

**LICENSING
COMMITTEE**

22nd September 2014

STANDARD CONDITIONS FOR ANIMAL WELFARE LICENCES

Relevant Portfolio Holder	Councillor Rita Dent
Portfolio Holder Consulted	Yes
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

Bromsgrove District Council issue a number of licences under legislation aimed at securing the welfare of animals. The legislation concerned allows the Council to attach conditions to licences issued and the Committee are asked in this report to approve standard conditions to attach to various types of licences issued.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

To approve the draft standard conditions attached at Appendices 1 to 9 to be attached to future licences issued by the Council under relevant legislation.

To delegate authority to the Head of Worcestershire Regulatory Services to amend these standard conditions as appropriate in the circumstances of an individual case by altering, omitting or adding conditions as recommended by a veterinary practitioner or veterinary surgeon appointed in accordance with the relevant legislation to inspect the premises subject to the licence application.

3. KEY ISSUES

Financial Implications

- 3.1 Applicants for licences are required to pay fees when making their applications. These fees are charged on a cost recovery basis.
- 3.2 If a licence holder successfully appeals against the imposition of a condition attached to their licence, the Council may be liable to pay the licence holders legal costs.

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Legal Implications

3.3 The legal implications are set out in the report.

Service / Operational Implications

3.4 Bromsgrove District Council is responsible for issuing licences under the following legislation:

Legislation	Regulated Activity
Pet Animals Act 1951	Keeping a pet shop
Animal Boarding Establishments Act 1963	Keeping a boarding establishment for other people's cats or dogs
Dangerous Wild Animals Act 1976	Keeping a dangerous wild animal
Riding Establishments Acts 1964 and 1970	Keeping a riding establishment
Breeding of Dogs Act 1973	Keeping a breeding establishment for dogs
Zoo Licensing Act 1981	Operating a zoo

3.5 Each of the above pieces of legislation contains provisions that allow the Council to attach appropriate conditions to any licence issued with a view to securing objectives set out in the relevant Act of Parliament.

3.6 Usually the Council would attach standard conditions to each type of licence it issues. However the Council can also amend the standard conditions as appropriate in the circumstances of an individual case by altering, omitting or adding conditions to the standard conditions when dealing with each individual case.

3.7 Amendment of the standard conditions would be considered on the recommendation of a veterinary practitioner or veterinary surgeon appointed in accordance with the relevant legislation to inspect the premises subject to the licence application.

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- 3.8 A review of the standard conditions that are attached by the Council to each type of licence has been undertaken by officers in order to ensure the Council is issuing licences in accordance with the most up to guidance and best practise.
- 3.9 This review is also being undertaken by Worcestershire Regulatory Services on behalf of all of the District Councils across the County with a view to ensuring consistency of standards across Worcestershire.
- 3.10 Following the conclusion of this review, the Committee are being asked to approve an updated set of standard conditions to attach to licences issued under the various licensing regimes.

Pet Shop Licences

- 3.11 Section 1(3) of the Pet Animals Act 1951 states that when issuing a licence to a person to keep a pet shop the local authority shall specify such conditions in the licence as appear to the local authority necessary or expedient in the particular case for securing all or any of the objects below:
- (a) that animals will at all times be kept in accommodation suitable as respects size, temperature, lighting, ventilation and cleanliness;
 - (b) that animals will be adequately supplied with suitable food and drink and (so far as necessary) visited at suitable intervals;
 - (c) that animals, being mammals, will not be sold at too early an age;
 - (d) that all reasonable precautions will be taken to prevent the spread among animals of infectious diseases;
 - (e) that appropriate steps will be taken in case of fire or other emergency;
- 3.12 Appendix 1 contains draft standard conditions to attach to licences issued under the Pet Animals Act 1951. These are based on the contents of the Chartered Institute of Environmental Health (CIEH) publication "Model Conditions for Pet Vending Licensing 2013".

Animal Boarding Establishment Licences

- 3.13 Section 1 (3) of the Animal Boarding Establishments Act 1963 states that when issuing a licence to a person to keep an animal boarding establishment the local authority shall specify such conditions in

the licence as appear to the local authority necessary or expedient in the particular case for securing all or any of the objects below:

- (a) that animals will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
- (b) that animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;
- (c) that all reasonable precautions will be taken to prevent and control the spread among animals of infectious or contagious diseases, including the provision of adequate isolation facilities;
- (d) that appropriate steps will be taken for the protection of the animals in case of fire or other emergency;
- (e) that a register be kept containing a description of any animals received into the establishment, date of arrival and departure, and the name and address of the owner, such register to be available for inspection at all times by an officer of the local authority, veterinary surgeon or veterinary practitioner.

3.14 Animal boarding establishment licences are not only required by boarding kennels and catteries, but also by those that offer “home boarding” and “day care” facilities for dogs or cats. As this types of businesses are very different, it is not felt that a single set of standard conditions for animal boarding establishment licences is appropriate.

3.15 Appendix 2 contains draft standard conditions to attach to licences issued under the Animal Boarding Establishments Act 1963 for dog boarding establishments (kennels). These are based on “Model Licence Conditions and Guidance Notes for Dog Boarding Establishments” published by the Pet Care Trade Association in 2011.

3.16 Appendix 3 contains draft standard conditions to attach to licences issued under the Animal Boarding Establishments Act 1963 for cat boarding establishments (catteries). These are based on the CIEH publication “Model Licence Conditions and Guidance for Cat Boarding Establishments 2013”

3.17 Appendix 4 contains draft standard conditions to attach to licences issued under the Animal Boarding Establishments Act 1963 for premises used for the home boarding of dogs. These are based on

model standard conditions produced by LACORS in 2005 as amended in 2011.

- 3.18 Both DEFRA and the Feline Advisory Bureau believe that the home boarding of cats should not be encouraged and therefore no standard conditions for this activity have been produced.
- 3.19 Appendix 5 contains draft standard conditions to attach to licences issued under the Animal Boarding Establishments Act 1963 for premises providing day care facilities for cats or dogs. These are based on standard conditions produced by Birmingham City Council for premises of this nature in their area.

Dangerous Wild Animals Licences

- 3.20 Section 1 (7) of the Dangerous Wild Animals Act 1976 states that subject to subsection (6) of this section, a local authority may, in granting a licence under this Act, specify such conditions of the licence as it thinks fit.
- 3.21 Section 1 (6) states:

Subject to subsections (2) to (5) of this section, a local authority may grant or refuse a licence under this Act as it thinks fit, but where it decides to grant such a licence it shall specify as conditions of the licence—

- (a) conditions that, while any animal concerned is being kept only under the authority of the licence,—
- (i) the animal shall be kept by no person other than such person or persons as is or are specified (whether by name or description) in the licence;
 - (ii) the animal shall normally be held at such premises as are specified in the licence;
 - (iii) the animal shall not be moved from those premises or shall only be moved from them in such circumstances as are specified in the licence;
 - (iv) the person to whom the licence is granted shall hold a current insurance policy which insures him and any other person entitled to keep the animal under the authority of the licence against liability for any damage which may be caused by the animal; and

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- (v) the terms of any such policy shall be satisfactory in the opinion of the authority;
- (b) conditions restricting the species (whether one or more) of animal, and number of animals of each species, which may be kept under the authority of the licence;
- (c) a condition that the person to whom the licence is granted shall at all reasonable times make available a copy of the licence to any person entitled to keep any animal under the authority of the licence;
- (d) such other conditions as in the opinion of the authority are necessary or desirable for the purpose of securing the objects specified in paragraphs (c) to (f) of subsection (3) of this section.

3.22 Appendix 6 contains draft standard conditions to attach to licences issued under the Dangerous Wild Animals Act 1976. There is no recent guidance on standard conditions for such licences and so these are based on standard conditions commonly attached by other authorities when issuing such licences.

Riding Establishment Licences

3.23 Section 1 (4) of the Riding Establishments Act 1964 states that when granting a licence under this Act the local authority shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case with reference to the need for securing—

- (i) that paramount consideration will be given to the condition of horses and that they will be maintained in good health, and in all respects physically fit and that, in the case of a horse kept for the purpose of its being let out on hire for riding or a horse kept for the purpose of its being used in providing instruction in riding, the horse will be suitable for the purpose for which it is kept;
- (ii) that the feet of all animals are properly trimmed and that, if shod, their shoes are properly fitted and in good condition;
- (ii) that there will be available at all times, accommodation for horses suitable as respects construction, size, number of occupants, lighting, ventilation, drainage and cleanliness and that these requirements be complied with not only in the case of new buildings but also in the case of buildings converted for use as stabling;

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- (iv) that in the case of horses maintained at grass there will be available for them at all times during which they are so maintained adequate pasture and shelter and water and that supplementary feeds will be provided as and when required;
 - (v) that horses will be adequately supplied with suitable food, drink and (except in the case of horses maintained at grass, so long as they are so maintained) bedding material, and will be adequately exercised, groomed and rested and visited at suitable intervals;
 - (vi) that all reasonable precautions will be taken to prevent and control the spread among horses of infectious or contagious diseases and that veterinary first aid equipment and medicines shall be provided and maintained in the premises;
 - (vii) that appropriate steps will be taken for the protection and extrication of horses in case of fire and, in particular, that the name, address and telephone number of the licence holder or some other responsible person will be kept displayed in a prominent position on the outside of the premises and that instructions as to action to be taken in the event of fire, with particular regard to the extrication of horses, will be kept displayed in a prominent position on the outside of the premises;
 - (viii) that adequate accommodation will be provided for forage, bedding, stable equipment and saddlery;
- 3.24 Appendix 7 contains draft standard conditions to attach to licences issued under the Riding Establishments Act 1964. There is no recent guidance on standard conditions for such licences and so these are based on standard conditions commonly attached by other authorities when issuing such licences.

Dog Breeding Licences

- 3.25 Section 1 (4) of the Breeding of Dogs Act 1973 states that when granting a licence under this Act the local authority shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case with reference to the need for securing—
- (a) that the dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;

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- (b) that the dogs will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and visited at suitable intervals;
- (c) that all reasonable precautions will be taken to prevent and control the spread among dogs of infectious or contagious diseases;
- (d) that appropriate steps will be taken for the protection of the dogs in case of fire or other emergency;
- (e) that all appropriate steps will be taken to secure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment;
- (f) that bitches are not mated if they are less than one year old;
- (g) that bitches do not give birth to more than six litters of puppies each;
- (h) that bitches do not give birth to puppies before the end of the period of twelve months beginning with the day on which they last gave birth to puppies; and
- (i) that accurate records in a form prescribed by regulations are kept at the premises and made available for inspection there by any officer of the local authority, or any veterinary surgeon or veterinary practitioner, authorised by the local authority to inspect the premises

3.26 Appendix 8 contains draft standard conditions to attach to licences issued under the Breeding of Dogs Act 1973. These are based on CIEH's 2014 publication "Model Licence Conditions and Guidance for Dog Breeding".

Zoo Licences

3.27 Section 5(2A) of the Zoo Licensing Act 1981 requires local authorities to ensure every licence always contains appropriate conditions to ensure the zoo gives effect to the requirements in section 1A of the Act. Section 1A requires the zoo operators to implement conservation measures in their zoos.

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- 3.28 In addition to the requirement to attach licence conditions implementing the measures in section 1A, section 5 also gives the local authority discretion to attach any condition deemed necessary or desirable for the proper conduct of the zoo during the period of the licence.
- 3.29 Section 9 of the Zoo Licensing Act 1981 states that “after consulting such persons on the list and such other persons as he thinks fit, the Secretary of State may from time to time specify standards of modern zoo practice, that is, standards with respect to the management of zoos and the animals in them.”
- 3.30 The latest edition of the Secretary of State’s Standards of Modern Zoo Practice was published in 2012.
- 3.31 Appendix 9 contains draft standard conditions to attach to licences issued under the Zoo Licensing Act 1981. These are based on guidance contained within DEFRA’s 2012 publication “Zoo Licensing Act 1981 : Guide to the Act’s Provisions”
- 3.32 The Committee are asked to approve the standard conditions detailed in Appendices 1 – 9 to be attached to licences issued under the relevant pieces of legislation.
- 3.33 Additionally the Committee are asked to delegate authority to the Head of Worcestershire Regulatory Services to amend these standard conditions as appropriate in the circumstances of an individual case by altering, omitting or adding conditions as recommended by a veterinary practitioner or veterinary surgeon appointed in accordance with the relevant legislation.

4. RISK MANAGEMENT

- 4.1 Failure to attach relevant conditions based on the most up to date guidance and best practise could have an adverse impact on animal welfare and leave the Council open to legal challenge.

5. APPENDICES

- Appendix 1 – Draft Standard Conditions for Pet Shop Licences
- Appendix 2 – Draft Standard Conditions for Dog Boarding Establishments (Boarding Kennels)
- Appendix 3 – Draft Standard Conditions for Cat Boarding Establishments (Catteries)
- Appendix 4 – Draft Standard Conditions for Dog Boarding Establishments (Home Boarding)
- Appendix 5 – Draft Standard Conditions for Dog Boarding Establishments (“Dog Day Care” premises)

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- Appendix 6 – Draft Standard Conditions for Dangerous Wild Animal Licences
- Appendix 7 – Draft Standard Conditions for Riding Establishment Licences
- Appendix 8 – Draft Standard Conditions for Dog Breeding Establishment Licences
- Appendix 9 – Draft Standard Conditions for Zoo Licences

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