Title: Animal Welfare Licensing – Adoption of Standard Licence Conditions

Report of the Director of Law, Governance and Human Resources

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<th>Open Report</th>
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<td>Ward Affected: All</td>
<td>Key Decision: No</td>
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Summary

The Council is responsible, by law for the licensing of a range of ‘animal welfare’ licences. These include the licensing of pet shops, animal boarding premises and dog breeding establishments.

Under each category of licensing the Council is enabled to issue licences subject to licence conditions. To help ensure consistency of application nationally, the Chartered Institute of Environmental Health Officers (CIEH) has worked together with ‘expert’ partner organisations to compile model standard licence conditions for each of these types of licensed premises.

This report recommends adoption of several sets of these standard conditions as best management practice and discusses a timetable for their phased introduction.

Recommendation

That the Board agrees the adoption of the following model licence conditions:

(i) CIEH Model Conditions for Pet Vending Licensing 2013

(ii) CIEH Model Conditions and Guidance for Cat Boarding Establishments 2013

(iii) CIEH Model Conditions and Guidance for Dog Boarding Establishments 2016

(iv) CIEH Model Conditions and Guidance for Dog Breeding Establishments 2014
1. Introduction and Background

1.1 The Council has, as the local licensing authority, a range of statutory ‘animal welfare’ licensing duties. These include responsibility for the licensing of:

- Pet shops under the Pet Animals Act 1951
- Kennels and catteries under the Animal Boarding Establishments Act 1963
- Dog breeding establishments under the Breeding and Sale of Dogs Act 1991 and Breeding of Dogs Act 1973

1.2 Generally, the legislation exists to ensure that the animals concerned are properly cared for with regard had to their welfare.

1.3 In each case the Council is enabled to issue licences subject to appropriate conditions.

1.4 To promote national consistency of application, the Chartered Institute of Environmental Health Officers (CIEH) has worked together with other interested ‘expert’ authorities to develop sets of ‘model’ licence conditions which set out the basic standards to be achieved.

1.5 The model conditions are recommended for adoption as best practice standards.

2. Matters for consideration

2.1 Animal Welfare Act 2006

2.1.1 Under the Act those responsible for animals have a responsibility towards the welfare of the animals in their care. It is an offence to cause unnecessary suffering to a protected animal, whether by an act or omission.

2.1.2 The Act defines an animal’s needs as including:

- Its need for a suitable environment
- Its need for a suitable diet
- Its need to be able to exhibit normal behaviour patterns
- Any need to be housed with, or apart from, other animals
• Its need to be protected from pain, suffering, injury and disease

2.1.3 The Act also increased the minimum age at which a person can buy an animal to 16 years.

2.2 CIEH Model Conditions and Guidance

2.2.1 Over the years the CIEH, as the professional institute for the area of regulation within which local authority animal welfare licensing generally falls, has taken it upon itself to produce a series of model conditions and guidance for use by inspectors when considering licence applications.

2.2.3 Generally, the model conditions have been compiled by working groups, comprising animal welfare and industry experts. The model conditions produced represented the working group’s recommendations for the basic minimum standards considered necessary to ensure the health, safety and welfare of animals. The model conditions were developed with the intention of ensuring a consistency of approach across local authorities which minimises the transmission of disease from animals to humans, alongside the need to protect animals from cruelty and ill-treatment and to encourage good standards of animal husbandry.

2.2.4 Currently, four sets of model conditions have been produced. These relate to:

• Pet shops (pet vending)
• Catetries
• Kennels
• Dog breeding establishments

2.3 Pet Animals Act 1951

2.3.1 The Pet Animals Act 1951 deals with the keeping of pet shops. It requires that any person keeping a pet shop must obtain the relevant licence from the local licensing authority.

2.3.4 Before granting a licence, a local authority must be satisfied that the animals are

• Kept in accommodation that is suitable
• Supplied with appropriate food and drink
• Adequately protected from disease and fire

2.3.5 The local authority may attach conditions to the licence, may inspect premises at all reasonable times and may refuse a licence if the standards at the premises are unsatisfactory or if the terms of the licence are not complied with.

2.3.6 The provisions of the Animal Welfare Act 2006 also apply to pet vendors and it is considered important that the five needs set out in Section 7 of this report are also addressed.
2.3.7 In 2013 the CIEH published its Model Conditions for Pet Vending Licensing 2013. A copy is attached as Appendix A to this report.

2.3.8 The model conditions were compiled by a working group which consulted such diverse bodies as the British Veterinary Association; Cats Protection; the Department for Environment, Food and Rural Affairs (Defra); Dogs Trust; Federation of Companion Animals and more.

2.3.9 The model conditions are arranged in several sections. These deal with:

- General conditions applying to all licensed premises dealing with
  - Licence display
  - Accommodation
  - Exercise facilities
  - Register of animals
  - Stocking numbers and densities
  - Health disease and acclimatisation
  - Food and drink
  - Food storage
  - Observation
  - Disposal of waste
  - Transportation to the premises
  - Sale of animals
  - Dangerous wild animals
  - Pet care advice, staff training and knowledge
  - Fire and other emergency precautions

- Schedule B - Dogs
- Schedule C - Cats
- Schedule D - Rabbits
- Schedule E - Other small mammals
- Schedule F - Ferrets
- Schedule G - Birds
- Schedule H - Reptiles and Amphibians
- Schedule I - Fish

2.4 Animal Boarding Establishments Act 1963

2.4.1 The Act requires any person keeping a boarding establishment for animals (i.e. operating catteries and kennels) to obtain a licence from the local licensing authority and abide by the conditions of the licence.

2.4.2 The Act requires councils to ensure that business in question observes certain conditions regarding the suitability of the accommodation provided and the welfare of the animals boarded. In particular, the local authority will consider the ability of the establishment to ensure:

- Accommodation is suitable as respects construction, size, number of occupants, exercising facilities, temperature, lighting, ventilation and
cleanliness.

- Ensure adequate supply of suitable food, drink and bedding material for the animals and that they are adequately exercised and visited at suitable intervals.

- All reasonable precautions are taken to prevent and control the spread of infectious or contagious diseases, including the provision of isolation facilities.

- Appropriate steps are taken for the protection of animals in the case of fire or other emergency.

- A detailed register is maintained of any animals received into the establishment that is available for inspection at all times.

2.4.3 Boarding establishment owners and their employees are liable under the Animal Welfare Act 2006 also.

2.4.4 The CIEH first published its Model Conditions and Guidance for Cat Boarding Establishments in 1995. The document was compiled by a working group of animal welfare and industry experts. A revised document was published in 2013 taking into account the new legal and animal welfare considerations that inspectors were required to refer to following the introduction of Animal Welfare Act 2006. This was again updated in 2016. A copy is attached as Appendix B.

2.4.5 The latest revision incorporated contributions from the British Small Veterinary Association; the British Veterinary Association; Cats Protection; the Corporation of London and more.

The document is divided into several schedules dealing with

- Schedule A – Environment
- Schedule B – Diet
- Schedule C – Behaviour
- Schedule D – Company
- Schedule E - Health and Welfare
- Schedule F – New Build

2.4.6 A revision of a separate document providing Model Conditions and Guidance for Dog Boarding Establishments was also produced and a latest revision published in 2016. In this case, contributors to the latest revision included the British Small Animal Veterinary Association; the British Veterinary Association; the Corporation of London; the Dogs Trust and the Kennel Club. A copy of the document is attached as Appendix C. The document is compiled on a similar basis to that produced in respect of catteries.
2.5 The Breeding of Dogs Act 1973

2.5.1 The Act requires proprietors of breeding establishments to be licensed by the local licensing authority. Local authorities may issue licences to proprietors of breeding establishments stipulating conditions which must be complied with by the licensee.

2.5.2 To assist local authorities in doing so the British Veterinary Association in 1978 published guidelines for local authorities and their veterinary inspectors. These guidelines were updated in 1998. In 2012, as a result of a specific request by Defra, a working party came together to update the guidance again to include provisions that must be taken into account under the Animal Welfare Act 2006. The new version also incorporated guidance with regards to puppy rearing, socialisation and habituation, produced through the Animal Welfare Foundation / RSPCA Puppy Contract; the Dogs Trust and Kennel Club Puppy Plan.

2.5.3 A copy of the CIEH Model Conditions and Guidance for Dog Breeding Establishments is provided as Appendix D. The model conditions incorporated into the document cover

- Accommodation
- Management
- Disease control, vaccination and warning
- Emergencies / fire prevention
- Transport
- Health and welfare of the breeding bitch

3. Consultation and proposed timetable for introduction

3.1 No consultation has been undertaken in the preparation of this report. The adoption of the various sets of model conditions is proposed in order to ensure that the Council is operating to current recommended best practice standards.

3.2 However, in order that existing operators have sufficient time to consider the content of the documents and make any necessary physical alterations or adjustments to working practices it is proposed that there should be a phased introduction. To this effect it is proposed that the model conditions, if adopted, should:

- Be immediately applicable to any new operations seeking future licences
- Be applicable to existing licensed operators upon their next renewal in 2019 giving 12 months to make the necessary changes.

3.3 To this effect all existing operators would be provided with a copy of the new licence conditions following adoption and asked to review their current operations against the new standards. Advice and support would be offered in raising standards where this may be necessary.
4. **Review of animal establishments in England**

4.1 Following public consultation undertaken in 2016 / 17, the Government has recently announced a future intention to help streamline the administrative processes for animal establishments, both for local authorities and business by introducing one ‘animal activities’ licence, covering dog breeding; cat and dog boarding, selling pets and hiring out horses for riding. There will be separate standards applied for each activity. The phrase ‘animal activities’ is proposed to help emphasise that activities such as the online sale of pets, which may not occur from a specific premises, is included.

4.2 While the full timetable is not certain indication has been given that the first regulations may be published as early as October 2018.

4.3 This Authority will continue to monitor the situation and will act accordingly on any further directions received.

4.4 In the meantime, it is considered important to ensure that the Authority is up to date with all current standards.

5. **Legal Implications**

Implications completed by: Adam Rulewski, Barrister - Litigation and Prosecutions, Law & Governance.

5.1 The legal implications are contained within the body of this report.

6. **Financial Implications**


6.1 This report seeks approval to adopt animal standard licence conditions and a phased introduction to ensure that the Authority’s Animal Welfare Licensing scheme is in line with current government legislation. This initiative will promote health and safety within the Borough but will have no financial implications as this task will be covered by current established licencing officers.

**Appendices to this Report:**

- **Appendix A** – Model Conditions in respect of pet shops
- **Appendix B** – Model conditions in respect of catteries
- **Appendix C** – Model conditions in respect of kennels
- **Appendix D** – Model conditions in respect of dog breeding establishments.