

<b>LICENSING SUPPLEMENTARY COMMITTEE</b>		
<b>Report Title</b>	Animal Welfare (Licensing of activities involving animals) (England) regulations 2018 – Summary of Changes and Fee Setting	
<b>Key Decision</b>		Item No.
<b>Contributors</b>	Customer Services – Licensing Services Head of Law	
<b>Class</b>		Date: 15 November 2018

## 1. Purpose of Report

- 1.1 To inform the Committee of forthcoming changes to the way in which animal boarding establishments, dog breeding establishments, pet shops and riding establishments are licensed, and the commencement of responsibility for the licensing of the keeping of animals for exhibition.

## 2 Recommendations

- 2.1 To recommend fee levels required to administer the new arrangements.

## 3. Background & Policy Context

- 3.1 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.
- 3.2 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 hire for riding, or for riding tuition – excluding livery stables)
  - **Zoo licences** and **Dangerous Wild Animal** licences - these will continue to be covered by their own specific legislation.
- 3.3 The current number of licences issued by Lewisham Council are as follows:
- 4 x Animal boarding establishment licences (including home boarding and day care) (duration: one calendar year, expiry 31 December each year)
- 5 x Pet shop licences (duration: one calendar year, expiring 31 December each year)
- 0 x Riding establishment licences (duration: one year, expiry on anniversary of grant)
- 0 x Dog Breeding licences duration: one year, expiry on anniversary of grant)
- 3.4 Numerous pieces of legislation and secondary legislation regulate the six licence types set out above. Also, as adoption of conditions and implementation of processes have

historically been left to the discretion of individual licensing authorities, there are a wide variation of requirements as to how to apply for licences and comply with locally set conditions, which, for businesses that operate in a number of areas, can cause uncertainty and confusion. In addition, currently all types of licence are standalone, so a business that offers two or more of the licensable activities (for example a pet shop that also offers accommodation for dogs and cats while their owners are away) would have to apply for both a pet shop and animal boarding establishment licence, with the additional expenditure incurred.

- 3.5 The Animal Welfare Act 2006 has since introduced additional legislation, which overrides past provisions. Included in the Act was a new licensing power which enabled nationally set regulations to be made for any animal-related activities which had been specified in secondary legislation. As a result, The Animal Welfare (Licensing of activities involving animals) (England) regulations 2018 were published earlier this year, which will significantly change the way animal related businesses are inspected and licensed. The implementation date will be 1 October 2018.
- 3.6 Statutory guidance on procedures and conditions of new licences was published in July 2018.

#### 4. Summary of Changes

- 4.1 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.
- 4.2 The first significant change is that all four existing types of licence, together with the additional activity of keeping and training animals for exhibition, will be encompassed by one new 'Animal Activity licence'.
- 4.3 If an applicant is running more than one licensable animal related activity, each activity will be assessed separately and set out in one licence. The length of licence (previously one year in most cases) may be anything between one and three years dependent on the outcome of their inspection, and the type of licence. See table below:

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	<b>1 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>3 Star</b> 2yr licence Min 1 unannounced visit within 24 month period	<b>5 Star</b> 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	<b>1 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>2 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>4 Star</b> 2yr licence Min 1 unannounced visit within 24 month period

- 4.4 The new provisions contain nationally set regulations for each animal based activity which cannot be changed or amended, which will form the basis of conditions on the new licences rather than locally set conditions as with the previous licensing regime.
- 4.5 Existing licences that are issued up to 30 September 2018, will continue on until their stated expiry dates, and will then be renewed under the new regulations.
- 4.6 If the grant of a licence is refused, or the licence is suspended, the operator will be able to appeal to a First Tier Tribunal, which would comprise a panel with specialist knowledge administered by HM Courts and Tribunal Service.
- 4.7 The new regulations comprise a set of general conditions in respect of matters such as record keeping, types and numbers of animals, staffing, maintaining a suitable environment and diet, monitoring behaviour, handling of the animals, protecting the animals from pain, suffering, injury and disease and dealing with emergencies. Each specific animal activity then has its' own set of more detailed requirements, tailored to that that particular area.
- 4.8 A set of general conditions and those that apply to each animal activity are set out at Annex 3.

## 5. Inspection Process

- 5.1 In the past, an inspection of the premises has been carried out by officers from the Licensing Team and more recently the Crime Enforcement and Regulation Service. 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. To qualify to inspect these premises, a person must hold a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulations which oversees training and assessment of persons inspecting and licensing certain animal activities businesses, and must have passed an independent exam. Their

certificate must apply to the specific type of activities they are inspecting. If an inspector is not available, then a qualified veterinary surgeon must carry out the inspection.

- 5.2 Transitional provisions are in place to enable any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses to carry out the inspections until October 2021. After that time, the above requirements will need to be met. Therefore, training will need to be undertaken by several officers with the Crime, Enforcement & Regulation service to ensure the law is complied with. It is likely that this will take place next year, and therefore costs may be incorporated into the fee at the next review to cover the costs of this.
- 5.3 Under the new arrangements, the inspection process will be much more comprehensive, and built around providing 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, and award between one and five stars, thus determining 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 star rating will be displayed on the licence, and included in the Council's public register, published on the Lewisham Council website.
- 5.4 Businesses established as higher risk will attain between one and four stars. If one or two stars are issued they will be issued a one year licence, and can expect a minimum of one unannounced visit during that period. If four stars are attained, the licence will be issued for two years, and the licence holder can expect one unannounced visit during the two year period.
- 5.5 Lower risk businesses can be issued a licence for any period between one and three years. Licence holders can expect a minimum of one unannounced visit at any time during the period specified on the licence.
- 5.6 The recently published draft guidance advises that if a business is certified by a UKAS-accredited body to operate animal welfare certification, it should be considered low risk and receive the higher star 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 star rating. New businesses that are not certified will automatically be considered high risk as they have no operational history.
- 5.7 Operators of businesses will be able to appeal their risk rating, or request a reassessment if they have made improvements.

## **6. Fee Setting**

- 6.1 The animal licensing scheme falls within the definition of 'services', and is subject to the EU Services Directive, incorporated in to UK law as the Provision of Services Regulations 2009 (regulation 18).
- 6.2 The fees are split into two parts – part a and part b. Part A is the application fee, payable at the time of submission to cover the Council's costs in considering and determining the application; Part B is the grant fee, which covers any further costs around granting the licence, ongoing enforcement and compliance requirements and other associated costs with running the licensing regime.
- 6.3 Ahead of the implementation date, revised fees need to be set to accommodate the

changes. The required powers, and the proposed table of fees for the period 1 October 2018 to 31 March 2019, are set out at Annex 2 and 2A of the report respectively.

6.5 Any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.

6.6 The procedural guidance notes for local authorities (October 2018) has been used, together with the new regulations, to estimate the fees required in order to recover costs of these applications. The LGA guidance states that the following activity costs can be included when calculating the fee on a cost recovery basis:

- **Administration** – this could cover basic office administration to process the licence application, such as resources, photocopying, postage or the cost of handling fees through the accounts department. This could also include the costs of specialist licensing software to maintain an effective database, and printing licences.
- **Initial visit/s** – this could cover the average cost of officer time if a premises visit is required as part of the authorisation process. Councils will need to consider whether the officer time includes travel. It would also be normal to include ‘on-costs’ in this calculation. Councils will need to consider whether ‘oncosts’ include travel costs and management time.
- **Third party costs** – some licensing processes will require third party input from experts, such as veterinary attendance during licensing inspections at animal related premises.
- **Liaison with interested parties** – engaging with responsible authorities and other stakeholders will incur a cost in both time and resources.
- **Management costs** – councils may want to consider charging an average management fee where it is a standard process for the application to be reviewed by a management board or licensing committee. However, some councils will include management charges within the ‘on-costs’ attached to officer time referenced below.
- **Local democracy costs** – councils may want to recover any necessary expenditure in arranging committee meetings or hearings to consider applications.
- **On costs** – including any recharges for payroll, accommodation, including heating and lighting, and supplies and services connected with the licensing functions. Finance teams should be able to provide a standardised cost for this within each council.
- **Development, determination and production of licensing policies** – the cost of consultation and publishing policies can be fully recovered.
- **Web material** – the EU Services Directive requires that applications, and the associated guidance, can be made online and councils should effectively budget for this work.
- **Advice and guidance** – this includes advice in person, production of leaflets or promotional tools, and online advice.
- **Setting and reviewing fees** – this includes the cost of time associated with the review, as well as the cost of taking it to a committee for approval<sup>1</sup>.

6.7 The following breakdown is proposed for Lewisham’s animal licensing fee:

Part A – application fee	Part B – Grant Fee
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<sup>1</sup> LGA Open for Business, p9

[https://www.local.gov.uk/sites/default/files/documents/5%2013%20%20OpenForBusiness\\_02\\_web.pdf](https://www.local.gov.uk/sites/default/files/documents/5%2013%20%20OpenForBusiness_02_web.pdf)

Policy Setting Training Advice/website updates Administration costs Inspection costs Reports to managers/committee Approval/sign off by manager	Officer time for Granting licence Compliance inspections Oncosts – building costs Travel Postage Stationary/paper
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## 7. Financial Implications

- 7.1 The proposed application fee for a new licence is £229 and the grant fee is £437.
- 7.2 It is proposed the fees are the same for each activity included on a licence, irrelevant of how long the licence lasts (one to three years) as the cost to the Council is expected to be very similar.
- 7.3 Fees will apply to new businesses from 1st October 2018 (or date signed off by Licensing supplementary committee). Fees will be reviewed again prior to 1st April 2019.
- 7.4 An appeal process will be in place to enable applicants to challenge the initial star rating they are given. It will also be possible for applicants to pay for a re-inspection following the carrying out of improvements that would lead to a higher star rating. A fee has been set at £168.50 to cover the administration and re-inspection costs for this re-evaluation.
- 7.5 The fees collected are for cost recovery of processing the application and enforcing the licensing regime only, there will be no income generation from this charge.

## 8. Equalities Impact

- 7.1 When making decisions public bodies are required to have ‘due regard’ (i.e. consideration) to the need to:
- i. eliminate unlawful discrimination, harassment, victimisation;
  - ii. advance equality of opportunity; and
  - iii. foster good relations.
- 7.2 Additionally, the potential equality impact on the following protected characteristics should be considered:
- age,
  - disability,
  - gender reassignment,
  - pregnancy and maternity,
  - race,
  - religion or belief,
  - sex,
  - sexual orientation,
  - marriage and civil partnership (only in respect of eliminating unlawful discrimination).

7.3 Following an assessment it is suggested that there is little or no potential for discrimination or adverse impact on the protected characteristics.

## **8. Crime and Disorder Implications**

8.1 Crime and disorder and nuisance issues may arise around licensed premises or can be caused by unlicensed activity. Key issues of concern around animal licencing will be around animal welfare concerns. The fee has been calculated to include necessary enforcement visits to ensure compliance by the licensee in line with licence granted and related conditions.

8.2 Where there are complaints of crime, disorder or nuisance issues related to either licenced or unlicensed premises, the licensing authority will investigate working with the Council's Animal Welfare Team and where necessary the RSPCA. Where problems can be evidenced this can result in licence suspension and possible revocation upon review, objections to any further licence application at point of renewal, or prosecution for unlicensed activity. Offences under the Animal Welfare Act will be prosecuted by the police, and will affect the individual's eligibility to apply for an animal welfare licence.

## **9. Legal Implications**

9.1 These are contained within the body of the report; save for noting:

9.2 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

9.3 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

12.1 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 12.2 above.

9.4 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

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9.5 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so

far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-actcodes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-acttechnical-guidance>

9.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

9.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sectorequality-duty-guidance#h1>

## **10. Summary**

- 10.1 Following the introduction of new legislation to licence activities around animals, the licensing authority is proposing a new fee to be introduced which has been calculated on a cost recover basis. This fee is structured in 2 parts, part A which covers administration costs related to processing the application and a decision on granting the licence, and part b which covers physically drafting the licence if granted, ongoing enforcement and compliance activity costs, and on costs related to the licensing regime. The fee proposed can be found in section 6 and a detailed breakdown is included in Annex 1 and 2.

## **11. Recommendations**

- 11.1 That the Licensing Supplementary Committee approve and set the proposed fees and charges payable by applicants for Animal Welfare licences as set out in Annex 2 of the report, for the period from 1 October 2018 to 31 March 2019.



## Annex 1

### Table of Proposed Fees Animal Welfare (Licensing of Animals Regulations) 2018

Licence Activity	Application Fee (Part A)	Grant Fee (Part b)	Additional Costs to the applicant	Total Fee
Animal Boarding and Sale of Animals as Pets	£229	£437	N/A DBS Check	£666
Breeding and Riding	£229	£437	Vet Fees for inspections on application and throughout duration of Licence DBS Check	£666
Keeping Animals for Exhibition	£229	£437	N/A DBS Check	£666
Variation & Re-inspection of rating Animal Boarding, Sale of animals as pets and Keeping of animals for exhibition	£168.50	N/A	N/A	£168.50
Variation & Re-evaluation of rating Breeding and Riding	£168.50	N/A	Fee for Vet Inspection	£168.50
Variation to add activity	£229	£437	Extra fee for multiple activities DBS Check	£666
Variation to Remove Activity	£41	N/A	N/A	£41
Transfer due to death of licensee	£120	N/A	N/A DBS Check	£120

## Annex 2 Fee Calculator

## Annex 3 General conditions applying to licences

### 1. Licence display

(1) A copy of the licence must be clearly and prominently displayed on any premises on

which the licensable activity is carried on.

(2) The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

## **2. Records**

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

(2) The licence holder must keep all such records for at least three years beginning with the date on which the record was created.

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

(1) No animals or types of animal other than those animals and types of animal specified in the licence may be used in relation to the relevant licensable activity.

(2) The number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on any premises on which the licensable activity is carried on.

## **4. Staffing**

(1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.

(2) The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

(3) The licence holder must provide and ensure the implementation of a written training policy for all staff.

## **5. Suitable environment**

(1) All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

(2) Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to—

(a) their behavioural needs,

(b) its situation, space, air quality, cleanliness and temperature,

(c) the water quality (where relevant),

(d) noise levels,

(e) light levels,

(f) ventilation.

(3) Staff must ensure that the animals are kept clean and comfortable.

(4) Where appropriate for the species, a toileting area and opportunities for toileting must be provided.

(5) Procedures must be in place to ensure accommodation and any equipment within it is cleaned as often as necessary and good hygiene standards are maintained and the accommodation must be capable of being thoroughly cleaned and disinfected.

(6) The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.

(7) All the animals must be easily accessible to staff and for inspection and there must be sufficient light for the staff to work effectively and observe the animals.

(8) All resources must be provided in a way (for example as regards frequency, location

and access points) that minimises competitive behaviour or the dominance of individual animals.

(9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

## **6. Suitable diet**

(1) The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.

(2) Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.

(3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.

(4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

(5) Constant access to fresh, clean drinking water must be provided in a suitable receptacle for the species that requires it.

(6) Where feed is prepared on the premises on which the licensable activity is carried on, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

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

(1) Active and effective environmental enrichment must be provided to the animals in inside and any outside environments.

(2) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.

(3) The animals' behaviour and any changes of behaviour must be monitored and advice must be sought, as appropriate and without delay, from a veterinarian or, in the case of fish, any person competent to give such advice if adverse or abnormal behaviour is detected.

(4) Where used, training methods or equipment must not cause pain, suffering or injury.

(5) All immature animals must be given suitable and adequate opportunities to—

(a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and

(b) become habituated to noises, objects and activities in their environment.

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

(1) All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.

(2) The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals and no animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

(3) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

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

(1) Written procedures must—

(a) be in place and implemented covering—

(i) feeding regimes,

(ii) cleaning regimes,

(iii) transportation,

(iv) the prevention of, and control of the spread of, disease,

- (v) monitoring and ensuring the health and welfare of all the animals,
- (vi) the death or escape of an animal (including the storage of carcasses);
- (b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.
- (2) All people responsible for the care of the animals must be made fully aware of these procedures.
- (3) Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.
- (4) All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.
- (5) All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.
- (6) Sick or injured animals must receive prompt attention from a veterinarian or, in the case of fish, an appropriately competent person and the advice of that veterinarian or, in the case of fish, that competent person must be followed.
- (7) Where necessary, animals must receive preventative treatment by an appropriately competent person.
- (8) The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinarian must be readily available to all staff on the premises on which the licensable activity is carried on.
- (9) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinarian.
- (10) Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinarian.
- (11) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.
- (12) No person may euthanase an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or—
  - (a) in the case of fish, a person who is competent for such purpose;
  - (b) in the case of horses, a person who is competent, and who holds a licence or certificate, for such purpose.
- (13) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.
- (14) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.

## **10. Emergencies**

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

## **Annex 3A Conditions specific to selling animals as pets**

### **1. 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.

## **2. Records and advertisements**

(1) A register must be maintained for all the animals or, in the case of fish, all the groups of fish, on the premises which must include —

- (a) the full name of the supplier of the animal,
- (b) the animal’s sex (where known),
- (c) (except in the case of fish) the animal’s age (where known),
- (d) details of any veterinary treatment (where known),
- (e) the date of birth of the animal or, if the animal was acquired by the licence holder, the date of its acquisition,
- (f) the date of the sale of the animal by the licence holder, and
- (g) the date of the animal’s death (if applicable).

(2) Where an animal is undergoing any medical treatment—

- (a) this fact must be clearly indicated—
  - (i) in writing next to it, or
  - (ii) (where appropriate) by labelling it accordingly, and
- (b) it must not be sold.

(3) Any advertisement for the sale of an animal must—

- (a) include the number of the licence holder’s licence,
- (b) specify the local authority that issued the licence,
- (c) include a recognisable photograph of the animal being advertised,
- (d) (except in the case of fish) display the age of the animal being advertised,
- (e) state the country of residence of the animal from which it is being sold, and
- (f) state the country of origin of the animal.

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

(1) The licence holder and all staff must ensure that any equipment and accessories being sold with an animal are suitable for the animal.

(2) The licence holder and all staff must ensure that the prospective owner is provided with information on the appropriate care of the animal including in relation to—

- (a) feeding,
- (b) housing,
- (c) handling,
- (d) husbandry,
- (e) the life expectancy of its species,
- (f) the provision of suitable accessories, and
- (g) veterinary care.

(3) Appropriate reference materials on the care of all animals for sale must be on display and provided to the prospective owner.

(4) The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.

(5) The licence holder and all staff must ensure that the purchaser is informed of the country of origin of the animal and the species, and where known, the age, sex and veterinary record of the animal being sold.

## **4. Suitable accommodation**

(1) Animals must be kept in housing which minimises stress including from other animals and the public.

(2) Where members of the public can view or come into contact with the animals,

signage must be in place to deter disturbance of the animals.

(3) Dangerous wild animals (if any) must be kept in cages that are secure and lockable and appropriate for the species.

(4) For the purposes of sub-paragraph (3), “dangerous wild animal” means an animal of a kind specified in the first column of the Schedule to the Dangerous Wild Animals Act 1976(a).

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

(1) The purchase, or sale, by or on behalf of the licence holder of any of the following is prohibited—

(a) unweaned mammals;

(b) mammals weaned at an age at which they should not have been weaned;

(c) non-mammals that are incapable of feeding themselves;

(d) puppies, cats, ferrets or rabbits, aged under 8 weeks.

(2) The sale of a dog must be completed in the presence of the purchaser on the premises.

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

(1) All animals for sale must be in good health.

(2) Any animal with a condition which is likely to affect its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until the animal has recovered.

(3) When arranging for the receipt of animals, the licence holder must make reasonable efforts to ensure that they will be transported in a suitable manner.

(4) Animals must be transported or handed to purchasers in suitable containers for the species and expected duration of the journey.

### **Annex 3B Conditions specific to providing boarding for cats or dogs**

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

## **1. Interpretation**

In this Part—

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

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

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

## **2. Suitable environment**

(1) Cats within the premises must be prevented from coming into direct contact with other animals from outside the premises.

(2) There must be a safe, secure, waterproof roof over the entire cat unit.

(3) A cat unit may only be shared by cats from the same household.

(4) Communal exercise areas are not permitted.

(5) Each cat unit must be clearly numbered and there must be a system in place which ensures that information about the cat or cats in each cat unit is available to all staff and any inspector.

(6) Each cat unit must provide the cat with sufficient space to—

(a) walk,

(b) turn around,

(c) stand on its hind legs,

(d) hold its tail erect,

(e) climb,

(f) rest on the elevated area, and

(g) lie down fully stretched out,  
without touching another cat or the walls.

(7) Each cat unit must have sufficient space for each cat to sit, rest, eat and drink away from the area where it urinates and defecates.

(8) Cats must have constant access to their sleeping area.

(9) A litter tray and safe and absorbent litter material must be provided at all times in each cat unit and litter trays must be regularly cleaned and disinfected.

(10) Each cat unit must include an elevated area.

(11) Adjoining cat units must have solid barriers covering the full height and full width of the adjoining wall.

(12) Any gaps between cat units must be a minimum of 0.6 metres wide.

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

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

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

(1) There must be an area within each cat unit in which the cat can avoid seeing other cats and people outside the cat unit if it so chooses.

(2) Each cat unit must include a facility for scratching and any surface within a cat unit available for scratching must either be disinfected between uses by different cats or disposed of.

(3) All cats must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.

(4) All toys and other enrichment items must be checked daily to ensure they remain safe and must be cleaned and disinfected at least weekly.

## **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.

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

- (1) A cat must remain in its assigned cat unit, except when it is moved to an isolation cat unit or to a holding cat unit.
- (2) Where any other activity involving animals is undertaken on the premises, it must be kept entirely separate from the area where the activity of providing boarding for cats takes place.
- (3) All equipment must be cleaned and disinfected before a cat is first introduced into a cat unit.
- (4) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of 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**

### **6. Interpretation**

In this Part—

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

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

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

### **7. Suitable environment**

- (1) Dogs within the premises must be prevented from coming into 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.

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

- (1) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.
- (2) All dogs must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.
- (3) All toys and other enrichment items must be checked daily to ensure they remain safe and must be cleaned and disinfected at least weekly.
- (4) Each dog must be exercised at least once daily away from its kennel unit as appropriate for its age and health.
- (5) Any dog which, on the advice of a veterinarian, cannot be exercised must be provided with alternative forms of mental stimulation.
- (6) There must be an area within each kennel unit in which a dog can avoid seeing people and other dogs outside the kennel unit if it so chooses.

### **9. Records**

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

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

(1) Where any other activity involving animals is undertaken on the premises, it must be kept entirely separate from the area where the activity of providing boarding for dogs in kennels takes place.

(2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

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(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**

### **11. Interpretation**

In this Part—

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

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

### **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.

### **13. Suitable environment**

(1) Dogs from different households may only be boarded at the same time with the written consent of every owner.

(2) Each dog must be provided with its own designated room where it can, if necessary, be kept separate from other dogs.

(3) Each dog must have a clean, comfortable and warm area within its designated room where it can rest and sleep.

(4) Each designated room must have a secure window to the outside that can be opened and closed as necessary.

(5) A dog must not be confined in a crate for longer than three hours in any 24-hour period.

(6) A dog must not be kept in a crate unless—

(a) it is already habituated to it,

(b) a crate forms part of the normal routine for the dog, and

(c) the dog’s owner has consented to the use of a crate.

(7) Any crate in which a dog is kept must be in good condition and sufficiently large for the dog to sit and stand in it at full height, lie flat and turn around.

### **14. Suitable diet**

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

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

(1) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

(2) Each dog must be exercised at least once daily as appropriate for its age and health.

(3) Dogs which on the advice of a veterinarian cannot be exercised must be provided

with alternative forms of mental stimulation.

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

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

#### **17. Records**

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

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

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

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

#### **19. Interpretation**

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

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

No dog may be kept on the premises overnight.

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

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

(3) There must be an area where any dog can avoid seeing other dogs and people if it so chooses.

## **22. Suitable diet**

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

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

(1) All dogs must be screened before being admitted to the premises to ensure that they are not afraid, anxious or stressed in the presence of other dogs or people and do not pose a danger to other dogs or staff.

(2) Any equipment used that is likely to be in contact with the dogs and any toys provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

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

(1) Unneutered bitches must be prevented from mating.

(2) Dogs which need to be isolated from other dogs must be provided with alternative forms of mental stimulation.

## **25. Records**

(1) A register must be kept of all the dogs on the premises which must include—

(a) the date of the dog's attendance;

(b) the dog's name, age, sex, neuter status, microchip number and a description of it or its breed;

(c) the name, postal address, telephone number (if any) and email address (if any) of the owner and emergency contact details;

(d) the name and contact details of the dog's normal veterinarian and details of any insurance relating to the dog;

(e) details of the dog's relevant medical and behavioural history, including details of any treatment administered against parasites and any restrictions on exercise;

(f) details of the dog's diet and relevant requirements;

(g) any required consent forms;

(h) a record of the date or dates of the dog's most recent vaccination, worming and flea treatments;

(i) details of any medical treatment the dog is receiving.

(2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

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

(1) The dogs must be supervised at all times.

(2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(3) Any journeys in a vehicle must be planned to minimise the time dogs spend in the vehicle.

## **Annex 3C Conditions specific to hiring out horses**

### **1. Interpretation**

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

## **2. Eligibility**

- (1) The licence holder must—
  - (a) hold an appropriate formal qualification, or have sufficient demonstrable experience and competence, in the management of horses, and
  - (b) hold a valid certificate of public liability insurance which—
    - (i) insures the licence holder against liability for any injury sustained by, and the death of, any client, and
    - (ii) insures any client against liability for any injury sustained by, and the death of, any other person, caused by or arising out of the hire of the horse.
- (2) The certificate mentioned in sub-paragraph (1)(b) must be clearly and prominently displayed on the premises.

## **3. Supervision**

- (1) The activity must not at any time be left in the charge of a person aged under 18 years.
- (2) No horse may be hired out except under the supervision of a person aged 16 years or more unless the licence holder is satisfied that the person hiring the horse is competent to ride without supervision.
- (3) The following must be clearly and prominently displayed on the premises—
  - (a) the full name, postal address (including postcode) and telephone number of the licence holder or other person with management responsibilities in respect of the activity;
  - (b) instructions as to the action to be taken in the event of a fire or other emergency.

## **4. Suitable environment**

- (1) It must be practicable to bring all the horses on the premises under cover.
- (2) Suitable storage must be provided and used for feed, bedding, stable equipment and saddlery.
- (3) All arena surfaces must be suitable for purpose, well drained, free of standing water and maintained regularly to keep them level.

## **5. Suitable diet**

- (1) At all times when any horses are kept at grass, adequate pasture, shelter and clean water must be available for them.
- (2) Supplementary feed and nutrients must be provided to any horse when appropriate.
- (3) Each horse must be fed a balanced diet of a quantity and at a frequency suitable for its age, health and workload to enable it to maintain an appropriate physical condition.

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

- (1) The horses must be maintained in good health and must be in all respects physically fit.
- (2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.
- (3) A daily record of the workload of each horse must be maintained and available for inspection at any reasonable time.
- (4) Each horse must be suitable for the purpose for which it is kept and must not be hired out if, due to its condition, its use would be likely to cause it to suffer.
- (5) Any horse found on inspection to be in need of veterinary attention must not be returned to work until the licence holder has, at the licence holder’s expense, obtained from and lodged with the local authority a veterinary certificate which confirms that the horse is fit for work.
- (6) Each horse’s hooves should be trimmed as often as is necessary to maintain the health, good shape and soundness of its feet and any shoes should be properly fitted and in good condition.
- (7) An area suitable for the inspection of horses by a veterinarian must be provided.

(8) The following must not be hired out—

(a) a horse aged under 3 years;

(b) a mare heavy with foal;

(c) a mare whose foal has not yet been weaned.

(9) The licence holder must keep a register of all horses kept for the licensable activity on the premises, each such horse's valid passport showing its unique equine life number and a record of its microchip number (if any).

### **7. Equipment**

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

## **Annex 3D Conditions specific to breeding of dogs**

### **1. Advertisements and sales**

- (1) The licence holder must not advertise or offer for sale a dog—
  - (a) which was not bred by the licence holder;
  - (b) except from the premises where it was born and reared under the licence;
  - (c) otherwise than to—
    - (i) a person who holds a licence for the activity described in paragraph 2 of Schedule 1; 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.

## **2.Suitable environment**

- (1) Each dog must have access to a sleeping area which is free from draughts and an exercise area.
- (2) Each dog must be provided with sufficient space to—
  - (a) stand on its hind legs,
  - (b) lie down fully stretched out,
  - (c) wag its tail,
  - (d) walk, and
  - (e) turn around, without touching another dog or the walls of the sleeping area.
- (3) The exercise area must not be used as a sleeping area.
- (4) Part or all of the exercise area must be outdoors.
- (5) There must be a separate whelping area for each breeding bitch to whelp in which contains a suitable bed for whelping.
- (6) Each whelping area must be maintained at an appropriate temperature (between and including 26 and 28 degrees centigrade) and include an area which allows the breeding bitch to move away from heat spots.
- (7) Each dog must be provided with constant access to a sleeping area.
- (8) A separate bed must be provided for each adult dog.
- (9) No puppy aged under 8 weeks may be transported without its biological mother except—
  - (a) if a veterinarian agrees for health or welfare reasons that it may be so transported, or
  - (b) in an emergency.
- (10) No breeding bitch may be transported later than 54 days after the date of successful mating except to a veterinarian.
- (11) No breeding bitch may be transported earlier than 48 hours after whelping except to a veterinarian where it is not otherwise practicable or appropriate for that person to attend to the bitch.
- (12) Each dog's sleeping area must be clean, comfortable, warm and free from draughts.



(13) In this paragraph, “exercise area” means a secure area where dogs may exercise and play.

### **3.Suitable diet**

Staff must—

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

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

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

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

- (1) Each adult dog must be provided with opportunities for social contact with other dogs where such contact benefits the dogs’ welfare.
- (2) Each adult dog must be given suitable and adequate opportunities to become habituated to handling by people.
- (3) Procedures must be in place for dealing with dogs that show abnormal behaviour.
- (4) There must be an area within each sleeping area in which dogs can avoid seeing people and other dogs outside the sleeping area if they so choose.

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

- (1) All dogs for sale must be in good health.
- (2) Any dog with a condition which is likely to affect materially its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until it has recovered.
- (3) The licence holder must ensure that no bitch—
  - (a) is mated if aged less than 12 months;
  - (b) gives birth to more than one litter of puppies in a 12-month period;
  - (c) gives birth to more than six litters of puppies in total;
  - (d) is mated if she has had two litters delivered by caesarean section.
- (4) The licence holder must ensure that each puppy is microchipped and registered to the licence holder before it is sold.
- (5) No dog may be kept for breeding if it can reasonably be expected, on the basis of its genotype, phenotype or state of health that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring.
- (6) The health, safety and welfare of each dog must be checked at the start and end of every day and at least every four hours during the daytime.
- (7) Breeding bitches must be adequately supervised during whelping and the licence holder must keep a record of—
  - (a) the date and time of birth of each puppy,
  - (b) each puppy’s sex, colour and weight,
  - (c) placentae passed,
  - (d) the number of puppies in the litter, and

- (e) any other significant events.
- (8) The licence holder must keep a record of each puppy sale including—
  - (a) the microchip number of the puppy,
  - (b) the date of the sale, and
  - (c) the age of the puppy on that date.
- (9) The licence holder must keep a record of the following in relation to each breeding dog—
  - (a) its name,
  - (b) its sex,
  - (c) its microchip and database details,
  - (d) its date of birth,
  - (e) the postal address where it normally resides,
  - (f) its breed or type,
  - (g) its description,
  - (h) the date or dates of any matings, whether or not successful,
  - (i) details of its biological mother and biological father,
  - (j) details of any veterinary treatment it has received, and
  - (k) the date and cause of its death (where applicable).
- (10) In addition to the matters mentioned in sub-paragraph (7), the licence holder must keep a record of the following in relation to each breeding bitch—
  - (a) the number of matings,
  - (b) its age at the time of each mating,
  - (c) the number of its litters,
  - (d) the date or dates on which it has given birth, and
  - (e) the number of caesarean sections it has had, if any.
- (11) Unless the licence holder keeps the dog as a pet, the licence holder must make arrangements for any dog no longer required for breeding to be appropriately rehomed.
- (12) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of 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.

## **Annex 3E Conditions specific to keeping and training animals for exhibition**

### **1. Insurance**

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

## **2. Emergencies**

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

## **3. Suitable environment**

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

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

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

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

(1) Social animals must not be exhibited if their removal from and reintroduction to the group with which they are usually housed causes them or any other animal within that group stress, anxiety or fear.

(2) Animals must be prevented from coming into contact with each other during any exhibition where such contact would be likely to cause any of them to show signs of aggression, fear or distress.

(3) All persons likely to come into contact with the animals during an exhibition must be briefed about how to behave around the animals so as to minimise anxiety, fear and stress in the animals.

(4) No female animal with unweaned offspring may be removed from its home environment and newborn, unweaned or dependent offspring must not be removed from their mothers.

## **6. Records**

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

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

(1) A register must be kept of each animal exhibited or to be exhibited which must include—

(a) the full name of its supplier,

(b) its date of birth,

(c) the date of its arrival,

(d) its name (if any), age, sex, neuter status, description and microchip or ring number (if applicable),

(e) the name and contact details of the animal's normal veterinarian and details of any insurance relating to it,

(f) details of the animal's relevant medical and behavioural history including details of any treatment administered against parasites and any restrictions on exercise or diet,

(g) a record of the date or dates of the animal's most recent vaccination, worming and flea treatments, and

(h) the distance to and times taken for it to travel to and from each exhibition event.

(2) A record of when the animals are exhibited must be kept and an animal rotation policy must be put in place to ensure that the animals have enough rest between and during exhibition events.

(3) All the animals used in exhibition events must be in good physical and mental health.

(4) The exhibited animals must be suitable for the specific conditions, type of enclosure and actions involved in the exhibition.

- (5) Any equipment, chemicals and other materials used in the exhibition must not cause the animals pain, discomfort, fatigue or stress.
- (6) The animals must be transported in suitable, secure and appropriately labelled carriers.
- (7) The licence holder or the licence holder's staff must undertake a risk assessment before each exhibition event.
- (8) The animals must not be handled by persons whose behaviour appears at the time to be influenced by the consumption of alcohol or by any psychoactive substance.