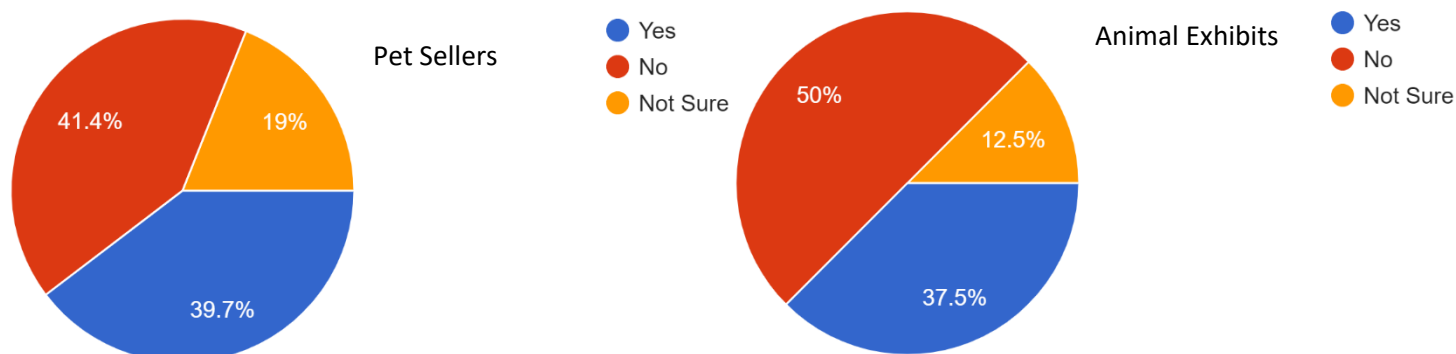
It is also possible that the types of businesses that trade legally are less likely to see improvements since they were already operating to high standards, while poor businesses will have either ceased to trade or are operating illegally. It may be that effort should be placed in detection of illegally operating businesses which may have a higher impact on welfare. LA's often comment that resources to tackle unlicensed operators is limited, especially where they are operating online. Additionally, businesses often comment that unlicensed operators they report are not addressed. This creates an uneven playing field with responsible businesses disadvantaged.

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### ***We asked...***

*Do you feel that the records that are required to be kept under the LAIA regulations are proportionate and improve animal welfare?*

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Why did we ask this?

We wanted to assess businesses attitude to the records that they are required to keep.

Respondents told us.

48 pet sellers and 4 animal exhibit businesses made comments regarding the record keeping. Criticisms centred around the volume and lack of purpose of the records.

What does this tell us?

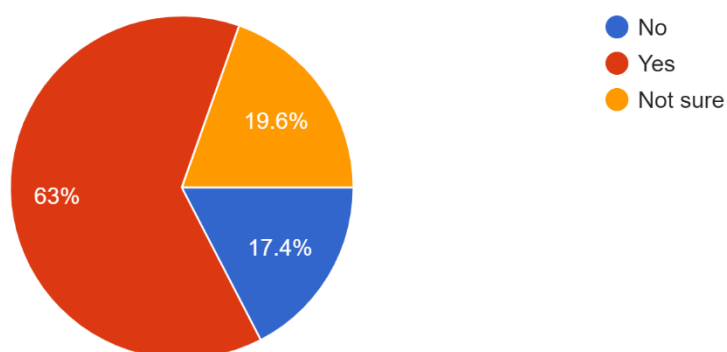
Businesses feel that the records they are required to keep are sometime pointless and excessive

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### ***We asked...***

*Local Authority Inspectors: Do you think that having the higher standards works and business are encouraged to deliver higher welfare?*

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Why did we ask this?

We wanted to determine if LA inspectors felt that welfare was improved by the higher standards system.

Respondents told us.

A majority of inspectors who responded believed that the higher standards encouraged better welfare. However, this was only 63% of inspectors. 17% felt it did not, and the rest were undecided.

When the inspectors who did not think it improved welfare were asked why, they said:

- “People spend a lot of time on paperwork- which they could be spending on caring for the animals- often businesses need people just solely to undertake paperwork.”
- “Most of the higher standards are documentary”.
- “It does to an extent but some of the higher standards are not as essential to welfare as some of the minimum standards so sometimes the point is lost.”
- “Some just are not bothered about striving for higher standards. Others when they are dealing with inherited or old stores it can be expensive to bring accommodation up to higher standards”
- “Businesses generally feel overwhelmed with the paperwork side of the regulations and often state they don't care about the star rating and are happy to be just licensed. They state customers never ask about their star rating.”
- “The higher standards are rigid; they do not encourage improvement. The majority of higher standards are centred around more documentation which many businesses consider unnecessary and actually takes them away from caring for the animals. A lot of the premises I visit are one-man bands or run by small numbers of families members, extra documentation that is of no benefit to the welfare of the animals is not achievable. I have a kennels that is exceptionally well run but she will never be a five star unless she knocks down her kennels and starts again. Her existing luxury kennels were built in 2017 to the specifications that were current at that time and there is no benefit to her to start again she feels this is unfair and it is demoralising for her, it would be my officer judgement that she is worthy of a 5-star rating but that option is removed in this guidance.”
- “In the initial set up businesses want to gain 5 stars however when they find out they cannot, they feel disheartened and do not bother with some of the other aspects of gaining 5 stars, saying what's the point until they can gain 5 stars. They then go onto work towards 5 stars but not at the initial set up when they could. Change - Would allow 5 stars to be awarded from the start. Change - Would clearly numbering each of the higher standards. This is important on the optional higher standards where two (or more?) concepts are under one heading in some of the revised guidance and 50% compliance is needed (do you count two aspects as one or as two separate aspects? different authorities may do different things)”
- “There is very little financial benefit for most businesses to achieve the higher standards as very few if any of their customers are aware of the rating scheme and are not basing their choice of establishment on their rating. We should revise the way businesses are scored and use the risk scoring assessment as a way to determine the overall rating rather than used high & low.”
- “I would do away with the higher standards maybe make some of them minimum standards, so all businesses have the same criteria.”
- “Some business only want 5 stars to gain a longer licence and less re-inspection not because the public are aware of the star system.”
- “i find the higher standards causes contention between inspectors and the licensee. it becomes quite personal and operators seem to think they are in a position where they can argue with your decision/interpretation of their compliance with conditions. I’m aware that it shouldn't because its optional, but it does. also i think too many of the higher standards are paperwork related, but they should represent best/good practice more. E.g. a good higher standard would be for dog breeders to neuter their breeding bitches before rehoming.”
- “higher standards don’t reflect better welfare in most cases”
- “I feel the higher standards should be strictly related to the welfare of the animal, e.g. spending more time with the animals / or having more knowledge or experience.”
- “I feel that some of the higher standards need to be looked at again”

### What does this tell us?

This element is a core part of the regulations. With only 63% of the regulators thinking the higher standard system is successful then it cannot be considered to have achieved its aim and should be removed or reformed, especially the element where a new business cannot achieve a high star rating regardless of its welfare.

Again, the common theme of excessive paperwork emerges as a concern.



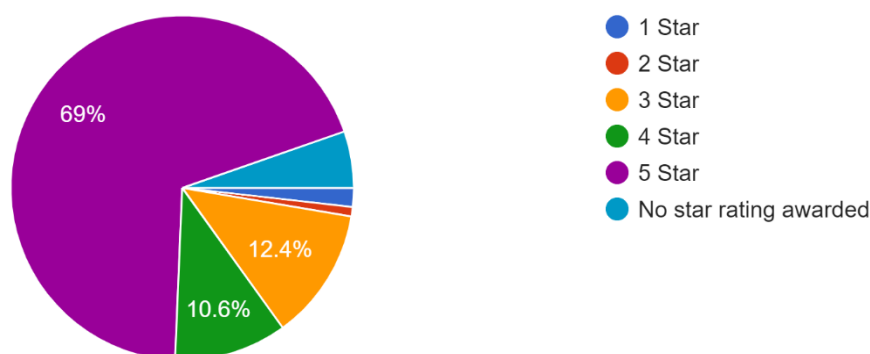
Aim 4: Introduce licences of 1,2 or 3 years duration. Businesses licensed for 2 or 3 years should produce savings for those businesses as there will be fewer inspections. However, those businesses with 1 year licences (high risk businesses) will still have to pay for annual inspections and so will not have any savings. The aim was to encourage businesses to gain earned recognition, become low risk and thereby save money, so promoting good compliance and encouraging higher standards.

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### ***We asked...***

*If you have received a star rating for your business what rating were you awarded? This was then followed by a range of subsequent questions to explore the benefits of the star rating system.*

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### **Why did we ask this?**

We wanted to determine the proportions of star rating issued and how the star rating system influences business and customer decisions. This only relates to pet selling businesses as animal exhibits businesses do not receive a star rating

### **Respondents told us**

The vast majority of pet sellers (94%) strive to meet the higher standards the majority (69%) have received a 5-star licence. The majority (83%) felt the star rating reflected their business. The 5-star licenses issued is reflected in the length of licence issued where 72% of pet selling businesses have a 3-year licence.

All animal exhibits licenses are 3 years, with no star rating awarded.

When asked if they thought that their customers were aware of their star rating only 49% of respondents thought they were aware. When then asked if they thought the star rating influenced their customers only 21% believed that it did.

When asked if the star rating had improved welfare, then only 35% believed that it had.

### **What does this tell us?**

These results, and the accompanying comments received, are indicative of the high welfare provision that licenced businesses provide regardless of the star rating they are awarded. Many of the lower star rating will be new businesses, which under the current regime would be awarded a lower star rating, be Welsh businesses (where no star rating is applied) or may have deliberately decided that the extra administration involved with obtaining a 5 star licence is not worth the effort, both from the point of view of cost and also of impression to their customers.

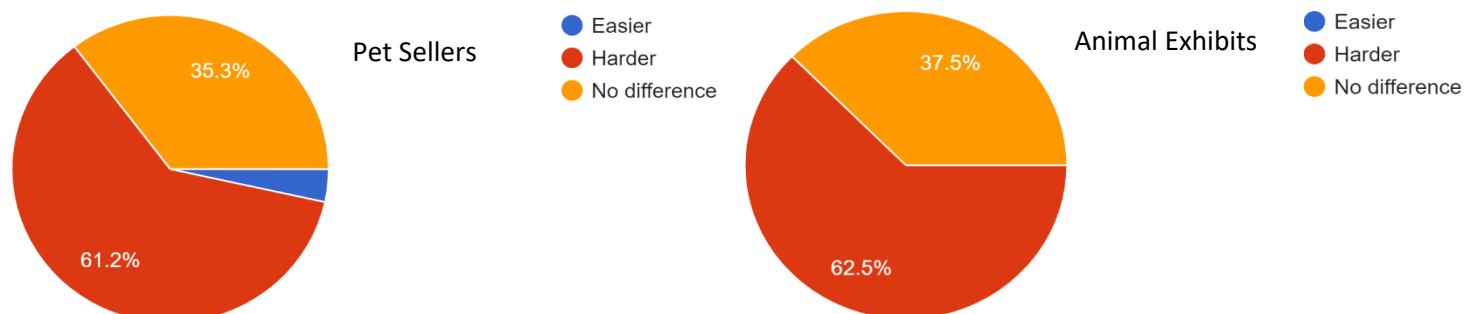
The majority of businesses do not believe that most customers are aware of their rating, and even fewer that it influences them so the extra work to achieve a higher star rating is not considered worthwhile or relevant.

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## We asked...

*Have the new regulations made it easier or harder to run your business?*

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### Why did we ask this?

We wanted to determine the real-world impact on businesses of the new regulations.

### Respondents told us.

The majority of businesses (c. 62%) felt that the new regulations had made it harder to run their business, with a further c. 36% seeing no difference. Only 3.4% (4) felt it was now easier to run their business.

70 respondents left specific comment about why it was harder to run their business, with the majority citing needless and excessive paperwork as the primary cause of the extra burden.

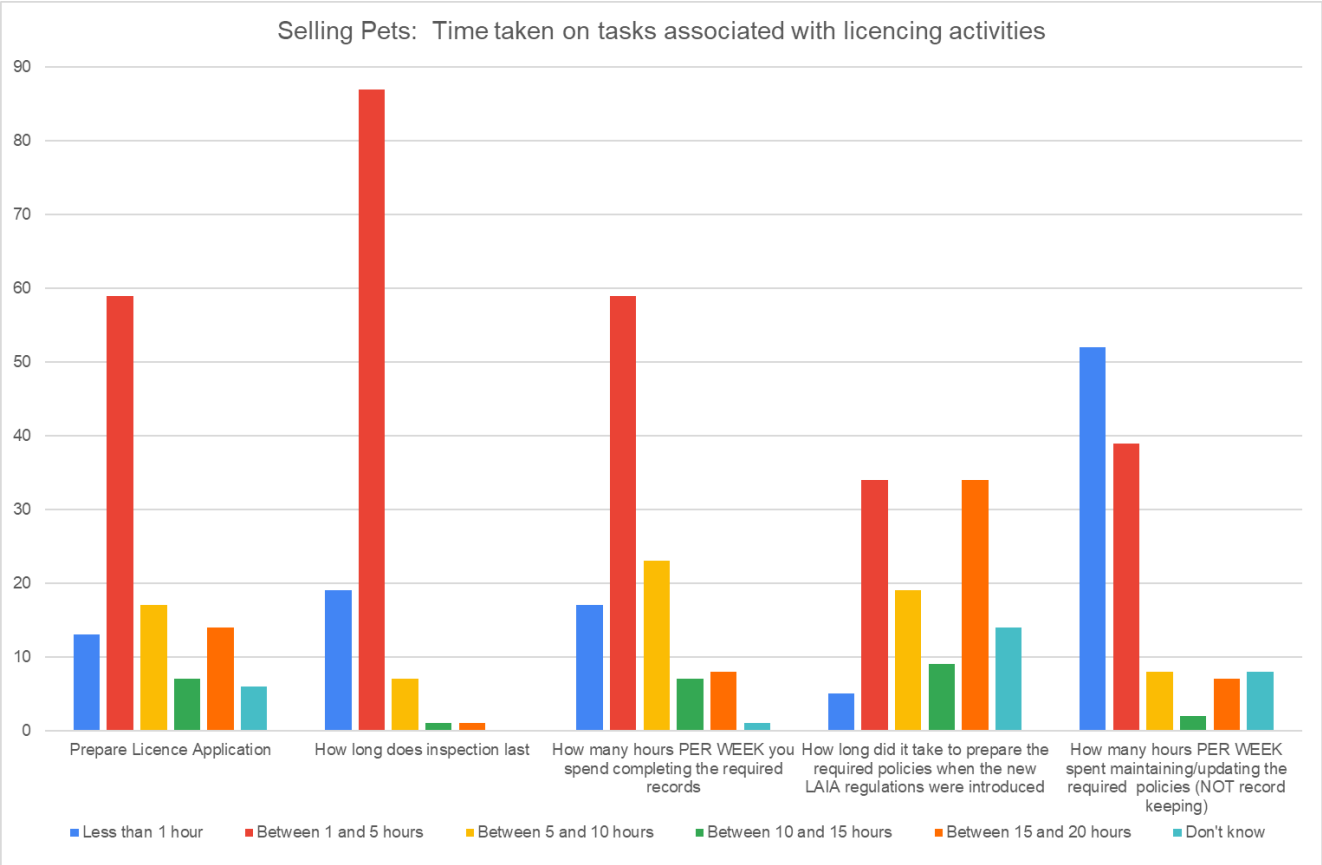
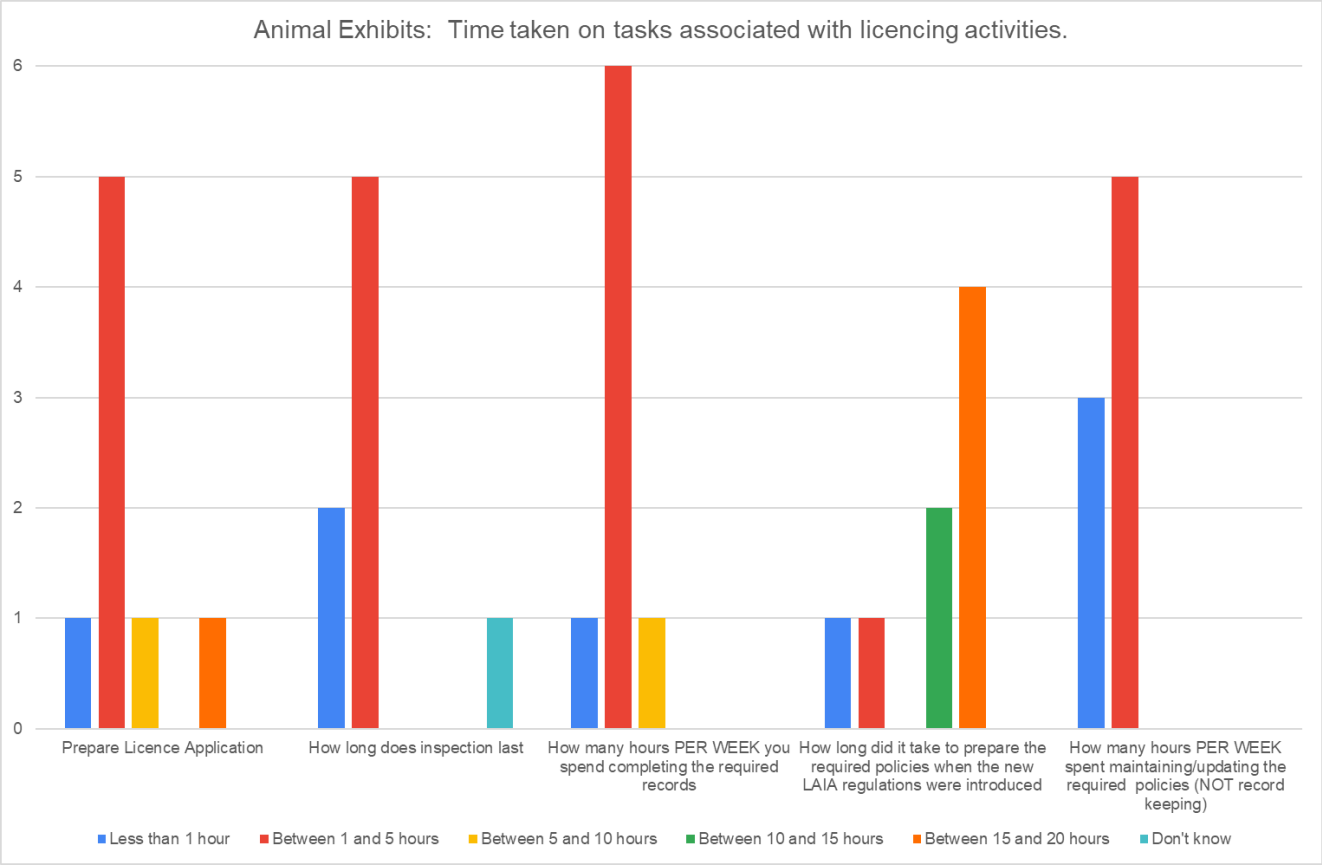
- "More paperwork"
- "Again paperwork. Having to test and record 3 times a week is unnecessary for most fish systems"
- "Increased outgoings to meet additional standards plus the time to achieve the additional standards and also reduced number amphibians per tanks means it isn't viable to stock them."
- "Just the terrifying reality of an EHO popping in and bringing up something we missed."
- "Spend hours and hours per week filling in paperwork instead of caring for animals. Almost a part time staff
- Higher staffing costs due to additional time involved in record keeping. Plus more cages used for less animals."
- "Everything needs to be written down. If a thermostat breaks I have to record the fact I replaced it. If a temperature is a few degrees off I have to record that and the solution instead of just performing the solution. Piles of paper that the inspectors don't understand just to prove that I can tick a box rather than letting my animals welfare be the priority it is now all about writing down everything that has happened even if the problem is easily solved and wouldn't reduce the animals welfare."
- "Simply due to spacing. Due to the bigger enclosure regulations I do not have as much space livestock."
- "The enclosure sizes have caused a few issues, however we as a business have taken the decision not to stock certain animal species which require specific care or extreme size enclosures etc."
- "The paperwork is becoming excessive. Constantly doing tests on tanks you know are running well. It's all costs and time away from actual animal care. Having to buy extra equipment. £200 uv meter to do weekly tests on uv tubes manufactured to last 12 months. It's madness. We're a small team of 3 people (including married couple) and was actually asked if we did annual appraisals."
- "I would rather the staff looked after our livestock than fill out lots of paperwork"
- "The time the inspection and for the paperwork required is now much higher, but I believe a good portion of this paperwork is completely useless to everyone involved and thus just a complete waste of time for both me and the council."
- "Extra man hours, investment in enclosures etc."
- "More pointless paperwork that the inspectors don't look at as they don't understand them"
- "More red tape and paperwork along with additional costs and time."
- "Initially it was very time consuming."
- "Time consuming..."

- “the paperwork is too much, for no reason. people never look back over the years to see what the bearded tank temperature was on 5th of July 2020, why record if the temperatures are right?”
- “A lot more paperwork that adds time to the already high amounts of work that needs to be completed. For small business that only have 1-2 staff members, this makes it challenging”
- “Additional paperwork that needs to be completed that makes no difference to the animals care and is only there so local authorities have another box to tick.”
- “it takes more work, time and protocols to reach the higher standard and keep to this level
- ridiculous levels of paperwork and bureaucracy. The animals should come first instead of box ticking.”
- “Increase in paperwork. Takes you away from animals.”
- “Time previously spent maintaining the animals and the shop has now been diverted to keeping checks up to date and as a result, staff have more pressure on them to complete all necessary paperwork in a day alongside all other tasks. This often results in staff needing to stay later after the shop has closed which in this time, I cannot afford financially to pay over the set working hours.”
- “Excessive amount of time required to fill forms and paperwork. Pointless restrictions on conditions.”
- “TOO MUCH PAPERWORK”
- “NOT ENOUGH TIME TO CARE FOR THE ANIMALS!!!!”
- “Paperwork takes longer which adds to the burden of all the other paperwork ie tax vat etc”
- “there are more cost involved in upgrading equipment to meet new standards”
- “so much paperwork”
- “There is more paperwork and work to do, although we as a business don’t feel this is a bad thing.”
- “It is time consuming to keep the records up to date”
- “Because being a small shop with small staff numbers it's very hard to keep all the records required, keep the animals care and enclosures to the highest standards and serve customers and keep the shop running “
- “Unnecessary paperwork and record keeping. That now has considerable impact on small pet shops selling live animals, one of the reasons many pet shops can no longer be bothered to sell livestock.”
- “Our staff spend so much time physically recording temperatures, health checks, UV readings, fish tank test results etc etc that they struggle to look after the actual animals to the level that they would like at times and the job has become extremely stressful. All of this data was noted daily anyway, but the need to record it with pen and paper as they move around the pet shop and then to transfer that data on to our computer spreadsheets takes up a lot of their day, leaving less time for the far more important task of looking after the animal's actual welfare.”
- “Additional costs to recuperate consistently- PPE, additional electric for additional non mandatory filters”
- “The unnecessary and expensive alterations and the man hours filling out pointless data”
- “Only in the amount of paperwork that is now required - instead of inspecting animals, their health, how they are looked after and cared for, we are now inspected on what paperwork we have filled in and which boxes we have ticked.”
- “Time paperwork, means you work longer hours to do the same job”
- “Because too much time is taken ticking a million boxes to say that I have cleaned, checked fed etc, than it takes to actually do the job I'm ticking to say I have done!!”
- “More record keeping than is necessary, taking time away from essentials sometimes”
- “Because there is so much paperwork and the more I do, the more the council want”
- “More time filling in unnecessary paperwork rather than actually working with the animals and customers.”
- “Lots more record keeping and paperwork to prove that we do what we have always done.”

#### What does this tell us?

The regulations have had a negative impact on businesses. This includes more time taken on tasks, extra tasks (not always with a clear purpose or result) and more cost. These impacts are largely driven by the requirements in the guidance, and this should be reviewed critically and re-written if needed. Minor tweaks and changes will not solve the basic problem of guidance that is not suitable.

*We asked...*  
*How long do you spend on activities relating to the licencing?*



Why did we ask this?

We wanted to evaluate the time burden on businesses imposed by the LAIA regulations.

Respondents told us.

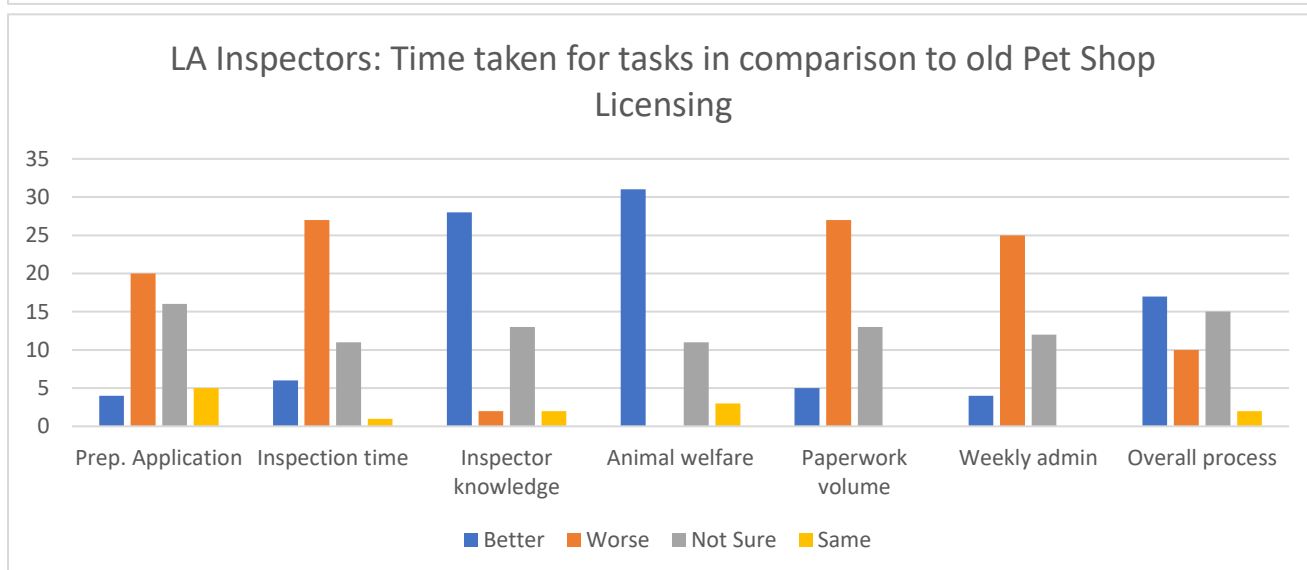
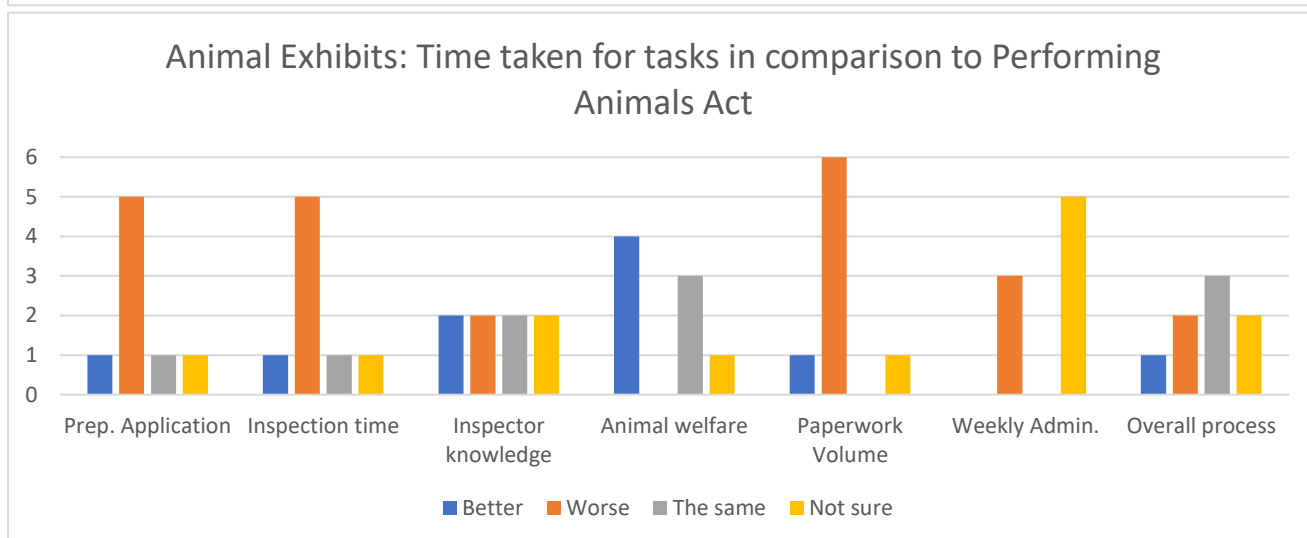
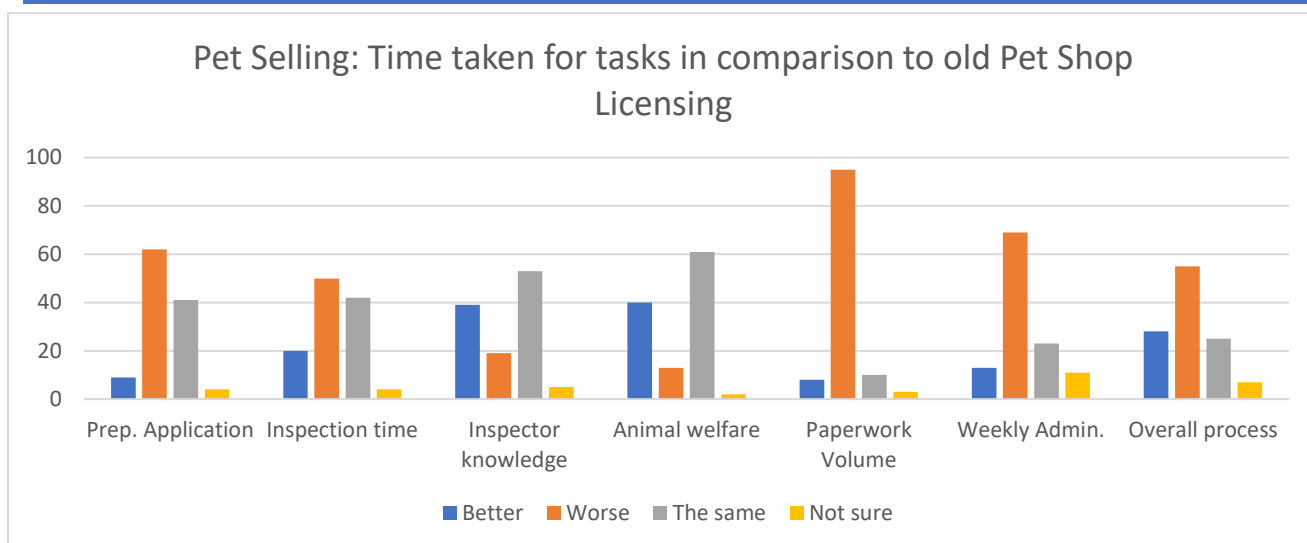
The times spent varied due to the range of business types and sizes evaluated. It is clear that considerable time is devoted by businesses to administering the licensing.

What does this tell us?

The time burden is considerable and this imposes a direct cost on businesses. Any reduction in this would be beneficial.

## We asked...

Thinking about the new licensing process under the LAIA regulations and comparing to licensing under the old Performing Animals (Regulation) Act 1925/Pet Shop Licensing Act, how would you compare the 2?



Why did we ask this?

We wanted to determine if the new regulations had delivered benefits in outcomes and their impact on businesses and inspectors.

### Respondents told us

The opinion of businesses was that in most categories, preparation of the Licence Application, time taken for the inspection, volume of paperwork/records, time taken each week to administer the license and the overall licensing process businesses felt that the impact of the new regulations were more than the ones they replaced. However, inspector knowledge and animal welfare were regarded as being the same or having improved.

This was reflected in the opinions of inspectors where animal welfare and inspector knowledge were seen as improved. This group also regarded the overall process as better which was not reflected in the opinions of businesses.

### What does this tell us?

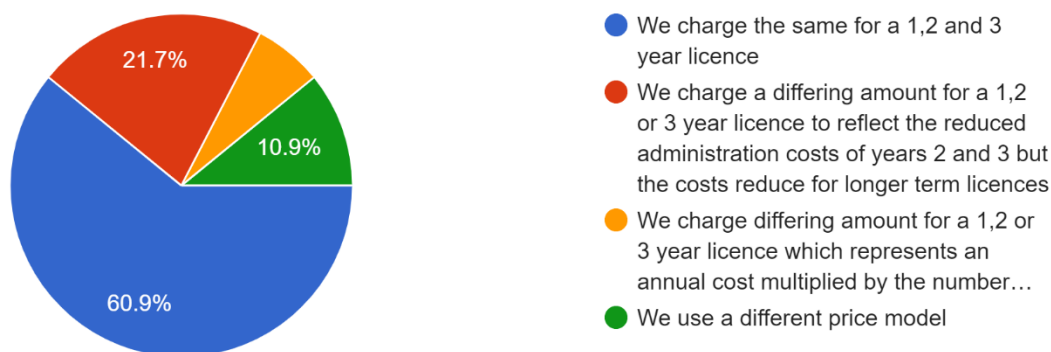
Businesses and inspectors have been negatively impacted by the introduction of the new legislation, although this may have delivered an improvement in welfare. By improving the negative aspects, and especially paperwork, it is likely that the welfare improvements can still be delivered with less impact on businesses and inspectors.

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### We asked...

*Local Authority inspectors: The Pre-Implementation Impact assessment stated that businesses with 2 or 3 year licenses should save money with fewer inspections and that the cost for a 1,2 or 3 year license should be the same. Does your LA charging policy reflect this assumption or are 1,2 and 3 year licences charged different amounts?*

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### Why did we ask this?

We wanted to determine if a primary aim of the new regulations had been achieved.

### Respondents told us

The majority of respondents indicated that their charging model demonstrated a saving for businesses who achieved a 1,2- or 3-year licence, although the mechanisms of achieving this and the saving realised varied. In total, when asked if a 3-year license represents a cost saving to a business 91% of LA inspectors responded that it did.

The average annual cost per year for licenses for pet sellers, from the information provided, is 1 year: £371, 2 year: £207 and 3 year: £147. It should be noted that many of these incur extra costs (vet fees, extra fee per schedule, surcharge for size of business, etc) and there were outliers with much higher costs.

### What does this tell us?

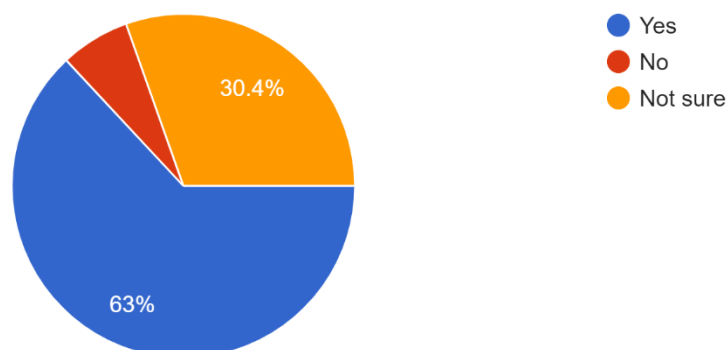
In the majority of cases, it appears that businesses were able to realise a cost saving in response to being higher standard, and lower risk. Many businesses have reported that costs have increased when compared to the old pet shop licensing cost. The variability in total costs and the mechanisms used to achieve the pricing structure varies from LA to LA so there is little consistency nationally. Consideration should be given to introducing a national pricing model to standardise this.

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### ***We asked...***

*Local Authority Inspectors: Has the introduction of the new LAIA regulations increased the cost to businesses for a 1 year licence when compared to the old pet shop licencing scheme/performing animals legislation?*

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### ***Why did we ask this?***

We wanted to assess the financial impact on businesses and if this had increased from the old licensing scheme.

### ***Respondents told us.***

Only 6.5% of LA inspectors who responded felt that the cost to businesses had not increased. 63% felt the cost had definitely increased whilst 30% were unsure.

### ***What does this tell us?***

The new regulations imposed a cost burden to businesses. This not only includes direct licensing costs, but also extra staff cost, making changes to housing, extra overheads and so on. Any further changes introduced as a result of the PIR MUST have at least a 3-year transition period to allow businesses to adapt successfully and reduce the risk of businesses failing.



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***We asked...***

*Have you ever appealed a Local Authority decision relating to your licence? and, If you have appealed an LA decision then what was the outcome?*

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Why did we ask this?

We wanted to assess if businesses were using the appeals process and if so, what were their experiences of it.

Respondents told us

Only 8% (9) of pet sellers had appealed a decision and the nature of the details differed greatly.

- “On 2 out of 3 licences I was only permitted to sell what was on site at the time of inspection. Not the amount of animals I applied for at application. One took me 8 months to overturn.”
- “We disagreed with our rating and despite proving they had marked us wrong in certain criteria they still didn’t change the original decision”
- “Someone from the council that didn’t know one end of an animal to another, when they were question their opinion they came back and changed their mind and give us the new star rating”
- “The LA only ever emailed - at no time would they discuss 'face to face' - we had to get support from the PIF. There were lots of different actions that each time the Inspector came into the shop that she 'suddenly' then decided 'were mandatory' although they were not! There is no recourse from the LA - they are not interested; they hold the singular belief that the Inspector is correct in all matters and that she is irreplaceable as there are no other staff available to do the role. Even when faced with the PIF stating that something was not mandatory, in writing - she refused to accept this and continued in defiance stating that it was the ONLY way to gain our licence. We became stuck in the middle - literally no way out of the situation except "Pay" and do whatever she said as we needed to trade of course! For example: UV Filters are NOT mandatory for a Standard Star rating as we can only achieve this as apparently, she cannot give us any more than that as 'we are not known to her patch'! However, she informed us yet again, that the installation of these IS Mandatory and therefore no UV No Licence. ! This has meant that we have had to pay for another £ 250 plus VAT - for something which is NOT mandatory for our rating! ( we have only been awarded 2\* as she is stating as above 'we are new to her patch'!"
- “VERY MINOR DETAILS THAT WERE COMPLETED AND AWARDED 3 STARS, I CHALLENGED THESE AND GOT MY 5 STARS”
- “Not so much an appeal, but we did not agree that we had to keep a log of animals being couriered to indicate when they were being collected & when they were being delivered. We were told that it is our responsibility for the animals whilst they were being couriered... however to us it is the DEFRA Licensed couriers responsibility for the animals whilst they are with them. We spoke to another licensing officer who told us we were correct & there was nothing in the guidelines to state we had to keep such records.”
- “No outcome star rating was different in both stores even though same paperwork at both stores. One was 5 star and other was 1 star.”
- “We are still waiting for a response, our licence inspection was delayed for a year, we passed when we were inspected however 11 months later, we are still waiting for our licence and a response to our enquiry about updating the range of species we are able to keep.”

What does this tell us?

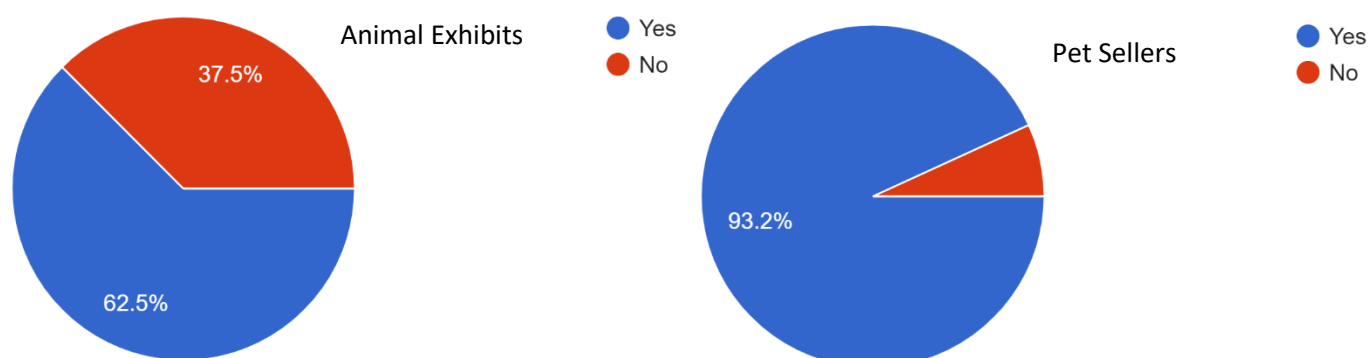
Although the reasons differed from case to case, there were themes identified around inspector knowledge and training.

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### *We asked...*

*Do you feel your inspection is thorough?*

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Why did we ask this?

Regardless of if an inspector has the required knowledge or sufficient training, or the process itself is inconsistent inspections should still be carried out professionally to a high standard. We wanted to assess the feeling of businesses being regulated to determine if they felt the inspection process was carried out thoroughly.

Respondents told us

There was considerable differences between the 2 types of animal businesses surveyed with the majority (93% or pet sellers and 63% of animal exhibits) feeling the inspection was thorough.

What does this tell us?

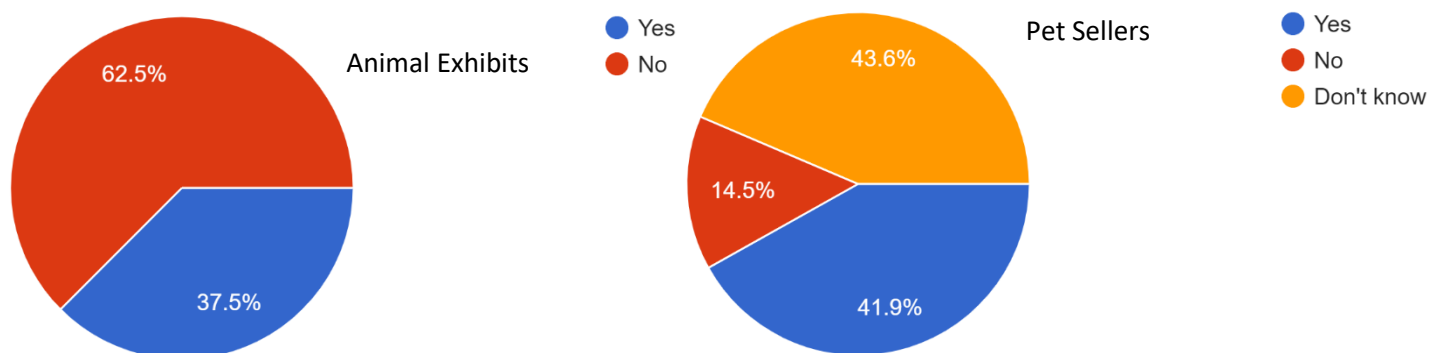
In the majority of cases those businesses being regulated felt that they were inspected thoroughly. Among the businesses that felt they weren't inspected thoroughly the themes that emerged were lack of inspector knowledge and training and emphasis on unnecessary parts of the process such as excessive paperwork and not focussing on animal care.

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### *We asked...*

*Have your inspectors been trained and are competent to carry out the inspection?*

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Why did we ask this?

The regulations require inspectors to be adequately trained. The deadline for inspectors to gain competency has slipped since the introduction of the regulations, and even now not all inspectors have received basic training. There has also been a move to simplify the training and remove practical elements which reduce the competency of the

inspectors after training. We wanted to try and obtain a snapshot for the percentage of inspectors who had received training.

Respondents told us.

Only 38% of animal exhibit businesses and 42% of pet sellers said that their inspectors were fully trained, but while 44% of pet sellers didn't know if the inspectors were trained 63% of animal exhibit business felt that the inspectors had not been trained.

What does this tell us?

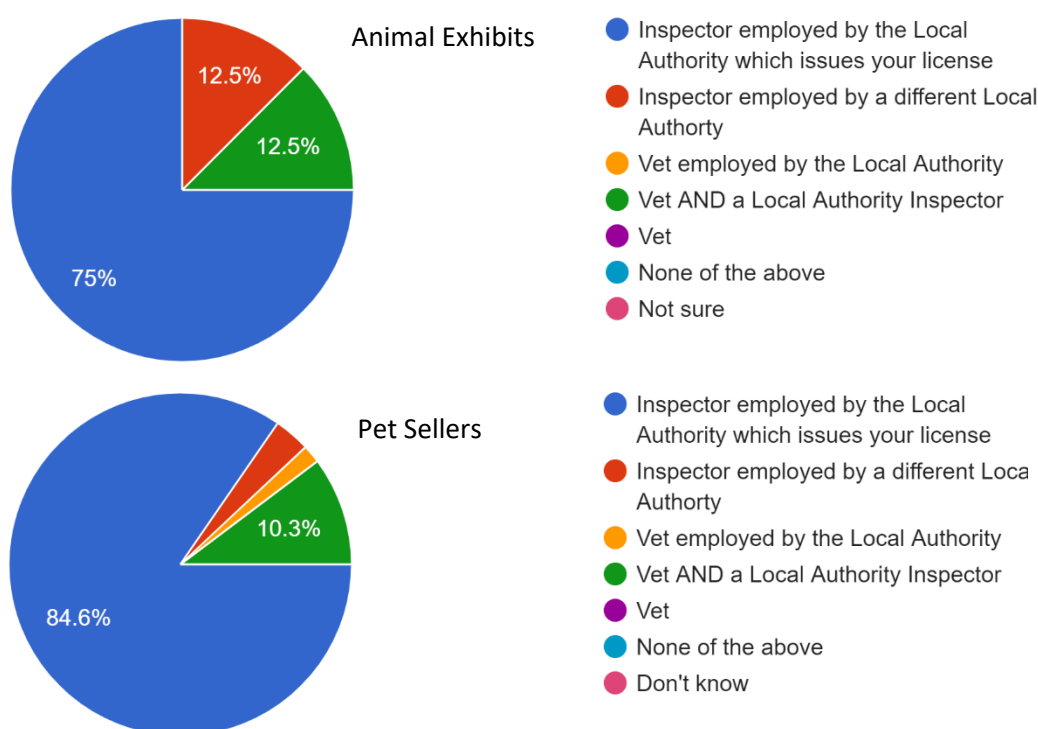
In the inspections prior to the survey close date in December 2022 It appeared that only the minority of inspectors were trained according to the licensed businesses. This is of course subjective as they may simply have not known if the inspector had been trained or not. It is important that businesses have confidence in their inspectors and so this information should be made available.

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### *We asked...*

#### *Who carries out your inspection?*

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Why did we ask this?

We wanted to determine who was carrying out inspections.

Respondents told us.

The vast majority of inspections are carried out by LA inspectors, either from the licencing authority or from another authority. Vets are used in a significant minority of cases, usually in conjunction with inspectors.

What does this tell us?

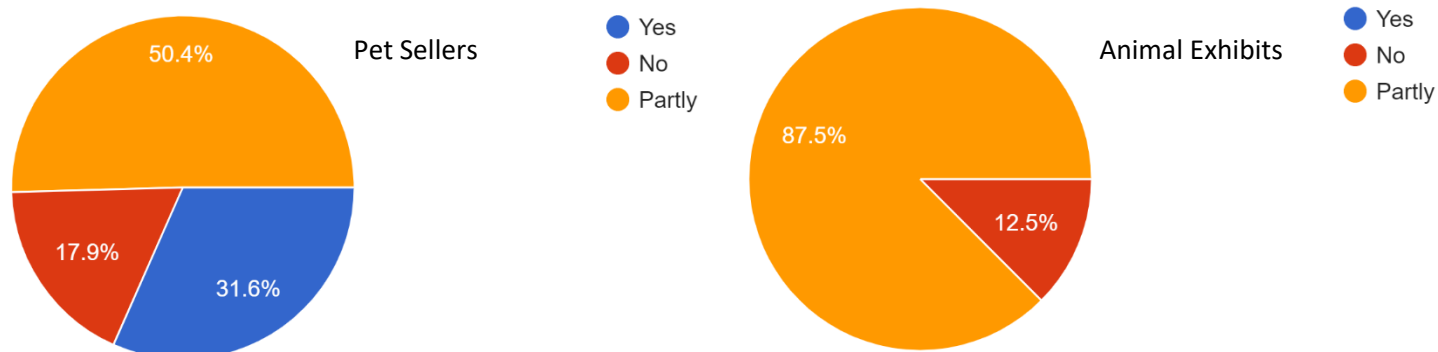
As all inspectors must be trained and competent in both animal welfare and the legislation this training should be focussed on the LA inspectors.

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### ***We asked...***

*Are your inspectors knowledgeable?*

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Why did we ask this?

We wanted to evaluate the view of businesses with regard to their perceived knowledge level of the inspectors.

Respondents told us.

Although the majority of both pet sellers and animal exhibits businesses only felt that the inspectors were partly knowledgeable only pet sellers expressed a view that they felt their inspector was knowledgeable.

What does this tell us?

Although at first glance this may seem to indicate that the level of knowledge of inspectors is lacking this result should not come as a surprise. Many inspectors carry out LAIA inspections as part of their overall job and may have no experience (and often no desire!) to be involved with animal licensing. Dedicated licensing inspectors would be able to increase their knowledge as they would be their primary purpose rather than something bolted onto a general licensing role.

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### ***We asked...***

*Are the inspectors you have been in contact with pragmatic to achieve good welfare outcomes or do they apply the regulations strictly to the written guidance even when this may be detrimental to animal welfare or businesses?*

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Why did we ask this?

We wanted to determine if inspectors were focussing on welfare considerations, rather than blindly forcing businesses to impose conditions that may compromise welfare

Respondents told us.

Only 15% of pet selling businesses answered No to this question. All other pet selling or animal exhibits businesses yes or partly.

What does this tell us?

This may indicate that inspectors are willing to listen to the businesses, who will usually represent a source of expertise regarding husbandry and make suitable compromises where the guidance allows. Where this did not happen then the issues tended to centre around strict administration of the guidance even when it could be demonstrated that this may not be the best route. Again, the inspector's level of knowledge and/or trust in the business owner may contribute to this.

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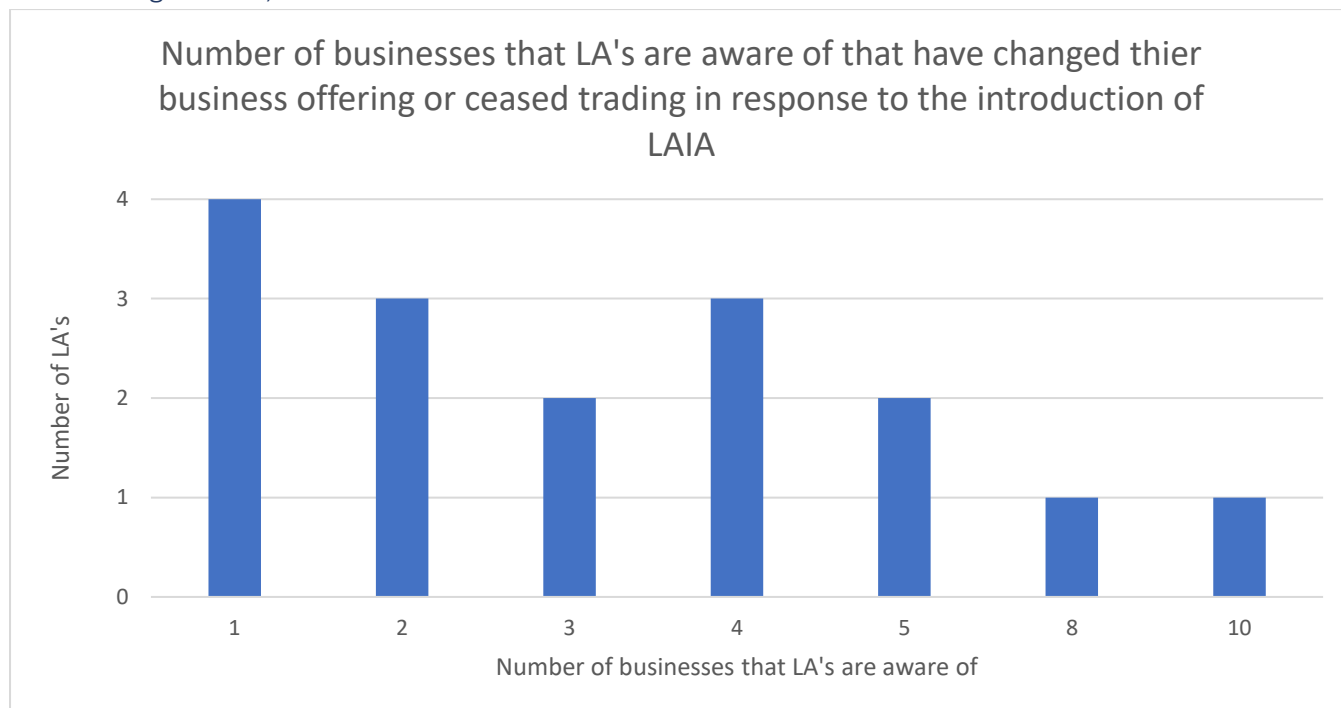
### ***We asked...***

*A range of questions to explore the LA's experiences of negative effects of the introduction of the new regulations?*

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*Has the introduction of the LAIA regulations caused any business that you inspect to change their business or cease selling animals?*

50% of inspectors were aware of businesses changing their business model or ceased trading in response to the new regulations, while a further 28% were unsure.



Why did we ask this?

We wanted to determine the effect on businesses of the introduction of LAIA.

Respondents told us.

LA's were aware of businesses that had changed their business model or ceased selling animals. These numbers were generally small but there were examples of larger numbers, one LA was aware of 10 businesses. Where a business had changed its model, this often revolved around changing the offering by removing one or more sections, e.g. cease trading in birds since they did not have the space for new housing or ceased selling livestock altogether.

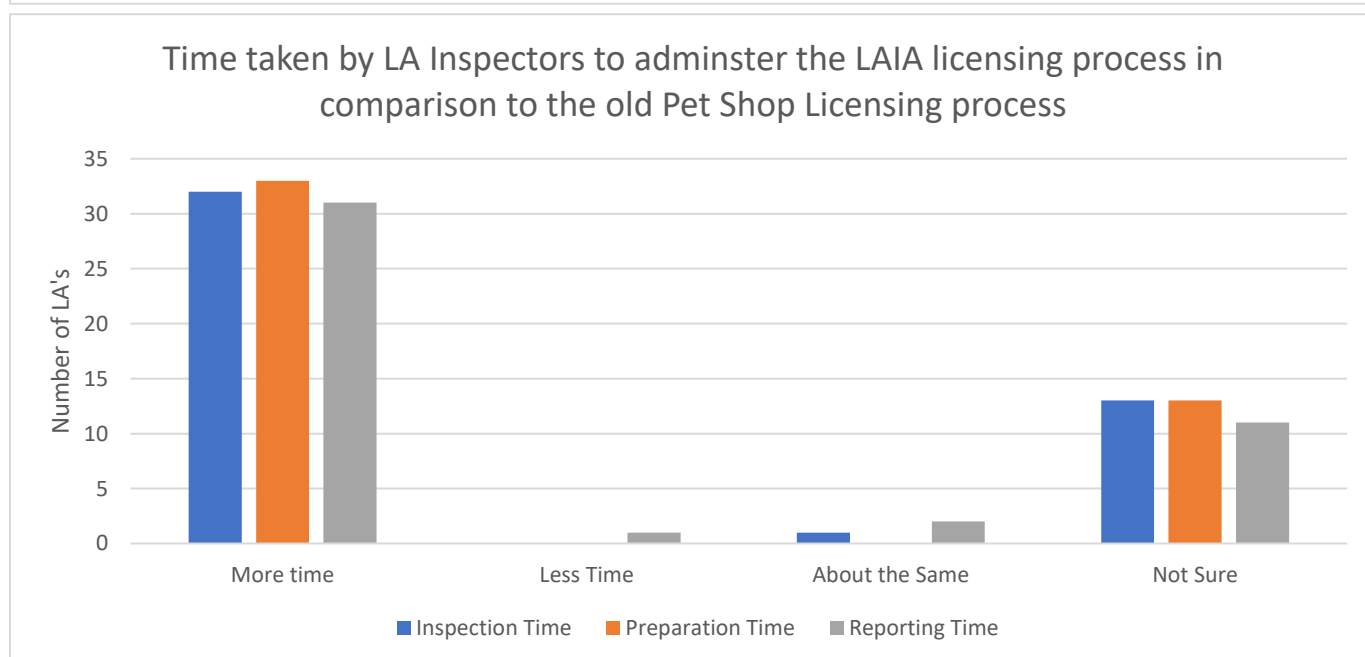
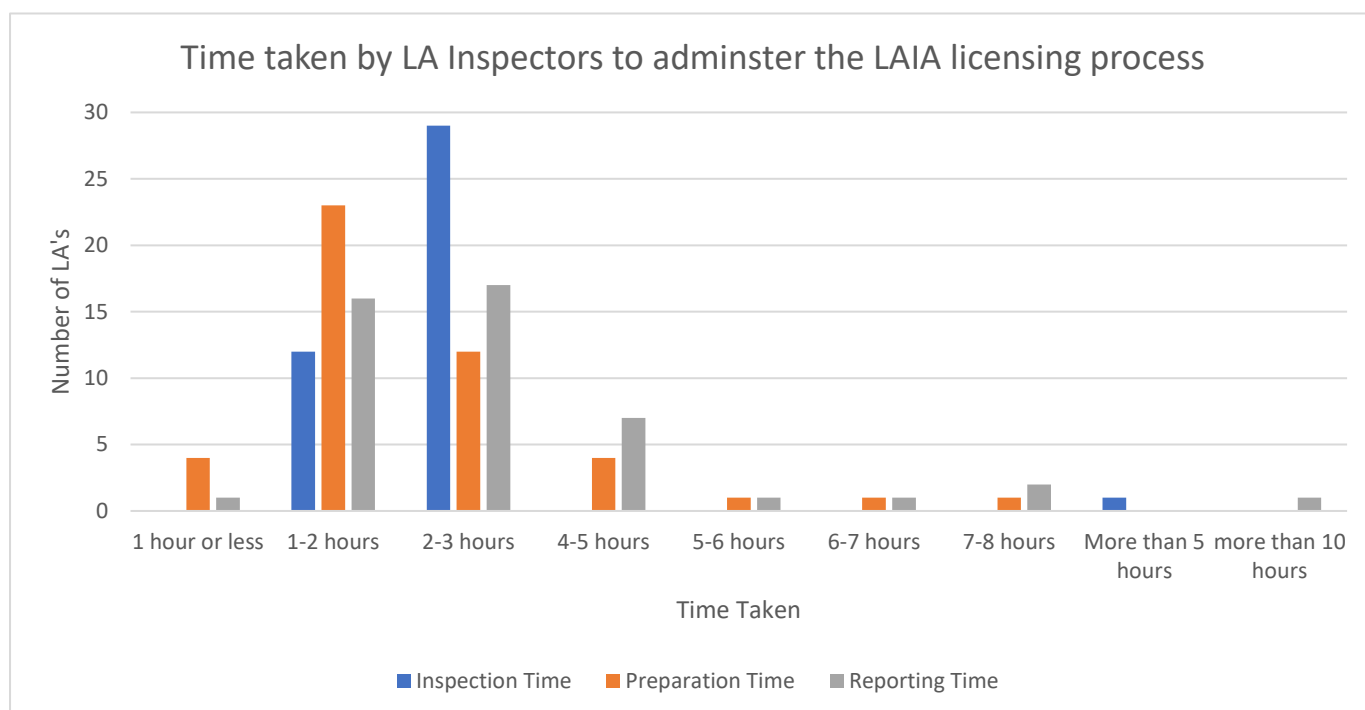
In addition to businesses changing their business model, there were also additional businesses that ceased trading. Again, this was generally low numbers in each authority area, but across the surveyed authorities totalled 53 businesses.

What does this tell us?

The introduction of LAIA had changed some businesses. This may be beneficial to welfare in some cases if the businesses were poor, but good businesses with high welfare may also be forced into decisions where their premises simply couldn't accommodate the new housing or support lower stocking densities.

### We asked...

*Local Authority Inspectors: How long it took them to administer the licensing process and how this compared to the old Pet Shop licensing process?*



### Why did we ask this?

We wanted to determine the time burden the LAIA regulations placed on LA's.

### Respondents told us.

The majority of the differing processes can be completed within 1-3 hours; however, some applications take longer and this can be excessive, 5 hrs +.

All the processes involved with administering the LAIA inspection process take longer than under the old Pet Shop licensing process.

The majority of inspectors (82%) felt that the time taken does allow them sufficient time to accurately assess businesses, while 9% felt that it was insufficient.

#### What does this tell us?

The new LAIA licensing process has imposed considerable time burden on LA inspectors. This is a direct cost to the LA's, and hence to businesses, but importantly means that inspectors are stretched to deliver a high quality service.

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#### *We asked...*

*Local Authority Inspectors: Do you think that there should be additional training available for inspectors? if so, what would you like to see available?*

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#### Why did we ask this?

We wanted to assess the desire within the inspector community for further ongoing training.

#### Respondents told us

41 inspectors responded to this question and 38 felt that ongoing training would be beneficial. They said:

- "Yes, practical inspection training, in addition to "back office" admin training."
- "regular training in all aspects to ensure consistency of application"
- "courses on welfare requirements of particular animals - species/groups"
- "not if the required qualification contains a practical element."
- "Yes."
- "Practical inspections with trained inspectors."
- "Any training is valuable. Faux inspections, welfare courses, evidence gathering courses."
- "Yes - Definitely Animal Franchise and maybe a course now we are 4 years into the new regime."
- "yes training on each schedule which includes animals on site"
- "more practical training"
- "Yes, especially on dog franchises and hosts"
- "Refresher training."
- "Training has been set up. Training should have been set up before the changes along with the systems to be used for inspection. Practical training is required on mock set ups. Training on the use of inspection sheets which do not just follow the guidance as a tick box but work for the officer allowing them to progress the inspection in a logical manner e.g. start with documentation, or finish with it, work from entrance to exist, external provisions (garden) to any transport (however these need to be kept upto date with the Defra updates which now seem to occur without notification)."
- "There are lots of courses related to animal welfare available, but officers have to want to keep up to date and obtain the specialist knowledge. Not all want to or have time to, but i think it is key to maintaining up to date knowledge and skills. Perhaps a 3 year refresher course?"
- "More through training initially as part of OFQUAL qualification, maybe some inspector shadowing to ensure the regs are understood in a practical sense, currently it is all paperwork based"
- "More training on welfare for animals such as reptiles and fish."
- "Yearly CPD or if something of significance changes in the regulations"
- "Experience of different species, needs and habitats."
- "hands on inspection of some activities/animals"
- "Shadowing on inspections - practical assessments/training"
- "Yes"
- "Yes, refresher training is always useful"
- "Yes - home boarding franchise/arrangement licensing - there is very little information on this subject and this is becoming a more popular activity."
- "yes, refresher courses and seminars"

- “Training on fish, testing of water, etc. Training across all aspects of licensing in a hands on environment.”
- “Yes - annual free training on updates”
- “Yes -enforcement”
- “Yes, completing inspection reports effectively. Enforcement training, how to deal with complaints, suspensions, revocations etc”
- “Yes and how to link them back to the AWA”
- “Update Training”
- “Regular webinar/briefings on all aspects, in particular the more specialised areas e.g. exotics/reptiles - but these should and could be provided free of charge. Councils don't have any money and training is one of the last priorities. This is only going to get worse.”
- “There is already training for the Level 3 qualification. However, there are so many grey areas in the guidance, I would like to see regular courses available to inspectors where controversial or grey areas can be discussed and clarified.”
- “specialist 1 day seminars covering a range of topics”
- “More practical courses for local authority officers with regular updates”
- “Yes, online and practical refresher training would be useful. Training to be provided in different regions so all officers can attend without travelling too far.”
- “Ongoing training for loopholes would be advantageous.”
- “I think the OFQUAL level 3 is too time consuming. There is a need for a training course that qualifies inspectors, in a less resource draining way. Even if this was via assessment/exams rather than copious course work”
- “On going training on a regular basis and CPD”

#### What does this tell us?

Inspectors feel that ongoing training, refreshers and updates are valuable. These are courses that should be designed and made available to inspectors and ongoing training for inspectors made a requirement of the regulations (in the same way as ongoing training is a requirement for licensees)

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#### *We asked...*

*Local Authority Inspectors a range of questions relating to the records and paperwork required of licensees.*

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#### Why did we ask this?

We wanted to determine the views of inspectors in relation to the records required of businesses, and if these are useful.

#### Respondents told us.

Only 67% of inspectors found all of the records business keep of use, with 20% saying they were not all useful. However, 80% of inspectors do examine all of the record provided whilst 10% do not.

#### What does this tell us?

A significant minority of inspector do not feel all of the records business need to keep are useful, and some don't use them. Given the emerging theme of excessive paperwork this element of the guidance should be reviewed with the aim of reducing the burden on businesses and inspectors.

Inspectors specifically identified as items that could be reviewed:

- Reporting exceptions rather than recording all information
- Remove duplications
- Remove daily health check records (other than exceptions)
- UV/Temp records (other than exceptions)



- Remove preventive health care plan as vets are reluctant to endorse them
- Make documentation appropriate for the size of business

## General Questions

In addition to questions aimed at specific stakeholders we also asked a range of questions that were open to response by businesses, inspectors or the general public.

These related to issues that could be common to groups involved with LAIA, or more wide-ranging questions that we wanted to gather views on. Not all related to LAIA.

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### ***We asked...***

*Is the business test, the definition of a business that falls in scope of the new regulations and so requires a licence, clear?*

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Why did we ask this?

The business test is often a topic of conversation and we wanted to gather views on the definition as it stands.

Respondents told us.

Taking all respondents as a group 50% felt the test was clear, with a further 25% feeling it wasn't and 25% with no view. These percentages were reflected in the responses of businesses and inspectors when viewed individually.

What does this tell us?

The business test is a key definition since it sets out who should be licenced. With only 50% of respondents happy that the test is adequate it should be reviewed to determine if improvements can be made.

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### ***We asked...***

*Do you think that anyone who sells an animal should be licenced or registered in some way, regardless of the number or value of the animals involved?*

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Why did we ask this?

We wanted to assess attitudes to expanding the scope of licensing in the different groups.

Respondents told us.

There was a difference in attitude between businesses and inspectors and the general public.

The majority of businesses and inspectors (75 and 71% respectively) supported this concept, while only 45% of the general public did so.

A possible mechanism for this was explored and respondents were asked: *"One proposal for regulation of all animal sellers, regardless of the value or number of animals involved, is to have a simple registration scheme for smaller operators. Do you think this would be a good idea?"*

This idea was supported strongly by businesses and inspectors with 76% and 85% respectively thinking it was a good idea. Support was lower among the general public with only 65% of them supporting the idea. It should be noted that significant numbers of people who supported this idea were not confident it could be delivered successfully.

What does this tell us?

Support for extending LAIA to include more animal sellers, and so improve welfare of currently unregulated sales is strong but the exact mechanism to achieve this needs detailed exploration.

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### ***We asked...***

*Currently rescue and rehoming centres (animal welfare establishments) are not a licensable activity in England. They are required to be licensed in Scotland, and Wales is currently considering if they should be licensed. Do you think that animal rescue centres should be licensed?*

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Why did we ask this?

We wanted to see if there was support in England for licensing rescue and rehoming centres (animal welfare establishments) as this is already in place in Scotland.

Respondents told us.

There was strong support for this proposal of 72%, 76% and 91% respectively from general public, inspectors and businesses.

We then explored a possible mechanism to deliver such licensing and asked: *"If you DO think that animal rescue and rehoming centres should be licensed, do you think that:*

- They should be subject to the same licensing process at businesses selling animals as pets, but with a specific set of guidance for these operations.*
- They should have a tiered inspection system which allows the smaller operations to have a simpler inspection process.*
- They should simply be required to be registered and complete an annual return.*

This concept of a differentiated system to support the smaller operations with a lower burden of administration was viewed differently by the differing stakeholders.

Businesses were strongly in favour (68%) of imposing the same conditions on rescue and rehoming operations as is applied to businesses, with lower support for a tiered system (29%). Inspectors were much more evenly spread (47% and 45% for the same process for all organisations and a tiered approach respectively). The general public however supported the tiered approach with 54% supporting that and 33% supporting the same scheme as businesses but with a separate schedule.

What does this tell us?

The idea of licensing rescue and rehoming centres in England should be evaluated further.

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### ***We asked...***

*Currently establishments that board animals (other than dogs/cats) are not required to be licensed. Do you think that such establishments should be licensed? ?*

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Why did we ask this?

We wanted to gather opinions of the licensing of boarding establishments.

Respondents told us.

There was agreement across all of the different stakeholder groups and the general public with all groups showing strong support of between 69-86% for this concept.

What does this tell us?

The licensing of boarding establishments of other taxa should be considered.

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***We asked...***

*There have been proposals that licensing under the LAIA regulations should be handled by a new central UK or England wide inspection service. Do you support this idea?*

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Why did we ask this?

We wanted to evaluate support for the concept of a central licencing inspectorate.

Respondents told us.

There was no clear indication of support for this idea across the different stakeholder groups. Many respondents selected “not sure” perhaps indicating that more detail is needed for them to form an opinion.

What does this tell us?

If this idea was to proceed, then it should be on the basis that it would need to make financial or administration sense and improve the current situation. More detail could then be provided to stakeholders to enable them to form an opinion.

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***We asked...***

*Currently the Dangerous Wild Animals licencing process is not included in LAIA. Do you think the DWA should be incorporated into LAIA?*

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Why did we ask this?

We wanted to evaluate the support for this concept.

Respondents told us.

There was support for this proposal from all of the stakeholder groups, although the degree of support varied. Inspectors had the strongest support (60%) while businesses and the general public had lower levels of support (42% and 46% respectively). Significant numbers of respondents chose “maybe” perhaps indicating that more detail is needed for them to form an opinion.

What does this tell us?

If this idea was to proceed, then it should be on the basis that it would need to make financial or administration sense and improve the current situation. More detail could then be provided to stakeholders to enable them to form an opinion.

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***We asked...***

*Currently the "Animal Exhibits" license does not allow for the licencing of static exhibits that are exempt from the Zoo Licensing Act. Do you think that there should be an option for this?*

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Why did we ask this?

We wanted to evaluate the support for this concept.

Respondents told us

Views on this concept were evenly split “yes” and “not sure” in a similar way across all of the stakeholder groups, perhaps indicating that more detail is needed for them to form an opinion.

What does this tell us?

If this idea was to proceed, then it should be on the basis that it would need to make financial or administration sense and improve the current situation. More detail could then be provided to stakeholders to enable them to form an opinion.

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### ***We asked...***

*Currently the LAIA guidance specifically exclude from being licensed: "organised events where people meet to sell surplus animals they have bred, or animals that are surplus to their requirements, whether or not this is open to the public". These are sometimes called "breeder's meetings", "shows" or "expos" and are organised events where hobby (non commercial) breeders can sell animals that they have bred. Do you think that these types of events should be licensed?*

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Why did we ask this?

We wanted to evaluate the support for this concept.

Respondents told us.

There was strong support for this concept from businesses and inspectors, with 66% and 61% respectively supporting the idea, and only 17% and 7% not supporting it. The remaining responses (17% and 33%) were "not sure".

There was less support from the respondents who made up the general public group, with only 36% supporting and 47% not supporting. It should be noted that some animal rights extremists are opposed to these events and so it is possible that they had influenced the responses.

What does this tell us?

This concept has stakeholder support, particularly from inspectors who currently suffer from much of the animal rights activities associated with the current confusion. The idea should be evaluated in more detail.

Licensing could take the form of a separate schedule and guidance notes for breeder's meetings, or in the form of a separate taxa specific general license. e.g., "General License for Reptile & Amphibian Gatherings", "General License for Fish Gatherings". General licence guidance would define general principles, such as having a vet present, and would match the general license system that is already in place for bird gatherings.

*“Do you think that licensing is more consistent across differing local authorities as a result of the introduction of the new regulations?”*

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### **Pet Sellers**

Respondents were given the opportunity to provide further insight into why they held these views. Key responses included:

“Varying experience of inspectors, with regards aquatics”

“I was told by my EHO “ it’s up for interpretation”

“Until there is a national board of officers that license all then there won’t be”

“Differing understanding of how the new regulations relate to fish vs mammals reptiles etc.”

“I see lower standards in other shops under different authorities and even under the same authority as my own!”

“Massive inconsistencies of interpretation of regulation”

“Some (inspectors) asking completely irrelevant questions and some very clued up.”

“Huge variation in price for license, different interpretations of the license mean some authorities are stricter, others are more relaxed with the rules. Many people operate without licenses and have little comeback for this.”

“It is still a postcode lottery, while we have been told by our inspector that we will never achieve a 5-star rating due to us not being retail premises others we know in a different authority area who trade the same way as we do always get 5 stars”

“Lack of specialist training and knowledge of inspectors”

“After consulting with other licence holders its clear the implementation of the rules is hugely variable.”

“Each inspector does things differently, reports from other shops differ wildly from our experiences.”

“I have seen other shops with enclosures and protocols which wouldn’t pass our licensing inspection.”

“I believe that there is a lot of interpretation of the guidance on the local authority's side and this is reflected in our inspections.”

“There is more red tape for Irrelevant info on inspection.”

“It appears that even nearby local authorities have different views and levels of experience. Shops nearby to us appear to not have to provide care sheets etc.”

“The inspector dropped my results in my inbox late Friday evening and then disappeared on leave for several weeks, leaving me with no one to speak to and no guidance or help in order to meet the criteria she had set to achieve our license, many of which I had already actually met.”

“There were many, many other problems and the whole thing left me nearing a nervous breakdown with the stress and anxiety of it all. A complete, chaotic shambles where the inspector had little knowledge of what they were doing.”

“We are aware that different authorities interpret the rules and guidance's differently with no cohesion, to suit the shop they are regulating. We were given no such 'common sense' -and subsequently got our live animal licence revoked for 13 weeks due to Legislation written procedures not being the way that the LA inspector 'wanted to see them' - NOT on Animal Welfare issues. This inept unfair procedure cost us considerably amount financially around £ 60/65K lost revenue and 'good will' as customers shopped elsewhere and some have never returned.”

“I think it's open to a huge amount of interpretation by different councils. It's still carried out by inspectors that are not qualified or understand the regulations they are supposed to be following.”

“Because it is based on a licencing officers interpretation of the regulations”

“Each inspector interprets the legislation differently. What is good enough for one inspector isn't always good enough for another.”

“Being part of a chain of stores, you can see the stores that have particular issues with licencing officers who might be playing extra hardball in comparison to other local councils”

“It is meant to be, However I still think local authorities don't all interpret the guide lines the same way.”

“The licencing is still done by individual council inspectors with no specialism in fish keeping, or even keeping animals Different Authorities request different documents”

“All the inspectors asking for different regulations across the board”

“As a group we hear of inconsistencies across our stores on satisfactory standards/levels of compliance. I have a store in rugby and one in Bracknell. The questions asked and information required from both stores varies widely. In rugby it's a quick visit, a visual inspection, in Bracknell I'm asked with extreme detail how I run my shop - even being asked to show evidence of staff progression on a professional level - nothing to do with the fish at all!”

## **Animal Exhibits**

Respondents were given the opportunity to provide further insight into why they held these views. Key responses included:

“Because I also work as a contractor for Animal Encounters who are licensed under Eastleigh Council. Their licensing experience was very different to mine. And the cost is very very very different!!!!”

“The AAL license is left open to interpretation in many areas meaning different authorities have different views on what's correct and what's not.”

“Different pricing, so many ways to interpret guidelines depending on who does the inspection”

“They don't all follow the same rules and it's very much a tick box exercise”

“Huge variety between councils on enforcement, inspection quality, inspectors knowledge & attitude, strictness and fees.”

## **Local Authorities**

Respondents from the LA inspectors were given the opportunity to provide further insight into why they held these views. Key responses included:

“Licence documents differ, website information differs, inspection documents differ, price structure differs and publication of star ratings also differ.”

“insufficient resources for many to implement properly”

“I am aware that surrounding LA’s issue licences incorrectly star-rated.”

“It has improved consistency but there are still some differences between LA’s regarding the implementation of the Regs based on different interpretation as some items are not clear.”

“I do think it has improved but believe there is still a long way to go, many authorities use officers who have other roles. In my opinion this is such a big role with legislation that needs fully understanding that this should be a dedicated role across authorities.”

“The legislation and guidance are flawed and do not take into account that all businesses are different. The star rating system is a nonsense”

“The Pet shop criteria is way too onerous and time consuming to inspect. Large pet shops can take a whole day to inspect and report on which is not proportional to the actual risk to animal welfare they pose.”

“Most inspecting officers have other roles and it is very difficult for us to juggle everything especially as most renewals take place between October and December.”

“There is still no guidance on how the interim inspections are to be carried out, are these a full inspection or a partial inspection? Where the legislation and guidance says a 1 star licence requires a yearly inspection it is actually 2 inspections that year with the interim inspection.”

“Each authority interprets the regulations differently as there is some grey areas within them”

“not enough dedicated staff to ensure compliance”

“I am aware that some authorities are handing out 5 stars without ensuring the premises meet the standards required particularly in relation to measuring cages etc.”

“Local Authority Inspectors are interpreting the guidance differently”

“There is a variety of interpretations on what is accepted as min, higher standard”

“There continues to be differences in the application of the regulations. This is often seen in the interpretation/application of the guidance, but, fundamentally with when a licence is required - e.g., dog breeding where some L A's want a licence on only 1 litter (with the £1,000 benchmark easily met) and others stick to the 3-litter rule. Sometimes the guidance doesn't make very good sense, so it is my view that some officers do not apply it. lack of initial training and the complexity/ambiguity of regulations. difference in inspector training courses”

“Lack of clarity in the regulations”

“However, the statutory guidance accompanying the regs needs a review. There are many issues and inaccuracy with these documents which cause inconsistency.”



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### *We asked...*

*Is the business test, the definition of a business that falls in scope of the new regulations and so requires a licence, clear?*

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- “Better clarity for professionals carrying out the LAIA, as they are not always clear on how to do this unfortunately”
- “If you make money from animals whether that be a business or privately you require a license.”
- “Make a clear definition rather than basing it on earnings or profits. Its too easy for breeders to avoid
- There could be a clear profit threshold that would class a person as a business. Also other specific criteria e.g. owning a website”
- “It should be very clear about at which point the licence should be applied for when starting a business. I have waited until I’ve earned £1000 from my business before applying for my licence, but I was unclear if that was the correct thing to do”
- “Animals vs items. There should be direct rules for animals specifically.”
- “N/A at present”
- “Whilst it may suit many species, when it comes to Reptiles and Fish, possibly birds, hobbyists may keep many different species and a lot will require to be kept in sexed pairs with little to no option of neutering. Babies are a guarantee. Whilst can be frozen and destroyed, many species live birth, in high numbers. So someone with 5 species in pairs, just ten animals, could see upwards of 200 babies. In order to ensure they are not seen as throwaway species, selling these on for 20 to 30 pounds would not be absurd, creating £3000 profit. This person should not be a business. Likewise, someone could keep 40 leopard gecko pairs, 20 breeding animals delivering 2 eggs at a time, so only 20 animals but almost all with the desire to sell them, and some commanding high prices. Volumes of litter should not be a factor. It should be quantity of breeding’s per year and common sense used for many species. Intentions are more important.”
- “Licencing of all home breeders of any animals and requiring private sellers to pass correct knowledge onto purchasers, we spend so much time correcting poor enclosures/advice from private sales.”
- “Many people breed and sell animals at home purely to make money in conditions that are not checked and they do not apply for a licence. Partly this is due to wanting to make money without being regulated but also some people are unaware of licencing laws. Local authorities do not promote the need for licensing to backyard breeders.”
- “I know a lot of breeders, most are under the impression that a profit of £1000 needs to be made before requiring a license”
- “Animal numbers and not £s”
- “There is no actual punishment for people operating without a license, so it does not deter those who purely don’t care”
- “The definition of what counts as a "hobby" (and thus exempt from being a business) is not very clear - i.e. if I keep half a dozen snakes or mice or budgies as pets and occasionally breed a litter or two because I want to keep a couple of babies from my pets for myself, but then have what could be a dozen or more "surplus" babies, is it still a "hobby" if I trade those surplus babies to a shop to pay for the food for my other animals? It would help if there was a clear threshold or guideline as to what point "hobby breeding" becomes "breeding in the course of a business"
- “References to 'hobbyist breeders' and 'surplus stock' should be removed from the guidance on pet sales as it is confusing for enforcement personnel”
- “its quite convoluted....the cites rules regarding ivory sale or exchange are much clearer”
- “Does not cover the business aspect of initial and ongoing cost before a “profit” is made to be regarded as a business”
- “There are a plethora of people running what are clearly businesses online but claiming it’s a “hobby” even with professional websites, social media pages.”
- “Not sure”
- “Clear value/quantity guidelines to draw a clear boundary between the 2.”
- “It is specific about not requiring a license if gross income is less than £1000, but saying that they might not require a license over this limit with points open to interpretation muddy the waters.”

- “A definite answer of what constitutes when a licence is required, the laws states “INTENT” which at its very best is blurring the rights and misinformation to those that potentially DO need one, I personally never intend to make a profit. Just enjoy making great looking animals - and miss the odds when it comes to genetics”
- “Na”
- “Nobody's business”
- “Simpler language. Clearer definition. More visits from inspectors to enforce.”
- “My council can not decide if a local reptile club needs a license to put on a reptile display where money is raised. It suggest all who display need a license (no one is paid or takes money profits go to society funding or charity)”
- “Simplify the options why do we as a human race have to make everything so overly wordy. Why can we not be A is this and B is that.”
- “Clear guidelines on what constitutes a business”
- “Each local authority appears to interpret this guidance as they please. It's not seen as a set of rules for all. It's not clear what classifies as small amounts or large amounts.”
- “the definition needs to be simpler and easier to understand.”
- “it is often hard to prove someone is running a business when they argue they aren't but changing the guidance won't necessarily make that any different!”
- “Get rid of the £1000 trading income. People think that this is £1000 profit not income and it is used as an excuse.”
- “Most dog breeders automatically meet the £1,000 threshold but would not necessarily be classed as a business. Clarification required on the exhibiting of animals, where a business has animals on show alongside their main business. Clarification required on when dog walking becomes day care, e.g. when dogs are being walked in a field for a number of hours.”
- “Simplify the process. 9 badges of business are difficult to assess.”
- “Yes it is for some activities and i am glad the ref to the £1000 per annum has been removed but there are still ways people argue about needing a licence”
- “By giving a clear definition without the varying options”
- “To have a cut-off points / boundaries separate from the variable HMRC definition of trade. Although the HMRC could be used as a guidance for some cases (high price, low volume) it does create confusion better to license all who hit certain criteria. The link above did not seem to go to the business test.”
- “Get rid of any monetary aspect to make it fit a business. This negatively impacts animal welfare. It makes it so that you can have a high turnover of animals and not meet the animal welfare needs but if you don't make any or much money its ok. These are exactly who we should be checking.”
- “It is too broad, there is too much scope for people to manipulate how it is written to suite their own agenda i.e hobby breeders that are producing high numbers of animals per year”
- “Have so many issues with applying this test particular for home based businesses. Some examples of what is in and what is out would be welcomed.”
- “There is no clarity at all. Apart from dogs where there is a number of litters specified what other breeders need to be licenced?”
- “Many private breeders should be licenced as well to improve their welfare standards.
- It is very confusing with the £1000 business test the badges of trade etc especially with number of litters for dog breeding.”
- “Yes”
- “Clearer definitions of income/ profit. Clearer definitions of what constitutes an unlawful pet seller (updating Marketplace to include venues such as village halls etc)”
- “Better definition of Day Care and remove business test for Dog Breeding - have a registration process for less than 3 litters and licence for more than 3”
- “Remove reference to £1000 HMRC limit. The definition is clear in the Regulations but the guidance confuses the issue”
- “Trading income not always clear to applicant”
- “remove the reference to the £1000!”
- “Remove the £1000 threshold”

- “LESS PAPERWORK TO ALLOW MORE TIME FOR BETTER CARE AND HUSBANDRY OF THE ANIMALS IN STOCK!!!!”
- “Needs better checks on planning permission”
- “Too long winded needs to be concise”
- “It needs to be much clearer and more detail provided what constitutes in scope/out of scope
- The £1000 threshold is difficult to prove. Businesses insist they are not making profit or it is a hobby rather than a business”
- “trying to ascertain as who is in the business of trading and who is not is difficult, however i feel that the business test should just be based on the evidence of business activity. I.e. number of adverts placed, trading history, different platforms used, activity on Facebook, evidence of setting up a bogus transaction. E.g booking a dog in for boarding with a home dog boarder. I think it's too easy for people (especially home dog boarders) to trade without a licence because they claim have not hit the £1,000 income threshold.”
- “We need a clear definition of what a business is, especially for dog breeders.”
- “Schools/ Colleges/University have no legislation”
- “far too complicated- needs simplifying/ clarity and an agreement from ALL LA to work in the SAME COHESIVE manner- it says 'Guideline' but is not interpreted as this by our MBC/Inspector”
- “i think it should be very black and white, anyone who buys an animal to sell it needs a aal”
- “It is not clear whether educational facilities running animal care or management qualifications, and having an animal collection, are required to obtain a license”
- “Need improvement”
- “clearer guidance”
- “Far too many bedroom breeders that are clearly running as a for profit business”
- “A better description of a business, not just a monetary value which doesn't mean anything”
- “People who breed and show birds, for example. They are allowed to sell surplus stock, but what determines whether they are breeding excess stock for resale purposes rather than extra lines for the show bench? The same applies to 'hobby' breeders who then sell pets direct to customers.”
- “Clearer definition of what is a business or what is a hobby breeder for instance in dog breeding”
- “Much clearer definition, either an income threshold, or if you make a profit you need a licence.
- £1,000 threshold and 9 badges of trade from HMRC confuses what is in and out of scope. Breeders - 3 litters or over £1,000 threshold etc.”
- “Not very clear for hobbyist breeders. I don't think someone who makes £30,000 in sales of animals a year but has invested that much, more or even close to it a year in buying equipment, food, new animals should fall under needing a license, they are hobbyists... there needs to be a more clear & fairer (larger) amount of profit determined before they should be needing to be licensed.”
- “Clarity on whether an income of £1000 is deemed as commercial. Legally - only intent to make money constitutes a business. Further clarification on differences between Large scale hobbyists and businesses.”
- “The issue of using trading income has caused a lot of officers and the public confusion.”
- “Councils can't decide if profit or turnover”
- “I disagree with the following - "If someone has a trading income below the HMRC trading income allowance, they do not require a licence for their activities". I was trained by the Institute of Licensing to consider the HMRC allowance but not dismiss businesses if they make less than it. Some businesses could make less, but they are still a business requiring a licence.”
- “I am a private hobbyist who does occasional breeding & may sell surplus animals at shows or to individuals/club members etc. Also display reptiles at schools & others.”
- “NOT JUST FISH, MIXED IN WITH DOGS ETC”