

Meeting

Licensing COMMITTEE

Date and time

Monday 20TH FEBRUARY, 2023

At 7.00 PM

Venue

Committee ROOM 1, HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

To: Members of Licensing COMMITTEE (quorum 3)

Chair: Councillor Claire Farrier
Vice Chair: Councillor Danny Rich

Richard Barnes
Andrea Bilbow OBE
Philip Cohen
Alison Cornelius

Val Duschinsky
Eva Greenspan
Jennifer Grocock
Anne Hutton

Barry Rawlings
Zakia Zubairi

Substitute Members

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is Wednesday 15 February 2023 at 10AM. Requests must be submitted to pakeezah.rahman@barnet.gov.uk 020 8359 6452

You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

Governance Service contact: pakeezah.rahman@barnet.gov.uk 020 8359 6452

Media Relations Contact: Tristan Garrick 020 8359 2454 Tristan.Garrick@Barnet.gov.uk

Assurance Group

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Decisions of the Licensing Committee

7 November 2022

Members Present:-

AGENDA ITEM 1

Councillor Claire Farrier (Chair)
Councillor Danny Rich (Vice-Chair)

Councillor Richard Barnes	Councillor Jennifer Grocock
Councillor Andrea Bilbow OBE	Councillor Anne Hutton
Councillor Alison Cornelius	Councillor Zakia Zubairi
Councillor Val Duschinsky	

Apologies for Absence

Councillor Philip Cohen	Councillor Barry Rawlings
Councillor Eva Greenspan	

1. MINUTES

RESOLVED that the minutes of the meeting held on 10 November 2021 be agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies were received from Councillor Barry Rawlings, Councillor Eva Greenspan and Councillor Philip Cohen.

Apologies for lateness was received on behalf of Councillor Jennifer Grocock.

3. DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTION AND COMMENT (IF ANY)

None.

6. MEMBERS ITEM (IF ANY)

None.

7. REPORT ON WALKER OF MULTIPLE DOGS

James Armitage, the Regulatory Services Director presented the report. Approval from Committee was sought to draft a licensing regime for commercial dog walking in Barnet.

In response to Member's questions, it was noted that dog walkers would have to produce evidence of their license, failure of which could result in fixed penalty notices.

Cllr Grocock joined the meeting at 6.07pm.

Members agreed with recommendations from the Dogs Trust in relation to walkers having no more than four dogs at any one time.

Members requested for information on charges imposed by other Boroughs for comparison.

Declan Khan, Assistant Director of Counter Fraud, Community Safety & Protection updated the Committee on the Public Spaces Protection Order (PSPO) consultation. Five hundred responses had been received for consideration. The results of the consultation would enable formulation of the new PSPO by the Chair in consultation with the Executive Director of Assurance.

It was noted that any material change would be reported back to Committee for approval.

RESOLVED that the Licensing Committee consider the report and confirm that Officers progress with the drawing up of a Commercial Dog Walking Licensing regime which will be prepared for the Licensing Committee late 2022.

8. REVISED FILM CLASSIFICATION POLICY 2022-2027

James Armitage presented the report highlighting the periodic review of Barnet's policy.

RESOLVED that the Committee approve the revised Draft Policy and accompanying application and guidance documents.

9. LICENSING COMMITTEE - PAVEMENT LICENCE UPDATE

James Armitage presented the report. It was noted that as a result of the pandemic, a more streamlined and cheaper route enabled businesses to acquire a licence to trade from the street.

Proposals of the Levelling and Regeneration Bill amended features of the scheme including renewal of annual fees and conditions to breach of licence.

In response to Members regarding the provision of parklets, it was noted that parklets fell outside the remit of the pavement licensing scheme and were issued by Regeneration and Development.

It was noted that Street Licensing Officers were out on patrol and Members were encouraged to report any concerns to the Licensing Authority.

Members highlighted that brass studs in pavements to indicate the parameters within which businesses needed to operate were missing from some locations.

It was noted that the placing of studs pavements was the responsibility of Highways.

RESOLVED that the Licensing Committee consider and note the content of the report.

10. REVISED SEX ESTABLISHMENT AND SEX ENTERTAINMENT VENUES POLICY

In response to Members questions, it was noted that as part of the licensing process, the lease of the establishment would be consulted on and representations would be taken into account. Regular inspections of premises would aid in the detection of any nefarious activity.

RESOLVED that the Committee:

- 1. Approve the draft Sex Establishment and Sex Entertainment Venues Policy in Appendix A.**
- 2. Authorise the Licensing Department to undertake a public consultation and consult the Metropolitan Police, Children and Families, Environmental Health, the Fire Brigade and all ward Councillors.**

11. LICENSING AUTHORITY - ANNUAL REPORT ON LICENSING APPLICATIONS

The Chair requested for an updated on unusual licensing applications that may be noted as learning points.

Baljeet Virdee, Senior Lawyer and Assistant Team Leader from HB Public Law, spoke about a variation application made by Pizza Go Go, which was appealed following the Licensing Sub Committee's decision to refuse the application. He spoke briefly about the appeals procedure and about the evidence provided by the parties in this matter, after which the applicant decided to withdraw their appeal.

It was also mentioned that recent case law meant that successful appellants may now be able to recover more costs from the Council.

Baljeet Virdee also referred to Heathpark which concerned the renewal of a Special Treatment Licence covered by the London Local Authorities Act 1991. An inspection carried out by the Council's Licensing Team gave rise to concerns on how the establishment was run leading them to recommend the licence renewal be refused under section 8 of the 1991 Act. A brief explanation of the issues discovered during the inspection was provided, along with a summary of the grounds on which the Sub-Committee refused the renewal application. The Sub-Committee's decision was not appealed.

RESOLVED that the Licensing Committee note the annual report of applications received by the licensing department between April 2021 and March 2022.

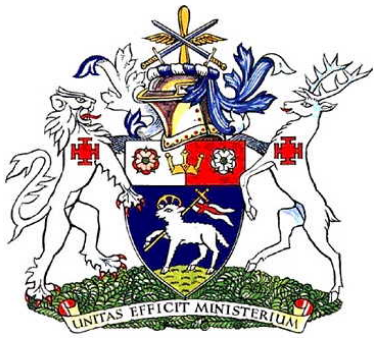
12. MEMBERS' LICENSING CODE - TO FOLLOW

RESOLVED that the Licensing Committee comment on and approve this Code for referral to Council for inclusion in the Constitution.

13. ANY ITEM(S) THAT THE CHAIRMAN DECIDES IS URGENT

None.

The meeting finished at 7.25pm



Licensing Committee AGENDA ITEM 7

20 February 2023

Title	Amendments to the Animal Welfare Policy
Report of	Executive Director of Assurance
Wards	All
Status	Public
Urgent	No
Key	Yes
Enclosures	Appendix A – RSPCA Animal Welfare Package, Seasonal Issues Appendix B – Animal Welfare Policy showing proposed addition
Officer Contact Details	Ash Shah Group Manager, Commercial Premises Ash.Shah@barnet.gov.uk 020 8365 2165

Summary

This report has been produced at the request of the Committee to highlight the concerns raised by the RSPCA in relation to the giving of pets as prizes in the borough.

Officers Recommendations

1. That the licensing committee approve suggested amendments to the Animal Welfare Policy to prohibit the giving of live animals as prizes on council-owned land.
2. The committee approve officers to carry out a review of the current policies and the terms and conditions of the licences and hire of Council owned land and premises to ensure that they reflect the Council's position as regards giving of live animals as prizes with a update back to a future meeting of this committee.

3. The Committee request the Chair to write on behalf of the Committee to support the RSPCA with this position and lobby central government for an amendment to the legislation.

1. Why this report is needed

- 1.1 The introduction of the Animal Welfare Act 2006 (The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018) brought about new legislation, guidance and a tougher and wider licensing regime for commercial businesses involved with animals in the course of their business
- 1.2 Since October 2018 around twenty-eight licences have been in force within the Borough of Barnet covering regimes including:
 - Sale of pets
 - Hiring our Horses
 - Commercial boarding of Dogs and Cats
 - Animal Exhibitions
 - Breeding of Dogs
 - Home boarding of dogs
- 1.3 The above Regulations set out a system of regulation and enforcement which has been incorporated into local policy together with an inspection regime. Alongside that comes a need to provide a range of business documents and practices. Alternative options considered and not recommended
- 1.4 The policy also deals with applications made under different legislation which covers:
 - Dangerous Wild Animals Act 1976
 - Zoo Licensing Act 1981
- 1.5 The RSPCA has produced a briefing paper to provide an overview of specific animal welfare issues for local authority councillors. It contains facts about seasonal animal welfare issues which in the most recent report includes pets being given as prizes.
- 1.6 In most cases, animals given as prizes do not have their welfare needs met, and many die before their new owners take them home.
- 1.7 Between 2015 and 2020, there were 120 cases reported to the RSPCA of live animals given as prizes in England. While a large proportion of these was goldfish given at fairgrounds, other animals, including dogs, ducklings and horses, were also reported during this period.
- 1.8 Under the Animal Welfare Act 2006, it is an offence to give an animal as a prize to anyone under 16, except within the family context. The RSPCA believes this does not go far enough and despite the current law, many animal prizes are given to individuals under 16, potentially highlighting issues around enforcing existing provisions and the need to rethink.

- 1.9 Local authorities have the opportunity to ban giving live animals as prizes on council-owned land. In doing so, local authorities would ensure the welfare of these animals isn't compromised and raise public awareness of the issue.

2. Reasons for recommendations

- 1.1. Cllr Simon Radford has requested that this matter was brought to the attention of all members of the Licensing Committee to consider the suggested recommendations.

3. Post decision implementation

- 3.1 If the three recommendations are supported, then the following actions will be implemented

- *To amend the Animal Welfare Policy to ban giving live animals as prizes on council-owned land*

The following sections will be inserted into the Animal Welfare Policy (at section 8) relating to the use of council land for licensable activities and for connection purposes which would read:

8.1 The Council generally does not approve the use of its land for animal licensable activities on its land without **express permission** from the appropriate Council departments. This includes the sale or giving away of animals/pets/fish as prizes. Interested parties are asked to communicate with the animal welfare team to discuss any such requests.

8.2 On land not owned by the Council the Council does not approve of use of such land to be used for animal licensable activities on such land without **express permission** from the appropriate Council departments. This includes the sale or giving away of animals/pets as prizes. Interested parties are asked to communicate with the animal welfare team to discuss any such requests.

- *To write to the UK Government, asking that the Animal Welfare Act 2006 be amended making it an offence to give live animals as prizes much like the Animal Health and Welfare (Scotland) Act 2006.*
- *The Licensing team will draft a letter to be signed and sent from the chair of the Licensing Committee.*

4. Implications of decision

4.1 Corporate Priorities and Performance

- 4.1.1 The approach taken by the Licensing Authority in relation to applications fully supports objectives contained within the corporate plan.

4.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

4.2.1 There are very limited resources implications of this report, if any (or all) of the recommendation are adopted the post implementation work can be undertaken within existing resources.

4.3 Legal and Constitutional References

4.3.1 Licences issued by the Council must be in accordance with the relevant conditions specified in Schedules 2 to 7 of the Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018.

4.3.2 Article 7 – Committees, Forums, Working Groups and Partnerships, of the Council’s Constitution states that the Licensing Committee is responsible for, “*all policy matters relating to licensing with licencing hearings concerning all licencing matters delegated to sub-committees.*”

4.3.3 A standard clause is to be inserted in the licences and hiring terms and conditions which sets out clearly that the giving of live animals as prizes in Council owned or managed land and premises is prohibited, and that the prohibition is reasonable.

4.3.4 It should be noted that although many councils have adopted this ban on their land and premises, this position has not been tested in law

4.4 Insight

4.4.1 Not relevant to this report.

4.5 Social Value

4.5.1 Not relevant to this report.

4.6 Risk Management

4.6.1 Not relevant to this report.

4.7 Equalities and Diversity

4.7.1 The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.

4.7.2 When considering applications for the Council’s express permission, only issues provided for in the relevant legislation, in addition to the authority’s policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.

4.8 Corporate Parenting

4.8.1 Not applicable in the context of this report.

4.9 **Consultation and Engagement**

4.9.1 Not applicable in the context of this report.

4.10 **Environmental Impact**

4.10.1 There are no direct environmental implications from noting the recommendations.

5. Background papers

5.1 None.

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Animal Welfare Package

Ensuring animals have a good life by advocating on their behalf

Seasonal issues

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Purpose and overview

The RSPCA has produced this briefing to provide an overview of specific animal welfare issues for councillors. It contains facts about seasonal animal welfare issues, specifically fireworks, pets given as prizes and sky lanterns, and includes topline messages and a suggested motion for local authorities to adopt.

- **Fireworks** can be a source of significant problems, fear and distress for animals in general and dogs in particular.
- In most cases, **animals given as prizes** do not have their welfare needs met, and many die before their new owners take them home.
- **Sky lanterns** are not only a fire risk, an aviation hazard, and a litter nuisance, but can also be dangerous for both animals and humans.

The RSPCA believes national legislation is the most effective way to tackle these issues. However, councils can also play a critical role in promoting animal welfare, preventing suffering, and raising public awareness of these issues. Local authorities can lead the way to improve the welfare of both animals and people.

In the absence of national legislation, we ask that councils adopt the suggested motion contained in this briefing. In doing so, you can deliver a powerful message to local communities, other local authorities, and national governments that small changes can make big differences.



Key issues

Fireworks

- Fireworks can be a source of significant problems, fear and distress for animals.
- In 2021, the RSPCA's incident reporting tool had more than 11,000 reports of animals injured and/or distressed during fireworks season. A poll of owners undertaken by the RSPCA in October 2019 showed 62 percent of dogs and 54 percent of cats showed signs of stress during fireworks season.
- Many fireworks make unpredictable, loud and high-intensity noises, causing animals to not only suffer psychological distress but cause themselves injuries as well. The debris also poses a hazard to animals.
- The short-lived nature of firework noise makes it difficult to pinpoint locations and take action. A licensing system would enable enforcement bodies to focus on incidents elsewhere.
- There is a real need to raise awareness of fireworks phobia. In the long term, it is treatable, but owners need to prepare themselves and their pets sooner.
- The law concerning fireworks is failing as it does not prevent or sufficiently reduce the risk of distressing and/or causing injury or anxiety to both people and animals.
- We can make small changes, such as limiting the public use of fireworks, tightening restrictions on the sale of fireworks, reducing the maximum noise level, and licensing all public firework displays, which would make a big difference.

Pets as prizes

- The RSPCA received 120 cases of live animals given as prizes in England between 2015 and 2020, a large proportion of which are goldfish, but cases of other animals were reported as well.
- Animals given as prizes do not have their welfare needs met. They are often kept and transported in conditions that do not meet their needs, and many die before their new owners get them home.
- Animal ownership is a big responsibility. Prospective owners should have a clear understanding of the responsibilities involved. They should carefully consider whether they have the necessary facilities, time, financial means and level of interest to care for their animals.
- Under the Animal Welfare Act 2006 (AWA 2006), it is an offence to give animals as prizes to anyone under 16 (except within the family context). The RSPCA does not believe this goes far enough and would like legislation introduced similar to the Animal Health and Welfare (Scotland) Act 2006.
- Local authorities have the opportunity to ban giving live animals as prizes on council-owned land, which would raise public awareness of the issue and lead the way to end this outdated practice. These are small changes that would make a big difference.

Sky lanterns

- Use of sky lanterns has become increasingly common, often let off at celebration or commemoration events. However, sky lanterns pose a threat for several reasons: they are a danger to animals, a fire risk, an aviation hazard, and a litter nuisance.
- If substances or articles cause harm to the environment, human or animal health, the Secretary of State has the power to prohibit or restrict the importation, use, supply or storage.
- Almost 200 councils have made a small change by introducing a ban on sky lanterns on council-owned land, which has made a big difference.
- The RSPCA is calling on the UK Government to ban sky lanterns on public and private land in England through Regulations under the Environmental Protection Act 1990.

Briefing: fireworks

While fireworks bring enjoyment to some people, they can be a source of significant problems, fear and distress for many animals (including pet animals, farm livestock and wildlife). In 2021, the RSPCA's incident reporting tool had more than 11,000 reports of animals injured and/or distressed during fireworks season. A poll of owners undertaken by the RSPCA in October 2019 showed 62 percent of dogs and 54 percent of cats showed signs of stress during fireworks season.

Animals not only suffer psychological distress but can also cause themselves injuries as they attempt to run away or hide from the noise.

Many fireworks make unpredictable, loud and high-intensity noises. In animals generally and dogs specifically, studies have found fireworks to be the most common cause for fear responses¹. Firework debris found on the ground also poses a hazard to other animals, such as horses and farm livestock. In humans, the loud and sudden noise of fireworks can be a trigger for PTSD-related symptoms, such as episodes of flashbacks, uncontrollable shaking, sweating, panic attacks, heart palpitations, or other emotional symptoms.

The short-lived nature of firework noise can make it difficult for the police or local authority officers to pinpoint locations and take action. The RSPCA believes a licensing system would help enforcement of the law. By allowing enforcement bodies to know where licensed events are, they can focus on locations and incidents elsewhere.

The RSPCA believes there is a real need to raise awareness among animal owners about fireworks phobia. The phobia is treatable long term, but owners need to prepare themselves and their pets sooner. There is a need to raise awareness with the public more broadly about the impact of fireworks on animals to encourage people to consider pets, horses, livestock and wildlife.

The RSPCA believes the law is failing. The law doesn't prevent or sufficiently reduce the risk of fireworks causing distress, injury or anxiety to people, and death, injury or distress to animals. To properly understand the impact of noise on animals, the RSPCA believes further research is needed.



¹ Blackwell, E., Bradshaw, J., & Casey, R. (2013). Fear responses to noises in domestic dogs: Prevalence, risk factors and co-occurrence with other fear related behaviour. *Applied Animal Science* 145, 15–25.

The UK Government can do several things to improve the situation for animals and people:

- In England, introduce a limit on the public use of fireworks on or close to specific dates and times.
- Tighten restrictions on the sale of fireworks in the run-up to Guy Fawkes Night.
- Reduce the maximum noise level of fireworks sold to the public, including ensuring they are labelled accurately.
- Licence all public firework displays and ensure displays are advertised better to the public.

Local authorities can also make a big difference by:

- Requiring all public firework displays within the boundaries of a council area to be advertised well in advance of the event. This would allow residents to take precautions for their animals and vulnerable people.
- Promoting a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people, including risk mitigation measures. For example, Chelmsford City Council has introduced a 'Rocket O'Clock' campaign to encourage residents to show empathy for animals and vulnerable neighbours by lighting fireworks at the same time².
- Encouraging local firework suppliers to stock 'quieter' fireworks (less than 90dB) for public display and residents to avoid purchasing 'super-loud' fireworks which are over 90dB.

Briefing: Pets as prizes

Between 2015 and 2020, there were 120 cases reported to the RSPCA of live animals given as prizes in England. While a large proportion of these was goldfish given at fairgrounds, other animals, including dogs, ducklings and horses, were also reported during this period.

Animals often do not have their welfare needs met before, during and after being given as a prize. Animals given as prizes are kept and transported in conditions that do not meet their welfare needs. Often, this results in them dying before their new owners even get them home.

Animal ownership is a big responsibility. Careful planning and prior consideration should take place before acquiring a pet and the prospective owner should have a clear understanding of the responsibilities involved. To ensure a satisfactory standard of care for their animal, prospective owners should carefully consider whether they have the necessary facilities, time, financial means and level of interest.

² www.chelmsford.gov.uk/news/chelmsford-households-to-show-2020-solidarity-with-fireworks-at-rocket-oclock/

Under the AWA 2006, it is an offence to give an animal as a prize to anyone under 16, except within the family context. The RSPCA believes this does not go far enough and despite the current law, many animal prizes are given to individuals under 16, potentially highlighting issues around enforcing existing provisions and the need to rethink.

The RSPCA would like to see legislation introduced similar to the Animal Health and Welfare (Scotland) Act 2006, which states that it is an offence to give animals as a prize, regardless of age, except within the family context.

Local authorities have the opportunity to ban giving live animals as prizes on council-owned land. In doing so, local authorities would ensure the welfare of these animals isn't compromised, and raise public awareness of the issue.

In September, Bristol City Council joined a growing list of councils to introduce a ban on giving animals as prizes on council-owned land. Bristol's Mayor, Marvin Rees, supported the campaign and instructed officers to update their events contracts to clearly exclude giving live animals as prizes³.

By banning giving live animals as prizes on Council-land, Bristol City Council, among others, has demonstrated how councils can lead the way to end this outdated practice.



³ www.bbc.co.uk/news/uk-england-bristol-58489358#:~:text=Giving%20live%20animals%20as%20prizes,Local%20Democracy%20Reporting%20Service%20said

Briefing: Sky lanterns

Sky lanterns have become increasingly common, often let off at celebration or commemoration events. They essentially function in the same way as a hot air balloon – they have a candle, or fuel cell, that heats hot air filling the lantern body and causing it to rise/float. Once released, they can fly for miles before the fuel cell burns out and falls to the ground.

Sky lanterns pose a threat for several reasons: they are a danger to animals, a fire risk, an aviation hazard, and a litter nuisance. When ingested, sharp parts of sky lanterns, like the wire frame, can tear and puncture an animal's throat or stomach causing internal bleeding. Animals can also become entangled in fallen lantern frames, where they can suffer from injury or stress trying to get free or starve to death from being trapped. Marine life is also endangered by lanterns falling into the sea.



For these reasons, the RSPCA, and many other organisations, now campaign to #EndSkyLitter⁴.

If substances or articles cause harm to the environment, human or animal health, the Secretary of State has regulatory making powers for England to prohibit or restrict their importation, use, supply or storage under Section 140 of the Environmental Protection Act 1990. We believe there is sufficient evidence to show that sky lanterns are harmful to the environment and animal health.

Almost 200 English councils have voluntarily banned sky lanterns. However, this ban only prohibits the release of sky lanterns on council-owned land. It does not cover privately-owned land, highlighting the need for a consistent approach across the UK.

We are calling on the UK Government to introduce a complete ban on the use of sky lanterns in England; to clamp down on the dangers and harm posed to our rural communities, horses, livestock and wildlife.

The RSPCA believes we can achieve the ban by introducing Regulations under the Environmental Protection Act 1990. However, in the absence of such a ban, local authorities are ideally placed to take action within their local communities on council land.

⁴ www.rspca.org.uk/getinvolved/campaign/endskylitter

Model motion

This council notes that:

- Fireworks can be a source of significant problems, fear and distress for many animals. They can cause psychological distress and injuries as animals attempt to run away or hide from the noise.
- The noise generated by fireworks has been found to be the most common cause for fear responses in dogs. The loud and sudden noise can also be a trigger for PTSD-related symptoms in humans. The debris can also pose a hazard to other animals.
- The short-lived nature of firework noise can make it difficult for the police or local authority officers to pinpoint locations and take action.
- Between 2015 and 2020, the RSPCA received 120 reports of live animals given as prizes and many more cases may go unreported each year. While most of the reports were goldfish given as prizes, other animals, including dogs, ducklings and horses, were also reported.
- Animals often do not have their welfare needs met before, during and after being given as a prize. They are kept and transported in conditions that do not meet their welfare needs, and many die before their new owners even get them home.
- In England and Wales, it is an offence to give an animal as a prize to anyone under 16 (except within the family context). However, despite the current law, many are given to individuals under 16, which highlights potential issues surrounding enforcement of existing provisions.
- An estimated 200,000 sky lanterns are released every year in the UK. As the popularity of sky lanterns increases, so too does the risk to animals and the environment.
- Sky lanterns are a danger to animals, a fire risk, an aviation hazard and a litter nuisance. When ingested, sharp parts can cause internal bleeding in animals. Animals can become entangled in fallen lantern frames and suffer from injury or stress trying to free themselves, and sometimes starve to death from being trapped. Marine life is also endangered by lanterns falling into the sea.
- In Wales, sky lantern releases are banned on council-owned land and property. In other countries, sky lantern release is considered environmentally irresponsible and classed as a crime. In England, although almost 200 councils have voluntarily banned sky lanterns on council-owned land, it remains legal to release paper lanterns.

This council resolves:

- ✓ To require the advertisement of all public firework displays within the local authority boundaries well in advance of the event.
- ✓ To actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people and measures to mitigate the risks.
- ✓ To encourage local firework suppliers to stock 'quieter' fireworks (less than 90 dB) for public display.
- ✓ To ban:
 - The giving of live animals as prizes, in any form, on [insert council name] land.
 - The release of sky lanterns on [insert council name] land.
- ✓ To write to the UK Government and urge it:
 - To introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays, and,
 - To ban:
 - The giving of live animals as prizes on both public and private land.
 - The release of sky lanterns on public and private land.

For further information or if you have any questions please contact:

politicalaffairs@rspca.org.uk

London Borough of Barnet

Animal Licensing Policy 2021-2026

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1. DEFINITION OF TERMS

In this policy the following expressions have the meaning set out below

TERM	DEFINITION
Authorised Officer	any Officer of the Council authorised under the Council's Scheme of Delegation as contained within the Constitution
Council	London Borough of Barnet
the 'Act'	The Animal Welfare Act 2006
Delegated Group Manager (within Regulatory Services)	The current post holder, (or their equivalent following any subsequent restructure), or any nominated person authorised by the Council's Scheme of Delegation
2018 Regulations	The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
Policy	London Borough of Barnet's Animal Licensing Policy
Defra	Department for Environment, Food and Rural Affairs
LACORS	Local Authorities Co-ordinators of Regulatory Services
PTIA	Pet Trade Industry Association (now known as the Pet Care Trust)
CIEH	Chartered Institute Of Environmental Health
AWF	Animal Welfare Foundation
RSPCA	Royal Society for the Prevention of Cruelty to Animals

2. INTRODUCTION

2.1. This document sets out the London Borough of Barnet's policy in respect of its licensing functions for:

- Animal Welfare licence
- Dangerous Wild Animal licence
- Zoo licence

1.1. Animal Welfare licences can authorise any or all the following activities on one premises:

- Providing or arranging for the provision of boarding for cats and dogs
- Providing boarding for cats
- Providing boarding in kennels for dogs
- Providing home boarding for dogs
- Providing day care for dogs
- Selling animals as pets
- Hiring out horses for riding or instruction
- Breeding of dogs
- Keeping or training animals for exhibition

1.2. Various pieces of legislation exist that give the Council the power to regulate animal establishment licensing. They are:

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981
- Animal Welfare Act 2006

1.3. Each piece of legislation provides its own application process, including veterinary inspections where necessary, rights of appeal and offences. This Policy sits beneath the various pieces of controlling legislation, and seeks to provide a framework for implementing the requirements of the controlling legislation.

1.4. For Zoo licences applicants should read the DEFRA Guide to the Zoo Licensing Act 1981 for more details on the application process.

[Zoo Licensing Act 1981 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/442222/zoo-licensing-act-1981-guide.pdf)

1.5. This policy will take effect from 1st October 2021.

1.6. This policy will be kept under review and before making any amendments the London Borough of Barnet will consult with licence holders and their representatives and will give consideration to all representations received within the 28-day consultation period.

1.7. The policy will be formally reviewed at least every 5 years.

3. THE ANIMAL WELFARE ACT 2006

3.1. The Animal Welfare Act 2006 (the '2006 Act') came into force on 6th April 2007, consolidating much of the existing animal health and welfare legislation. It introduced a 'duty of care' on people to ensure the needs of any animal for which they are responsible are met. A person does not have to be the owner of the animal for the 'duty of care' to apply.

- 3.2. It also creates a new offence of failing to provide for the needs of animals in a person's care, increases the penalties for animal abuse, and allows the courts to disqualify a person from being in charge of animals.
- 3.3. The 2006 Act also placed a responsibility on numerous enforcement agencies to ensure the Act is observed. The Council is one of these enforcement agencies.
- 3.4. The 2006 Act also made it unlawful to sell or transfer ownership of an animal to a person under the age of 16 unless they are accompanied by a person over 16 years of age, or they have consent of a parent or guardian.
- 3.5. The 2006 Act enabled "Codes of Practice" to be created. These codes of practice apply to anyone who owns or is responsible for the type of animal covered by the specific code and not just those holding licences. Failing to comply with any code of practice is not an offence, but failing to comply with them may be relied upon to establish liability, and compliance with them may be relied upon to negate liability. For these reasons, it is essential that applicants and licence holders observe them.
- 3.6. The 2006 Act allowed the Department for the Environment, Food and Rural Affairs (Defra) to pass regulations that may repeal or amend any of the primary licensing Acts or create new forms of licences. In April 2018 Defra exercised this power and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 were passed by the Government. These new regulations took effect on 1 October 2018.

4. THE APPLICATION

- 4.1. All applications for a licence must be made to the London Borough of Barnet either electronically using the forms on the London Borough of Barnet website or using the correct application form and addressed to:

**Licensing Team,
London Borough of Barnet,
2 Bristol Avenue,
Colindale,
NW9 4EW**

- 1.1. The application must be:

- Made in writing
- Made on the correct application form as prescribed by the London Borough of Barnet
- Accompanied by the full fee
- Accompanied by the relevant documents

- 1.1. Applicants can be an individual, a company or a partnership.

- 1.2. An incomplete or incorrectly completed application will be rejected.

5. RENEWALS

- 5.1. A correctly completed application for the renewal of a licence should be submitted before the existing licence will expire.
- 5.2. An incomplete or incorrectly completed application will be rejected
- 5.3. A renewal application will be treated the same as a new application in relation to process and determination.

6. DETERMINING OF THE APPLICATION

- 6.1. The decision to grant a licence shall be determined by authorised officer under delegated powers. However, if the officer is unable to make a decision due to exceptional or other circumstances, the application may be determined by a Licensing Sub-Committee.
- 6.2. When carrying out its functions in accordance with the legislation listed above the Council will seek to promote the following objectives:
 - Animal welfare ('the five needs')
 - Public safety
 - Prevention of nuisance (where legally permitted)

Animal Welfare

- 1.1. Section 9 of the 2006 Act introduced five overarching principles of animal welfare, known as the 'five needs'. It is the duty of any person responsible for an animal to ensure that each of these five needs are met.
- 1.2. The 'five needs' are:
 - 1) the need for a suitable environment - *by providing an appropriate environment, including shelter and a comfortable resting area;*
 - 2) the need for a suitable diet - *by ready access, where appropriate, to fresh water and a diet to maintain full health;*
 - 3) the need to be able to exhibit normal behaviour patterns - *by providing sufficient space, proper facilities and the company of an animal of its own kind, where appropriate*
 - 4) any need to be housed with, or apart from, other animals - *by providing the company of an animal of its own kind, where appropriate; and*
 - 5) the need to be protected from pain, suffering, injury and disease - *(by prevention or rapid diagnosis and treatment, and ensuring conditions and treatment which avoid mental suffering)*

Public Safety

- 1.3. In addition to the danger to the welfare of animals by unlicensed or irresponsible animal owners there is also a danger that may arise to members of the public. For instance, the effect of diseases affecting animals, or harmful bacteria stemming from poor hygiene could spread and affect other members of the public, and their animals, as well as the establishment's staff and owner.

- 1.4. Additionally, licence holders that permit members of the public onto their premises have a duty to ensure that they do not put them at risk of illness or injury. Public safety will therefore be a paramount consideration by the Council at all times.
- 1.5. Legally, only hiring out horses for riding and instruction and keeping or training animals for exhibition are required to hold public liability insurance to avoid formal action being taken against them, but to protect both the licence holder and members of the public who visit licensed premises, all licence holders are advised to have in place appropriate public liability insurance for the type of business they run.

Prevention of Nuisance

- 1.6. Nuisance can arise from noise and odours, and applicants will need to demonstrate how they will control these two factors when applying for a licence.
- 1.7. Where legally permitted by the Acts mentioned in section 1.2.1 of this policy, the Council will:
 - refuse to grant a licence where the granting of the application appears not to be in the public interest on the grounds of nuisance.
 - impose suitable conditions to ensure that no unacceptable nuisance is created from the activities of the licence holder.
 - use the powers contained in the Environmental Protection Act 1990, as part of any enforcement action, where considered necessary.

7. GRANTING THE APPLICATION

- 7.1. With the exception of the 2018 Regulations (which prescribe the general and specific conditions that a Licensing Authority must attach to a licence) each of the enabling Acts permits the Council to devise and attach conditions to a licence (in addition to any mandatory conditions that must be observed) that the Council feels are necessary or expedient to ensure the requirements of the individual Acts are upheld. The common principle with all conditions is the promotion of animal welfare.
- 7.2. Each of the Acts states clearly the criteria which the Council must be satisfied of before any licence is granted. Where the relevant Licensing Officer is not satisfied that the relevant legal requirements are met, or where an Authorised Officer or Veterinary Surgeon has raised concerns that the legal requirements or standards are not met or they are unlikely to be met, the applicant for the licence will be notified. The applicant will have the opportunity to address these matters in the hope of satisfying the relevant criteria.

8. USE OF LAND

- 8.1 **The Council generally does not approve the use of its land for licensable animal activities on its land without **express permission** from the appropriate Council departments. This includes the sale or giving away of animals/pets/fish as prizes. Interested parties are asked to communicate with the animal welfare team to discuss any such requests.**

- 8.2 On land not owned by the Council the Council does not approve of use of such land to be used for licensable animal activities on such land without **express permission** from the appropriate Council departments. This includes the sale or giving away of animals/pets as prizes. Interested parties are asked to communicate with the animal welfare team to discuss any such requests.

9. CONDITIONS

- 9.1. Licences issued under the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 will be subject only to the statutory conditions contained within the legislation.
- 9.2. Dangerous Wild Animal and Zoo licensing will be subject to any such mandatory conditions contained in any relevant legislation, in addition to any conditions considered necessary following an inspection by a suitably qualified inspector. Where a licensing authority places conditions on a licence they will be based wherever practicable on existing codes of best practice, and industry standards produced by organisations such as, but not limited to;
- a) Department for Food, Environment and Rural Affairs;
 - b) British Veterinary Association;
 - c) National Trade Associations.
- 1.1. In promoting the Council's three licensing objectives, complying with these conditions will be considered to be a minimum standard. Where a licensed establishment falls below the standard expected during the currency of the licence, the Licensing Authority may commence formal action in order to ensure animal welfare is not compromised. This could lead to the variation, suspension, revocation or refusal to renew a licence, and/or a formal prosecution being commenced.

10. STAR RATING SCHEME – ANIMAL WELFARE LICENCE ONLY

- 10.1. The 2018 Regulations introduced a star rating scheme that all licence holders are subject to, and once awarded must be displayed on the licence, and any advertising that the establishment conducts. The star rating is calculated using two criteria, risk and quality (standards). Each activity has normal and higher standards contained in the specific guidance for that activity. Compliance with the normal standards is sufficient to obtain a licence, but would not be sufficient to obtain a longer period of licence or a higher star rating.
- 10.2. It is possible to appeal the star rating awarded, and it is possible to request a re-assessment inspection if improvement works are undertaken, should applicants or licence holders wish to request a review of the star rating.
- 10.3. Star ratings and therefore licence duration can be lowered or reduced during the term of a licence if failings are evidenced.

11. REFUSAL OF AN APPLICATION

- 11.1. Each of the Acts states clearly the criteria which the Council must be satisfied of before any licence is granted. Where the relevant Licensing Officer is not satisfied that the relevant legal requirements are met, or where an Authorised Officer or

Veterinary Surgeon has raised concerns that the legal requirements or standards are not met or they are unlikely to be met, the applicant for the licence will be notified. The applicant will have the opportunity to address these matters in the hope of satisfying the relevant criteria.

- 11.2. If the Council proposes to refuse an application, a notice must be issued to the applicant/licensee setting out what the authority proposes to do and the reasons for doing it. The licence holder may make written representations which must be received by the local authority within seven working days beginning with the date of issue of notice of the decision

12. EXPIRY OF A LICENCE

- 12.1. A licence will expire on the date specified on the licence unless it is renewed in time.
- 12.2. A licence holder may surrender his/her licence by sending it to the Licensing Department of the London Borough of Barnet at which time it will cease to be valid and will expire.

13. REVOCATION OR VARIATION

- 1.2. Under the 2018 Regulations, the London Borough of Barnet may suspend, vary or revoke a licence at any time on being satisfied that—
 - the licence conditions are not being complied with,
 - there has been a breach of these Regulations,
 - information supplied by the licence holder is false or misleading, or
 - it is necessary to protect the welfare of an animal
- 1.1. If the Council proposes to refuse, suspend, vary or revoke a licence then a notice must be issued to the applicant/licensee setting out what the authority proposes to do and the reasons for doing it. The licence holder may make written representations which must be received by the local authority within seven working days beginning with the date of issue of notice of the decision.

14. FEES

- 1.1. The Council will set the fees for all animal welfare licences to recover its reasonable administrative and compliance costs
- 1.2. The current fees applicable are laid out in the Council's Fees and Charges Schedule.

15. DECISIONS

- 15.1. Decisions will be taken having regard to this Policy and the relevant legislation

16. APPEALS

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 1.1. Any operator who is aggrieved by a decision by a local authority to refuse to grant/renew a licence, or to revoke/vary a licence, may appeal to the First-tier Tribunal.
- 1.2. An operator has 28 days beginning with the day following the date of the decision to make this appeal

Zoo Licensing Act 1981

- 1.1. Any operator who is aggrieved by a decision by a local authority to refuse to grant/transfer a licence, or to add conditions or make a direction, may appeal to the Magistrates Court.
- 1.2. An operator has 28 days beginning with the day following the date of the decision to make this appeal

Dangerous Wild Animals Act 1976

- 1.1. Any person who is aggrieved by a decision by a local authority to refuse to grant their licence, or to who is aggrieved that their licence has been granted with conditions or that their licence has been variation in relation to the conditions may appeal to a Magistrates Court.

17. ENFORCEMENT

- 17.1. Any enforcement action instigated by the London Borough of Barnet will be in accordance with the relevant legislation and the current Enforcement Policy.

18. UNLICENSED TRADING

- 18.1. Unlicensed trading can have a negative impact on legitimate traders and the community as a whole and will not be tolerated by the London Borough of Barnet.

19. DATA PROTECTION, FREEDOM OF INFORMATION AND DATA MATCHING

- 1.1. The London Borough of Barnet London Borough of Barnet is the Data Controller of all personal information held by the Licensing Authority. The London Borough of Barnet will process and hold that information in accordance with principles of the Data Protection Act 2018.
- 1.2. The information supplied and held as part of the street trading application and enforcement processes may be disclosable in accordance with the Freedom of Information Act 2000 or Environmental Information Regulations 2004.
- 1.3. The information supplied in all applications will be given to the Audit Commission to participate in the National Fraud Initiative (NFI) data matching exercise and will be used for cross-system and cross authority comparison with other relevant organisations' data for the prevention and detection of fraud

APPENDIX A

GENERAL CONDITIONS APPLICABLE TO ALL 2018 REGULATIONS ANIMAL WELFARE LICENCES

A1 Licence display

A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on.

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.

A2 Records

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.

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

A3 Use, number and type of animal

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.

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.

A4 Staffing

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.

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.

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

A5 Suitable environment

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.

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.

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

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

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.

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.

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.

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.

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

A6 Suitable diet

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.

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

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

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

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

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.

A7 Monitoring of behaviour and training of animals

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

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.

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.

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

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.

A8 Animal handling and interactions

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.

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.

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

A9 Protection from pain, suffering, injury and disease

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.

All people responsible for the care of the animals must be made fully aware of these procedures.

Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.

All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.

All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.

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.

Where necessary, animals must receive preventative treatment by an appropriately competent person.

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.

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.

Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinarian.

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.

No person may euthanise 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.

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.

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.

A10 Emergencies

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.

The plan must include details of the emergency measures to be taken for the extraction of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

External doors and gates must be lockable.

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.

APPENDIX B

SPECIFIC CONDITIONS APPLICABLE TO BOARDING CATS AND DOGS

PART 1 - PROVIDING BOARDING FOR CATS CONDITIONS

B.1.1 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.

B.1.2 Suitable environment

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

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

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

Communal exercise areas are not permitted.

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.

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.

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.

Cats must have constant access to their sleeping area.

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.

Each cat unit must include an elevated area.

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

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

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

The sleeping area must form part of the cat unit and be free from draughts. Monitoring of behaviour and training of cats

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.

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.

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

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

B.1.3 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.

B.1.4 Protection from pain, suffering, injury and disease

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.

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.

All equipment must be cleaned and disinfected before a cat is first introduced into a cat unit.

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.

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.

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 CONDITIONS

B.2.1 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.

B.2.2 Suitable environment

Dogs within the premises must be prevented from coming into contact with other animals from outside the premises.

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.

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.

Each dog must have constant access to its sleeping area.

Each dog must have a clean, comfortable and warm area within its sleeping area where it can rest and sleep.

Each exercise run must have a single, safe, secure, waterproof roof over a minimum of half its total area.

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.

Only dogs from the same household may share a kennel unit.

B.2.3 Monitoring of behaviour and training

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.

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

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

Each dog must be exercised at least once daily away from its kennel unit as appropriate for its age and health.

Any dog which, on the advice of a veterinarian, cannot be exercised must be provided with alternative forms of mental stimulation.

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.

B.2.4 Records

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.

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

B.2.5 Protection from pain, suffering, injury and disease

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.

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.

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.

A "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 CONDITIONS

B.3.1 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.

B.3.2 Home

Dogs must be accommodated within the home.

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.

B.3.3 Suitable environment

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

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

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

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

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

A dog must not be kept in a crate unless—

- a) (a) it is already habituated to it,
- b) (b) a crate forms part of the normal routine for the dog, and
- c) (c) the dog’s owner has consented to the use of a crate.

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.

B.3.4 Suitable diet

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

B.3.5 Monitoring of behaviour and training

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.

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

Dogs which on the advice of a veterinarian cannot be exercised must be provided with alternative forms of mental stimulation.

B.3.6 Housing with or apart from other dogs

Written consent must be obtained from the owner or owners (as the case may be) to keep dogs together in a designated room.

Unneutered bitches must be prevented from mating.

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.

B.3.7 Records

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; a record of the date or dates of each dog's most recent vaccination, worming and flea treatments;
- (k) details of any medical treatment each dog is receiving.

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

B.3.8 Protection from pain, suffering, injury and disease

Before a dog is admitted for boarding, all equipment to be used by or in relation to that dog must be cleaned and disinfected.

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 CONDITIONS

B.4.1 Interpretation

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

B.4.2 No overnight stay

No dog may be kept on the premises overnight.

B.4.3 Suitable environment

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.

Each dog must have access to areas where it can—

- a) interact safely with other dogs, toys and people, and
- b) urinate and defecate.

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

B.4.3 Suitable diet

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

B.4.4 Monitoring of behaviour and training

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.

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.

B.4.5 Housing apart from other dogs

Unneutered bitches must be prevented from mating.

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

B.4.6 Records

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.

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

B.4.7 Protection from pain, suffering, injury and disease

The dogs must be supervised at all times.

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.

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

APPENDIX C – HORSE RIDING ESTABLISHMENTS CONDITIONS

C.1 Interpretation

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

C.2 Eligibility

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.

The certificate mentioned above must be clearly and prominently displayed on the premises.

C.3 Supervision

The activity must not at any time be left in the charge of a person aged under 18 years.

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.

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.

C.4 Suitable environment

It must be practicable to bring all the horses on the premises under cover.

Suitable storage must be provided and used for feed, bedding, stable equipment and saddlery.

All arena surfaces must be suitable for purpose, well drained, free of standing water and maintained regularly to keep them level.

C.5 Suitable diet

At all times when any horses are kept at grass, adequate pasture, shelter and clean water must be available for them.

Supplementary feed and nutrients must be provided to any horse when appropriate. 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.

C.6 Protection from pain, suffering, injury and disease

The horses must be maintained in good health and must be in all respects physically fit.

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

A daily record of the workload of each horse must be maintained and available for inspection at any reasonable time.

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.

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.

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.

An area suitable for the inspection of horses by a veterinarian must be provided.

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.

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).

C.7 Equipment

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

APPENDIX D – SELLING ANIMALS AS PETS CONDITIONS

D.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.

D.2 Records and advertisements

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).

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.

Any advertisement for the sale of an animal must:

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

D.3 Prospective sales: pet care and advice

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

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.

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

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

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.

D.4 Suitable accommodation

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

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.

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

“Dangerous wild animal” means an animal of a kind specified in the first column of the Schedule to the Dangerous Wild Animals Act 1976(1).

D.5 Purchase and sale of animals

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.

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

D.6 Protection from pain, suffering, injury and disease

All animals for sale must be in good health.

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.

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

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

APPENDIX E – BREEDING OF DOGS CONDITIONS

E.1 Advertisements and sales

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(1) 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.

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.

The licence holder and all staff must ensure that any equipment and accessories being sold with a dog are suitable for it.

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.

No puppy aged under 8 weeks may be sold or permanently separated from its biological mother.

A puppy may only be shown to a prospective purchaser if it is together with its biological mother.

The above 2 paragraphs 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.

E.2 Suitable environment

Each dog must have access to a sleeping area which is free from draughts and an exercise area.

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.

The exercise area must not be used as a sleeping area.

Part or all of the exercise area must be outdoors.

There must be a separate whelping area for each breeding bitch to whelp in which contains a suitable bed for whelping.

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.

Each dog must be provided with constant access to a sleeping area.

A separate bed must be provided for each adult dog.

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.

No breeding bitch may be transported later than 54 days after the date of successful mating except to a veterinarian.

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.

Each dog's sleeping area must be clean, comfortable, warm and free from draughts.

In this paragraph, "exercise area" means a secure area where dogs may exercise and play.

E.3 Suitable diet

Staff must:

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

E.4 Monitoring of behaviour and training

The licence holder must implement and be able to demonstrate use of a documented socialisation and habituation programme for the puppies.

Each dog must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.

Except in the circumstances mentioned in sub-paragraph (4), all adult dogs must be exercised at least twice daily away from their sleeping area.

Where a veterinarian has advised against exercising a dog, the dog must be provided with alternative forms of mental stimulation.

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.

E.5 Housing with or apart from other dogs

Each adult dog must be provided with opportunities for social contact with other dogs where such contact benefits the dogs' welfare.

Each adult dog must be given suitable and adequate opportunities to become habituated to handling by people.

Procedures must be in place for dealing with dogs that show abnormal behaviour.

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.

E.6 Protection from pain, suffering, injury and disease

All dogs for sale must be in good health.

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.

The licence holder must ensure that no bitch:

- is mated if aged less than 12 months;
- gives birth to more than one litter of puppies in a 12-month period;
- gives birth to more than six litters of puppies in total;
- is mated if she has had two litters delivered by caesarean section.

The licence holder must ensure that each puppy is microchipped and registered to the licence holder before it is sold.

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.

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.

Breeding bitches must be adequately supervised during whelping and the licence holder must keep a record of—

- the date and time of birth of each puppy,
- each puppy's sex, colour and weight,
- placentae passed,
- the number of puppies in the litter, and
- any other significant events.

The licence holder must keep a record of each puppy sale including:

- the microchip number of the puppy,
- the date of the sale, and
- the age of the puppy on that date.

The licence holder must keep a record of the following in relation to each breeding dog:

- its name,
- its sex,
- its microchip and database details,

- its date of birth,
- the postal address where it normally resides,
- its breed or type,
- its description,
- the date or dates of any matings, whether or not successful,
- details of its biological mother and biological father,
- details of any veterinary treatment it has received, and
- the date and cause of its death (where applicable).

In addition, the licence holder must keep a record of the following in relation to each breeding bitch:

- the number of matings,
- its age at the time of each mating,
- the number of its litters,
- the date or dates on which it has given birth, and
- the number of caesarean sections it has had, if any.

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.

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.

The licence holder must keep a record of any preventative or curative healthcare (or both) given to each dog.

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.

APPENDIX F – KEEPING OR TRAINING ANIMALS FOR EXHIBITION CONDITIONS

F.1 Insurance

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

F.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.

F.3 Suitable environment

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

F.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. Housing with or apart from other animals

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.

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.

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.

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.

F.5 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 after the change.

F.6 Protection from pain, suffering, injury and disease

A register must be kept of each animal exhibited or to be exhibited which must include:

- (i) the full name of its supplier,
- (ii) its date of birth,
- (iii) the date of its arrival,
- (iv) its name (if any), age, sex, neuter status, description and microchip or ring number (if applicable),
- (v) the name and contact details of the animal's normal veterinarian and details of any insurance relating to it,

- (vi) 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,
- (vii) a record of the date or dates of the animal's most recent vaccination, worming and flea treatments, and
- (viii) the distance to and times taken for it to travel to and from each exhibition event.

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.

All the animals used in exhibition events must be in good physical and mental health. The exhibited animals must be suitable for the specific conditions, type of enclosure and actions involved in the exhibition.

Any equipment, chemicals and other materials used in the exhibition must not cause the animals pain, discomfort, fatigue or stress.

The animals must be transported in suitable, secure and appropriately labelled carriers.

The licence holder or the licence holder's staff must undertake a risk assessment before each exhibition event.

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.

APPENDIX G – DANGEROUS WILD ANIMALS CONDITIONS

G.1 General

These Standard Conditions will apply to all licences unless disapplied or varied by the delegated Group Manager (within Regulatory Services).

The granting of a licence for a Dangerous Wild Animal shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than the Dangerous Wild Animals Act 1976 (as amended).

G.2 Standard conditions

While any animals are being kept under the authority of this licence;

- (a) the animal shall be kept by no person other than the person specified in the licence,
- (b) the animal shall normally be held at such premises as specified in the licence,
- (c) the animal shall not be moved from those premises except for veterinary treatment or with the written consent of the Council
- (d) the licence holder shall hold a current insurance policy which insures him/her, and any other person entitled to keep the animal under the authority of this licence, against liability for any damage which may be caused by the animal, the terms of such policy being satisfactory in the opinion of the Council,
- (e) the public liability insurance required in (iv) above shall provide cover to a minimum of ten million pounds. This figure may be reduced according to the number and species of animals, however, a minimum cover of ten million pounds is required unless stated otherwise on the licence.

The species and number of animals of each species which may be kept under the authority of this licence shall be restricted to those specified in the Schedule of Animals attached to the licence.

The licence holder shall, at all reasonable times, make available the licence to any person entitled to keep any animal under the authority of the licence.

Any change in species, or increase in numbers of a species, will only be permitted if written consent of the Council is first obtained and the Schedule of Animals attached to the licence is amended by the Council.

G.3 Special conditions

Given the unique nature of these establishments, the Council may impose specific special conditions relating to the individual premises based on the species and number of each species kept. These conditions would be imposed in consultation with a specialist veterinary surgeon, or other recognised expert, and attached to the licence as a Schedule of Special Conditions.

APPENDIX H – ZOO CONDITIONS

H.1 General

These Standard Conditions will apply to all licences unless disapplied or varied by the delegated Group Manager (within Regulatory Services).

The granting of a licence for a Zoo shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than the Zoo Licensing Act 1981 (as amended).

The licence holder must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance. Proof of this to be deposited with the Licensing Authority.

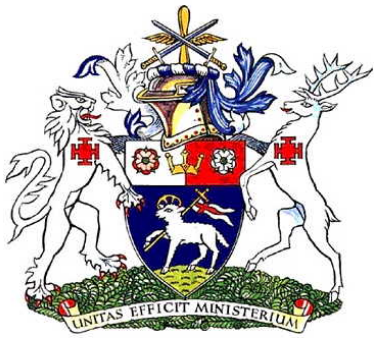
H.2 Standard conditions

All licences issued by the Council will be subject to DEFRA's Standards of Modern Zoo Practice.

[Secretary of State's standards of modern zoo practice - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

As DEFRA's document is a 'live document', last updated in September 2012, it is not practical to list the document in its entirety. All establishments will be inspected by an authorised person using the inspection form contained within the DEFRA document having regard to the standards set by DEFRA.

As each establishment is unique, the Council may amend the standards required by DEFRA where recommended by a specialist veterinary surgeon. Unless a licence specifically states otherwise, the DEFRA Standards of Modern Zoo Practice will apply.



Licensing Committee AGENDA ITEM 8

20 February 2023

Title	Licensing Fees and Charges
Report of	Executive Director of Assurance
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix 1 – Fees & Charges List Appendix 2 – Statutory Fees & Charges List
Officer Contact Details	Clair Green, Executive Director of Assurance Clair.Green@barnet.gov.uk Ash Shah Regulatory Services Group Manager Ash.shah@barnet.gov.uk Tel: 020 8365 2165

Summary

This report aims to inform the Licensing Committee of the fees and charges specific to the Licensing Team, that have been approved by the Policy and Resources Committee for 2023 – 2024.

Officers Recommendations

1. This report is for information purposes only.

1. Why this report is needed

- 1.1 Fees and charges are considered annually to comply with legislative changes, to take into account inflation (where applicable), the cost of service provision and any new opportunities to improve the service offered to the residents and service users.
- 1.2 This report presents the fees and charges for the current year for those that fall within the remit of this committee. The fees and charges which are not governed by statute have been increased inline this the rate of inflation.
- 1.3 It is noted that a comprehensive 'cost of service provision' assessment for licensing fees (excluding the Licensing Act 2003 which are set by statute) has not been undertaken by the Licensing Department for a number of years.
- 1.4 A full 'cost of service provision' assessment will be undertaken by the Licensing Team so that we can ensure that all future fees are being set in line with up-to-date legislative requirements and using current data sources.

2. Reasons for recommendations

- 2.1 This report has been provided in order to update the Licensing Committee of the fees being charged for licensed by the Licensing Team

3. Alternative options considered and not recommended

- 3.1 None

4. Post decision implementation

- 4.1 This report is for information and noting only.

5. Implications of decision

5.1 Corporate Priorities and Performance

- 5.1.1 The fees being charged fully support the objectives contained within the corporate plan.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 There are very limited resources implications of this report.

5.3 Legal and Constitutional References

- 5.3.1 Article 7 – Committees, Forums, Working Groups and Partnerships states that the Licensing Committee is; for all policy matters relating to licensing with licencing hearings concerning all licencing matters delegated to sub-committees.
- 5.3.2 A number of fees and charges are prescribed by statute (eg. Licensing Act 2003 (Fees) Regulations 2005), as a set amount, in which case they are statutory prescribed charges (See Appendix 2). For other fees and charges the relevant legislation may provide that a

charge can be made for providing the service but the amount of the charge is discretionary, within the remit of the legislation, often limited to cost recovery only, or a reasonable amount, or within a range/maximum amount. The authority therefore sets the amount of the charge accordingly.

5.3.3 Some of the charges shown in the Appendix 1 may be covered by the European Services Directive and the Provision of Services Regulations 2009, which implements the Directive. This requires that fees charged in relation to authorisations must be reasonable and proportionate to the cost of the process, and the European Court of Justice ruling in the *Hemming v Westminster City Council* case confirmed that a fee covering the administration costs of processing an application should be charged separately from the charge (to successful applicants) for enforcing the regime. It is not possible to charge one fee at the outset and then refund unsuccessful applicants the enforcement part of the fee. The two must be charged separately.

5.4 **Insight**

5.4.1 Not relevant to this report

5.5 **Social Value**

5.5.1 None

5.6 **Risk Management**

5.6.1 None

5.7 **Equalities and Diversity**

5.7.1 Pursuant to the Equality Act 2010 the Council, in the exercise of its functions, has to have 'due regard' to:

- (i) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (ii) (ii) advancing equality of opportunity between those with a relevant protected characteristic and those without; and
- (iii) (iii) fostering good relations between those with a relevant protected characteristic and those without.

The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation.

5.8 **Corporate Parenting**

5.8.1 Not applicable in the context of this report

5.9 **Consultation and Engagement**

5.9.1 Not Applicable in the context of the report

5.10 **Environmental Impact**

5.10.1 There are no direct environmental implications from noting the recommendations.

Implementing the recommendations in the report will lead to a positive impact on the Council's carbon and ecology impact, or at least it is neutral.

6. Background papers

6.1 [Policy & Resource committee decisions of Thursday 29th September 2022](#)

Licensing Act 2003 – Fees set by statute

Gambling Act 2005 Licence Fees		Agenda Annex
New Bingo Premises	Per application	£1,259.54
New Adult Gaming Centre	Per application	£1,000.00
New Betting Premises Track	Per application	£1,250.00
New Family Entertainment Centre	Per application	£1,000.00
New Betting Premises (Other)	Per application	£1,259.54
Bingo Premises annual fee		£663.90
Adult Gaming Centre annual fee		£663.90
Betting Premises Track annual fee		£663.90
Family Entertainment Centre annual fee		£663.90
Betting Premises (Other) annual fee		£663.90
Bingo Premises Provisional Statement	Per application	£1,224.31
Adult Gaming Centre Provisional Statement	Per application	£1,224.31
Betting Premises Track Provisional Statement	Per application	£1,045.95
Family Entertainment Centre Provisional Statement	Per application	£1,045.95
Betting Premises (Other) Provisional Statement	Per application	£1,224.31
Bingo Premises Application Fee – Provisional Statement Holders	Per application	£1,145.04
Adult Gaming Centre Application Fee – Provisional Statement Holders	Per application	£1,145.04
Betting Premises Track Application Fee – Provisional Statement Holders	Per application	£950.00
Family Entertainment Centre Application Fee – Provisional Statement Holders	Per application	£950.00
Betting Premises (Other) Application Fee – Provisional Statement Holders	Per application	£1,145.04
Bingo Premises transfer	Per application	£1,200.00
Adult Gaming Centre transfer	Per application	£1,200.00
Betting Premises Track transfer	Per application	£950.00
Family Entertainment Centre transfer	Per application	£950.00

Betting Premises (Other) transfer	Per application	£1,200.00
Bingo Premises Variation	Per application	£1,167.06
Adult Gaming Centre Variation	Per application	£1,000.00
Betting Premises Track Variation	Per application	£1,167.06
Family Entertainment Centre Variation	Per application	£1,000.00
Betting Premises (Other) Variation	Per application	£1,167.06
Bingo Premises Reinstatement	Per application	£660.60
Adult Gaming Centre Reinstatement	Per application	£660.60
Betting Premises Track Reinstatement	Per application	£660.60
Family Entertainment Centre Reinstatement	Per application	£660.60
Betting Premises (Other) Reinstatement	Per application	£1,200.00
All other Gambling Act fees are set my statute		

Street Trading licence Fees			
Street Trading – Permanent licences	Per application	£629.77 per annum	Fee 1 £134.32 Fee 2 £495.45
Street Trading – Temporary Licences	Per application	£458.02 per 6 months	Fee 1. £110.10 Fee 2. £347.92
		£205.89 up to 2 months	Fee 1. £110.10 Fee 2. £95.79
Demarcation of a street trading pitch by insertion of studs into the footway or road	Per stud		£25.19
Pavement Licence set by statute			

A Board Licence Fees			
Licence to place an Advertising or 'A' Board on the public highway	Per application	£159.64	Fee 1 £114.5 Fee 2 £45.14

Street Market Licence Fees		
Permanent Street Market Traders Licence	Per month	£16.52
Occasional Street Market Traders Licence - Band 1: Less than 30 traders. Per event up to 7 days	Per trader, per event	£19.82

Occasional Street Market Traders Licence - Band 1: Less than 30 traders. One day event	Per trader	£16.52
Occasional Street Market Traders Licence - Band 2: More than 30 traders. Per event up to 7 days	Per trader. Per event	£13.21
Occasional Street Market Traders Licence - Band 2: More than 30 traders. One Day event	Per trader	£11.01

Scrap Metal Licence Fees		
Site Licence New	Per application	Fee 1 £142.03 Fee 2 £545
Site Licence variation	Per application	Fee 1 £126.62 Fee 2 £145.33
Site Licence Renewal	Per application	Fee 1 £135.42 Fee 2 £401.87
Site Licence Duplicate licence	Per application	£23.67
Site Licence - Change of details	Per application	£35.78
Collectors Licence New	Per application	Fee 1 £127.72 Fee 2 £190.47
Collectors Licence Variation	Per application	Fee 1 £121.11 Fee 2 £33.03
Collectors Licence renewal	Per application	Fee 1 £124.41 Fee 2 £115.61
Collectors Licence duplicate	Per application	£23.67
Collectors Licence - Change of details	Per application	£35.78

Special Treatment licence Fees		
Band A New licence	Each	£176.16 Application £110.10 licence
Band A Renewal licence	Each	£117.81 Application fee £110.10 licence
Band B New licence	Each	£274.15 Application fee £110.10 licence fee
Band B Renewal licence	Each	£218 application £110.10 licence fee
Band C New licence	Each	£396.36 application £110.10 licence fee
Band C Renewal licence	Each	£352.32 application £110.10 licence fee
Band A Transfer and Variation Fee	Each	£72.12
Band B Transfer and Variation Fee	Each	£92.48
Band C Transfer and Variation Fee	Each	£112.30
Additional licensing fee for Laser Removal of hair and intense pulsed light treatments	Each	£85.88

EH Special Treatment Licences - Sole trader based at home	each application	£10 discount on licence fee for all new and renewal applications
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Animal Welfare Licence Fees		
Licence application fee under	per application	£143.13
inspections fee animal boarding	per inspection	As per City of London published fees and charges
inspection fee home boarding	per inspection	As per City of London published fees and charges
inspection fee breeding establishments	per inspection	As per City of London published fees and charges
inspection fee performing animals	per inspection	As per City of London published fees and charges
inspection fee riding establishments >30 horses	per inspection	As per City of London published fees and charges
inspection fee riding establishments >15 & <30 horses	per inspection	As per City of London published fees and charges
inspection fee riding establishments ,15 horses	per inspection	As per City of London published fees and charges
Animal Welfare (Licensing of Activities) - New Application	Each	Fee 1 £144.23 plus inspection Fee 2 Annual fee £170.66
Animal Welfare (Licensing of Activities) - Variation of Licence	Each Application	£143.13 plus inspection fee (if required)
Animal Welfare (Licensing of Activities) - Transfer	Each Application	£143.13
Animal Welfare (Licensing of Activities) - Change of details	Each Application	£23.12
Animal Welfare (Licensing of Activities) - Duplicate Licence	Each Application	£23.12
Animal Welfare (Licensing of Activities) - Request revisit	Each Application	£45.69 plus inspection fee
Animal Welfare (Licensing of Activities) - Annual Fee	On Grant of application and annually on grant date	£171.76

Dangerous Wild Animal and Zoo Licence Fees		
New	Each	£115.60 application fee £451.41 licence fee
Renewal	Each	£114.50 application fee £440.40 licence fee

Zoo (Zoo Licensing Act 1981)	Each	Costs Occurred including administration costs
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Sex Establishment Licence Fees		
Sex Establishments - new	Per application	Fee 1. £1256.24 Fee 2. £1353.13
Sex Establishments - renewal	Per application	Fee 1. £1256.24 Fee 2. £1353.13

Film classification Fees		
Fee for classification of a film	Per film	£115.61

Hypnotism Licence Fees		
Hypnotism	Per Event	£24.22

Explosives Licence Fees – Set by Statute		
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Licensing Act 2003 set by statute

New Premises Licence / Club Premises Certificate	Per application	Band A - £100, Band B - £190, Band C - £315, Band D - £450, Band E - £635										
Premises Licence / Club Premises Certificate - Provisional Statement	Per application	Agenda Annex 2 £315.00										
Premises licence/Club premises Certificate variation	Per application	band A - £100, Band B - £190, Band C - £315, Band D - £450, Band E - £635										
Premises licence/Club premises Certificate - additional fees (new & variation)	Per application	<table border="0"> <tr> <td>5000 - 9999 people: £1,000</td> <td>10,000-14999 people: £2,000</td> </tr> <tr> <td>15000 - 19999 people: £4,000</td> <td>20000 - 29999 people: £8,000</td> </tr> <tr> <td>30000 - 39999 people: £16,000</td> <td>40000 - 49999 people: £24,000</td> </tr> <tr> <td>50000 - 59999 people: £32,000</td> <td>60999 - 69999 people: £40,000</td> </tr> <tr> <td>70000 - 79999 people: £48,000</td> <td>80000 - 89999 people: £56,000</td> </tr> </table>	5000 - 9999 people: £1,000	10,000-14999 people: £2,000	15000 - 19999 people: £4,000	20000 - 29999 people: £8,000	30000 - 39999 people: £16,000	40000 - 49999 people: £24,000	50000 - 59999 people: £32,000	60999 - 69999 people: £40,000	70000 - 79999 people: £48,000	80000 - 89999 people: £56,000
5000 - 9999 people: £1,000	10,000-14999 people: £2,000											
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30000 - 39999 people: £16,000	40000 - 49999 people: £24,000											
50000 - 59999 people: £32,000	60999 - 69999 people: £40,000											
70000 - 79999 people: £48,000	80000 - 89999 people: £56,000											
Premises licence/Club Premises Certificate - Annual Fee	each	Band A - £70, Band B - £180, Band C - £295, Band D - £320, Band E - £350										
Premises licence/Club premises Certificate - Annual fee additional fees	Per application	<table border="0"> <tr> <td>5000 - 9999 people: £500</td> <td>10,000-14999 people: £1,000</td> </tr> <tr> <td>15000 - 19999 people: £2,000</td> <td>20000 - 29999 people: £4,000</td> </tr> <tr> <td>30000 - 39999 people: £8,000</td> <td>40000 - 49999 people: £12,000</td> </tr> <tr> <td>50000 - 59999 people: £16,000</td> <td>60999 - 69999 people: £20,000</td> </tr> <tr> <td>70000 - 79999 people: £24,000</td> <td>80000 - 89999 people: £28,000</td> </tr> </table>	5000 - 9999 people: £500	10,000-14999 people: £1,000	15000 - 19999 people: £2,000	20000 - 29999 people: £4,000	30000 - 39999 people: £8,000	40000 - 49999 people: £12,000	50000 - 59999 people: £16,000	60999 - 69999 people: £20,000	70000 - 79999 people: £24,000	80000 - 89999 people: £28,000
5000 - 9999 people: £500	10,000-14999 people: £1,000											
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30000 - 39999 people: £8,000	40000 - 49999 people: £12,000											
50000 - 59999 people: £16,000	60999 - 69999 people: £20,000											
70000 - 79999 people: £24,000	80000 - 89999 people: £28,000											
Premises Licence - Transfer	Per application	£23.00										
Premises Licence - DPS variation	Per application	£23.00										
Temporary Event Notice/Late Temporary Event Notice	Per Notice	£21.00										
Personal Licence Application - New & Renewal	Per application	£37.00										
Duplicate copy of premises licence/ Club premises Certificate & personal licence	Per application	£10.50										
Change of details of premises licence/ Club premises Certificate & personal licence	Per application	£10.50										
Notification of Interest	per notification	£21.00										
Interim Authority Notice	per notification	£23.00										
Minor Variation Application	Per application	£89.00										

Gambling Act 2005 set by statute

Notification of change of circumstances fee – All Premises	Per application	£50.00
Copy of Licence Fee – All Premises	Per application	£25.00
Licensed premises Gaming Machine Permit - New	Per application	£150.00
Licensed premises Gaming Machine Permit - Annual Fee	each	£50.00
Licensed premises Gaming Machine Permit - Variation	Per application	£100.00
Licensed premises Gaming Machine Permit - Transfer	Per application	£25.00

Notification of two of less gaming machines	per notification	£50.00
Club Gaming Permit - New	Per application	£200.00
Club Gaming Permit - Annual fee	each	£50.00
Club Gaming Permit - Variation	Per application	£100.00
Club Gaming Permit - New	Per application	£200.00
Club Gaming Permit - Annual fee	each	£50.00
Club Gaming Permit - Variation	Per application	£100.00
Prize Gaming Permit - New	Per application	£300.00
Prize Gaming Permit - renewal	Per application	£300.00
Prize Gaming Permit - Change of name	Per application	£25.00
Unlicensed Family Entertainment Centres - New	Per application	£300.00
Unlicensed Family Entertainment Centres - Renewal	Per application	£300.00
Unlicensed Family Entertainment Centres - Change of Name	Per application	£25.00
Copy of All Permits	Per application	£15.00
Small Society Lottery - New registration	Per registration	£40.00
Small society Lottery - Renewal	each	£20.00

Pavement Licence set by statute

Pavement Licence	Per Application	£100
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Explosives Licence Fees – Set by Statute

Licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, a minimum separation distance of greater than 0 metres is prescribed	Per application (1-5 years)	statutory maximum for each type (1-5 years) as set by HSE 1 Year: £111 / £189 2 Years: £144 / £248 3Years: £177 / £311 4Years: £211 / £382 5 Years: £243 / £432
Renewal of licence to store explosives where a minimum separation distance of greater than 0 metres is prescribed	Per application (1-5 years)	statutory maximum for each type (1-5 years) as set by HSE 1 Year: £55 / £88 2 Years: £88 / £150 3Years: £123 / £211 4Years: £155 / £272 5 Years: £189 / £333

Licence to store explosives where no minimum separation distance or a 0 metres minimum separation distance is prescribed	Per application (1-5 years)	statutory maximum for each type (1-5 years) as set by HSE
Renewal of licence to store explosives where no minimum separation distance or a 0 metres minimum separation distance is prescribed	Per application (1-5 years)	statutory maximum for each type (1-5 years) as set by HSE
Varying the name of licensee or address of site	Per application	statutory maximum as set by HSE £37
Transfer of licence	Per application	statutory maximum as set by HSE £37
Replacement of licence if lost	Per application	statutory maximum as set by HSE £37
Any other kind of variation	Per application	37 The reasonable cost of the licensing authority of having the work carried out

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