

TELFORD AND WREKIN COUNCIL

LICENSING COMMITTEE – 2nd December 2008

APPROVAL FOR CONDITIONS FOR DOG BREEDING LICENCES

REPORT OF THE REGULATION AND RESILIENCE MANAGER

1. PURPOSE

- 1.1 To obtain Members' approval of revised conditions of licence for dog breeding.

2. RECOMMENDATIONS

That Members:

- 2.1.1 Approve standard conditions of licence for non-domestic dog breeders. Copies attached at Annex A to this report.
- 2.1.2 Approve standard conditions of licence for domestic dog breeders. Copies attached at Annex B to this report.

3. SUMMARY

- 3.1.1 The Breeding of Dogs Act 1973 requires the proprietors of dog breeding establishments, breeding dogs for sale, to hold a licence issued by the Local Authority. This Act, as amended and extended by the Breeding and Sale of Dogs (Welfare) Act 1999, also provides for the inspection of premises at which the dogs are bred, controls the transportation of puppies and sets standards in relation to these matters.
- 3.1.2 The licence granted by the Local Authority, will stipulate a number of conditions, considered necessary or expedient in a particular case. The aim of these conditions is to ensure high standards of animal health and welfare are maintained in breeding establishments. The licensee must comply with any condition attached to the license.
- 3.1.3 The conditions now considered by the Committee are adopted from the model conditions for dog breeding establishments, issued jointly by the Chartered Institute of Environmental Health, the British Veterinary

Association, the British Small Animal Association and the Local Government Association. It is proposed these conditions will be attached to all domestic and non-domestic dog breeding licences issued by this Local Authority.

4. PREVIOUS MINUTES

4.1 There are no previous minutes.

5. INFORMATION

5.1 Background

5.1.1 The breeding of dogs across the country is undoubtedly a growth market, attracting ever increasing public interest and scrutiny. Therefore, when licensing premises where the business of breeding of dogs for sale is carried on, the Licensing Service need to update the current out-dated conditions to reflect current trends, legislation and best practise.

5.1.2 There are generally two ways in which dog breeding establishments are operated. Some people maintain the stock within their private dwelling house and these are simply known as *domestic breeders*. *Non-domestic breeders* on the other hand, keep dogs in outside accommodation consisting of buildings either attached or detached from the private dwelling. However, there may be occasions when the conditions for the non-domestic breeder should be applied to the domestic breeder.

5.1.3 In deciding whether or not to grant a licence, the Local Authority must have regard to a number of considerations and clearly has the discretion to refuse a licence. However, an applicant can *appeal* a licence refusal or any conditions to which a licence is subject, through a Magistrates' Court.

5.1.4 Dog breeding premises and prescribed mandatory records will be inspected in accordance with the legislation. The licensed breeder will then be able to sell a dog to its final home or a third party, subject to other conditions. The court also has powers to order imprisonment for a term not exceeding three months and/or a fine not exceeding level 4 on the standard scale upon conviction for keeping a dog breeding establishment without a licence or any offence under the Act, including a breach of conditions. There are additional powers for the court to order the cancellation of a licence, disqualification from keeping an establishment which is required to be licensed and disqualification from having custody of any dog specified.

5.1.5 A list of those public and specialist bodies consulted during this process is attached at Annex C. On Thursday 28th August 2008, consultees were provided with the proposed conditions via electronic mail and asked to respond by Thursday 9th October 2008. There were no responses in relation to the proposed conditions now attached at Annex A and one response from Environmental health to Annex B to this report. Environmental Health have proposed the inclusion of the following condition at 3.1.3 relating to the *suitable and sufficient provision for the safe disposal of excreta and bedding to be provided*.

5.2 Equal Opportunities

5.2.1 This report adheres to the Council's Equality and Diversity Scheme and does not discriminate on the grounds of race, gender, disability, age, religion or belief or sexual orientation.

5.3 Environmental Impact

5.3.1 There are some perceived environmental impacts arising from this report, in particular the possibility of public nuisance and the approved removal of animal faeces and waste material from larger scale operations.

5.4 Legal Comment

5.4.1 The Council has the authority to specify such conditions as appear to be necessary or expedient with regard to securing the following-

- (a) that the dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
- (b) that the dogs will be adequately supplied with suitable food, drink and bedding material, adequately exercised and visited at suitable intervals;
- (c) that all reasonable precautions will be taken to prevent and control the spread among dogs of infectious or contagious diseases;
- (d) that appropriate steps will be taken for the protection of the dogs in case of a fire or other emergency;
- (e) that all appropriate steps will be taken to secure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment;

- (f) that bitches are not mated if they are less than one year old;
- (g) that bitches do not give birth to more than six litters of puppies each;
- (h) that bitches do not give birth to puppies before the end of the period of twelve months beginning with the day on which they last gave birth to puppies and;
- (i) that accurate records in a form prescribed by regulations are kept at the premises and made available for inspection there by any officer of the local authority, of any veterinary surgeon or veterinary practitioner, authorised by the local authority to inspect the premises.

5.4.2 In specifying conditions the Council will need to consider the consultation documents and the responses.

5.4.3 In specifying conditions the Council will need to consider them on their merits and will need to be satisfied that the conditions are necessary to ensure high standards of animal health and welfare are maintained in the breeding establishments.

5.4.4 Following the principals set out in Associated Provincial Picture Houses v Wednesbury Corporation (1948) any conditions attached to a licence should not be so unreasonable that no reasonable authority could have made it.

5.4.5 Any person aggrieved by any condition attached to such a licence may appeal to the Magistrates' Court.

5.5 Links with Corporate Priorities

5.5.1 This report has links to a community that feels 'safe and protected'.

5.6 Opportunities and Risks

5.6.1 In proposing this action the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However not all risks can be managed all of the time and some risks may not have been identified.

5.6.2 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.

- (i) The Council being unable to successfully defend an Appeal to the Magistrates Court as well as (and after) to the Crown Court and the financial risks of the costs of an Appeal.

5.7 Financial Implications

- 5.8 There are no direct financial implications arising from adopting the recommendations in this report. There may be a future decision to effect increased monitoring and enforcement of the new conditions which would then have resource implications. If this happens consideration will be given to the costs of policing and enforcement when licence fees are reviewed.

6. WARD IMPLICATIONS

- 6.1.1 This report has implications for all wards in the District.

7. BACKGROUND PAPERS

- 7.1.1 The Breeding of Dogs Act 1973
- 7.1.2 The Pet Animals Act 1951
- 7.1.3 The Protection of Animals (Amendment) Act 1954
- 7.1.4 The Animal Boarding Establishments Act 1963
- 7.1.5 The Breeding and Sale of Dogs (Welfare) Act 1999
- 7.1.6 The Animal Welfare Act 2006
- 7.1.7 Human Rights Act 1998

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