

Licensing and Appeals Committee



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30 August 2018

A meeting of the **Licensing and Appeals Committee** of North Norfolk District Council will be held in the **Council Chamber, Council Offices, Holt Road, Cromer** on **Monday 10 September 2018** at **10.00 a.m.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours.

Members of the public who wish to ask a question or speak on an agenda item are requested to arrive at least 15 minutes before the start of the meeting. It will not always be possible to accommodate requests after that time. This is to allow time for the Committee Chair to rearrange the order of items on the agenda for the convenience of members of the public. Further information on the procedure for public speaking can be obtained from Democratic Services, Tel: 01263 516010, Email: democraticservices@north-norfolk.gov.uk

Anyone attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so must inform the Chairman. If you are a member of the public and you wish to speak on an item on the agenda, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Dr P Bütikofer, Mrs A Claussen-Reynolds, Mrs P Grove-Jones, Mr S Hester, Mr M Knowles, Mrs M Millership, Mr P Moore, Mr N Pearce, Mr J Rest, Mr R Reynolds, Mr P Rice, Mr S Shaw, Mr R Shepherd, Mr B Smith, Mrs V Uprichard

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public.



**If you have any special requirements in order to attend this meeting,
please let us know in advance**

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

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A G E N D A

1. TO RECEIVE APOLOGIES FOR ABSENCE

2. PUBLIC QUESTIONS

3. MINUTES

(attached – page 4)

To approve as a correct record, the minutes of the meeting of the Licensing and Appeals Committee held on 16 July 2018 and also the minutes of a meeting of the Licensing Sub-Committee held on 11 July 2018.

4. ITEMS OF URGENT BUSINESS

To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

5. DECLARATIONS OF INTEREST

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest.

6. Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 – Changes to Licensing Arrangements for Animal Based Businesses Page 11
(Annex 1 – 1E – page 17; Annex 2 to follow)

Summary: To update and inform members on the Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 and the forthcoming changes in the way in which animal boarding, dog breeding, pet shops, and riding establishments are licensed and the commencement of the licensing of the keeping of animals for exhibition.

Conclusions: N.A

Recommendations: 1. That the report be noted for information and conditions set out by statute are agreed.
2. That the proposed fee structure is noted and recommended to Cabinet and Full Council in line with the Authorities fee setting structure.

Cabinet Member(s) Councillor Hillary Cox – Portfolio Holder Councillor Simon Hester - Chair of the Licensing Committee	Ward(s) affected - All
Contact Officer, telephone number and email: Gemma Faircloth 01263 516139 gemma.faircloth@north-norfolk.gov.uk	

7. UPDATE ON GENERAL LICENSING ISSUES

To receive a verbal update on licensing issues.

8. UPDATE ON TASK & FINISH GROUPS

To receive a verbal update on task and finish groups.

9. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution, if necessary:

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph _ of Part I of Schedule 12A (as amended) to the Act.”

10. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA

LICENSING AND APPEALS COMMITTEE

Minutes of a meeting of the Licensing and Appeals Committee held at 10.00 am on 16 July 2018 in the Council Chamber, Council Offices, Holt Road, Cromer.

Members Present:

Dr P Bütikofer	Mr J Rest
Mrs A Claussen-Reynolds	Mr R Reynolds
Mrs P Grove-Jones	Mr R Shepherd
Mr S Hester (Chairman)	Mrs V Uprichard
Mr M Knowles	

Non- Committee Members present:

Mr B Hannah

Officers in attendance:

Public Protection Manager, Legal Advisor and Democratic Services Manager

1 APOLOGIES FOR ABSENCE

Mr B Smith, Mrs M Millership, Mr P W Moore and Mr N Pearce.

2 PUBLIC QUESTIONS

None received.

3 MINUTES

The minutes of the meeting of the Licensing and Appeals Committee held on 15 May 2018 and Licensing and Appeals Sub-Committees held on 02 May and 13 June 2018 were approved as correct records and signed by the Chairman.

4 ITEMS OF URGENT BUSINESS

None.

5 DECLARATIONS OF INTEREST

None.

6 REVIEW OF GAMBLING POLICY 2018-19

The Public Protection Manager presented the draft revisions to the Council's Statement of Principles under the Gambling Act 2005. She explained that it had been updated based on comments received as well feedback from training and events.

1. Cllr P Grove-Jones asked whether the policy covered slot machines. The Public Protection Manager explained there were two types – lower stake slot machines

were covered by a notification whereas higher stake machines required a permit licence. Cllr Grove-Jones said that she was referring to children's slot machines. The Public Protection Manager replied that these were part of family entertainment centres and were licensed as such.

2. Cllr R Reynolds asked about risk assessments and how they were being shared. The Public Protection Manager replied that there was guidance on what should be taken into consideration. She added that each case was assessed individually against the guidance and legislation.
3. Cllr J Rest raised concerns about live television in family areas such as pubs. He said that the content being shown was not always suitable for children and queried whether this was covered by a licence. The Public Protection Manager replied that a separate authority was responsible for overseeing television rights.
4. Cllr B Hannah asked how often the Council received no response when contacting consultees regarding a licensing application. The Public Protection Manager replied that where there was a safeguarding issue then a response would always be received from Norfolk Local Safeguarding Children Board and the Police. Regarding the Gambling policy consultation, she said that the Public Health Authority was looking at consulting with all responsible agencies and a meeting would take place soon. Cllr Hannah said that he felt that a lack of response was not acceptable and that it could leave the Council exposed. The Public Protection Manager said that consultees were always asked to respond but that the Council could not require them to answer. However, if it was a safeguarding issue then it would always be followed up with the relevant agency.
5. Cllr P Grove-Jones referred to a situation where school children may be truanting and accessing betting shops and queried which authority would be responsible. The Public Protection Manager replied that license holders had a duty and responsibility to address such a situation but if the police were involved then the Council would be notified and the Gambling Commission could review the licence.
6. Cllr A Claussen-Reynolds said that she agreed with Cllr Hannah's earlier comments and she had raised the problem regarding the lack of response from consultees previously. She also queried the process for the setting of licensing fees. The Public Protection Manager explained that gambling fees were set by a different process to other licensing fees but that other fees would come to Licensing & Appeals Committee before going through to Cabinet.
7. Cllr J Rest asked about online gambling in pubs. The Public Protection Manager said that it was dealt with by the Gambling Commission.
8. Cllr P Grove-Jones asked whether a copy of the current gambling fees could be circulated to committee members and whether they could be amended. The Public Protection Manager replied that all licensing fees were currently being reviewed. She explained that the Council's fees seemed to be equivalent to neighbouring local authorities but that the fees were set to a maximum by statute. She advised Cllr Grove-Jones that the Gambling policy document that they were discussing was outside the fee setting process.
9. Cllr A Claussen-Reynolds raised concerns about door to door salesmen selling gambling slips and scratch cards. The Public Protection Manager replied that this would be covered by the Gambling Commission but she would check as the Council had responsibility for some lottery licences.

Before moving to the recommendations, the Chairman said that he had two points that he wished to raise;

- i. That more should be done to safeguard vulnerable children and one way would be to black out gaming machines in shop windows.
- ii. Consideration of implementing a blanket ban on fruit machines in pubs with a restaurant attached, however, he had been advised that this was not possible.

Cllr B Hannah said these were interesting points and he suggested writing to the Gambling Commission querying whether they could be looked at.

The Chairman said that it would be helpful if the Council undertook a data gathering exercise with the public to gauge their views on gambling.

Cllr Grove-Jones said that she would be concerned about any attempt to make the District a gambling free area.

Dr P Bütikofer agreed, saying that such a policy could impact on family entertainment centres in seaside resorts.

Cllr V Uprichard said that she could not support a ban on gambling as it was a large industry which generated a lot of jobs locally.

The Chairman said that he was not suggesting a ban on gambling just information on the level of income it brought into the District and which groups of people were involved in gambling.

Cllr R Reynolds said that he was concerned that this could involve a lot of work and it was not clear what the outcome would be.

The Public Protection Manager concluded this item by advising Members that the closing date for comments on the revised Gambling policy was 3rd September 2018.

RESOLVED

That the proposed revisions to the Council's Statement of Principles under the Gambling Act 2005, be recommended to Council for approval and then published in accordance with legislative requirements.

7. UPDATE ON GENERAL LICENSING ISSUES

The Public Protection Manager updated the Committee on the following matters:

Premises License applications

One of the conditions imposed by the sub-committee for the premises licence application considered in May had been appealed by the applicant. The Council was looking into it and was hopeful of addressing before it went to the Magistrate's Court.

Animal Welfare Regulations

Lots of guidance was still to be issued on this before it could be taken forward. It was hoped that the guidance would be available before the end of July but it was a tight deadline.

Norfolk Licensing Forum

The Forum met in June and it was agreed to look at the current fee system in relation to the new Animal Welfare Regulations to ensure consistency.

An Animal Welfare training session was organised for September on the application of the risk assessment process to ensure consistency across Norfolk Authorities.

Officers from NNDC would also attend Institute of Licensing training in September before new regulations came into force on 1 October 2018.

Training

The Institute of Licensing National Training Conference was taking place in November. It was likely that the Portfolio Holder would be attending again together with some officers from the Licensing team.

Hackney Carriage Fare increases

The letters had been sent out and no objections had been received. The new fares would be effective from 1st August 2018.

Safeguarding

Concerns had been raised regarding contact between the Local Authority Dedicated Officer (LADO) and national safeguarding officers. It appeared that they were not always receiving information and the Council has asked via the Norfolk Licensing forum to ensure that they were included in matters relating to licenced individuals.

Business Process Review

The implementation of the new database has been taking considerable time. It was hoped that glitches in the system would be addressed in the next few weeks.

Wrestling

There is a requirement for there to be a medical practitioner in attendance at wrestling events and that the medical practitioner must be certificated. There have been recent queries and an article in the local press. NNDC provided a comment.

Questions:

1. Cllr A Claussen-Reynolds asked for further information on the appeal to the premises license application. The Public Protection Manager explained that it related to the requirement to limit numbers on site. The wording was not clear and had impacted on another license already in place.
2. Mr B Hannah raised his previous concerns about a lack of response from consultees. It was proposed by Cllr A Claussen-Reynolds, seconded by Cllr J Rest and

RESOLVED

That when the Council received a licence application and sought the views of Responsible Authorities, if no reply was received it was assumed that there were no issues. This was not acceptable as it could leave the Council vulnerable to challenge, therefore a response was required, even if it was 'no comment'.

25. UPDATE ON TASK AND FINISH GROUPS

Dr P Bütikofer asked whether the Taxi Handbook was now approved. The Public Protection Manager explained that it was still in progress as further work was needed on CCTV requirements.

Cllr P Grove-Jones commented that the Task and Finish Group for street vendors had only met once and she queried whether there would be any more meetings as she was concerned about 'chuggers' (licensed charity collectors). The Public Protection Manager replied that one of her colleagues had dealt with this task and finish group and she would look into it. She clarified that direct debit collections were not dealt with by NNDC. Larger Charities could be covered by a national exemption allowing them to collect. She added that if there were specific complaints the Licensing team could take them forward. The Chairman agreed, saying it was a national issue but Members could offer advice and support to their constituents.

Cllr A Claussen-Reynolds asked if scrap metal dealers were licensed. The Public Protection Manager confirmed that they were but dependant on where they were located, not necessarily by NNDC.

The meeting closed at 10.50 am.

Chairman

LICENSING AND APPEALS SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held on 11 July 2018 in the Council Chamber, Council Offices, Holt Road, Cromer at 10.00 am.

Sub-Committee Mr R Shepherd (Chairman)
Mrs P Grove-Jones
Mr P Rice

Officers in Attendance: Public Protection Manager, Legal Advisor and Democratic Services Manager

1 APOLOGIES

None.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A (as amended) to the Act.

5 Review of Licence following a complaint relating to a North Norfolk District Council (NNDC) Hackney Carriage or Private Hire Driver (WK/180010000)

Present: Applicant

The Chairman introduced the Panel Members and Officers.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting.

The Public Protection Manager presented the report. She explained that the Council had received a complaint in respect of an NNDC licenced Hackney Carriage or Private Hire driver which merited further consideration and review.

The Chairman invited the applicant to present his case.

The Applicant accepted that he had been convicted of common assault and that he had failed to notify the Council. He said that the complaints subsequent to this were unfounded and malicious.

The applicant answered Members' questions regarding the incident and confirmed that he had not been drinking on the evening in question. He said that driving taxis was his only job.

There were no further questions.

The applicant closed by informing the Panel that this was a one off incident and it would not happen again.

The Legal Advisor advised that the Sub-Committee Members needed to consider this matter. The onus was on the Council to prove that the Applicant was no longer a fit and proper person to hold a taxi licence in the District. She advised them that it was not in dispute that the applicant had a conviction for common assault and that he had failed to inform the Council of this. The Sub-Committee should give consideration for the two complaints that had been received whilst acknowledging that they were both anonymous, so less weight should be given to them.

The Sub-Committee retired at 10.30 am and returned at 10.49 am.

RESOLVED

That six local authority penalty points be added to the applicant's local authority licence to drive a Hackney Carriage or Private Hire Vehicle in North Norfolk. Three penalty points for the common assault and three penalty points for failing to notify the Council of the conviction. These points would remain on the licence for 3 years.

The meeting closed at 10.53am

Chairman

Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 – Changes to Licensing Arrangements for Animal Based Businesses

Summary: To update and inform members on the Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 and the forthcoming changes in the way in which animal boarding, dog breeding, pet shops, and riding establishments are licensed and the commencement of the licensing of the keeping of animals for exhibition.

Conclusions: N.A

Recommendations: 1. That the report be noted for information and conditions set out by statute are agreed.
2. That the proposed fee structure is noted and recommended to Cabinet and Full Council in line with the Authority’s fee setting structure.

Cabinet Member(s) Councillor Hillary Cox – Portfolio Holder Councillor Simon Hester - Chair of the Licensing Committee	Ward(s) affected - All
Contact Officer, telephone number and email: Gemma Faircloth 01263 516139 gemma.faircloth@north-norfolk.gov.uk	

1. Introduction

1.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 will come in to force on 1 October 2018. The information in this report is based on the regulations and the (currently) draft guidance issued in June 2018), and whilst further significant changes are not anticipated, they may be subject to amendments. If a final guidance has been published by the date of the Committee officers will update on any changes.

1.2 The Council is at present responsible for the regulation of a variety of animal-related businesses, as well as the keeping of specified dangerous animals by individuals. The licence types currently issued by the Council are:

- **Animal boarding establishment licences** (for businesses accommodating dogs or cats – e.g. kennels, catteries, home boarders, pet day care)
- **Dog breeding establishment licences** (premises used for, or in connection with, the commercial breeding of dogs)

- **Pet shop licences** (any business which keeps animals with a view to selling them as pets)
- **Riding establishment licences** (premises which keep horses and ponies for the hire for riding or for riding tuition – excluding livery stables)
- **Zoo licences and Dangerous Wild Animal licences** (licences are also issued by the Council for these activities, however they will continue to be covered by specific legislation and are not included in the new Regulations)

1.3 The current number of licences issued by North Norfolk District Council are as follows;

Number	Licence Type	Duration / Expiry
20	Animal boarding establishment (including home and day care)	One year / expiry on anniversary of grant of licence
5	Pet Shop	One year / expiry on 31 December each year
5	Riding establishments	One year / expiry on anniversary of grant of licence
3	Dog breeding	One year / expiry on anniversary of grant of licence

1.4 In addition to the licences issued by North Norfolk District Council, Norfolk County Council is currently responsible for registering any performing animals based within the county, this function will pass to the District Council for those registered in the District.

1.5 The new regulations provide for the licensing of persons involved in England in selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs and keeping or training animals for exhibition. This replaces the requirement in England, to be registered under the Performing Animals (Regulation) act 1925 or to obtain a licence under the Pet Animals Act 1951; the Animal Boarding Establishments Act 1963; the Riding Establishments Act 1964 or the Breeding of Dogs Act 1973.

1.6 The Regulations provide for local authorities to be the licensing authorities. Any person wishing to carry on any of these activities in England must obtain a licence from their local authority. Carrying on any of these activities without a licence would commit an offence and that person would be liable to imprisonment for up to six months, a fine or both.

2 Forthcoming Changes:

2.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 define the animal based activities that require licences as follows:

- 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.
- 2.2 There are overarching General conditions and Specific conditions relating to each animal activity laid out in the Regulations, as opposed to these being locally set or based on Chartered Institute of Environmental Health (CIEH) model conditions. The proposed conditions, set by statute, can be seen within **Annexes 1 to 1E**. All new licences issued from 1 October 2018, under these Regulations will contain these nationally set conditions. The first expected renewal under the new regulations for this Authority relates to an animal boarding establishment where the current licence expires on 20 November 2018.
- 2.3 Existing licences that are issued up to the 30 September 2018, will continue until their stated expiry dates and will then be renewed under the new regulations.
- 2.4 The Regulations provide for a licence to be granted or renewed for a period of one, two or three years in respect of that activity. The local authority must have regard to Secretary of State guidance as may be issued, having regard to the following when determining the period of licence: the risk of an operator breaching any licence conditions; the impact on animal welfare on any such breaches; and whether the operator is already meeting higher standards of animal welfare than are required by the licence conditions. Local authorities will be required to use a national risk-based assessment system.

3. Inspection Process

- 3.1 The new regime requires a 'qualified inspector' to carry out the inspections, and in the case of the grant of a dog breeding establishment and at grant and renewal of horse riding establishments they must be accompanied by a veterinary surgeon who must be listed with the Royal College of Veterinary Surgeons.
- 3.2 A 'qualified inspector' must hold a Level 3 certificate in the Professional Programme in Inspecting Licensable Activities Involving Animals. Courses are in the process of being set up, these will be run over 4 days and include an assessed element. Officers will require this training to continue carrying out inspections, however, transitional arrangements are in place but the training must be completed no later than October 2021. If an inspector is not available, then a qualified veterinary surgeon must carry out the inspection.
- 3.3 Under the new arrangements, the inspection process will be much more comprehensive, and will provide the premises with a 'risk rating'. This process will establish whether the business is 'low risk' or 'higher risk' based on the level to which it meets the standards set out in regulations and guidance. It will be awarded a rating of between one and five, which will determine the length of the licence (with the exception of 'Keeping and Training Animals for Exhibition' for which all licences will be issued for

3 years as default). The rating will be displayed on the licence and included in the Council's public register, published on the North Norfolk District Council website.

- 3.4. Businesses established as higher risk will be able to attain a rating between one and four. If a one or two rating is issued they will receive a one-year licence, and can expect a minimum of one unannounced visit during that period. If a four rating is attained, the licence will be issued for two years, and the licence holder can expect one unannounced visit during the two-year period.
- 3.5. Lower risk businesses can be issued a licence for any period between one and three years and receive a rating of one, three or five. Licence holders can expect a minimum of one unannounced visit at any time during the period specified on the licence.
- 3.6. The published draft guidance advises that if a business is certified by UKAS-accredited body to operate animal welfare certification, it should be considered low risk and receive the higher rating, unless there is evidence of poor animal welfare or non-compliance. Existing businesses that are not certified must be assessed using a risk scoring table – also set out in the guidance – to ascertain their score, and from this, their rating. New businesses that are not certified will automatically be considered high risk as they have no operational history.
- 3.7. Operators of businesses will be able to appeal their risk rating, or request a reassessment if they have made improvements.

4. Publicising the Changes

- 4.1 Information will shortly be updated on the North Norfolk District Council's website, detailing the changes and the new conditions. We have been advising as required, using the draft guidance, where enquiries have been received.

5. Fees

- 5.1 The animal licensing scheme falls within the definition of 'services', and is subject to the EU Services Directive, incorporated into UK law as the Provision of Services Regulations 2009.
- 5.2 The Authority can charge such fees as it considers necessary for;
 - The consideration of an application, for the grant, renewal or variation of a licence, including any inspection relating to that consideration
 - Reasonable anticipated costs of consideration of a licence holder's compliance (including inspection)
 - Reasonable costs of enforcement in relation to any licensable activity of an unlicensed operator
 - Reasonable anticipated costs of compliance for provision of information to the Secretary of State
- 5.3 It is proposed that the fee is split to include an 'application' fee, which would cover the reasonable costs in relation to considering and determining the application and the 'licence' fee which covers the ongoing enforcement and compliance requirements. These fees would be based on the anticipated officer time to examine the application documentation, the assessment/inspection and administrative requirements for determining and issuing the licence and for consideration of compliance using an officer

hourly rate of £30.00. This is in line with previous fee setting and is in accordance with relevant regulations.

5.4 **Please note;** more detailed fees and charges documentation will follow the report and be provided, as **Annex 2**, ahead of the Licensing and Appeals Committee meeting. It has not been possible to produce this to accompany the report as it was hoped that national guidance would be issued with regard to fee setting and this has not happened. It may, therefore, be necessary for the proposed fees and charges to be amended in the future if further national guidance is released.

5.5 Until such fees have been approved in accordance with the Council's fee setting process the council will continue to charge the current stated fee for each of the animal licencing activity. For Keeping Animals for Exhibition, Norfolk County Council currently charge is £80.00. It is anticipated that the Fees will be approved at Full Council on the 15 November 2018 following submission to Cabinet on the 2 October 2018.

6. Options and Recommendations

6.1 Members are asked to;

6.1.1 Note the information in the report and confirm the statutory conditions to be applied to licence from 1 October 2018

6.1.2 Recommend the proposed fees for Cabinet and Full Council in line with the Council's fee setting process.

7 Implications

7.1 In preparing this report, the author has considered the likely implications of the decision, where there may be implications these are identified below under the headings below.

7.2 The report is to update and inform Committee members regarding the new Regulations which will be enforced by the local authority as the licensing authority.

7.3 The information provided in this report is given as a result of the publication of draft guidance at this time. Should there be any further changes or clarifications which impact on the proposed approach after the date of the Committee, officers will make amendments in consultation with the Chair of Licensing and Appeals Committee and the Head of Environmental Health.

8. Financial Implications and Risks

8.1 There will be an additional burden on the authority, in terms of officer time, in implementing the legislation and making the necessary changes to procedures, database, website, forms, officer training etc.

8.2 A new fee structure will be implemented.

9. Sustainability

9.1 There are no identified issues relating to sustainability arising from this report.

10. Equality and Diversity / Human Rights

- 10.1 An impact assessment was carried out by DEFRA prior to the publication of the draft Regulations. It is the opinion of the report author that there will be no adverse effect on the equality, diversity or human rights of any individual.

11. Section 17 Crime and Disorder Considerations

- 11.1 The new Regulations will simplify the licensing framework for animal establishments and activities, and create criminal offences for breach of conditions and obstruction of officers.

12. Constitution & Legal

- 12.1 When the final Regulations are published the team will be properly authorised for the purposes of enforcement under the legislation. The Legal Services Manager has been consulted.

13. Corporate Priorities

- 13.1 The animal welfare licensing framework serves to ensure that the welfare and safety of animals and the public is maintained. It also ensures that there is a fair trading environment for businesses. The new licensing scheme will be implemented to ensure that it is customer friendly and digital where possible.

14 Acronyms

- 14.1 DEFRA – Department for Environment Food and Rural Affairs
14.2 CIEH - Chartered Institute of Environmental Health

15. Background Papers

- 15.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018; <https://www.legislation.gov.uk/ukdsi/2018/9780111165485>

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.

Conditions specific to selling animals as pets**A1. Interpretation**

In this Schedule—

“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.

A2. 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.

A3. 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.

A4. 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(a).

A5. 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.

A6. 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.

Conditions specific to providing boarding for cats or dogs**PART 1: Providing boarding for cats****B1. 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.

B2. 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.

B3. 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.

B4. 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.

B5. 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 Schedule 2 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

B6. 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.

B7. Suitable environment

- (1) Dogs within the premises must be prevented from coming into 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 date on which these Regulations come into force, 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.

B8. 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.

B9. 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.

B10. 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 Schedule 2 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

B11. 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.

B12. 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.

B13. 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.

B14. Suitable diet

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

B15. 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.

B16. 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.

B17. 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.

B18. 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 Schedule 2 must be implemented.

PART 4: Providing day care for dogs

B19. Interpretation

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

B20. No overnight stay

No dog may be kept on the premises overnight.

B21. 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.

B22. Suitable diet

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

B23. 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.

B24. 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.

B25. 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.

B26. 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.

C1. Interpretation

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

C2. 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.

C3. 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.

C4. 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.

C5. 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.

C6. 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).

C7. Equipment

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

D1. 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; or
 - (ii) a keeper of a pet shop in Wales who is licensed under the Pet Animals Act 1951(a) 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.

D2. 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.

D3. 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.

D4. 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.

D5. 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.

D6. 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 Schedule 2 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.

Conditions specific to keeping and training animals for exhibition**E1. Insurance**

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

E2. 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.

E3. Suitable environment

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

E4. 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.

E5. 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.

E6. 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.

E7. 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.