

Telford & Wrekin Council**Licensing Committee – 11th October 2016****Review of the Council's Animal Welfare Licence Conditions****Report of the Service Delivery Manager, Public Protection****1. Purpose**

- 1.1 For Members to consider, and approve a revision to the Council's Animal Welfare Licence Conditions with a view to securing best practice and promoting public confidence in the operation of animal establishments.

2. Recommendations

Having considered all relevant information, for Members to :

- 2.1 Approve an eight week consultation on the draft standard conditions of licence attached at Appendices 1 to 8 with the Licence Holders, Partners and Stakeholders.
- 2.2 Resolve that the Chair of the Licensing Committee and the Principal Licensing Officer consider and determine the results of the consultation. However, if there are any adverse comments as a result of the consultation a further report will be brought before Members for determination.
- 2.3 Delegate authority to the Principal Licensing Officer to amend these standard conditions as appropriate in the circumstances of an individual case by altering, omitting or adding conditions as recommended by a veterinary practitioner or veterinary surgeon appointed, in accordance with the relevant legislation, to inspect the premises subject to the licence application.

3. Summary

- 3.1 Telford & Wrekin Council issue a number of licences under legislation aimed at the welfare of animals. The statutes concerned allow the Council to attach conditions to licences. Members are asked to approve standard conditions which will be attached to the various types of licences.

3.2 A comprehensive review of Telford & Wrekin Council's animal welfare conditions of licence has been undertaken and are now ready to go out to consultation with key stakeholders prior to their implementation.

4. Previous Minutes

4.1 There are no previous Minutes.

5. Information

5.1 Background

5.1.1 Telford & Wrekin Council is responsible for issuing licences under the following legislation :

Legislation	Regulated Activity
Pet Animals Act 1951	Keeping a pet shop
Animal Boarding Establishments Act 1963	Keeping a boarding establishment for other people's cats or dogs
Dangerous Wild Animals Act 1976	Keeping a dangerous wild animal
Riding Establishments Acts 1964 and 1970	Keeping a riding establishment
Breeding of Dogs Act 1973	Keeping a breeding establishment for dogs

5.1.2 Each of the above pieces of legislation contains provisions that allow the Council to attach appropriate conditions to any licence issued with a view to securing objectives set out in the relevant Act of Parliament.

5.1.3 Usually the Council would attach standard conditions to each type of licence it issues. However the Council can also amend the standard conditions as appropriate in the circumstances of an individual case by altering, omitting or adding conditions to the standard conditions when determining each individual case. Amendment of the standard conditions would be considered on the recommendation of a veterinary practitioner or veterinary surgeon appointed in accordance with the relevant legislation to inspect the premises subject to the licence application.

5.1.5 A review of the standard conditions that are attached by the Council to each type of licence has been undertaken

by officers in order to ensure the Council is issuing licences in accordance with the most up to date guidance and best practice. Updated model guidance and conditions in relation to some licence types have been published since the implementation of the Animal Welfare Act 2006 and since the Council's Animal Welfare licence conditions were last reviewed.

- 5.1.6 The Committee are being asked to approve an updated set of standard conditions to attach to licences issued under the various licensing regimes.

Pet Shop Licences

Section 1(3) of the Pet Animals Act 1951 states that when issuing a licence to a person to keep a pet shop the local authority shall specify such conditions in the licence as appear to the local authority necessary or expedient in the particular case for securing all or any of the objects below:

- (a) *that animals will at all times be kept in accommodation suitable as respects size, temperature, lighting, ventilation and cleanliness;*
- (b) *that animals will be adequately supplied with suitable food and drink and (so far as necessary) visited at suitable intervals;*
- (c) *that animals, being mammals, will not be sold at too early an age;*
- (d) *that all reasonable precautions will be taken to prevent the spread among animals of infectious diseases;*
- (e) *that appropriate steps will be taken in case of fire or other emergency;*

Appendix 1 contains draft standard conditions to attach to licences issued under the Pet Animals Act 1951. These are based on the contents of the Chartered Institute of Environmental Health (CIEH) publication "Model Conditions for Pet Vending Licensing 2013".

Animal Boarding Establishment Licences

Section 1 (3) of the Animal Boarding Establishments Act 1963 states that when issuing a licence to a person to

keep an animal boarding establishment the local authority shall specify such conditions in the licence as appear to the local authority necessary or expedient in the particular case for securing all or any of the objects below:

- (a) *that animals 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 animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;*
- (c) *that all reasonable precautions will be taken to prevent and control the spread among animals of infectious or contagious diseases, including the provision of adequate isolation facilities;*
- (d) *that appropriate steps will be taken for the protection of the animals in case of fire or other emergency;*
- (e) *that a register be kept containing a description of any animals received into the establishment, date of arrival and departure, and the name and address of the owner, such register to be available for inspection at all times by an officer of the local authority, veterinary surgeon or veterinary practitioner.*

Animal boarding establishment licences are not only required by boarding kennels and catteries, but also by those that offer “home boarding” and “day care” facilities for dogs or cats. As these types of businesses are very different, it is not felt that a single set of standard conditions for animal boarding establishment licences is appropriate.

Appendix 2 contains draft standard conditions to attach to licences issued under the Animal Boarding Establishments Act 1963 for dog boarding establishments (kennels). These are based on “Model Licence Conditions and Guidance Notes for Dog Boarding Establishments” published by the Pet Care Trade Association in 2011.

Appendix 3 contains draft standard conditions to attach to licences issued under the Animal Boarding Establishments Act 1963 for cat boarding establishments (catteries). These are based on the Chartered Institute of Environmental Health (CIEH) publication “Model Licence Conditions and Guidance for Cat Boarding Establishments 2013”

Appendix 4 contains draft standard conditions to attach to licences issued under the Animal Boarding Establishments Act 1963 for premises used for the home boarding of dogs. These are based on model standard conditions produced by the Local Authorities Coordinators of Regulatory Services) LACORS in 2005 as updated in 2009.

Both the Department for Environment, Food & Rural Affairs (DEFRA) and the Feline Advisory Bureau believe that the home boarding of cats should not be encouraged and therefore no standard conditions for this activity have been produced.

Appendix 5 contains draft standard conditions to attach to licences issued under the Animal Boarding Establishments Act 1963 for premises providing day care facilities for cats or dogs. These are based on standard conditions produced by Birmingham City Council for premises of this nature in their area.

Dangerous Wild Animals Licences

Section 1 (7) of the Dangerous Wild Animals Act 1976 states that subject to subsection (6) of this section, a local authority may, in granting a licence under this Act, specify such conditions of the licence as it thinks fit.

Section 1 (6) states:

Subject to subsections (2) to (5) of this section, a local authority may grant or refuse a licence under this Act as it thinks fit, but where it decides to grant such a licence it shall specify as conditions of the licence—

- (a) *conditions that, while any animal concerned is being kept only under the authority of the licence,—*
 - (i) *the animal shall be kept by no person other than such person or persons as is or are*

specified (whether by name or description) in the licence;

- (ii) the animal shall normally be held at such premises as are specified in the licence;*
 - (iii) the animal shall not be moved from those premises or shall only be moved from them in such circumstances as are specified in the licence;*
 - (iv) the person to whom the licence is granted shall hold a current insurance policy which insures him and any other person entitled to keep the animal under the authority of the licence against liability for any damage which may be caused by the animal; and*
 - (v) the terms of any such policy shall be tory in the opinion of the authority;*
- (b) conditions restricting the species (whether one or more) of animal, and number of animals of each species, which may be kept under the authority of the licence;*
- (c) a condition that the person to whom the licence is granted shall at all reasonable times make available a copy of the licence to any person entitled to keep any animal under the authority of the licence;*
- (d) such other conditions as in the opinion of the authority are necessary or desirable for the purpose of securing the objects specified in paragraphs (c) to (f) of subsection (3) of this section.*

Appendix 6 contains draft standard conditions to attach to licences issued under the Dangerous Wild Animals Act 1976. There is no recent guidance on standard conditions for such licences and so these are based on standard conditions commonly attached by other authorities when issuing such licences.

Riding Establishment Licences

Section 1 (4) of the Riding Establishments Act 1964 states that when granting a licence under this Act the local authority shall specify such conditions in the licence,

if granted by them, as appear to the local authority necessary or expedient in the particular case with reference to the need for securing—

- (i) *that paramount consideration will be given to the condition of horses and that they will be maintained in good health, and in all respects physically fit and that, in the case of a horse kept for the purpose of its being let out on hire for riding or a horse kept for the purpose of its being used in providing instruction in riding, the horse will be suitable for the purpose for which it is kept;*
- (ii) *that the feet of all animals are properly trimmed and that, if shod, their shoes are properly fitted and in good condition;*
- (iii) *that there will be available at all times, accommodation for horses suitable as respects construction, size, number of occupants, lighting, ventilation, drainage and cleanliness and that these requirements be complied with not only in the case of new buildings but also in the case of buildings converted for use as stabling;*
- (iv) *that in the case of horses maintained at grass there will be available for them at all times during which they are so maintained adequate pasture and shelter and water and that supplementary feeds will be provided as and when required;*
- (v) *that horses will be adequately supplied with suitable food, drink and (except in the case of horses maintained at grass, so long as they are so maintained) bedding material, and will be adequately exercised, groomed and rested and visited at suitable intervals;*
- (vi) *that all reasonable precautions will be taken to prevent and control the spread among horses of infectious or contagious diseases and that veterinary first aid equipment and medicines shall be provided and maintained in the premises;*
- (vii) *that appropriate steps will be taken for the protection and extrication of horses in case of fire and, in particular, that the name, address and telephone number of the licence holder or some other responsible person will be kept displayed in a prominent position on the outside of the premises and that instructions as to action to be taken in the event of fire, with particular regard to the extrication of horses, will be kept displayed in a prominent position on the outside of the premises;*

(viii) *that adequate accommodation will be provided for bedding, stable equipment and saddlery;*

Appendix 7 contains draft standard conditions to attach to licences issued under the Riding Establishments Acts 1964 1970. The draft conditions have been written with reference to guidance issued by DEFRA on the keeping of horses on farms.

Dog Breeding Licences

Section 1 (4) of the Breeding of Dogs Act 1973 states that when granting a licence under this Act the local authority shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case with reference to the need for securing—

- (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 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 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, or any veterinary surgeon or veterinary practitioner, authorised by the local authority to inspect the premises

Appendix 8 contains draft standard conditions to attach to licences issued under the Breeding of Dogs Act 1973. These are based on CIEH's 2014 publication "Model Licence Conditions and Guidance for Dog Breeding".

5.2 Equal Opportunities

5.2.2 Every effort will be made to ensure that the consultation engages all the current licence holders.

5.3 Environmental Impact

5.3.1 Environmental impacts regarding the disposal of waste are addressed within the draft conditions of licence.

5.4 Legal Comment

5.4.1 The Committee's responsibilities are set out in the Council's Constitution and include setting and reviewing standard licence conditions.

5.4.2 Standard licence conditions ensure each establishment is aware of the standards they will have to maintain and enable officers to guarantee each establishment is treated fairly and consistently. The conditions have been written to protect the welfare and conditions of premises in which animals are kept.

5.4.3 If an applicant considers they have not been treated fairly they can appeal to the courts.

5.5 Links with Corporate Priorities

5.5.1 This report has links to the following Corporate Priorities:

- Protect and Create Jobs as a Business Winning Council
- Ensure that neighbourhoods are safe, clean and well maintained

5.6 Opportunities and Risks

5.6.1 Failure to attach relevant conditions based on the most up to date guidance and best practice could have an adverse impact on animal welfare and leave the Council open to legal challenge.

5.7 Financial Implications

5.7.1 The Public Protection team received income for licenses relating to animal welfare totalling £4.5k in 2015/16. This contributes towards the overall licensing income target of £193k. The license fees for animal welfare licenses have not been considered as part of the proposed amended conditions to licenses. There are no financial implications arising from the consultation process or proposed amended conditions to licenses.

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6. Ward Implications

6.1.1 This report has implications for all wards in the Borough.

7. Background Papers

- 7.1 Pet Animals Act 1951
- 7.2 Chartered Institute of Environmental Health (CIEH) - Model Conditions for Pet Vending Licensing 2013
- 7.3 Riding Establishments Acts 1964 and 1970
- 7.4 Royal college of Veterinary Surgeons and British Veterinary Association – Riding Establishments Acts 1964 and 1970 - Guidelines For Local Authorities And Their Riding Establishment Inspectors January 2012
- 7.5 DEFRA – Keeping Horses on Farms September 2012, updated December 2015
- 7.6 Dangerous Wild Animals Act 1976
- 7.7 DEFRA – Code of Practice for the Welfare of Privately Kept Non-Human Primates January 2010
- 7.8 Breeding of Dogs Act 1973
- 7.9 Chartered Institute of Environmental Health (CIEH) - Model Licence Conditions and Guidance for Dog Breeding 2014
- 7.10 Animal Boarding Establishments Act 1963
- 7.11 Pet Care Trade Association in 2011- Model Licence Conditions and Guidance Notes for Dog Boarding Establishments
- 7.12 Local Authorities Coordinators of Regulatory Services (Lacors) - Model standard conditions produced by the Local Authorities 2005 as updated in 2009.
- 7.13 Chartered Institute of Environmental Health (CIEH) - Model Licence Conditions and Guidance for Cat Boarding Establishments 2013
- 7.14 Birmingham City Council – Conditions of Home Day Care for Dogs

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