

**MEETING**

**LICENSING COMMITTEE**

**DATE AND TIME**

**WEDNESDAY 13TH FEBRUARY, 2019**

**AT 6.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG**

**TO: MEMBERS OF LICENSING COMMITTEE (Quorum 3)**

Chairman: Councillor John Marshall MA (Hons)  
Vice Chairman: Councillor John Hart BA (Hons) MA

Linda Freedman  
Val Duschinsky  
Alison Cornelius

Lachhya Bahadur Gurung  
Wendy Prentice  
Claire Farrier

Zakia Zubairi  
Barry Rawlings  
Danny Rich

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 8 February 2019 at 10AM. Requests must be submitted to [jan.natynczyk@barnet.gov.uk](mailto:jan.natynczyk@barnet.gov.uk) 020 8359 5129

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

**Andrew Charlwood – Head of Governance**

Governance Service contact: [jan.natynczyk@barnet.gov.uk](mailto:jan.natynczyk@barnet.gov.uk) 020 8359 5129

Media Relations Contact: Gareth Greene 020 8359 7039

**ASSURANCE GROUP**

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## ORDER OF BUSINESS

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1.	Minutes	3 - 6
2.	Absence of Members	
3.	Disclosable Pecuniary interests and Non Pecuniary interests	
4.	Report of the Monitoring Officer (if any)	
5.	Public Question and Comment (if any)	
6.	Members Item (if any)	
7.	Animal Welfare Licensing Policy	7 - 46
8.	Any item(s) that the Chairman decides is urgent	

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## Decisions of the Licensing Committee

12 November 2018

Members Present:-

AGENDA ITEM 1

Councillor John Marshall (Chairman)

Councillor John Hart (Vice-Chairman)

Councillor Linda Freedman

Councillor Val Duschinsky

Councillor Alison Cornelius

Councillor Lachhya Gurung

Councillor Claire Farrier

Councillor Zakia Zubairi

Councillor Barry Rawlings

Councillor Danny Rich

Apologies for Absence

Councillor Wendy Prentice

### 1. MINUTES

**RESOLVED** that the minutes of the meeting held on 19 July 2018, be agreed as a correct record.

### 2. ABSENCE OF MEMBERS

An apology had been received from Councillor Prentice.

### 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. LICENSING FOR ANIMAL ACTIVITIES - FEES AND CHARGES

This report sought approval from Members to adopt the new fees and charges in relation to animal activity applications.

The Chairman felt that a special meeting of this Committee should be convened in February 2019, to define the policy on this matter, as there wasn't currently one in place.

Members of the Committee asked if dog walking businesses were included in this, as there had been an increase in anti-social behaviour in this area.

Officers confirmed that dog walking was not included and was currently being dealt with separately by the Anti-Social Behaviour Team. A report on this matter could also be submitted to the special meeting in February 2019.

The following was unanimously agreed:

**RESOLVED that**

- 1. That the draft fees be approved by the Committee with immediate effect.**
- 2. The fees be submitted to the next Policy and Resources Committee for noting.**
- 3. A special meeting of this Committee be convened in February 2019 for the reasons outlined above.**

**7. SEX ESTABLISHMENT AND SEX ENTERTAINMENT VENUES POLICY**

This report sought approval from Members to adopt the 2018-2023 draft policy in relation to sex establishments and sex entertainment venues following a review of the current one and a public consultation exercise.

The following was unanimously agreed:

- 1. That the proposed Sex Establishment and Sex Entertainment Venues Policy be approved by the Committee.**

**8. FIREWORKS LICENCE POLICY**

The report sought approval from Members to adopt this policy in relation to Fireworks Licenses.

The following was unanimously agreed:

**RESOLVED that the draft policy be approved by the Committee for adoption.**

**9. GAMBLING POLICY**

It was noted that The Gambling Act 2005 placed a responsibility on local authorities to publish a statement of principles in respect of how it will licence gambling premises every three years. The London Borough of Barnet's policy was due for renewal and this report attached a revised statement of principles.

Officers also updated the Committee on a recent operation, which focussed on under 18's being sent into to local pubs to try and use gambling machines. Only one of the pubs stopped the under 18 from using gambling machines within their premises within three minutes of entering the premises. Members felt that there was a need to focus on this area of Licensing and to enhance publicity around this.

The Committee unanimously agreed the following:

**RESOLVED**

- 1. That the draft Gambling Statement of Principles (appendix 1) be approved by the Committee;**
- 2. That the Committee recommend that this Statement of Principles be adopted at the next meeting of the Full Council (18th December 2018).**

**10. STREET TRADING FEES AND CHARGES**

This report sought approval to adopt the fees and charges outlined in the report in relation to street trading applications.

**RESOLVED that**

- 1. The draft fees and charges be approved by the Committee for adoption;**
- 2. The fees be submitted to Policy and Resources Committee for noting.**

**11. ANY ITEM(S) THAT THE CHAIRMAN DECIDES IS URGENT - LOCAL LICENSING AND COMMUNITY IMPACT**

The Chairman declared the following item, raised by Councillor Rawlings, as urgent:

**Local Licensing and Community Impact**

The Public Health Update on Substance Misuse presented to the Barnet Safer Communities Board (SCPB) on 26 October highlighted the importance of local prevention opportunities to impact in some areas through a co-ordinated partnership approach across the Council.

The report noted that “the evidence indicated that influencing local licensing policy was one of the most effective ways to prevent alcohol related harm” and “recommended that there should be improved recognition of alcohol-related harm in the local licensing policy with a commitment to use local crime, health and social care data to inform policy and planning”.

There were a number of areas in Barnet where misuse of alcohol is resulting in higher levels of anti-social behaviour - including Burnt Oak (where a PSPO has just been introduced), Cricklewood and parts of Edgware. However, our local licensing policies are

currently not flexible / robust enough to prevent the proliferation of licensed premises in problem areas.

Guidance issued by the Secretary of State in April this year under Section 182 of the 2003 Licensing Act sets out that councils can use their powers to adopt policies that help reduce alcohol-related anti-social behaviour in particular areas. This had resulted in the introduction of 'Cumulative Impact Zones' (CIZ) in areas that councils had identified as problematic due to the concentration of licensed premises. In these areas, there was a rebuttable presumption that any new application for a premises licence, or variation of one that could increase alcohol sales, would be refused. The onus was on applicants to prove that their premises will not have an adverse effect on the local community.

This was one initiative that was available to the Council as an option to try to reduce alcohol-related harm.

**It was moved by Councillor Rawlings and seconded by Councillor Alison Cornelius that:**

**a comprehensive review of LB Barnet's Licensing policy and regime is carried out with input from all relevant stakeholders and strategic partners, together with examples of all initiatives in other areas that are having a positive impact on alcohol-related harm and anti-social behaviour, with recommendations brought to the special meeting of the Licensing Committee in February 2019.**

The above motion was unanimously approved.

**RESOLVED that a comprehensive review of LB Barnet's Licensing policy and regime is carried out with input from all relevant stakeholders and strategic partners, together with examples of all initiatives in other areas that are having a positive impact on alcohol-related harm and anti-social behaviour, with recommendations brought to the special meeting of the Licensing Committee in February 2019.**

The meeting finished at 7.42pm

	<h2>Licensing Committee</h2> <h3>13 February 2019</h3>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Animal Welfare Licensing Policy</b></p>
<p style="text-align: right;"><b>Report of</b></p>	<p>Commissioning Director for Environment</p>
<p style="text-align: right;"><b>Wards</b></p>	<p>All</p>
<p style="text-align: right;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: right;"><b>Urgent</b></p>	<p>No</p>
<p style="text-align: right;"><b>Key</b></p>	<p>No</p>
<p style="text-align: right;"><b>Enclosures</b></p>	<p><b>Appendix 1 – Draft Policy</b></p>
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>Emma Phasey                  Group Manager Community Protection (Regulation)  <a href="mailto:Emma.phasey@barnet.gov.uk">Emma.phasey@barnet.gov.uk</a></p>

<h3>Summary</h3>
<p>This report seeks approval from Members to consult on the attached policy in relation to Animal Welfare Licences.</p>

<h3>Officers Recommendations</h3>
<p>1. That Committee authorise the Licensing team to commence a 6-week consultation on the draft policy for Animal Welfare Licences</p>

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 In April 2018 the Government passed the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (hereinafter referred to as “the Regulations”). The Regulations replaced a number of pieces of legislation that governed the licensing of animals. The Regulations came into force on 1 October 2018.
- 1.2 The main purpose of the Regulations is to introduce an updated licensing system in England for five activities involving animals:
- a) selling animals as pets;
  - b) providing for or arranging for the provision of boarding for cats or dogs;
  - c) hiring out horses;
  - d) dog breeding; and,
  - e) keeping or training animals for exhibition.
- 1.3 The Regulations primarily repeal or amend the following pieces of legislation:
- Animal Boarding Establishments Act 1963;
  - Breeding of Dogs Act 1973;
  - Breeding of Dogs Act 1991;
  - Pet Animals Act 1951;
  - Performing Animals (Regulation) Act 1925;
  - Riding Establishments Act 1964.
- 1.4 The London Borough of Barnet does not currently have a policy in relation to dealing with applications for these licences. It is best practice to have a policy in relation to licence application processes and decisions.
- 1.5 The proposed new policy in Appendix 1 outlines the application process and gives details on the grounds that the Licensing Team will consider applications for the grant or refusal of a licence or the revocation of a licence. The policy also outlines the appeals process available to an applicant or licence holder.
- 1.6 The Licensing team propose to consult on the draft policy for six weeks. The consultation will be sent to all current licence holders, ward Councillors, Metropolitan Police, Fire Brigade and any other relevant parties.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 It is best practice to have policies for each different licensing regime in order to ensure consistency of approach. This ensures clarity for traders and other interested parties in both the application and enforcement processes.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 **Do nothing** – However the London Borough of Barnet should ensure that its policies are kept under regular review and remain up to date with current guidance and best practice.

Not implementing a policy for this kind of licensing could lead to an inconsistent approach or decision making, susceptible to legal challenge.

### **4. POST DECISION IMPLEMENTATION**

- 4.1 The Licensing Team will commence a consultation on the policy and report back to the Licensing Committee at the July 2019 meeting.

### **5. IMPLICATIONS OF DECISION**

#### **5.1 Corporate Priorities and Performance**

- 5.1.1 The Policy will support objectives contained within the corporate plan. In particular in relation to a “successful place” and “quality service” by ensuring that only legal, well-regulated trading is permitted within the borough.

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

5.2.1 Administration and enforcement is carried out by the Licensing team in Re, together with support from HB Public Law and from Governance Services, when arranging and co-ordinating arrangements for hearings.

5.2.2 In relation to the decisions made as the Licensing Authority there is always a risk of an appeal. However making consistent decisions in line with agreed policies, guidance and procedures minimises this risk.

- 5.2.3 The recommendations within this report have no financial implications as this will be delivered within existing resources

#### **5.3 Social Value**

- 5.3.1 Not relevant to this report

#### **5.4 Legal and Constitutional References**

- 5.4.1 The Local Authority has been provided powers under Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 in order to be able to licence persons in relation to animal activities.
- 5.4.2 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.”*

## **5.5 Risk Management**

- 5.5.1 It is prudent to monitor performance to ensure that the Licensing function is delivered efficiently and effectively.
- 5.5.2 It is important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to all Licensing. It needs to ensure that the risk of non-compliance and the regulatory burden to both the Local authority and to the trade is minimised.

## **5.6 Equalities and Diversity**

- 5.6.1 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.
- 5.6.2 When considering applications, 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.

## **5.7 Corporate Parenting**

- 5.7.1 There will be no impact on looked after children and care leavers.

## **5.8 Consultation and Engagement**

- 5.8.1 The consultation document will be sent to all relevant parties and all ward Councillors. The consultation will also be published on the Council’s online website.

## **5.9 Insight**

- 5.9.1 Not relevant to this report

## 6 BACKGROUND PAPERS

6.1 None

# London Borough of Barnet

# Animal Licensing Policy

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## 1. DEFINITIONS

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

<b>TERM</b>	<b>DEFINITION</b>
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

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The London Borough of Barnet is, pursuant to statute, responsible for licensing a number of activities relating to the keeping and breeding of animals. The 2018 Regulations were made to update the registration and licensing systems for certain activities and bring them into line with modern welfare standards. The 2018 Regulations were made pursuant to powers provided by the Act. The Act makes it an offence for any person to possess, own or keep animals in order to carry out certain businesses, without first obtaining a licence from the Council.

Licences Issued by London Borough of Barnet:

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

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

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 (the '2018 Regulations')
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981
- Animal Welfare Act 2006

Each piece of legislation covers 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.

Under this Council's Constitution, the authority to grant animal licences has been delegated to the delegated Group Manager (with the responsibility for Licensing), who may further delegate as appropriate.

### **3. THE ANIMAL WELFARE ACT 2006**

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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.

It also creates a new offence of failing to provide for the needs of animals in your care, increases the penalties for animal abuse, and allows the courts to disqualify a person from being in charge of animals.

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.

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.

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.

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**

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Each licence type has its own application process and requirements that the Council need to take into consideration before granting a licence. Details on how to apply for a licence can be found on the Council’s website, and the requirements are also listed on the specific application forms which are also available from the Council’s website.

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 addressed to:

London Borough of Barnet  
Community Protection Team  
Barnet House  
1255 High Road  
Whetstone  
London  
N20 0EJ

Applicants can be an individual, company or partnership.

## **5. NEW APPLICATIONS**

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New applications must be:

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

An incomplete or incorrectly completed application will be rejected.

## **6. RENEWAL APPLICATION**

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A correctly completed application for the renewal of a licence should be submitted before the existing licence will expire.

An incomplete or incorrectly completed application will be rejected

A renewal application will be treated the same as a new application in relation to process and determination.

## **7. PRINCIPLES OF LICENSING**

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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)

### **7.1 Animal Welfare**

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.

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)*

## **7.2 Public Safety**

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.

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.

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.

## **7.3 Prevention of Nuisance**

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.

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.

## **8. DETERMINING THE APPLICATION**

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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.

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.

If the Licensing Officer feels that the application should be refused they will submit a report to the delegated Group Manager (within Regulatory Services) to determine the matter. The appeal procedures applicable to each application vary, and applicants will be advised of their rights when notified of such refusal

## **9. CONDITIONS**

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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.

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) Defra;
- b) British Veterinary Association;
- c) National Trade Associations.

In promoting the Council's three licensing principles, 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.

### **9.1 STAR RATING SCHEME – ANIMAL WELFARE LICENCE ONLY**

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.

It is possible to appeal the star rating awarded, and it is possible to request a re-assessment inspection if improvement works are undertaken, and you wish to have your star rating reviewed.

Star ratings and therefore licence duration can be lowered/ reduced during the term of a licence if failings are evidenced.

## **10. REFUSAL OF AN APPLICATION**

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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.

If the Licensing Officer feels that the application should be refused they will submit a report to the delegated Group Manager (within Regulatory Services) to determine the matter. The appeal procedures applicable to each application vary, and applicants will be advised of their rights when notified of such refusal.

## **11. OTHER RELEVANT STRATEGIES AND LEGAL REQUIREMENTS**

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There are a number of different areas that may affect, or be affected by, licence holders or potential licence holders under the primary legislation, and where necessary these will be considered by the Council in carrying out its functions.

In addition to being licensed to carry out certain activities, a licence holder and their premises may need to comply with other legislation such as planning and building regulations. Where the appropriate permissions or consents are not in place, or where they are being breached, the Council may take enforcement action which could lead to the closure of such premises. The subsequent effect on the welfare of the animal(s) could be damaging, therefore, the Council will not grant a licence where the appropriate planning permissions or building control consents are not in place.

Under Section 17 of the Crime and Disorder Act 1998, local authorities must have regard to the likely effect of the exercise of their functions, and do all that they can to prevent crime and disorder in their area. This Policy has regard to the likely impact of such licences on related crime and disorder in the District.

This Policy should be read in conjunction with, and without prejudice to, other existing National and European Union legislation, such as the Human Rights Act 1998 and the Equalities Act 2010.

Applicants in rented accommodation are also required to seek permission from their private landlord or housing association prior to submitting an application.

## **12. EXPIRY OF A LICENCE**

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A licence will expire on the date specified on the licence unless it is renewed in time.

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. FEES**

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The current fees applicable are laid out in the London Borough of Barnet's Fees and Charges Schedule.

### **14. DECISIONS**

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

### **15. ENFORCEMENT AND INSPECTION**

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

The Council will carry out its regulatory responsibilities in a fair, consistent, transparent and proportionate manner based upon evidence received or obtained, or risk assessments that justify action to be taken.

The Licensing Authority will always seek to work with licence holders and applicants to promote animal welfare prior to considering legal recourse.

Enforcement visits will be undertaken to unlicensed premises.

### **16. PUBLIC REGISTER**

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The London Borough of Barnet will maintain a register containing information relating to the application and licence. This information will be held electronically on the Council website.

## **APPENDIX A**

### **GENERAL CONDITIONS APPLICABLE TO ALL 2018 REGULATIONS ANIMAL WELFARE LICENCES**

#### **1. 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.

#### **2. 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.

#### **3. 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.

#### **4. 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.

## **5. 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.

## **6. 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.

## **7. 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.

#### **8. 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.

#### **9. 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.

#### **10. 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 extrication 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**

##### **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.

#### **1. 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.

#### **2. 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.

### **3. 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

### 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.

### 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.

### 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.

#### **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.

#### **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

### 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.

### 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.

### 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) it is already habituated to it,

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

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

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.

### 4. Suitable diet

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

### 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.

### 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.

## **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.

## **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

### 1. Interpretation

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

### 2. No overnight stay

No dog may be kept on the premises overnight.

### 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.

### 4. Suitable diet

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

### 5. 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.

### 6. 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.

### 7. 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.

**8. 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 spent in the vehicle.

## **APPENDIX C – HORSE RIDING ESTABLISHMENTS**

### **1. Interpretation**

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

### **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.

### **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.

### **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.

### **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.

### **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).

## **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**

### **1. Interpretation**

In this Schedule:

“prospective owner” means a person purchasing an animal to keep or to be kept as a pet;

“premises” means the premises on which the licensable activity of selling animals as pets (or with a view to their being later resold as pets) is carried on;

“purchaser” means a person purchasing an animal to keep as a pet or with a view to it later being resold as a pet.

### **2. Records and advertisements**

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.

### **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.

#### **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).

#### **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.

#### **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**

### **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.

### **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.

### **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.

### **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.

### **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.

## **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**

### **1. Insurance**

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

### **2. Emergencies**

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

### **3. Suitable environment**

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

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

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

### **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.

### **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**

### **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).

### **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.

### **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**

### **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.

### **2. Standard conditions**

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

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.

