



# Licensing and Health and Safety Enforcement Committee

**TUESDAY 10 SEPTEMBER 2019 AT 7.30 PM**

## **DBC Council Chamber - The Forum**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

### Membership

Councillor Allen	Councillor Johnson
Councillor Mrs Bassadone	Councillor Link
Councillor Bhinder (Vice-Chairman)	Councillor Peter
Councillor Bowden	Councillor Pringle
Councillor P Hearn (Chairman)	Councillor Rogers
Councillor Imarni	Councillor R Sutton

For further information, please contact Corporate and Democratic Support or 01442 228209

## **AGENDA**

### **1. MINUTES**

To approve the minutes from the last meeting.

### **2. APOLOGIES FOR ABSENCE**

To receive any apologies for absence

### **3. DECLARATIONS OF INTEREST**

To receive any declarations of interest.

### **4. PUBLIC PARTICIPATION**

### **5. PRESENTATION OF DACORUM BOROUGH COUNCIL'S DRAFT ANIMAL LICENSING POLICY (Pages 3 - 41)**

# Agenda Item 5



Report for:	Licensing and Health & Safety Enforcement Committee
Date of meeting:	10 September 2019
PART:	I
If Part II, reason:	

Title of report:	<b>Presentation of Dacorum Borough Council's draft Animal Licensing Policy</b>
Contact:	Sally McDonald, Lead Officer, Licensing, Corporate and Contracted Services
Purpose of report:	To present the Council's draft Animal Licensing Policy, for consideration and to seek approval to submit the policy for public consultation
Recommendations	To commence public consultation on the draft, and to report results to a future meeting of the Committee.
Corporate objectives:	<p>Safe and Clean Environment This policy sets out the principles for licensing activities involving animals, in line with current legislation, which will ensure the legal and safe operation of licensed businesses</p> <p>Dacorum Delivers The policy refers to how the Council will administer recent legislative changes in respect of animal licensing</p>
Implications:	<p><u>Financial and Value for Money</u> Having a policy is not a requirement for this area of licensing, and maintaining a policy requires occasional officer resources. However, the purpose of the policy is to ensure that the Council's approach to this licensing regime is clear and transparent, which should reduce unnecessary customer contact, by signposting to the policy which will be available on the Council's website.</p> <p><u>Risk Implications</u> None</p> <p><u>Community Impact</u> None</p> <p><u>Health And Safety Implications</u> None</p>

Consultees:	This report proposes public consultation on the policy revisions with the results to be reported to a future Committee meeting for consideration.
Background papers:	Animal Licensing Policy 2019 – version 1
Glossary of acronyms and any other abbreviations used in this report:	DWA – Dangerous Wild Animals.

## 1. BACKGROUND

1.1. As reported at the meeting of the Licensing Health and Safety and Enforcement Committee on 31 July 2018, the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 were due to come into force on 1 October 2018. The new Regulations encompass the following licensable activities:

- Selling animals as pets (or with a view to their being later resold as pets) in the course of a business including keeping animals in the course of a business with a view to their being so sold or resold.
- Providing or arranging for the provision of accommodation for other people’s cats or dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business.
- Hiring out horses in the course of a business for either riding, instruction in riding, or both.
- Breeding three or more litters of puppies in any 12-month period; or breeding dogs and advertising a business of selling dogs.
- Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes, either to any audience attending in person, or by the recording of visual images of them by any form of technology, or both.

1.2. All the transitional licences have now been issued under the new regulations, and although a number of previous holders did not re-apply, a number of new businesses have submitted applications. The list of licence holders at the time of writing this report breaks down as follows:

- |   |                   |
|---|-------------------|
| a) Selling animals as pets:   | 5                 |
| b) The provision of accommodation for other people’s cats and dogs: | 43                |
| c) Hiring out horses:   | 5                 |
| d) Breeding of dogs:  | 2 (1 in progress) |
| e) Keeping or training animals for exhibition:                      | 3                 |

1.3. In addition to licences issued under the above regulations, the Licensing Team also administer applications and, where appropriate, inspections, in relation to keepers of Dangerous Wild Animals, and Zoo licences, which are both dealt with under other legislation, but will be covered in this policy.

## 2. PROPOSED DRAFT POLICY

- 2.1. Now the new licensing regime has been implemented an animal licensing policy has been drafted, incorporating the requirements of the new Animal Activity regulations, and guidance for applicants based on the experience gained by officers throughout the process.
- 2.2. In addition to licences covered by the new regulations above, the policy also includes information in relation to the licensing of Dangerous Wild Animals and Zoos.
- 2.3. The draft of the proposed Animal Licensing Policy is attached as Annex A to this report.

## 3. CONSULTATION

- 3.1. The following timeline is proposed:

<b>Date</b>	<b>Activity</b>
13 September 2019	Start of consultation
25 October 2019	Last date for consultation responses
12 November 2019	Licensing HSE Committee meeting Consultation results reported back Decision on whether to adopt policy

- 3.2. A six week consultation is considered suitable for this policy as our approach is strongly guided by legislation, with minimal local consideration, so this policy is predominantly to provide guidance as to how the Council will carry out its licensing functions.
- 3.3. Consultation will be carried out by publishing the draft policy on the Council's website inviting responses, and by direct notification to current licence holders, Defra, the RSPCA, Herts Constabulary, Herts Fire Authority, relevant internal departments and our neighbouring local authorities.

## 4. RECOMMENDATIONS

That the Committee note the content of the draft 'Animal Licensing Policy' document and instruct officers to commence consultation on the proposals in accordance with the above timeline, and report the results back to the Committee at its meeting on 12 November 2019.



# Animal Licensing Policy 2019 –



Date of publication	
Version no.	1
Review date	

Working in partnership, to create a Borough which enables the communities of Dacorum to thrive and prosper

## Contents

<b>About Dacorum .....</b>	<b>2</b>
<b>1. General principles .....</b>	<b>3</b>
Applying for a licence.....	4
Exchange of information – who we consult.....	4
Variation, revocation and suspension of licences.....	4
Length of licence .....	5
Fees.....	5
<b>2. Consideration of applications .....</b>	<b>6</b>
<b>2.1. Animal Activity Licences .....</b>	<b>6</b>
Initial considerations.....	6
Inspections.....	7
Scoring applications .....	7
Franchises .....	7
Refusal to grant Animal Activity Licence.....	7
Appeals .....	8
<b>2.2. Dangerous Wild Animals.....</b>	<b>8</b>
Initial considerations.....	8
Inspections.....	8
Refusal to grant Dangerous Wild Animal Licence .....	9
Appeals .....	9
<b>2.3. Zoos .....</b>	<b>9</b>
Initial considerations.....	9
Inspections.....	9
Refusal to grant Zoo Licence.....	9
Appeals .....	9
<b>3. Review of Policy .....</b>	<b>10</b>
<b>4. Complaints .....</b>	<b>10</b>
<b>Annex A – Conditions for Animal Activity Licences .....</b>	<b>11</b>
Annex A1 – General Conditions for all licences: .....	11
Annex A2 – Specific conditions for selling animals as pets .....	15
Annex A3 – Specific conditions for boarding of cats and dogs .....	17
Annex A4 – Specific conditions for hiring out horses .....	25
Annex A5 – Specific conditions for the breeding of dogs .....	27
Annex A6 – Specific conditions, Keeping or training animals for exhibition.....	31
<b>Annex B – Standard Conditions for Dangerous Wild Animal Licences.....</b>	<b>33</b>
<b>Annex C – Mandatory conditions for Zoo Licences.....</b>	<b>34</b>

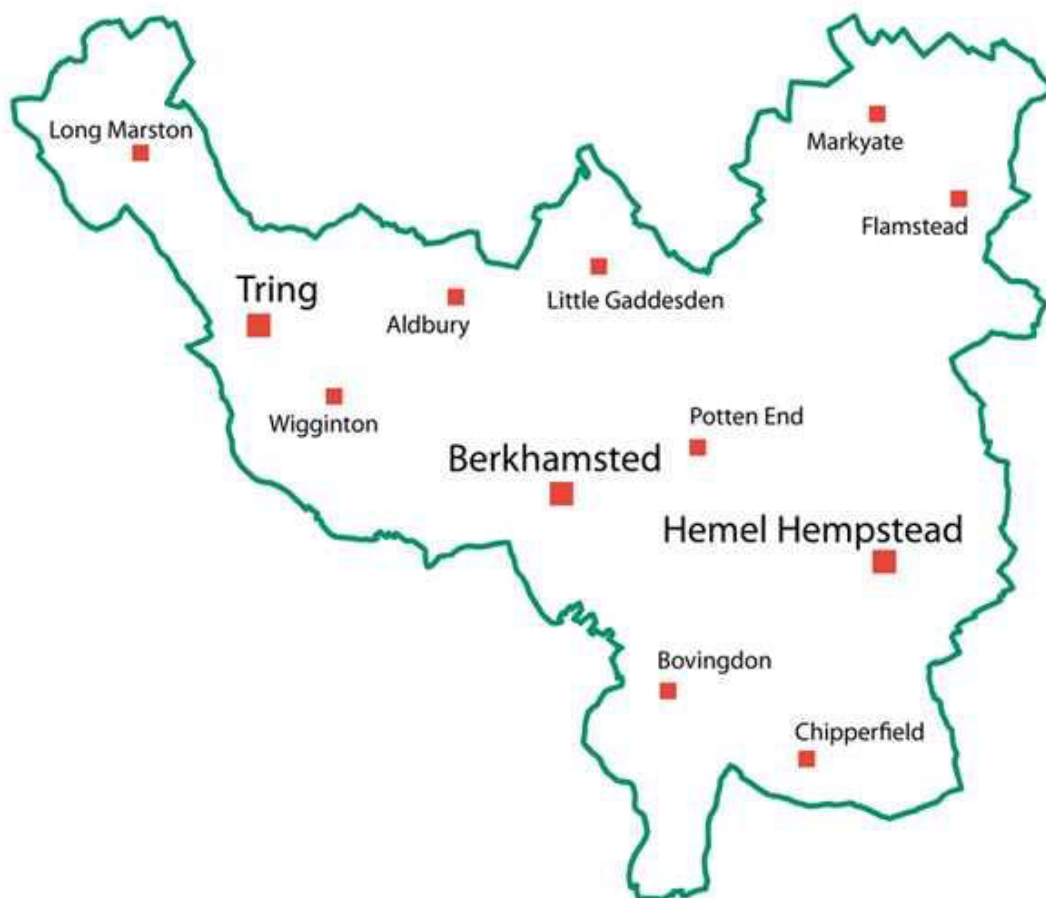
## About Dacorum

The borough of Dacorum is situated in west Hertfordshire and has a mixture of strong urban and rural identities. It includes the towns of Hemel Hempstead, Berkhamsted and Tring as well as a number of villages from Long Marston in the west to Flaunden in the south-east. Over a third of the borough's 210 square kilometres have been designated as part of the Chilterns Area of Outstanding Natural Beauty, while most of the rest has high landscape quality and potential.

Hemel Hempstead was one of the first "New Towns" built after the Second World War. Its development reflects the original concept of the new town as a series of integrated communities with individual identity and neighbourhood focus. The rapid growth of Hemel Hempstead is reflected in the large number of buildings of similar age and appearance.

The remainder of the Borough is rural, surrounding two market towns, Berkhamsted and Tring. Although agriculture is no longer a major employment sector in Dacorum, outside towns the communities value their rural heritage as well as expecting good modern services. The conservation of building and landscape are important considerations in Dacorum, balanced with concerns to maintain thriving businesses in town centres. Dacorum Borough Council works closely with the 16 town and parish councils, which represent communities in rural areas of the Borough.

Dacorum has a population of 152,445<sup>1</sup>, and is the largest of the Hertfordshire districts by headcount. Further information about Dacorum and the demographics of its populace can be found on the council's website via "Statistics about Dacorum".<sup>2</sup>



<sup>1</sup> Office of National Statistics resident population estimates June 2016

<sup>2</sup> <http://www.dacorum.gov.uk/statistics-about-dacorum>

## **1. General principles**

- 1.1. Animal welfare is paramount to Dacorum Borough Council in the consideration of any type of licence application relating to animals.
- 1.2. The Council regulates the licensing of animals under the following three pieces of legislation:
  - a) The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the provisions of which are contained within the Animal Welfare Act 2006, that came into effect on 1<sup>st</sup> October 2018;
  - b) The Dangerous Wild Animals Act 1976; and
  - c) The Zoo Licensing Act 1981.
- 1.3. The role of Dacorum Borough Council as a licensing authority is to ensure that operators – that is people who run businesses which involve animals covered by these pieces of legislation and meet the relevant criteria hold the correct licence, and that appropriate enforcement action is taken in respect of unlicensed activity.
- 1.4. Officers are authorised to use the Animal Welfare Act 2006, in particular Sections 4 and 9 of the Act, which addresses the treatment of animals. Section 4 deals with the unnecessary suffering of an animal, if a person, causes or fails to act to prevent an animal from suffering. This could be a deliberate act of cruelty or neglect of an animal. Evidence of a Section 4 offence would almost certainly result in prosecution under the Act.
- 1.5. Section 9 of the Animal Welfare Act 2006 covers the duty of a person responsible for an animal to ensure their needs are met, so that the animal;
  - has a suitable environment
  - has a suitable diet
  - can exhibit normal behaviour
  - can be housed, with or apart from other animals
  - can be protected from pain, suffering, injury and disease
- 1.6. If the officer is not satisfied that these legal requirements are or can be met then they will not grant a licence. Equally, if an officer has enough evidence, then an Improvement Notice will be served and/or prosecution under The Animal Welfare Act considered.
- 1.7. All three pieces of legislation can be viewed on the Government's legislation website, [www.legislation.gov.uk](http://www.legislation.gov.uk)



## **Applying for a licence**

- 1.8. Businesses operating premises carrying out the following licensable activities must hold the appropriate licence:
  - a) Selling animals as pets;
  - b) The provision of boarding for cats in catteries, dogs –either in boarding kennels, on a commercial day care basis or in the home;
  - c) Hiring out horses for riding or riding tuition;
  - d) Breeding dogs;
  - e) Keeping and training animals in order to exhibit them;
  - f) Keeping animals classed as dangerous under the Dangerous Wild Animals Act 1976 on a private basis;
  - g) Operating a zoo which opens for more than seven days in any twelve month period.
- 1.9. All these types of licence must be issued by the Council in which the premises carrying out the activities is situated.
- 1.10. Applications must be made in writing, contain such information as required by the authority and must be accompanied by the appropriate fee. Application forms and further information on the application process and fees may be obtained from the Licensing team or via our website ([www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)).

## **Exchange of information – who we consult**

- 1.11. Applicants are advised to ensure they have the correct permissions in place to carry on their business. Upon receipt of the application we will consult with the Planning Department for all applications, Housing Department (for tenanted premises), and Business Rates and Estates (for commercial properties). We cannot refuse to grant licences that do not have these permissions if all the requirements for Animal Activity Licences are met, however, action can be taken against applicants by the respective departments under their particular legislation or requirements if those permissions are not given.
- 1.12. Data may also be released in accordance with statutory provisions under the Data Protection Act 1998, the Freedom of Information Act 2000, and associated legislation.
- 1.13. In addition, for Animal Activity Licences, details of licensed premises and their star ratings are included in a public register, available on the Dacorum Borough Council website.

## **Variation, revocation and suspension of licences**

- 1.14. The licence can be varied if the Licence holder applies to do so, or if they give their consent to a request from the Council. We can also suspend, vary or revoke licences without the consent of the holder in the following circumstances:
  - a) The licence holder has not complied with the licence conditions;
  - b) The Regulations have been breached;
  - c) The Licence holder has supplied false or misleading information; or
  - d) It is necessary to protect the welfare of the animal.
- 1.15. In such cases, we will clearly explain why the decision has been reached, set out when the suspension or revocation will come into effect and state the rights of the Licence holder. In addition information will be provided to assist the Licence holder in rectifying the issues.

- 1.16. Unless the welfare of an animal or animals is at risk, a period of 7 working days will be allowed after the licence holder has been notified of the decision to suspend or revoke the licence.
- 1.17. The Licence holder will be required to have in place a plan setting out arrangements for the animals in their care should the licence be suspended or revoked.
- 1.18. Further information about the various provisions is set out in our application forms or can be obtained from the Licensing Team.
- 1.19. We cannot refuse applications other than in the circumstances set out above. However, if other departments of the Council with whom we consult wish to take action in respect of any aspect of an application, they will do so under their own legislation.

## **Length of licence**

### **Animal Activity Licence**

- 1.20. Licences shall be granted between 1 and 3 years, dependent on the outcome of a two stage process:
  - a) Calculating whether the business is low risk or high risk.
  - b) Assessing whether the business has minor failings, meets the minimum standards laid down in the legislation and associated DEFRA guidance, or, in addition to the minimum standards, also meets the optional higher standards set out in DEFRA guidance. We will look for businesses to be achieving all the minimum standards plus 50% of the higher standards to obtain the highest star rating. This is established during the inspection.
- 1.21. This process does not apply to the activity of Keeping and Training Animals for Exhibition, as the length of licences issued for this activity have been set by default at three years.

### **Dangerous Wild Animals Licence**

- 1.22. Licences shall be issued for a period of 2 years.

### **Zoo Licence**

- 1.23. Licences shall be issued for an initial period of 4 years upon grant, followed by a further 6 years upon renewal of the licence.

## **Fees**

- 1.24. The authority will require payment of a fee with every application for a licence. Fees are broken down into two parts – the application fee, which covers initial processing of the application and the inspection. This fee is not refundable if the licence is refused. Once the applicant has met all the requirements set out in the legislation and a satisfactory inspection has been carried out the licence will be granted, a Licence fee will be taken and the licence issued.
- 1.25. Fees will be reviewed and set ahead of every financial year, and fee levels will be made available from the Licensing team or via our website. In setting fees, we will have regard to any relevant guidance, and to the requirements of the EU Services Directive and applicable case law.

## **2. Consideration of applications**

### **2.1. Animal Activity Licences**

#### **Initial considerations**

2.1.1. The Council considers that how the applicant intends to operate their business is extremely important, given that the licence holder will be assuming responsibility for the welfare of animals, either their own that are being used in the running of their business, or animals that they are caring for for their customers. The 2018 regulations set out a number of conditions that the licence holder will need to comply with, and we will be looking for the following when considering an application:

- a) **Applicant's experience:** Confidence in the ability to handle and control an animal and a clearly demonstrated knowledge of its welfare needs are a paramount consideration and form part of the conditions in law. Experience over many years, and/or qualifications achieved in animal handling and care will be taken into account when scoring the application. Is the animal relaxed and happy in this environment? Applicants should be able to spot abnormal behaviours, and know when to seek veterinary advice or treatment if required. They should also be comfortable with maintaining the animal's health and condition while in their care – this may involve daily grooming, health checks of eyes, ears and feet, and ensuring they receive the correct diet for their species.
- b) **Premises suitability :**This not only means the condition and security of the premises as a whole, but also any areas in which animals are to be contained. This could range from an outside kennel block, to stabling to cages or aviaries, or any other area or structure in which the animal would be kept. We would be looking to ensure that the sizes of such areas comply with or exceed the minimum sizes set out in the Regulations, that they are made of robust and non-porous or suitably treated materials, are well lit/ventilated and clean. This also applies to the conditions in which animals are transported, and the steps taken to ensure their comfort and safety on route. Generally, a premises should be in good condition, with all entrances and exits suitably secured to minimise risk of escape or theft. Boundary walls/fences should be in good condition, and suitably high to contain whichever species is cared for within.
- c) **Recording and storing information/records:** This forms a large part of the legal requirements for businesses carrying out licensable activities involving animals. Before a premises is inspected we would expect to see templates of client forms, policies and procedures for the operation of the business that pay particular attention to the record keeping requirements set out in the regulations and address staff development (if staff are employed). Future inspections will require the licence holder to produce complete records for the period since the previous licence application/renewal. Usually we will not score an initial application until all forms, policies and procedures are set up and have been examined by the Licensing Officer.

2.1.2. Full guidance notes that accompany the conditions applicants are required to meet can be downloaded from the Dacorum Borough Council website via the following link <http://www.dacorum.gov.uk/home/environment-street-care/licensing/animal-welfare-licences> or can be requested in hard copy from the Licensing Team.

## **Inspections**

- 2.1.3. The premises and documentation will be inspected by an officer that is suitably experience/qualified for this purpose as required by the legislation. For activities involving the breeding of dogs, the inspecting officer will be accompanied by a veterinary surgeon at the initial visit when the grant of the licence is being considered. For activities involving horse riding and tuition, the inspecting officer will be accompanied by a veterinary surgeon at the time the licence is granted, and at renewal. The veterinary surgeon will also visit riding establishments on a yearly basis to inspect between licence renewals regardless of the length of licence granted. The inspecting officer will examine the application, forms and records and make sure the premises meets the criteria to keep the animals safe and ensure their health and welfare in accordance with the conditions relevant to each activity. Following the inspection the inspector will confirm whether they consider that the licence conditions can be met, based on the evidence they are given.
- 2.1.4. Following grant and/or renewal, there will be one unannounced inspection during the period the licence is in force.

## **Scoring applications**

- 2.1.5. Once the inspection has been carried out and the applicant has provided all the necessary documents, a risk rating will be carried out and the premises will be awarded a star rating between one and five. In order to do this we must follow a strict risk based system created by DEFRA. It is therefore important to stress that star ratings are not set by Dacorum Borough Council, rather they are a result of completing this process. Taking into account points a) to c) above and providing as much information as possible to support the application will assist us when carrying out the risk rating process. As part of these considerations, we also take into account the applicant's conduct as the operator of the particular licensable activity, whether they are a fit and proper person to be the operator (in line with the requirements of the regulations) and any other relevant factors.
- 2.1.6. An Animal Activity Licence will comprise the licence holder details and activities they are carrying out, the star rating, a list of standard conditions, and a set of specific conditions relating to the particular activity or activities that have been authorised. All conditions are set out in Annexes A1 to A6 of this policy.
- 2.1.7. Applicants must not operate prior to grant of any licence as it is an offence to do so. Any person found guilty of this offence would be prohibited from being granted a licence in the future.

## **Franchises**

- 2.1.8. Franchises (whereby a business connects pet owners with pet carers who wish to look after animals without a fee (just minor expenses)) will need to ensure that all the premises covered by their licence meet all the conditions set out in the relevant annexes to this policy. All 'host' premises that board animals in this way will be inspected as part of the application process, and also be expected to take into consideration the points set out at a), b) and c) on page 6. Any changes to the licence i.e premises no longer operating, and new premises being added, shall be dealt with by way of varying the licence, and a fee will be payable for this.

## **Refusal to grant Animal Activity Licence**

- 2.1.9. Applications for Animal Activity licences will be refused if:
- a) the applicant is listed as disqualified under provisions listed in Schedule 8 of the Regulations and any appeal against the disqualification has either been refused or its time limit has expired; or
  - b) the applicant has held a licence under provisions listed in Schedule 8 of the Regulations that was revoked, and that any appeal against the revocation has either been refused or its time limit has expired.

## Appeals

- 2.1.10. If a Licence holder wishes to appeal the star rating awarded, the appeal should be made in writing (including e-mail) to the Licensing Team within 21 days of the issue of the licence (including weekends and bank holidays). We would encourage the Licence holder to discuss the matter informally with the inspecting officer, so the reasoning behind the rating can be explained, as this may help to resolve the matter before an appeal is lodged. Any informal discussions do not form part of the appeal process, or change the deadline within which an appeal can be lodged. An appeal can be lodged and subsequently withdrawn if the matter is resolved.
- 2.1.11. No officer involved in the production of the star rating or inspection on which it is based will consider the appeal. A decision will be issued within 21 days (including weekends and bank holidays) from the date we receive the appeal.
- 2.1.12. If the Licence holder disagrees with the outcome of the appeal, they can challenge the Council's decision by means of judicial review. If they feel that the service has not been properly delivered they have recourse to the local authority complaints procedure, and where appropriate, the Local Government Ombudsman.

## 2.2. Dangerous Wild Animals

### Initial considerations

- 2.2.1. This is a specialist area, and we will be looking to ensure the applicant has a sound knowledge of the species that is being kept, their welfare and accommodation – i.e. security, handling of the species, observations, and knowing if and when veterinary care is needed. For these reasons, we appoint a specialist veterinary surgeon who is authorised by the Council and specialises in exotic species to assist with this type of application.
- 2.2.2. Applicants will need to show that they are (or will be) the legal owners and keepers of the animals, and any relevant legal requirements (for example, CITES permits for the import of endangered species) have been satisfied.
- 2.2.3. Applicants will also need to demonstrate that they have made provision for the security of the animals should the premises be rendered uninhabitable.
- 2.2.4. Further information and application forms can be found on the Dacorum Borough Council website via the following link <http://www.dacorum.gov.uk/home/environment-street-care/licensing/animal-welfare-licences/dangerous-wild-animals> .

### Inspections

- 2.2.5. Once the application has been received, an appointment will be made to inspect the premises. The veterinary surgeon will look at whether the premises provides a suitable environment for the animal to live in, and that the animal will receive the care it requires in all aspects of its life i.e feeding, exercise, bedding, veterinary care, prevention of illnesses and disease and social interaction, . We will also require evidence from the applicant that they have the relevant skills, knowledge of the species, or qualifications, and that keeping the animal(s) will not lead to a risk to public safety or cause nuisance.
- 2.2.6. Licences will be issued subject to the inclusion of a set of standard conditions, relating to the welfare of the animal(s) and the suitability of both the licence holder and the environment in which they are being kept, together with additional conditions tailored for the particular species. These would normally be discussed with the veterinary surgeon during the inspection.

## **Refusal to grant Dangerous Wild Animal Licence**

2.2.7. Applications for Dangerous Wild Animal Licences will be refused if:

- a) the applicant is either under the age of 18 or not deemed to be a fit a proper person under the Dangerous Wild Animals Act;
- b) there are grounds on safety or public nuisance to refuse it; or
- c) the animals are not owned by, or in the possession of, the applicant.

## **Appeals**

2.2.8. Applicants can appeal a decision to refuse a Dangerous Wild Animal Licence, or a Licence holder can appeal against the adding of particular conditions to the licence. In all cases, appeals can be made to the Magistrates Court.

## **2.3. Zoos**

### **Initial considerations**

2.3.1. To meet the criteria to be licensed as a zoo, the premises must meet the following:

- (a) Wild animals are kept for exhibition to the public on the premises, but not for the purposes of a circus, or in a pet shop; and
- (b) Members of the public have access to the premises, with or without a charge for admission, on seven days or more in any period of twelve consecutive months.

2.3.2. The premises may be suitable for an exemption from the requirement to obtain a licence in certain circumstances. Advice will be given on individual applications accordingly.

2.3.3. Further information on zoo licensing can be found on the Dacorum Borough Council website via the following link: <http://www.dacorum.gov.uk/home/environment-street-care/licensing/animal-welfare-licences/zoo-licences>

### **Inspections**

2.3.4. Inspections of zoos must be carried out by an inspector nominated by the Secretary of State, and the licensing authority will notify applicants of the details of the inspector prior to the inspection taking place. Once the inspection has taken place, the inspector should provide their report to us within 28 days, or confirm if it is to be delayed.

2.3.5. Zoo licences will be granted subject to the receipt of a satisfactory inspection report, and consideration of the suitability of the premises and applicants. Mandatory conditions will be applied to the licence, together with any other conditions that, with the agreement of the applicant, we feel are necessary or desirable to ensure proper conduct of the zoo throughout the licence period.

## **Refusal to grant Zoo Licence**

3.5.3. Applications for Zoos will be refused if:

- a) the zoo could adversely affect the health and safety of people living nearby, or affect law and order in that area;
- b) conservation measures have not been implemented in a satisfactory manner;
- c) the standards of accommodation, staffing and management are inadequate for the proper care and wellbeing of the animals;
- d) any person involved in the running of the zoo or employed as a keeper has been convicted of an animal welfare offence;
- e) if planning permission is required for the zoo, but has not been granted.

## **Appeals**

3.5.4. All appeals relating to refusal to grant or transfer licences, the issue of a zoo closure direction, or against enforcement steps for unmet conditions must be lodged in a magistrates' court within 28 days of receiving the condition.

### **3. Review of Policy**

- 3.1. This policy will be kept under review and updated in light of any significant changes in legislation, case law or national guidance. We will also carry out periodic reviews of the policy to ensure that it remains appropriate to the current operating environment.
- 3.2. If you wish to comment on the policy please email [licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk) and your comments will be considered during future policy reviews.

### **4. Complaints**

- 4.1. If you wish to make a complaint about alleged unlicensed activity or breach of a licence then you can contact the Licensing team during normal office hours, using the contact details below. If you need to make a complaint outside of normal office hours then you can leave a message either by telephone or email which will be responded to when the office re-opens. Complaints made to the Licensing team will be investigated by a Licensing Enforcement Officer who will also inform you of any action taken as a result of your complaint.

Licensing  
Dacorum Borough Council  
The Forum  
Marlowes  
Hemel Hempstead  
Herts  
HP1 1DN

Telephone: 01442 228000, and at the prompt ask for Licensing  
Email: [licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk)

- 4.2. We understand that, from time to time, persons may not be completely satisfied with the service that they receive from the Licensing team, and we would encourage any person who feels this way to let us know, so that we can develop and improve our service. We will ensure that complaints about our service are investigated fairly and thoroughly using the Council's Complaint Procedure (details of which can be found on the Council's website at [www.dacorum.gov.uk](http://www.dacorum.gov.uk)). Complaints can be made via our website, using the form at [www.dacorum.gov.uk/CustomComplaints](http://www.dacorum.gov.uk/CustomComplaints), or by calling 01442 228000 and asking for the Complaints Service. In cases where disputes still cannot be resolved, we will ensure that any rights of complaint or appeal against the Council's actions are explained with an indication of the likely time-scales involved.

## **Annex A – Conditions for Animal Activity Licences**

### **Annex A1 – General Conditions for all licences:**

#### **1. Licence display**

- (1) A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on.
- (2) The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

#### **2. Records**

- (1) The licence holder must ensure that at any time all the records that the licence holder is required to keep as a condition of the licence are available for inspection by an inspector in a visible and legible form or, where any such records are stored in electronic form, in a form from which they can readily be produced in a visible and legible form.
- (2) The licence holder must keep all such records for at least three years beginning with the date on which the record was created.

#### **3. Use, number and type of animal**

- (1) No animals or types of animal other than those animals and types of animal specified in the licence may be used in relation to the relevant licensable activity.
- (2) The number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on any premises on which the licensable activity is carried on.

#### **4. Staffing**

- (1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.
- (2) The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.
- (3) The licence holder must provide and ensure the implementation of a written training policy for all staff.

#### **5. Suitable environment**

- (1) All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.
- (2) Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to—
  - (a) their behavioural needs,
  - (b) its situation, space, air quality, cleanliness and temperature,
  - (c) the water quality (where relevant),
  - (d) noise levels,
  - (e) light levels,



- (f) ventilation.
- (3) Staff must ensure that the animals are kept clean and comfortable.
- (4) Where appropriate for the species, a toileting area and opportunities for toileting must be provided.
- (5) Procedures must be in place to ensure accommodation and any equipment within it is cleaned as often as necessary and good hygiene standards are maintained and the accommodation must be capable of being thoroughly cleaned and disinfected.
- (6) The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.
- (7) All the animals must be easily accessible to staff and for inspection and there must be sufficient light for the staff to work effectively and observe the animals.
- (8) All resources must be provided in a way (for example as regards. frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.
- (9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

#### **6. Suitable diet**

- (1) The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.
- (2) Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.
- (3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.
- (4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.
- (5) Constant access to fresh, clean drinking water must be provided in a suitable receptacle for the species that requires it.
- (6) Where feed is prepared on the premises on which the licensable activity is carried on, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

#### **7. Monitoring of behaviour and training of animals**

- (1) Active and effective environmental enrichment must be provided to the animals in inside and any outside environments.
- (2) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.
- (3) The animals' behaviour and any changes of behaviour must be monitored and advice must be sought, as appropriate and without delay, from a veterinarian or, in the case of fish, any person competent to give such advice if adverse or abnormal behaviour is detected.

- (4) Where used, training methods or equipment must not cause pain, suffering or injury.
- (5) All immature animals must be given suitable and adequate opportunities to—
  - (a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and
  - (b) become habituated to noises, objects and activities in their environment.

## **8. Animal handling and interactions**

- (1) All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.
- (2) The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals and no animals from a social species may be isolated or separated from others of their species for any longer than is necessary.
- (3) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

## **9. Protection from pain, suffering, injury and disease**

- (1) Written procedures must—
  - (a) be in place and implemented covering—
    - (i) feeding regimes,
    - (ii) cleaning regimes,
    - (iii) transportation,
    - (iv) the prevention of, and control of the spread of, disease,
    - (v) monitoring and ensuring the health and welfare of all the animals,
    - (vi) the death or escape of an animal (including the storage of carcasses);
  - (b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.
- (2) All people responsible for the care of the animals must be made fully aware of these procedures.
- (3) Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.
- (4) All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.
- (5) All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.
- (6) Sick or injured animals must receive prompt attention from a veterinarian or, in the case of fish, an appropriately competent person and the advice of that veterinarian or, in the case of fish, that competent person must be followed.
- (7) Where necessary, animals must receive preventative treatment by an appropriately competent person.
- (8) The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of

that veterinarian must be readily available to all staff on the premises on which the licensable activity is carried on.

- (9) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinarian.
- (10) Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinarian.
- (11) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.
- (12) No person may euthanase an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or—
  - (a) in the case of fish, a person who is competent for such purpose;
  - (b) in the case of horses, a person who is competent, and who holds a licence or certificate, for such purpose.
- (13) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.
- (14) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.

## **10. Emergencies**

- (1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.
- (2) The plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.
- (3) External doors and gates must be lockable.
- (4) A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

## **Annex A2 – Specific conditions for selling animals as pets**

The following conditions shall apply to any licence which authorises the sale of animals as pets.

### **1. Interpretation**

In this Annex—

“prospective owner” means a person purchasing an animal to keep or to be kept as a pet;

“premises” means the premises on which the licensable activity of selling animals as pets (or with a view to their being later resold as pets) is carried on;

“purchaser” means a person purchasing an animal to keep as a pet or with a view to it later being resold as a pet.

### **2. Records and advertisements**

- (1) A register must be maintained for all the animals or, in the case of fish, all the groups of fish, on the premises which must include —
  - (a) the full name of the supplier of the animal,
  - (b) the animal’s sex (where known),
  - (c) (except in the case of fish) the animal’s age (where known),
  - (d) details of any veterinary treatment (where known),
  - (e) the date of birth of the animal or, if the animal was acquired by the licence holder, the date of its acquisition,
  - (f) the date of the sale of the animal by the licence holder, and
  - (g) the date of the animal’s death (if applicable).
  
- (2) Where an animal is undergoing any medical treatment—
  - (a) this fact must be clearly indicated—
    - (i) in writing next to it, or
    - (ii) (where appropriate) by labelling it accordingly, and
  - (b) it must not be sold.
  
- (3) Any advertisement for the sale of an animal must—
  - (a) include the number of the licence holder’s licence,
  - (b) specify the local authority that issued the licence,
  - (c) include a recognisable photograph of the animal being advertised,
  - (d) (except in the case of fish) display the age of the animal being advertised,
  - (e) state the country of residence of the animal from which it is being sold, and
  - (f) state the country of origin of the animal.

### **3. Prospective sales: pet care and advice**

- (1) The licence holder and all staff must ensure that any equipment and accessories being sold with an animal are suitable for the animal.
  
- (2) The licence holder and all staff must ensure that the prospective owner is provided with information on the appropriate care of the animal including in relation to—
  - (a) feeding,
  - (b) housing,
  - (c) handling,
  - (d) husbandry,
  - (e) the life expectancy of its species,
  - (f) the provision of suitable accessories, and
  - (g) veterinary care.

- (3) Appropriate reference materials on the care of all animals for sale must be on display and provided to the prospective owner.
- (4) The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.
- (5) The licence holder and all staff must ensure that the purchaser is informed of the country of origin of the animal and the species, and where known, the age, sex and veterinary record of the animal being sold.

#### **4. Suitable accommodation**

- (1) Animals must be kept in housing which minimises stress including from other animals and the public.
- (2) Where members of the public can view or come into contact with the animals, signage must be in place to deter disturbance of the animals.
- (3) Dangerous wild animals (if any) must be kept in cages that are secure and lockable and appropriate for the species.
- (4) For the purposes of sub-paragraph (3), “dangerous wild animal” means an animal of a kind specified in the first column of the Schedule to the Dangerous Wild Animals Act 1976.

#### **5. Purchase and sale of animals**

- (1) The purchase, or sale, by or on behalf of the licence holder of any of the following is prohibited—
  - (a) unweaned mammals;
  - (b) mammals weaned at an age at which they should not have been weaned;
  - (c) non-mammals that are incapable of feeding themselves;
  - (d) puppies, cats, ferrets or rabbits, aged under 8 weeks.
- (2) The sale of a dog must be completed in the presence of the purchaser on the premises.

#### **6. Protection from pain, suffering, injury and disease**

- (1) All animals for sale must be in good health.
- (2) Any animal with a condition which is likely to affect its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until the animal has recovered.
- (3) When arranging for the receipt of animals, the licence holder must make reasonable efforts to ensure that they will be transported in a suitable manner.
- (4) Animals must be transported or handed to purchasers in suitable containers for the species and expected duration of the journey.

## **Annex A3 – Specific conditions for boarding of cats and dogs**

### **Part 1: Providing boarding for cats**

The following conditions shall apply to any licence which authorises the provision of boarding accommodation for cats.

#### **1. Interpretation**

In this Part—

“cat unit” means the physical structure and area that comprises a sleeping area and an exercise run;

“exercise run” means an enclosed area forming part of the cat unit attached to and with direct and permanent access to the sleeping area;

“premises” means the premises on which the licensable activity of providing boarding for cats is carried on.

#### **2. Suitable environment**

- (1) Cats within the premises must be prevented from coming into direct contact with other animals from outside the premises.
- (2) There must be a safe, secure, waterproof roof over the entire cat unit.
- (3) A cat unit may only be shared by cats from the same household.
- (4) Communal exercise areas are not permitted.
- (5) Each cat unit must be clearly numbered and there must be a system in place which ensures that information about the cat or cats in each cat unit is available to all staff and any inspector.
- (6) Each cat unit must provide the cat with sufficient space to—
  - (a) walk,
  - (b) turn around,
  - (c) stand on its hind legs,
  - (d) hold its tail erect,
  - (e) climb,
  - (f) rest on the elevated area, and
  - (g) lie down fully stretched out, without touching another cat or the walls.
- (7) Each cat unit must have sufficient space for each cat to sit, rest, eat and drink away from the area where it urinates and defecates.
- (8) Cats must have constant access to their sleeping area.
- (9) A litter tray and safe and absorbent litter material must be provided at all times in each cat unit and litter trays must be regularly cleaned and disinfected.
- (10) Each cat unit must include an elevated area.
- (11) Adjoining cat units must have solid barriers covering the full height and full width of the adjoining wall.
- (12) Any gaps between cat units must be a minimum of 0.6 metres wide.

(13) Any cat taken out of a cat unit must be secured in a suitable carrier.

(14) The sleeping area must form part of the cat unit and be free from draughts.

### **3. Monitoring of behaviour and training of cats**

- (1) There must be an area within each cat unit in which the cat can avoid seeing other cats and people outside the cat unit if it so chooses.
- (2) Each cat unit must include a facility for scratching and any surface within a cat unit available for scratching must either be disinfected between uses by different cats or disposed of.
- (3) All cats must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.
- (4) All toys and other enrichment items must be checked daily to ensure they remain safe and must be cleaned and disinfected at least weekly.

### **4. Records**

A register must be kept of all the cats on the premises which must include—

- (a) the dates of each cat's arrival and departure,
- (b) each cat's name, age, sex, neuter status and a description of it or its breed,
- (c) each cat's microchip number, where applicable,
- (d) the number of any cats from the same household,
- (e) a record of which cats (if any) are from the same household,
- (f) the name, postal address, telephone number (if any) and email address (if any) of the owner of each cat and emergency contact details,
- (g) in relation to each cat, the name, postal address, telephone number and email address of a local contact in an emergency,
- (h) the name and contact details of each cat's normal veterinarian and details of any insurance relating to the cat,
- (i) details of each cat's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise,
- (j) details of each cat's diet and related requirements,
- (k) any required consent forms,
- (l) a record of the date or dates of each cat's most recent vaccination, worming and flea treatments, and
- (m) details of any medical treatment each cat is receiving.

### **5. Protection from pain, suffering, injury and disease**

- (1) A cat must remain in its assigned cat unit, except when it is moved to an isolation cat unit or to a holding cat unit.
- (2) Where any other activity involving animals is undertaken on the premises, it must be kept entirely separate from the area where the activity of providing boarding for cats takes place.
- (3) All equipment must be cleaned and disinfected before a cat is first introduced into a cat unit.
- (4) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Annex 1 must be implemented.
- (5) A holding cat unit must only be used in an emergency and must not be used for longer than is necessary and in any event for no longer than a total of 12 hours in any 24-hour period.
- (6) In this paragraph, "holding cat unit" means a cat unit, separate from any other cat unit, in which a cat may be housed temporarily.

## **Part 2: Providing boarding in kennels for dogs**

The following conditions shall apply to any licence which authorises the provision of boarding accommodation in kennels for dogs.

### **6. Interpretation**

In this Part—

“exercise run” means an enclosed area forming part of a kennel unit attached to and with direct access to the sleeping area;

“kennel unit” means the physical structure and area that consists of a sleeping area and an exercise run;

“premises” means the premises on which the licensable activity of providing boarding in kennels for dogs is carried on.

### **7. Suitable environment**

- (1) Dogs within the premises must be prevented from coming into direct contact with other animals from outside the premises.
- (2) In each kennel unit, the sleeping area must—
  - (a) be free from draughts;
  - (b) provide the dog with sufficient space to—
    - (i) sit and stand at full height,
    - (ii) lie down fully stretched-out,
    - (iii) wag its tail,
    - (iv) walk, and
    - (v) turn around,without touching another dog or the walls;
  - (c) have a floor area which is at least twice the area required for the dog in it to lie flat; and
  - (d) if built after the 1<sup>st</sup> October 2018, have a floor area of at least 1.9 square metres.
- (3) Each kennel unit must be clearly numbered and there must be a system in place which ensures that information about the dog or dogs in each kennel unit is available to all staff and any inspector.
- (4) Each dog must have constant access to its sleeping area.
- (5) Each dog must have a clean, comfortable and warm area within its sleeping area where it can rest and sleep.
- (6) Each exercise run must have a single, safe, secure, waterproof roof over a minimum of half its total area.
- (7) Where a dog poses a health or welfare risk to other dogs, it must be kept on its own in a kennel unit and, if that kennel unit adjoins another kennel unit, any adjoining wall must be of full height and width so as to prevent the dog from coming into physical contact with any other dog.
- (8) Only dogs from the same household may share a kennel unit.

### **8. Monitoring of behaviour and training**

- (1) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.
- (2) All dogs must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.



- (3) All toys and other enrichment items must be checked daily to ensure they remain safe and must be cleaned and disinfected at least weekly.
- (4) Each dog must be exercised at least once daily away from its kennel unit as appropriate for its age and health.
- (5) Any dog which, on the advice of a veterinarian, cannot be exercised must be provided with alternative forms of mental stimulation.
- (6) There must be an area within each kennel unit in which a dog can avoid seeing people and other dogs outside the kennel unit if it so chooses.

## **9. Records**

- (1) A register must be kept of all the dogs on the premises which must include—
  - (a) the dates of each dog's arrival and departure;
  - (b) each dog's name, age, sex, neuter status, microchip number and a description of it or its breed;
  - (c) the number of any dogs from the same household;
  - (d) a record of which dogs (if any) are from the same household;
  - (e) the name, postal address, telephone number (if any) and email address (if any) of the owner of each dog and emergency contact details;
  - (f) in relation to each dog, the name, postal address, telephone number and email address of a local contact in an emergency;
  - (g) the name and contact details of the dog's normal veterinarian and details of any insurance relating to the dog;
  - (h) details of each dog's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise;
  - (i) details of the dog's diet and related requirements;
  - (j) any required consent forms;
  - (k) a record of the date or dates of each dog's most recent vaccination, worming and flea treatments;
  - (l) details of any medical treatment each dog is receiving.
- (2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

## **10. Protection from pain, suffering, injury and disease**

- (1) Where any other activity involving animals is undertaken on the premises, it must be kept entirely separate from the area where the activity of providing boarding for dogs in kennels takes place.
- (2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Annex 1 must be implemented.
- (3) A holding kennel unit must only be used in an emergency and must not be used for longer than is necessary and in any event for no longer than a total of 12 hours in any 24-hour period.
- (4) In sub-paragraph (3), "holding kennel unit" means a kennel unit, separate from any other kennel unit, in which a dog may be housed temporarily.

### **Part 3: Providing home boarding for dogs**

The following conditions shall apply to any licence which authorises the provision of home boarding accommodation for dogs.

#### **11. Interpretation**

In this Part—

“designated room” means a room within the home allocated to a dog;

“home” means a domestic dwelling on which the licensable activity of providing home boarding for dogs is carried on.

#### **12. Home**

- (1) Dogs must be accommodated within the home.
- (2) The home must include—
  - (a) direct access to a private, non-communal, secure and hazard-free external area, and
  - (b) at least two secure physical barriers between any dog and any entrance to or exit from it.

#### **13. Suitable environment**

- (1) Dogs from different households may only be boarded at the same time with the written consent of every owner.
- (2) Each dog must be provided with its own designated room where it can, if necessary, be kept separate from other dogs.
- (3) Each dog must have a clean, comfortable and warm area within its designated room where it can rest and sleep.
- (4) Each designated room must have a secure window to the outside that can be opened and closed as necessary.
- (5) A dog must not be confined in a crate for longer than three hours in any 24-hour period.
- (6) A dog must not be kept in a crate unless—
  - (a) it is already habituated to it,
  - (b) a crate forms part of the normal routine for the dog, and
  - (c) the dog’s owner has consented to the use of a crate.
- (7) Any crate in which a dog is kept must be in good condition and sufficiently large for the dog to sit and stand in it at full height, lie flat and turn around.

#### **14. Suitable diet**

Each dog must be fed separately in its designated room unless its owner has given written consent to the contrary.

#### **15. Monitoring of behaviour and training**

- (1) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.
- (2) Each dog must be exercised at least once daily as appropriate for its age and health.
- (3) Dogs which on the advice of a veterinarian cannot be exercised must be provided with alternative forms of mental stimulation.

## **16. Housing with or apart from other dogs**

- (1) Written consent must be obtained from the owner or owners (as the case may be) to keep dogs together in a designated room.
- (2) Unneutered bitches must be prevented from mating.
- (3) If any person aged under 16 years resides at the home, there must be procedures in place to regulate the interactions between the dogs and that person.

## **17. Records**

- (1) A register must be kept of all the dogs accommodated in the home which must include—
  - (a) the dates of each dog's arrival and departure;
  - (b) each dog's name, age, sex, neuter status, microchip number and a description of it or its breed;
  - (c) the number of any dogs from the same household;
  - (d) a record of which dogs (if any) are from the same household;
  - (e) the name, postal address, telephone number (if any) and email address (if any) of the owner of each dog and emergency contact details;
  - (f) in relation to each dog, the name, postal address, telephone number and email address of a local contact in an emergency;
  - (g) the name and contact details of each dog's normal veterinarian and details of any insurance relating to the dog;
  - (h) details of each dog's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise;
  - (i) details of each dog's diet and related requirements;
  - (j) any required consent forms;
  - (k) a record of the date or dates of each dog's most recent vaccination, worming and flea treatments;
  - (l) details of any medical treatment each dog is receiving.
- (2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

## **18. Protection from pain, suffering, injury and disease**

- (1) Before a dog is admitted for boarding, all equipment to be used by or in relation to that dog must be cleaned and disinfected.
- (2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Annex 1 must be implemented.

#### **Part 4: Providing day care for dogs**

The following conditions shall apply to any licence which authorises the provision of day care accommodation for dogs.

##### **19. Interpretation**

In this Part, “premises” means the premises on which the licensable activity of providing day care for dogs is carried on.

##### **20. No overnight stay**

No dog may be kept on the premises overnight.

##### **21. Suitable environment**

- (1) Each dog must be provided with—
  - (a) a clean, comfortable and warm area where it can rest and sleep, and
  - (b) another secure area in which water is provided and in which there is shelter.
  
- (2) Each dog must have access to areas where it can—
  - (a) interact safely with other dogs, toys and people, and
  - (b) urinate and defecate.
  
- (3) There must be an area where any dog can avoid seeing other dogs and people if it so chooses.

##### **22. Suitable diet**

Any dog that requires specific feed due to a medical condition must be fed in isolation.

##### **23. Monitoring of behaviour and training**

- (1) All dogs must be screened before being admitted to the premises to ensure that they are not afraid, anxious or stressed in the presence of other dogs or people and do not pose a danger to other dogs or staff.
  
- (2) Any equipment used that is likely to be in contact with the dogs and any toys provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

##### **24. Housing apart from other dogs**

- (1) Unneutered bitches must be prevented from mating.
  
- (2) Dogs which need to be isolated from other dogs must be provided with alternative forms of mental stimulation.

##### **25. Records**

- (1) A register must be kept of all the dogs on the premises which must include—
  - (a) the date of the dog’s attendance;
  - (b) the dog’s name, age, sex, neuter status, microchip number and a description of it or its breed;
  - (c) the name, postal address, telephone number (if any) and email address (if any) of the owner and emergency contact details;
  - (d) the name and contact details of the dog’s normal veterinarian and details of any insurance relating to the dog;
  - (e) details of the dog’s relevant medical and behavioural history, including details of any treatment administered against parasites and any restrictions on exercise;
  - (f) details of the dog’s diet and relevant requirements;
  - (g) any required consent forms;
  - (h) a record of the date or dates of the dog’s most recent vaccination, worming and flea treatments;

- (i) details of any medical treatment the dog is receiving.
- (2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

**26. Protection from pain, suffering, injury and disease**

- (1) The dogs must be supervised at all times.
- (2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.
- (3) Any journeys in a vehicle must be planned to minimise the time dogs spend in the vehicle.

## **Annex A4 – Specific conditions for hiring out horses**

The following conditions shall apply to any licence which authorises the hiring of horses for riding or instruction in riding.

### **1. Interpretation**

In this Schedule, “client” means a person for whose use a horse is hired out.

### **2. Eligibility**

(1) The licence holder must—

(a) hold an appropriate formal qualification, or have sufficient demonstrable experience and competence, in the management of horses, and

(b) hold a valid certificate of public liability insurance which—

(i) insures the licence holder against liability for any injury sustained by, and the death of, any client, and

(ii) insures any client against liability for any injury sustained by, and the death of, any other person, caused by or arising out of the hire of the horse.

(2) The certificate mentioned in sub-paragraph (1)(b) must be clearly and prominently displayed on the premises.

### **3. Supervision**

(1) The activity must not at any time be left in the charge of a person aged under 18 years.

(2) No horse may be hired out except under the supervision of a person aged 16 years or more unless the licence holder is satisfied that the person hiring the horse is competent to ride without supervision.

(3) The following must be clearly and prominently displayed on the premises—

(a) the full name, postal address (including postcode) and telephone number of the licence holder or other person with management responsibilities in respect of the activity;

(b) instructions as to the action to be taken in the event of a fire or other emergency.

### **4. Suitable environment**

(1) It must be practicable to bring all the horses on the premises under cover.

(2) Suitable storage must be provided and used for feed, bedding, stable equipment and saddlery.

(3) All arena surfaces must be suitable for purpose, well drained, free of standing water and maintained regularly to keep them level.

### **5. Suitable diet**

(1) At all times when any horses are kept at grass, adequate pasture, shelter and clean water must be available for them.

(2) Supplementary feed and nutrients must be provided to any horse when appropriate.

(3) Each horse must be fed a balanced diet of a quantity and at a frequency suitable for its age, health and workload to enable it to maintain an appropriate physical condition.

## **6. Protection from pain, suffering, injury and disease**

- (1) The horses must be maintained in good health and must be in all respects physically fit.
- (2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.
- (3) A daily record of the workload of each horse must be maintained and available for inspection at any reasonable time.
- (4) Each horse must be suitable for the purpose for which it is kept and must not be hired out if, due to its condition, its use would be likely to cause it to suffer.
- (5) Any horse found on inspection to be in need of veterinary attention must not be returned to work until the licence holder has, at the licence holder's expense, obtained from and lodged with the local authority a veterinary certificate which confirms that the horse is fit for work.
- (6) Each horse's hooves should be trimmed as often as is necessary to maintain the health, good shape and soundness of its feet and any shoes should be properly fitted and in good condition.
- (7) An area suitable for the inspection of horses by a veterinarian must be provided.
- (8) The following must not be hired out—
  - (a) a horse aged under 3 years;
  - (b) a mare heavy with foal;
  - (c) a mare whose foal has not yet been weaned.
- (9) The licence holder must keep a register of all horses kept for the licensable activity on the premises, each such horse's valid passport showing its unique equine life number and a record of its microchip number (if any).

## **7. Equipment**

All equipment provided to clients must be in good and safe condition and available for inspection at any reasonable time.

## Annex A5 – Specific conditions for the breeding of dogs

The following conditions shall apply to any licence which authorises the breeding of dogs:

### 1. Advertisements and sales

- (1) The licence holder must not advertise or offer for sale a dog—
  - (a) which was not bred by the licence holder;
  - (b) except from the premises where it was born and reared under the licence;
  - (c) otherwise than to—
    - (i) a person who holds a licence for the activity described in paragraph 2 of Schedule 1 to the Regulations [*i.e. authorising the sale of animals as pets*]; or
    - (ii) a keeper of a pet shop in Wales who is licensed under the Pet Animals Act 1951 to keep the shop,  
knowing or believing that the person who buys it intends to sell it or intends it to be sold by any other person.
- (2) Any advertisement for the sale of a dog must—
  - (a) include the number of the licence holder's licence,
  - (b) specify the local authority that issued the licence,
  - (c) include a recognisable photograph of the dog being advertised, and
  - (d) display the age of the dog being advertised.
- (3) The licence holder and all staff must ensure that any equipment and accessories being sold with a dog are suitable for it.
- (4) The licence holder and all staff must ensure that the purchaser is informed of the age, sex and veterinary record of the dog being sold.
- (5) No puppy aged under 8 weeks may be sold or permanently separated from its biological mother.
- (6) A puppy may only be shown to a prospective purchaser if it is together with its biological mother.
- (7) Sub-paragraphs (5) and (6) do not apply if separation of the puppy from its biological mother is necessary for the health or welfare of the puppy, other puppies from the same litter or its biological mother.

### 2. Suitable environment

- (1) Each dog must have access to a sleeping area which is free from draughts and an exercise area.
- (2) Each dog must be provided with sufficient space to—
  - (a) stand on its hind legs,
  - (b) lie down fully stretched out,
  - (c) wag its tail,
  - (d) walk, and
  - (e) turn around,without touching another dog or the walls of the sleeping area.
- (3) The exercise area must not be used as a sleeping area.
- (4) Part or all of the exercise area must be outdoors.
- (5) There must be a separate whelping area for each breeding bitch to whelp in which contains a suitable bed for whelping.



- (6) Each whelping area must be maintained at an appropriate temperature (between and including 26 and 28 degrees centigrade) and include an area which allows the breeding bitch to move away from heat spots.
- (7) Each dog must be provided with constant access to a sleeping area.
- (8) A separate bed must be provided for each adult dog.
- (9) No puppy aged under 8 weeks may be transported without its biological mother except—
  - (a) if a veterinarian agrees for health or welfare reasons that it may be so transported, or
  - (b) in an emergency.
- (10) No breeding bitch may be transported later than 54 days after the date of successful mating except to a veterinarian.
- (11) No breeding bitch may be transported earlier than 48 hours after whelping except to a veterinarian where it is not otherwise practicable or appropriate for that person to attend to the bitch.
- (12) Each dog's sleeping area must be clean, comfortable, warm and free from draughts.
- (13) In this paragraph, "exercise area" means a secure area where dogs may exercise and play.

### **3. Suitable diet**

Staff must—

- (a) ensure that each puppy starts weaning as soon as it is capable of ingesting feed on its own,
- (b) provide each breeding bitch with feed appropriate to its needs,
- (c) provide each puppy with feed appropriate for its stage of development, and
- (d) ensure that each puppy ingests the correct share of the feed provided.

### **4. Monitoring of behaviour and training**

- (1) The licence holder must implement and be able to demonstrate use of a documented socialisation and habituation programme for the puppies.
- (2) Each dog must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.
- (3) Except in the circumstances mentioned in sub-paragraph (4), all adult dogs must be exercised at least twice daily away from their sleeping area.
- (4) Where a veterinarian has advised against exercising a dog, the dog must be provided with alternative forms of mental stimulation.
- (5) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

### **5. Housing with or apart from other dogs**

- (1) Each adult dog must be provided with opportunities for social contact with other dogs where such contact benefits the dogs' welfare.
- (2) Each adult dog must be given suitable and adequate opportunities to become habituated to handling by people.

- (3) Procedures must be in place for dealing with dogs that show abnormal behaviour.
- (4) There must be an area within each sleeping area in which dogs can avoid seeing people and other dogs outside the sleeping area if they so choose.

## **6. Protection from pain, suffering, injury and disease**

- (1) All dogs for sale must be in good health.
- (2) Any dog with a condition which is likely to affect materially its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until it has recovered.
- (3) The licence holder must ensure that no bitch—
  - (a) is mated if aged less than 12 months;
  - (b) gives birth to more than one litter of puppies in a 12-month period;
  - (c) gives birth to more than six litters of puppies in total;
  - (d) is mated if she has had two litters delivered by caesarean section.
- (4) The licence holder must ensure that each puppy is microchipped and registered to the licence holder before it is sold.
- (5) No dog may be kept for breeding if it can reasonably be expected, on the basis of its genotype, phenotype or state of health that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring.
- (6) The health, safety and welfare of each dog must be checked at the start and end of every day and at least every four hours during the daytime.
- (7) Breeding bitches must be adequately supervised during whelping and the licence holder must keep a record of—
  - (a) the date and time of birth of each puppy,
  - (b) each puppy's sex, colour and weight,
  - (c) placentae passed,
  - (d) the number of puppies in the litter, and
  - (e) any other significant events.
- (8) The licence holder must keep a record of each puppy sale including—
  - (a) the microchip number of the puppy,
  - (b) the date of the sale, and
  - (c) the age of the puppy on that date.
- (9) The licence holder must keep a record of the following in relation to each breeding dog—
  - (a) its name,
  - (b) its sex,
  - (c) its microchip and database details,
  - (d) its date of birth,
  - (e) the postal address where it normally resides,
  - (f) its breed or type,
  - (g) its description,
  - (h) the date or dates of any matings, whether or not successful,
  - (i) details of its biological mother and biological father,
  - (j) details of any veterinary treatment it has received, and
  - (k) the date and cause of its death (where applicable).

- (10) In addition to the matters mentioned in sub-paragraph (7), the licence holder must keep a record of the following in relation to each breeding bitch—
- (a) the number of matings,
  - (b) its age at the time of each mating,
  - (c) the number of its litters,
  - (d) the date or dates on which it has given birth, and
  - (e) the number of caesarean sections it has had, if any.
- (11) Unless the licence holder keeps the dog as a pet, the licence holder must make arrangements for any dog no longer required for breeding to be appropriately rehomed.
- (12) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Annex 1 must be implemented.
- (13) The licence holder must keep a record of any preventative or curative healthcare (or both) given to each dog.
- (14) Where any other activity involving animals is undertaken on the premises on which the licensable activity of breeding dogs is carried on, it must be kept entirely separate from the area where that licensable activity is carried on.

## **Annex A6 – Specific conditions, Keeping or training animals for exhibition**

The following conditions shall apply to any licence which authorises the keeping or training of animals for exhibition:

### **1. Insurance**

The licence holder must hold valid public liability insurance in respect of the licensable activity of keeping or training animals for exhibition.

### **2. Emergencies**

A written policy detailing contingency measures in the event of the breakdown of a vehicle used to transport the animals or any other emergency must be available to all staff.

### **3. Suitable environment**

Suitable temporary accommodation must be provided for all the animals at any venue where they are exhibited.

### **4. Monitoring of behaviour and training**

The animals must be trained by competent staff and given suitable and adequate opportunities to become habituated to being exhibited, using positive reinforcement.

### **5. Housing with or apart from other animals**

- (1) Social animals must not be exhibited if their removal from and reintroduction to the group with which they are usually housed causes them or any other animal within that group stress, anxiety or fear.
- (2) Animals must be prevented from coming into contact with each other during any exhibition where such contact would be likely to cause any of them to show signs of aggression, fear or distress.
- (3) All persons likely to come into contact with the animals during an exhibition must be briefed about how to behave around the animals so as to minimise anxiety, fear and stress in the animals.
- (4) No female animal with unweaned offspring may be removed from its home environment and newborn, unweaned or dependent offspring must not be removed from their mothers.

### **6. Records**

The licence holder must keep a list of each animal kept, or trained, for exhibition with all the information necessary to identify that animal individually (including its common and scientific names) and must provide the local authority with a copy of the list and any change to it as soon as practicable after the change.

### **7. Protection from pain, suffering, injury and disease**

- (1) A register must be kept of each animal exhibited or to be exhibited which must include—
  - (a) the full name of its supplier,
  - (b) its date of birth,
  - (c) the date of its arrival,
  - (d) its name (if any), age, sex, neuter status, description and microchip or ring number (if applicable),
  - (e) the name and contact details of the animal's normal veterinarian and details of any insurance relating to it,
  - (f) details of the animal's relevant medical and behavioural history including details of any treatment administered against parasites and any restrictions on exercise or diet,

- (g) a record of the date or dates of the animal's most recent vaccination, worming and flea treatments, and
  - (h) the distance to and times taken for it to travel to and from each exhibition event.
- (2) A record of when the animals are exhibited must be kept and an animal rotation policy must be put in place to ensure that the animals have enough rest between and during exhibition events.
  - (3) All the animals used in exhibition events must be in good physical and mental health.
  - (4) The exhibited animals must be suitable for the specific conditions, type of enclosure and actions involved in the exhibition.
  - (5) Any equipment, chemicals and other materials used in the exhibition must not cause the animals pain, discomfort, fatigue or stress.
  - (6) The animals must be transported in suitable, secure and appropriately labelled carriers.
  - (7) The licence holder or the licence holder's staff must undertake a risk assessment before each exhibition event.
  - (8) The animals must not be handled by persons whose behaviour appears at the time to be influenced by the consumption of alcohol or by any psychoactive substance.

## **Annex B – Standard Conditions for Dangerous Wild Animal Licences**

1. While any animal concerned is being kept only under the authority of this licence—
  - a) 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;
  - b) the animal shall normally be held at such premises as are specified in the licence;
  - c) 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;
  - d) 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
  - e) the terms of any such policy shall be satisfactory in the opinion of the authority;
2. No dangerous wild animal may be kept under the authority of this licence unless:
  - a) it is of a species specified in Annex 1 of the licence; and
  - b) the number of animals of that species kept does not exceed the corresponding maximum number listed in Annex 1 of this licence.
3. The person(s) 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.
4. Without prejudice to any specific condition contained in Annex 3 to this licence:
  - a) Any animal kept under the authority of this licence will at all times:
    - (i) be held in accommodation which secures that the animal will not escape, which is suitable as regards construction, size, temperature, lighting, ventilation, drainage and cleanliness and which is suitable for the number of animals being held in that accommodation;
    - (ii) while in its regular accommodation, be able to take adequate exercise; and
    - (iii) be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals.
  - b) Appropriate steps will be taken for the protection of all animals in case of fire or other emergency;
  - c) All reasonable precautions will be taken at all such times to prevent and control the spread of infectious diseases.

## **Annex C – Mandatory conditions for Zoo Licences**

The Licence holder must:

- (i) promote public education and awareness in relation to the conservation of biodiversity, in particular by providing information about the species of wild animals kept in the zoo and their natural habitats;
- (ii) accommodate their animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong, including providing each animal with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs; and providing a high standard of animal husbandry with a developed programme of preventative and curative veterinary care and nutrition;
- (iii) prevent the escape of animals and put in place measures to be taken in the event of any escape or unauthorised release of animals;
- (iv) prevent the intrusion of pests and vermin into the zoo premises; and
- (v) keep up-to-date records of the zoo's collection, including records of the numbers of different animals; acquisitions, births, deaths, disposals and escapes of animals; the causes of any such deaths; and of the health of the animals.

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