



Appeals process for animal licensing ratings

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

If a business wishes to appeal the star rating given by the 'inspecting officer' (i.e. the officer undertaking the inspection) on behalf of the licensing authority, the appeal should be made in writing (including by email) to the licensing authority: Licensing Manager, Merton Council, Regulatory Services Partnership, Merton Civic Centre, London Road, Morden, SM4 5DX or email to licensing@merton.gov.uk .

A business disputing its rating is encouraged to discuss this informally first with the 'inspecting officer' so that there is an opportunity to help explain how the rating was worked out, as this may help resolve the matter without the business having to lodge an appeal. Any such discussions do not form part of the formal appeal process and do not change the deadline within which an appeal must be lodged. This will be made clear to the business so that they may lodge an appeal, and may subsequently withdraw it, if they wish.

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

How will Merton Council determine the outcome of the appeal?

The appeal will be determined by the Merton Council's Commercial Services Manager. No officer involved in the production of the rating, or in the inspection on which the rating is based will consider the appeal.

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

Merton Council will determine the outcome of an appeal by considering the paperwork associated with the inspection and the past record of the business. In some circumstances, a further visit to the establishment may be required.

The appeal process should be transparent. The costs of any additional inspections related to the appeal will be borne by the applicant unless it results in a higher rating being awarded. This will depend on the nature of the dispute and whether a decision can or cannot be made on the basis of the paperwork.



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

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