



## AGENDA ITEM: 7

### SUMMARY

<b>Report for:</b>	<b>Licensing Health &amp; Safety Enforcement Committee</b>
<b>Date of meeting:</b>	<b>29 April 2014</b>
<b>PART:</b>	<b>1</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Review of standard conditions for animal-related licences</b>
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To set out proposals to update the standard conditions attached to a number of types of animal welfare licences, and to seek approval to begin consultation.
Recommendations	That Committee instruct officers to begin consultation with licence-holders on revising the Council's standard conditions for animal boarding establishment licences, dog breeding establishment licences and pet shop licences, as per the model conditions attached to this report, and for riding establishments following discussions with suitable advisors and businesses, and report the results to a future meeting of the Committee.
Corporate objectives:	Safe and Clean Environment <ul style="list-style-type: none"> <li>• Maintain a clean and safe environment</li> </ul>
Implications:	<p><u>Value for Money</u> The proposed conditions are taken from national model conditions published by leading regulatory/advisory bodies in consultation with animal welfare and trade organisations. Adopting such standard conditions will improve consistency between licensing authority areas, lowering compliance costs for businesses, and reduce the risk of legal challenge.</p> <p><u>Financial / Equalities / Risk / Health And Safety Implications</u> No implications are expected to arise.</p>
Consultees:	It is proposed to carry out consultation with licence-holders and to report the results back to a future meeting of the Committee.
Background papers:	Current standard licence conditions (included within the report) CIEH model licence conditions (included within the report)

Glossary of acronyms and any other abbreviations used in this report:	BCMS – British Cattle Movement Service CIEH – Chartered Institute of Environmental Health DEFRA – Department for Environment, Food & Rural Affairs DWA – Dangerous wild animal
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## 1. BACKGROUND

1.1. The Council is responsible for licensing a number of animal-related commercial activities, as well as one non-commercial activity, and in doing so has a responsibility to ensure the welfare of the animals involved in these activities, as well as the safety of the wider public (e.g. ensuring dangerous animals do not escape or attack members of the public).

1.2. The licence types which the Council may issue include:

- a) **Animal boarding establishment licences** (providing accommodation for other people's dogs or cats for a consideration, i.e. kennels, catteries, home boarders or 'dog day-care centres'. Boarding of other animals does not require a licence. Dacorum has historically separated its licences into 'commercial boarding' licences and 'home boarding' licences, and made different provisions for both).
- b) **Dangerous wild animal (DWA) licences** (keeping animals from a prescribed list at domestic premises, including apes, big cats, venomous snakes and arachnids, reptiles, large mammals, etc. Licence-holders may, with the consent of the Council, transport their animals to other areas, e.g. for exhibition or breeding purposes).
- c) **Dog breeding establishment licences** (carrying on a business of breeding dogs for sale (direct or indirect sales both included)).
- d) **Pet shop licences** (any premises used for the commercial sale of pet animals. Also includes sales of offspring which have been bred for sale. Dacorum historically has separated its licences into 'all animal' licences and 'fish only' licences, with differing provisions).
- e) **Riding establishment licences** (premises offering opportunities to ride horses and ponies for a consideration. Includes riding schools where riding training is offered, as well as premises hiring horses to experienced riders. Livery yards, used for stabling other people's horses but not hiring the animals for riding, are excluded from the licensing requirement).
- f) **Zoo licences** (operating an establishment exhibiting wild animals which is open to the public on at least 7 days per year).

1.3. Herts County Council is responsible for issuing **performing animal licences** (to ensure the welfare of animals used in exhibitions or entertainment performances) and **animal movement orders** (jointly with DEFRA and BCMS, for transporting cattle, pigs, sheep, goats and deer, both to ensure the welfare of the animals and to prevent disease transmission).

1.4. In addition to the legislation which enables the above licence types and makes specific provisions for such businesses, the Animal Welfare Act 2006 establishes an overriding duty for owners and businesses to ensure the welfare of animals in their care, and contains an offence of causing unnecessary suffering to an animal. Parts of the Act, including a provision enabling the Secretary of State to introduce further or replacement animal licensing schemes by way of regulations, have not to date been utilised.

1.5. The numbers of current licences issued by the Council at the time of writing are shown at Annex A.

## 2. LICENCE CONDITIONS

- 2.1. Each of the above licensing schemes allows the licensing authority to attach appropriate conditions to every licence it issues. For several of the schemes, the Council has previously adopted lists of standard conditions which attach to all relevant licences (although it should be noted that this does not limit the Council's discretion to attach further conditions to or omit standard conditions from a particular licence, should the circumstances justify this). Such standard conditions are currently used for animal boarding establishments, home boarding establishments (separate conditions for cats and dogs), dog breeding establishments, pet shops, and riding establishments.
- 2.2. Conditions attaching to DWA and zoo licences are typically species-specific, and as such are determined on a case-by-case basis rather than using a schedule of standard conditions. For many such wild animal species, specific guidance is issued by DEFRA's zoo inspectorate which will be taken into account when compiling conditions.
- 2.3. The Chartered Institute of Environmental Health (CIEH), together with the British Veterinary Association (BVA) and in consultation with numerous animal welfare organisations and animal trade bodies, publish and maintain guidance and model licence conditions for many of these licences, and it is believed that Dacorum's conditions were originally adopted from earlier versions of these documents. As technology, animal care and business practices have evolved, the model conditions have likewise been updated, and new versions of the model conditions have been published in recent months for pet shops, dog breeding and cat boarding (in part following a fatal fire at a Staffordshire cattery in 2013). The model conditions for dog boarding are currently unrevised since 1995, although a review is ongoing – however, as these are more comprehensive than the current standard conditions in use, it is intended to look again at these and to see if any unimplemented measures may be appropriate to adopt and use.
- 2.4. It is proposed that Dacorum's standard licence conditions be revised in accordance with the updated and more comprehensive model conditions, and that consultation with affected businesses should now be carried out prior to a final decision being made.
- 2.5. At this time, no changes are proposed to the standard conditions applying to riding establishments. Like the other standard conditions, these are in need of review – however, due to the extremely specialised nature of equine care there are no such model conditions available. It is therefore proposed to hold discussions with businesses and with other advisors (including the Council's appointed equine veterinary surgeon) on whether changes to the standard conditions are necessary.
- 2.6. The following documents are attached to this report:

Annex A - Current animal licences issued by Dacorum Borough Council  
Annex B – Current standard conditions for pet shop licences

Appendices C – K can be accessed via the following link and copies will be placed in the Group Rooms.

<https://www.dropbox.com/s/gm2t9u1touhozqr/Item%207%20annexes.zip>

Annex C – CIEH Model Conditions for Pet Vending Licensing 2013  
Annex D – Current standard conditions for dog breeding establishments  
Annex E – CIEH Model Conditions for Dog Breeding Establishments 2014  
Annex F – Current standard conditions for animal boarding establishments  
Annex G – Current standard conditions for home boarding (dogs) licences  
Annex H – Current standard conditions for home boarding (cats) licences  
Annex I – CIEH Model Conditions for Cat Boarding Establishments 2013  
Annex J – CIEH Model Conditions for Dog Boarding Establishments 1995  
Annex K – Current standard conditions for riding establishment licences

### **3. OTHER CHANGES**

- 3.1. The review of the standard licence conditions is one part of a wider operational review of the Council's animal licensing functions, which are currently underdeveloped and fail to fully capture and assess the complex nature of many of the businesses carried on. It is also intended to strengthen inspection protocols to ensure that risks are identified more fully and proprietors given appropriate advice, thus improving levels of animal welfare and compliance with the Act.
- 3.2. Premises inspections are currently carried out by licensing enforcement officers, who have only cursory training in this specialist area. It is intended in future that a number of these inspections will be carried out by environmental health officers, who will report their findings to Licensing to enable decisions to be made on licensing applications. It is expected that some existing EH functions (e.g. street trading licences) would transfer back to the Licensing team as a result of this change.
- 3.3. It is also intended to review the use of veterinary surgeons for inspections. Although all 6 licensing schemes make provision for inspections to be carried out by qualified vets, at the present time only DWA and riding establishment licensing applications involve a mandatory inspection by a vet at the request of the council (the cost of which is subsequently recharged to applicants). In particular, it is believed that veterinary inspections of commercial boarding premises and dog breeding establishments would provide greater assurance as to the condition of animals and standard of accommodation being provided.
- 3.4. In the case of licensing schemes where differing provisions are made internally by the Council (e.g. home boarding v commercial boarding), it will be necessary to examine whether there should be greater convergence between these provisions, particularly given the recent *Hemming* case on licensing fees which effectively prohibits cross-subsidy between licence classes. It is therefore proposed to look at these administration and enforcement processes afresh, and to review whether it is in the public interest to maintain such separate provisions.
- 3.5. New, more detailed application forms and licence documentation are currently in development for all 6 types of animal licence, as well as stronger (online) guidance for businesses on what activities require licensing.

### **4. RECOMMENDATION**

- 4.1. That Committee instruct officers to begin consultation with licence-holders on revising the Council's standard conditions for animal boarding establishment licences, dog breeding establishment licences and pet shop licences, as per the model conditions attached to this report, and for riding establishments following discussions with suitable advisors and businesses, and report the results to a future meeting of the Committee.

**Current animal licences issued by Dacorum Borough Council  
(correct as of 15 April 2014)****a) Animal boarding establishment licences: 18 total (6 commercial, 12 home)**

*Barking Mad (1), Berkhamsted (H)*  
*Barking Mad (2), Berkhamsted (H)*  
*Barking Mad (3), Tring (H)*  
*Barking Mad (4), Tring (H)*  
*Bulldog & Bone, Hemel Hempstead (H)*  
*Cestreham Kennels, Flaunden (C)*  
*Creature Comforts Pet Care, Northchurch (H)*  
*Ellie's Ark, Flamstead (H)*  
*Gaddy Row Pet Services, Gaddesden (H)*  
*Greenfields Boarding Cattery, Markyate (C)*  
*Happicats, Northchurch (C)*  
*Hazel Corner Dog Hotel, Markyate (C)*  
*Padi Paws (1), Flamstead (H)*  
*Padi Paws (2), Flamstead (H)*  
*The Old Pastures Boarding Kennels, Tring (C)*  
*Pet Relief, Hemel Hempstead (H)*  
*Pilgrim Cottage Cattery, Chipperfield (C)*  
*Saddlers Cottage, Water End (H)*

**b) Dangerous wild animal licences: 2**

*Private address in Bovington (arachnids and reptiles)*  
*Private address in Hemel Hempstead (serval and savannah cats)*

**c) Dog breeding establishment licences: 1**

*Hawbush Farm, Great Gaddesden*

**d) Pet shop licences: 8 total (5 all animals, 3 fish only)**

*Ameyzoo, Bovington (AA)*  
*Animaltastic, Hemel Hempstead (AA)*  
*Deep Blue Aquatics, Hemel Hempstead (FO)*  
*Doolittles Pets, Kings Langley (AA)*  
*Fairydell Farm, Kings Langley (AA)*  
*Maidenhead Aquatics, Chipperfield (FO)*  
*Pets at Home, Apsley (AA)*  
*Woods of Berkhamsted, Berkhamsted (FO)*

**e) Riding establishment licences: 4**

*Centre of Horseback Combat, Gaddesden Estate*  
*Hastoe Hill Riding School, Hastoe, Tring*  
*Kings Langley Riding School, Kings Langley*  
*Old Town Riding School, Hemel Hempstead*

**f) Zoo licences: 0**

**Current standard conditions for pet shop licences**

The Notes are not part of the conditions, but an aid to the interpretation of the Conditions

1. No animal shall be kept on the premises unless the trader is sufficiently familiar with the care and welfare of that animal.

2. Animals shall, at all times, be kept in accommodation that is adequate in construction, size, amenities and position in the premises.

Notes: (a) No animal (including birds and fish) should be exposed to excessive light, heat or lack of adequate warmth.

(b) Animals (other than fish or reptiles) should not be kept in cellars unless there is adequate ventilation and light to maintain health.

(c) Animals should not be placed in cages exposed to draughts when doors or windows are open.

(d) All cages should be so sited that the floor of the cage is readily visible.

(e) All walls and floors of cages, hutches, boxes or receptacles which are liable to be contaminated by excreta should be constructed of impervious material and floors should be adequately drained.

(f) Where dangerous animals are kept, the cages must be constructed of well fixed 2.5 cm bars or weld mesh. A protective safety barrier should also be present.

(g) Fish should not be held in recirculating systems at densities greater than 0.5 grammes per litre (or 5 small fish per litre).

3. Where animals are kept in cages, hutches, boxes or other receptacles which are placed on top of other cages, hutches, boxes or other receptacles, effective means should be provided for preventing water, food or other droppings falling onto or contaminating the animals food or other surroundings which are underneath.

4. Animals shall be adequately supplied with suitable food and drink, and shall be visited at suitable intervals. All accommodation shall be cleaned daily or often as is necessary. Suitable and sufficient exercise facilities shall be made available and used where appropriate.

Notes: (a) Animals and birds should be visited at intervals not exceeding 24 hours.

(b) The receptacles in which food and drink are supplied shall be so constructed and placed as to reduce faecal contamination to the minimum.

Note: For the purposes of this condition the term "rodent" excludes domesticated rodents intended for sale and the term "insects" excludes insects for sale and for feeding.

10. All animal foods shall be stored in suitable covered metal or other impervious closed containers so that the quality of the food can be preserved. These containers should be of such design as to allow easy cleaning.

11. Animals shall not be handed to customers in unsuitable containers.

Note: The proprietor must have adequate facilities for crating and transporting animals humanely and safely, with special reference to exotic species.

12. Suitable written instructions as to their care and welfare must be made available for all animals being offered for sale. No animal shall be sold without such written instructions being provided to the purchaser by the licensee. These instructions must be available on demand by the authorised Inspector.

13. The licensee shall ensure that a responsible person shall at all times be in or within reasonable distance of the premises for the purpose of giving warning and taking other necessary steps in the event of fire or other emergency. In case of absence of the responsible resident, the licensee shall appoint a responsible person residing within a reasonable distance of the premises to have custody of a duplicate key. The name, address and telephone number of such persons shall be notified to the police.

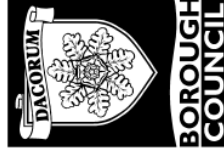
Note: In the case of pet shops within other premises, the owner of other responsible person shall have access to the premises containing pets at all times.

14. Animals and stock shall not be placed or kept in or outside the shop so as to obstruct entrance to or exit from the shop in the case of fire or other emergency.

Note: "Stock" referred to in this condition includes stocks of food and items for resale, as well as shop fittings.

15. Fire Fighting equipment, including extinguishers, shall be provided as approved. The licensee shall ensure that the fire appliances remain accessible and maintained in a good condition.

16. No animal which is suffering from or could reasonably be suspected of having come into contact with any other animal suffering from, any infectious or contagious disease or which is infested with parasites, shall be brought into or kept on the premises unless effectively isolated.



## PET ANIMALS ACT 1951 LICENSING CONDITIONS FOR PET SHOPS WITHIN THE BOROUGH OF DACORUM

The Council licences pet shops under the Pet Animals Act 1951.

These conditions made under Section 1 of the Act covers the keeping, display and sale of animals from Pet Shops within the Borough of Dacorum.

Failure to comply with the Conditions will result in the refusal to grant or renew the Licence and may lead to prosecution.

The meaning of the term 'keep a pet shop' is defined at section 7(1) of the Pet Animals Act 1951 and it means the carrying on at premises of any nature (including a private dwelling) of a business of selling animals as pets and it includes keeping animals in such premises with a view to their being sold in the course of such a business whether by their keeper or by any other person.

22. A register of animals obtained shall be kept by the proprietor of the pet shop which must be produced on demand by the authorised Inspector.

Note: The register need not list every animal separately. It must contain the following:

Description of animals  
Date of arrival and departure  
Name and address of supplier  
Name and address of purchaser

23. Pet shops selling animals on the Schedule to the Dangerous Wild Animals Act should ascertain that the buyer is licensed to keep such animals.

24. No trader through his act, default or sufferance shall cause cruelty or suffering to any animal within his charge and shall take all reasonable steps to ensure that all livestock purchased or consigned by him shall be transported in accordance with relevant legislation and guidance; General movements - Transit of Animals (General) Order 1973; rail transport - British Rail guidelines.

Note: No animal which has adversely suffered from recent transportation shall be sold until it has received appropriate rest and attention.

25. No animals shall be sold to a person whom the trader has reasonable cause to believe is under the age of 12 years.

Note: Contravention of this requirement is an offence under s.3 of the Pet Animals Act 1951.

26. No animal shall be sold to any person whom the trader has reasonable cause to believe is under the age of 17 years, but over the age of 12 years who is unknown to him, unless that person is accompanied by a parent or legal guardian, or provides appropriate written consent.

(c) Adequate feeding space should be provided when more than one animal are caged together. As a guide 12.6 cm. min of trough space should be provided for small caged birds.

(d) All animals that so require it should have suitable food and drink provided at least once every twelve hours, except where an adequate supply of food and drink is constantly available.

5. No animal shall be offered for sale which is clinically unhealthy or has a significant abnormality which will materially affect the quality of its life. No mammal shall be sold unweaned or, if weaned, at an age at which it should not have been weaned.

Notes: (a) Puppies or kittens should be not sold until they are at least six weeks old.

(b) Random checks on the age of animals being presented for sale will be carried out.

6. No animals shall be displayed in a cage, hutch, box or other receptacle in such a position that it can be interfered with by other animals or unauthorised persons.

Notes: (a) This condition is to prevent the positioning of animals in a pet shop where they can be handled by members of the public and children, and also to prevent interference from other animals.

(b) The proprietor should be aware that individuals of many species will not mix readily in small areas. This particularly applies to carnivores.

(c) Carnivorous or omnivorous species should not be put in cages close to animals which might form part of their normal prey in the wild state.

7. Animals should not be displayed for sale outside the premises during unsuitable weather.

8. All excreta and soiled bedding shall be stored in suitably covered metal or other impervious containers until removed from the premises as soon as practicable and disposed of to the satisfaction of the appropriate local authority. All refuse containers shall be maintained in a clean condition.

Note: Attention should be paid to the method approved for the disposal of animal waste and its potential hazard to health.

9. All necessary precautions shall be taken to prevent the introduction to the premises, or harbourage, of rodents, insects and any other pests.



Notes: (a) In the case of imported animals each batch of arrivals should be isolated from all other animals.

(b) It is recognised that in the majority of cases effective isolation on pet shop premises will not be possible, and may have to be off the premises.

(c) Puppies and kittens should be kept as isolated litters and not added to, or mixed with, other litters.

(d) Imported fish should be quarantined for at least five days, during which time any diseases occurring must be treated. This period allows time for fish to settle and to be acclimatised to new water conditions and feeding practices.

17. All sick or injured animals shall received proper care and treatment which shall include the assistance of a veterinary surgeon in appropriate circumstances.

18. The maximum numbers of types of animals permitted to be kept on the premises to which the Licence refers are as set out in the Licence and shall not be exceeded.

Note: While it is recognised that the emphasis of a pet shop owner's business could change from one type of animal to another, the Licence should stipulate the maximum number and type of animals to be kept. If any change in business is anticipated by the licensee, then application should be made to the local authority for amendment of the Licence.

19. The number of animals which may be kept on the premises must be displayed on the premises.

Note: This condition is included as pursuant of s.1(3)(a) of the Act, but display of the whole Licence and Conditions is not legislated for in the Act.

20. Exhibition animals kept in the shop should be provided with proper accommodation and any animals not for sale should have a note stating that fact.

Note: Animals living semi permanently in a shop may need larger accommodation than those for sale.

21. No animals shall be directly imported to a pet shop except by licensees who have satisfied the local authority as to their ability to quarantine or handle consignments of animals under suitable conditions.