

# Animal Welfare Licensing Policy (Draft)

- Awaiting approval
- Issued for information only

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## **1. Introduction**

- 1.1 Oldham Council is responsible for licensing a number of activities relating to the welfare of animals under a number of Acts of Parliament. This legislation is aimed at protecting animals in order to carry out certain businesses, or have possession of certain animals within the borough of Oldham without first being licensed by the Council.
- 1.2 This document states the Council's policy on the regulation of animal establishments. The purpose of the animal establishment's legislation set out below is to protect the health, safety and welfare of animals and prevent the spread of disease.
- 1.3 Oldham Council has had regard to Defra's procedural guidance when producing this policy.
- 1.4 Information and guidance supporting this policy may be found at [www.oldham.gov.uk/animals](http://www.oldham.gov.uk/animals)

## **2. Transitional Provisions**

- 2.1 Any unexpired licences granted under the Pet Animals Act 1951, Animal Boarding Establishments Act 1963, Riding Establishments Act 1964, Riding Establishments Act 1970 will continue in force for the rest of their terms under the relevant Act.
- 2.2 An unexpired licence granted under the Breeding of Dogs Act 1973 will continue in force for the rest of its term subject to the provisions of that Act, the Breeding of Dogs (Licensing Records) Regulations 1999 and the Breeding and Sale of Dogs (Welfare) Act 1999.

## **3. Licences issued by the Council**

- 3.1 The Council issues licences for the below activities relating to the welfare of animals and are regulated by the following Acts:
  - Dangerous wild animal licences – (Dangerous Wild Animals Act 1976)
  - Zoo licences – (Zoo Licensing Act 1981)
  - Animal Welfare Act 2006 (The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018)

Oldham Council is also responsible for carrying out animal welfare licensing inspections for neighbouring local authorities.

## **4. Animal Welfare Act 2006**

- 4.1 This Act is the primary piece of legislation controlling the welfare of animals in England and Wales and established set welfare standards must be maintained by all people who are responsible for an animal. It has consolidated animal welfare legislation in areas such as preventing unnecessary suffering, mutilation and animal fighting. The Act also places responsibilities on to numerous enforcement agencies.
- 4.2 The Act introduces a 'duty of care' on any person that is responsible for an animal to ensure that the needs of that animal are met. A person does not have to be the owner of the animal for the 'duty of care' to apply.
- 4.3 The Act creates an offence of failing to provide for the needs of an animal in a person's care and increases the penalties for animal abuse allowing the courts to disqualify a person from being in charge of animals. Any person disqualified under

the Act will also be disqualified from holding a licence under any of the primary licensing Acts.

The Act permits 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 to create new forms of licences.

4.4 Section 9 of the 2006 Act creates five overarching principles of animal welfare. The Act refers to these as the 'five needs' of all animals. It is the duty of any person responsible for an animal to ensure that each of these five needs are met.

- The need for a suitable environment;
- The need for a suitable diet;
- The need to be able to exhibit normal behaviour patterns;
- Any need to be housed with, or apart from, other animals; and
- The need to be protected from pain, suffering, injury and disease.

## 5. Licensing Objectives

When carrying out its function under the primary licensing Acts the Council will seek to promote the following objectives:

- Animal welfare (the five needs)
- Public safety

## 6. Licensable Activities

### 6.1 *Business Test*

The circumstances where a local authority must take into account in determining whether an activity is being carried out in the course of a business for the purposes of this Schedule include, for example, whether the operator –

- a) makes any sale by, or otherwise carries on, the activity with a view to making a profit, or
- b) earns any commission or fee from the activity.

### 6.2 *Selling animals as pets*

Selling animals as pets (or with a view to their being later resold as pets) in the course of a business including keeping animals in the course of a business with a view to their being so sold or resold.

The activity described in the above paragraph does not include— (a) selling animals in the course of an aquacultural production business authorised under regulation 5(1) of the Aquatic Animal Health (England and Wales) Regulations 2009(a), or (b) the activity described in paragraph 8.

### 6.3 *Providing or arranging for the provision of boarding for cats or dogs*

Providing or arranging for the provision of accommodation for other people's cats or dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business by—

- (a) providing boarding for cats;
- (b) providing boarding in kennels for dogs;
- (c) providing home boarding for dogs; or

(d) providing day care for dogs..

The activity described in the above paragraph does not include keeping a dog or cat on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981(a).

#### 6.4 *Hiring out horses*

Hiring out horses in the course of a business for either or both of the following purposes—

- (a) riding;
- (b) instruction in riding.

The activity described in the above paragraph does not include any activity—

- (a) solely for military or police purposes, or
- (b) involving the instruction of students at a university on a course of study and examinations leading to a veterinary degree to which a recognition order under section 3 of the Veterinary Surgeons Act 1966(b) relates and for as long as such an order is in force.

#### 6.5 *Breeding dogs*

Either or both of the following—

- (a) breeding three or more litters of puppies in any 12-month period;
- (b) breeding dogs and advertising a business of selling dogs.

The activity described in the above paragraph does not include—

- (a) keeping a dog on any premises pursuant to a requirement imposed under, or having effect by virtue of, the Animal Health Act 1981,
- (b) breeding only assistance dogs or dogs intended to be used as assistance dogs within the meaning of section 173 of the Equality Act 2010(c), or
- (c) breeding three or more litters of puppies in any 12-month period if the person carrying on the activity provides documentary evidence that none of them have been sold (whether as puppies or as adult dogs).

#### 6.6 *Keeping or training animals for exhibition*

Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes—

- (a) to any audience attending in person, or
- (b) by the recording of visual images of them by any form of technology that enables the display of such images.

The activity described in the above paragraph does not include—

- (a) keeping or training animals solely for military, police or sporting purposes,
- (b) any activity permitted under a licence to operate a travelling circus under the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012(a), or
- (c) any activity permitted under a licence for a zoo under the Zoo Licensing Act 1981(b).

## 7. **Public Safety**

- 7.1 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.

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.

## **8. Licensing Application Procedure**

- 8.1 The primary licensing Acts set out individual application requirements and standards that the Council must be satisfied of before it can grant a licence. Each of those primary Licensing Acts permits the Council to impose conditions on each licence it grants. The purpose of requiring a licence is primarily to ensure the welfare of the animals.
- 8.2 Unless legislation states otherwise, licences will remain in force for up to three years dependent upon the scoring matrix of low/high risk, together with welfare standards. Minor failings during an inspection may result in a re-inspection within 7 days at the inspecting officer's discretion before a final score is confirmed. The licence holder must apply for a renewed licence at least 10 weeks before their current licence expires if they wish to continue to operate the licensable activity without a break.
- 8.3 Applicants may request a re-inspection during the term of the licence. The fee for this will be levied at the Council's published hourly rate.
- 8.4 Applications made to the local Authority must be completed using the relevant Application forms available from the Council website or on request from the Licensing Section.
- 8.5 There are a number of different areas that may affect or be affected by licence holders or potential licence holders under the primary licensing Acts and where necessary these will be considered by the Council in carrying out its functions under the Animal Welfare Act 2006.
- 8.6 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 viewed at [www.oldham.gov.uk/animals](http://www.oldham.gov.uk/animals).
- 8.7 Each of the primary licensing 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 legal requirements are met, or when an inspector or the Veterinary surgeon has raised concerns that the legal requirements or standards are not met or unlikely to be met, the applicant will be notified. The applicant will have the opportunity to address these matters in the hope of satisfying the relevant criteria.
- 8.8 *Persons who may not apply for a licence*

The following persons may not apply for a licence in respect of any licensable activity—

- a) a person listed as a disqualified person in paragraph 4 or any of paragraphs 6 to 17 of Schedule 8 where the time limit for any appeal against that disqualification has expired or where, if an appeal was made, that appeal was refused;
- (b) a person listed in any of paragraphs 1 to 3 and 5 of Schedule 8 as having held a licence which was revoked where the time limit for any appeal against that revocation has expired or where, if an appeal was made, that appeal was refused.

Any licence granted or renewed, or held by, a person mentioned in paragraph (1)(a) or (b) is automatically revoked.

## **9. Decision making**

Decisions will be made in accordance to relevant statute, inspections and guidance. Internal reviews of decisions will be undertaken by a delegated manager and appeals of decisions must be made in writing to the appropriate first tier tribunal, which at the time of writing this policy, is Leicester Magistrates Court.

## **10. Enforcement & Offences**

10.1 Inspectors from the Council are appointed to fulfil duties and carry out licensing functions on its behalf. They may inspect the premises at all reasonable times. If the Council have any concerns about the welfare of the animals kept under the licence it may be that the Council instructs a vet to ascertain if the measures in place are acceptable.

10.2 It is an offence to breach any licence condition. It is also an offence not to comply with an inspector's request in the process of taking a sample from an animal. Samples should be as non-invasive as possible however inspectors may deem more invasive samples necessary if there are concerns over the welfare of the animals, the provision for sampling is primarily aimed at veterinarians carrying out inspections and it is not expected that samples be taken by those without the training to properly and safely do so.

10.3 It is also an offence to obstruct an inspector who has been appointed by a local authority to enforce the Regulations. Committing either of these offences could result in an unlimited fine.

10.4 If a licence holder is not complying with their licence conditions the Council may take appropriate enforcement action. This may be to advise them that they no longer meet the licensing requirements and must cease the licensable activity or to prosecute them.

10.5 Anyone who carries on any of the licensable activities without a licence is liable to imprisonment for a term of up to six months, a fine or both, section 30 of the Animal Welfare Act 2006 allows for local authorities to prosecute for any offences under that Act.

10.6 *Grounds for suspension, variation without consent or revocation of a licence*

A local authority may, without any requirement for the licence holder's consent, decide to suspend, vary or revoke a licence at any time on being satisfied that—

- (a) the licence conditions are not being complied with,
- (b) there has been a breach of these Regulations,
- (c) information supplied by the licence holder is false or misleading, or
- (d) it is necessary to protect the welfare of an animal.

## **11. Powers of entry**

11.1 An inspector may not enter any part of the premises which is used as a private dwelling unless 24 hours' notice of the intended entry is given to the occupier, parts of the premises which are not a private dwelling may be entered by an inspector if

the premises is specified in a licence as premises on which the carrying on of an activity to which a licence relates is being carried on.

- 11.2 A justice of the peace can issue a warrant authorising an inspector or a constable to enter a premises on the request of an inspector or constable using reasonable force if necessary in order to search for evidence of the commission of a relevant offence.
- 11.3 The justice will only issue a warrant if there are reasonable grounds for believing that a relevant offence has been committed on the premises, or that evidence of the commission of a relevant offence is to be found on the premises, and that section 52 of the Animal Welfare Act 2006 is satisfied in relation to the premises.
- 11.4 All other considerations from the Animal Welfare Act also apply.

## **12 Fees**

- 12.1 Licensing fees are calculated on a cost recovery basis. Activities covered by the licensing fees set out in Regulation 13 of the 2018 Regulations are as follows:
  - a) The costs of consideration of an application, including any inspection relating to that consideration;
  - b) The reasonable anticipated costs of consideration of a licence holder's compliance with the Regulations and the licence conditions to which a licence holder is subject. This includes the costs of any further inspections related to compliance;
  - c) The reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator; and
  - d) The reasonable anticipated costs of the local authority compiling and submitting the data required by regulation 29 to the Secretary of State.
- 12.2 The same principles will apply for fee calculation in relation to Dangerous Wild Animals and Zoo Licences.
- 12.3 In setting fees, all relevant guidance will be taken into consideration.
- 12.4 Separate application and grant fees will be set and a grant fee, where appropriate, will include any additional inspection costs including those of the vet and compliance and monitoring costs going forward.
- 12.5 Fees will be reviewed annually and published on the Council's website.

## **13. Death of a licence holder**

In the event of the death of a licence holder, the licence is deemed to have been granted to, or renewed in respect of, the personal representatives of that former licence holder.

In the circumstances described in the above paragraph the licence is to remain in force for three months beginning with the date of the death of the former licence holder or for as long as it was due to remain in force but for the death (whichever period is shorter) but remains subject to the provisions in Part 3.



The personal representatives must notify in writing the local authority which granted or renewed the licence that they are now the licence holders within 28 days beginning with the date of the death of the former licence holder.

If the personal representatives fail so to notify the local authority within the period specified in paragraph (3), the licence shall cease to have effect on the expiry of that period.

The local authority which granted or renewed the licence may, on the application of the personal representatives, extend the period specified in paragraph (2) for up to three months if it is satisfied that the extension is necessary for the purpose of winding up the estate of the former licence holder and is appropriate in all the circumstances.

#### **14. Dangerous Wild Animals Licence**

- 14.1 The keeping of certain species of wild animals is controlled by the Dangerous Wild Animals (DWA) Act 1976 (as amended). No person may keep any dangerous wild animal without first obtaining a licence from the Council. These licences are required regardless of whether the animal is kept for commercial purposes or as a pet.
- 14.2 The animals classed as DWA are listed in the DWA Act 1976 (Modification) (No.2) Order 2007. Any person who is unsure if their animal is classed as dangerous should consult that order or seek advice.
- 14.3 The person making the application must be the person who owns or possesses or proposes to own and possess the animal to which the application applies. The licence must be obtained and held before the owner actually has possession of the animal.
- 14.4 Upon receipt of a completed application form and payment of the fee, a visit will be made to the premises by an inspector from the Animal Welfare team and our appointed veterinary surgeon. They will be checking for compliance against the licensing conditions and other legislation including the Animal Welfare Act 2006. Following the inspection, the veterinary surgeon will provide the Local Authority with a report highlighting any issues, which may be added as additional conditions to the applicants licence. The applicant will then be re-charged for the veterinary fees.
- 14.5 If the inspector considers the applicant's procedure to be acceptable and the premises to be suitable, the licence will be issued. A copy of the licence must then be displayed in a prominent position at the premises.

#### **Considerations**

Before granting a licence the Council must be satisfied:

- It is not contrary to the public interest on the grounds of safety, nuisance or otherwise to grant the licence;
- The applicant is a suitable person to hold a licence under The Dangerous Wild Animals Act 1976 (as amended);
- Any animal concerned will at all times of its being kept only under the authority of the licence –
  - (i) be held in secure accommodation suitable in size for the animals kept and which is suitable as regards construction, temperature, lighting, ventilation, drainage and cleanliness; and

- (ii) be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals;
- Appropriate steps will at such times be taken for the protection of any animal in case of fire or other emergency;
- All reasonable precautions will be taken at all such times to prevent and control the spread of infectious diseases;
- While any animal concerned is at the premises where it will normally be held, its accommodation is such that it can take adequate exercise.

## **15 Zoo Licence**

- 15.1 The Zoo Licensing Act 1981 came into force in 1984 and introduced a licensing system applicable to existing and new zoos. The Act was amended significantly by the Zoo Licensing Act 1984 (Amendment) (England and Wales) Regulations 2002. The Act aims to ensure that, where animals are kept in enclosures, they are provided with a suitable environment to provide an opportunity to express most normal behaviour.
- 15.2 Any establishment, other than a circus or shop, when wild animals are kept for public exhibition on seven or more days in any period of 12 consecutive month's period falls within the definition of a zoo and require a licence from the Council.
- 15.3 Wild animals, for the purpose of the 1981 Act, is wide ranging and means any animal that is not normally domesticated in Great Britain. This would include animals that have come from abroad and animals/birds/reptiles that are wild in this country.

### **Considerations**

Before determining to grant or refuse a licence, Oldham Council shall take into account representations made by or on behalf of:

- The applicant
- Chief officer of Police
- Fire Officer
- Governing Body of any national institution concerned with the operations of zoos
- Planning authority if not local authority
- Any person alleging establishment or continuance of a zoo would injuriously affect health and safety of persons living in the neighbourhood of the zoo

Oldham Council will consider any reports made by an inspector who has inspected the zoo. If there has been no inspection (which might be the case for a new zoo), the authority will consult such persons as the Secretary of State nominates.

### **The authority may approve or refuse the application:**

#### **➤ Approval of the licence**

If the licence is approved:

- The licence will be sent in the post.
- The licence must be publicly displayed at the entrance to the zoo.

## ➤ Refusal of the licence

Oldham Council **shall** refuse if:

- The authority is satisfied establishment or continuance of zoo would injuriously affect health and safety of persons living in the neighbourhood of the zoo, or seriously affect the preservation of law and order

Oldham Council **may** refuse if:

- Standards of accommodation, staffing or management are not adequate for proper care and well being of the animals
- Applicant, director/manager secretary (of a body corporate), keeper of zoo has been convicted for ill treatment of animals
- Planning permission for the zoo has not been granted the authority can refuse or defer the decision

### 15.4 Licences

A new licence will be granted for 4 years from the date on the licence.

If the licence is a renewal it will be 6 years from the end of existing licence.

### 15.5 Inspections

Three inspectors are appointed by the local authority who appear competent, including 1 vet and 2 inspectors nominated after consultation with the Secretary of State. (A zoo operator may ask for this number to be reduced.)

The inspectors will look at:

Health, welfare and safety of public and animals including measures for prevention of escape, and the records kept under any site condition.

The report will be sent to the local authority who will notify the zoo operator of any recommendations within one month. The operator will be allowed to comment on the recommendations.

### 15.6 Dispensations

A local authority can request the Secretary of State that due to the small size of the zoo or the small number of animal types kept there, to direct that the Act does not apply or that it is not necessary for periodical and special inspections to be carried out.

The Secretary of State may, after consulting such persons as he thinks fit, determine if these dispensations may be allowed.

The operator of the zoo may request the Secretary of State to reduce the number of inspectors for periodical inspections having regard to the size of the zoo or the small number of animals kept there.

The Secretary of State may nominate the persons to inspect the zoo, if so the operator's right to object shall not apply. This may be reviewed by the Secretary of

## APPENDIX 1- Providing boarding for cats or dogs

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

- General conditions

#### **Licence display**

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

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

#### **Records**

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

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

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

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

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

#### **Staffing**

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

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

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

#### **Suitable environment**

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

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

(a) their behavioural needs,

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

(c) the water quality (where relevant),

(d) noise levels,

(e) light levels,

(f) ventilation.

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

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

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

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

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

(8) All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

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

#### **Suitable diet**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Animal handling and interactions**

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

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

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

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

9.—(1) Written procedures must—

(a) be in place and implemented covering—

- (i) feeding regimes,
  - (ii) cleaning regimes,
  - (iii) transportation,
  - (iv) the prevention of, and control of the spread of, disease,
  - (v) monitoring and ensuring the health and welfare of all the animals,
  - (vi) the death or escape of an animal (including the storage of carcasses);
- (b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.
- (2) All people responsible for the care of the animals must be made fully aware of these procedures.
- (3) Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.
- (4) All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.
- (5) All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.
- (6) Sick or injured animals must receive prompt attention from a veterinarian or, in the case of fish, an appropriately competent person and the advice of that veterinarian or, in the case of fish, that competent person must be followed.
- (7) Where necessary, animals must receive preventative treatment by an appropriately competent person.
- (8) The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinarian must be readily available to all staff on the premises on which the licensable activity is carried on.
- (9) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinarian.
- (10) Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinarian.
- (11) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.

(12) No person may euthanase an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or—

(a) in the case of fish, a person who is competent for such purpose;

(b) in the case of horses, a person who is competent, and who holds a licence or certificate, for such purpose.

(13) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

(14) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.

### **Emergencies**

**10.—**(1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

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

(3) External doors and gates must be lockable.

(4) A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

### Specific conditions: providing boarding for cats or dogs

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

##### **Interpretation**

**1.** 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.



## **Suitable environment**

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

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

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

(4) Communal exercise areas are not permitted.

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

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

(a) walk,

(b) turn around,

(c) stand on its hind legs,

(d) hold its tail erect,

(e) climb,

(f) rest on the elevated area, and

(g) lie down fully stretched out,

without touching another cat or the walls.

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Records**

**4.** 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.

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

**5.—**(1) A cat must remain in its assigned cat unit, except when it is moved to an isolation cat unit or to a holding cat unit.

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

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

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

(5) A holding cat unit must only be used in an emergency and must not be used for longer than is necessary and in any event for no longer than a total of 12 hours in any 24-hour period.

(6) In this paragraph, “holding cat unit” means a cat unit, separate from any other cat unit, in which a cat may be housed temporarily.

## **PART 2 - Providing boarding in kennels for dogs**

### **Interpretation**

**6.** 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.

### **Suitable environment**

**7.—(1)** Dogs within the premises must be prevented from coming into contact with other animals from outside the premises.

(2) In each kennel unit, the sleeping area must—

(a) be free from draughts;

(b) provide the dog with sufficient space to—

(i) sit and stand at full height,

(ii) lie down fully stretched-out,

(iii) wag its tail,

(iv) walk, and

(v) turn around,

without touching another dog or the walls;

(c) have a floor area which is at least twice the area required for the dog in it to lie flat; and

(d) if built after the date on which these Regulations come into force, have a floor area of at least 1.9 square metres.

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

(4) Each dog must have constant access to its sleeping area.

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

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

(7) Where a dog poses a health or welfare risk to other dogs, it must be kept on its own in a kennel unit and, if that kennel unit adjoins another kennel unit, any adjoining wall must be of full height and width so as to prevent the dog from coming into physical contact with any other dog.

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

### **Monitoring of behaviour and training**

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

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

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

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

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

(6) There must be an area within each kennel unit in which a dog can avoid seeing people and other dogs outside the kennel unit if it so chooses.

### **Records**

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

(a) the dates of each dog's arrival and departure;

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

(c) the number of any dogs from the same household;

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

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

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

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

(3) A holding kennel unit must only be used in an emergency and must not be used for longer than is necessary and in any event for no longer than a total of 12 hours in any 24-hour period.

(4) In sub-paragraph (3), "holding kennel unit" means a kennel unit, separate from any other kennel unit, in which a dog may be housed temporarily.

## **PART 3 - Providing home boarding for dogs**

### **Interpretation**

**11.** 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.

## **Home**

**12.—**(1) Dogs must be accommodated within the home.

(2) The home must include—

(a) direct access to a private, non-communal, secure and hazard-free external area, and

(b) at least two secure physical barriers between any dog and any entrance to or exit from it.

## **Suitable environment**

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

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

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

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

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

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

(a) it is already habituated to it,

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

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

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

## **Suitable diet**

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

## **Monitoring of behaviour and training**

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

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

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

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

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

(2) Unneutered bitches must be prevented from mating.

(3) If any person aged under 16 years resides at the home, there must be procedures in place to regulate the interactions between the dogs and that person.

### **Records**

**17.—**(1) A register must be kept of all the dogs accommodated in the home which must include—

(a) the dates of each dog's arrival and departure;

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

(c) the number of any dogs from the same household;

(d) a record of which dogs (if any) are from the same household;

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

(f) in relation to each dog, the name, postal address, telephone number and email address of a local contact in an emergency;

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

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

(i) details of each dog's diet and related requirements;

(j) any required consent forms;

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

(l) details of any medical treatment each dog is receiving.

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

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

**18.—**(1) Before a dog is admitted for boarding, all equipment to be used by or in relation to that dog must be cleaned and disinfected.

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

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

### **Interpretation**

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

### **No overnight stay**

20. No dog may be kept on the premises overnight.

### **Suitable environment**

21.—(1) Each dog must be provided with—

- (a) a clean, comfortable and warm area where it can rest and sleep, and
- (b) another secure area in which water is provided and in which there is shelter.

(2) Each dog must have access to areas where it can—

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

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

### **Suitable diet**

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

### **Monitoring of behaviour and training**

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

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

### **Housing apart from other dogs**

24.—(1) Unneutered bitches must be prevented from mating.

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

### **Records**

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

- (a) the date of the dog’s attendance;



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

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

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

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

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

(g)any required consent forms;

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

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

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

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

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

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

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

## APPENDIX 2 - Breeding Dogs

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

- General conditions

#### Licence display

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

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

#### Records

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

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

#### Use, number and type of animal

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

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

#### Staffing

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

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

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

#### Suitable environment

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

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

- (a) their behavioural needs,
- (b) its situation, space, air quality, cleanliness and temperature,
- (c) the water quality (where relevant),
- (d) noise levels,
- (e) light levels,
- (f) ventilation.

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

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

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

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

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

(8) All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

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

### **Suitable diet**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Animal handling and interactions**

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

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

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

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

**9.**—(1) Written procedures must—

(a) be in place and implemented covering—

(i) feeding regimes,

(ii) cleaning regimes,

(iii) transportation,

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

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

(13) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

(14) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.

### **Emergencies**

**10.—**(1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

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

(3) External doors and gates must be lockable.

(4) A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

### Specific conditions: breeding dogs

### **Advertisements and sales**

**1.—**(1) The licence holder must not advertise or offer for sale a dog—

(a) which was not bred by the licence holder;

(b) except from the premises where it was born and reared under the licence;

(c) otherwise than to—

(i) a person who holds a licence for the activity described in paragraph 2 of Schedule 1; or

(ii) a keeper of a pet shop in Wales who is licensed under the Pet Animals Act 1951(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.

(2) Any advertisement for the sale of a dog must—

(a) include the number of the licence holder's licence,

(b) specify the local authority that issued the licence,

(c) include a recognisable photograph of the dog being advertised, and

(d) display the age of the dog being advertised.

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

(4) The licence holder and all staff must ensure that the purchaser is informed of the age, sex and veterinary record of the dog being sold.

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

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

(7) Sub-paragraphs (5) and (6) do not apply if separation of the puppy from its biological mother is necessary for the health or welfare of the puppy, other puppies from the same litter or its biological mother.

### **Suitable environment**

**2.—**(1) Each dog must have access to a sleeping area which is free from draughts and an exercise area.

(2) Each dog must be provided with sufficient space to—

(a) stand on its hind legs,

(b) lie down fully stretched out,

(c) wag its tail,

(d) walk, and

(e) turn around,

without touching another dog or the walls of the sleeping area.

(3) The exercise area must not be used as a sleeping area.

(4) Part or all of the exercise area must be outdoors.

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

(6) Each whelping area must be maintained at an appropriate temperature (between and including 26 and 28 degrees centigrade) and include an area which allows the breeding bitch to move away from heat spots.

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

(8) A separate bed must be provided for each adult dog.

(9) No puppy aged under 8 weeks may be transported without its biological mother except—

(a) if a veterinarian agrees for health or welfare reasons that it may be so transported, or

(b) in an emergency.

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

(11) No breeding bitch may be transported earlier than 48 hours after whelping except to a veterinarian where it is not otherwise practicable or appropriate for that person to attend to the bitch.

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

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

### **Suitable diet**

#### **3. Staff must—**

(a) ensure that each puppy starts weaning as soon as it is capable of ingesting feed on its own,

(b) provide each breeding bitch with feed appropriate to its needs,

(c) provide each puppy with feed appropriate for its stage of development, and

(d) ensure that each puppy ingests the correct share of the feed provided.

### **Monitoring of behaviour and training**

**4.—**(1) The licence holder must implement and be able to demonstrate use of a documented socialisation and habituation programme for the puppies.

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

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

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

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

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

**5.—**(1) Each adult dog must be provided with opportunities for social contact with other dogs where such contact benefits the dogs' welfare.

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

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



(4) There must be an area within each sleeping area in which dogs can avoid seeing people and other dogs outside the sleeping area if they so choose.

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

**6.**—(1) All dogs for sale must be in good health.

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

(3) The licence holder must ensure that no bitch—

(a) is mated if aged less than 12 months;

(b) gives birth to more than one litter of puppies in a 12-month period;

(c) gives birth to more than six litters of puppies in total;

(d) is mated if she has had two litters delivered by caesarean section.

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

(5) No dog may be kept for breeding if it can reasonably be expected, on the basis of its genotype, phenotype or state of health that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring.

(6) The health, safety and welfare of each dog must be checked at the start and end of every day and at least every four hours during the daytime.

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

(a) the date and time of birth of each puppy,

(b) each puppy's sex, colour and weight,

(c) placentae passed,

(d) the number of puppies in the litter, and

(e) any other significant events.

(8) The licence holder must keep a record of each puppy sale including—

(a) the microchip number of the puppy,

(b) the date of the sale, and

(c) the age of the puppy on that date.

(9) The licence holder must keep a record of the following in relation to each breeding dog—

(a) its name,

- (b)its sex,
- (c)its microchip and database details,
- (d)its date of birth,
- (e)the postal address where it normally resides,
- (f)its breed or type,
- (g)its description,
- (h)the date or dates of any matings, whether or not successful,
- (i)details of its biological mother and biological father,
- (j)details of any veterinary treatment it has received, and
- (k)the date and cause of its death (where applicable).

(10) In addition to the matters mentioned in sub-paragraph (7), the licence holder must keep a record of the following in relation to each breeding bitch—

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

(11) Unless the licence holder keeps the dog as a pet, the licence holder must make arrangements for any dog no longer required for breeding to be appropriately rehomed.

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

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

(14) Where any other activity involving animals is undertaken on the premises on which the licensable activity of breeding dogs is carried on, it must be kept entirely separate from the area where that licensable activity is carried on.

## APPENDIX 3 - Hiring out Horses

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

#### SCHEDULE 2 General conditions

##### **Licence display**

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

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

##### **Records**

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

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

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

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

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

##### **Staffing**

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

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

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

##### **Suitable environment**

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

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

(a) their behavioural needs,

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

(c) the water quality (where relevant),

(d) noise levels,

(e) light levels,

(f) ventilation.

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

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

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

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

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

(8) All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

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

### **Suitable diet**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Animal handling and interactions**

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

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

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

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

**9.**—(1) Written procedures must—

(a) be in place and implemented covering—

(i) feeding regimes,

(ii) cleaning regimes,

(iii) transportation,

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

(b) in the case of horses, a person who is competent, and who holds a licence or certificate, for such purpose.

(13) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

(14) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.

### **Emergencies**

**10.—**(1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

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

(3) External doors and gates must be lockable.

(4) A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

### Specific conditions: hiring out horses

#### **Interpretation**

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

#### **Eligibility**

**2.—**(1) The licence holder must—

(a) hold an appropriate formal qualification, or have sufficient demonstrable experience and competence, in the management of horses, and

(b) hold a valid certificate of public liability insurance which—

(i) insures the licence holder against liability for any injury sustained by, and the death of, any client, and

(ii) insures any client against liability for any injury sustained by, and the death of, any other person,

caused by or arising out of the hire of the horse.

(2) The certificate mentioned in sub-paragraph (1)(b) must be clearly and prominently displayed on the premises.

### **Supervision**

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

(2) No horse may be hired out except under the supervision of a person aged 16 years or more unless the licence holder is satisfied that the person hiring the horse is competent to ride without supervision.

(3) The following must be clearly and prominently displayed on the premises—

(a) the full name, postal address (including postcode) and telephone number of the licence holder or other person with management responsibilities in respect of the activity;

(b) instructions as to the action to be taken in the event of a fire or other emergency.

### **Suitable environment**

4.—(1) It must be practicable to bring all the horses on the premises under cover.

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

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

### **Suitable diet**

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

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

(3) Each horse must be fed a balanced diet of a quantity and at a frequency suitable for its age, health and workload to enable it to maintain an appropriate physical condition.

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

6.—(1) The horses must be maintained in good health and must be in all respects physically fit.

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

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

(4) Each horse must be suitable for the purpose for which it is kept and must not be hired out if, due to its condition, its use would be likely to cause it to suffer.



(5) Any horse found on inspection to be in need of veterinary attention must not be returned to work until the licence holder has, at the licence holder's expense, obtained from and lodged with the local authority a veterinary certificate which confirms that the horse is fit for work.

(6) Each horse's hooves should be trimmed as often as is necessary to maintain the health, good shape and soundness of its feet and any shoes should be properly fitted and in good condition.

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

(8) The following must not be hired out—

(a) a horse aged under 3 years;

(b) a mare heavy with foal;

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

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

### **Equipment**

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

## APPENDIX 4 - Keeping or training animals for exhibition

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

- General conditions

#### **Licence display**

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

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

#### **Records**

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

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

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

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

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

#### **Staffing**

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

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

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

### **Suitable environment**

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

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

(a) their behavioural needs,

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

(c) the water quality (where relevant),

(d) noise levels,

(e) light levels,

(f) ventilation.

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

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

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

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

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

(8) All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

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

### **Suitable diet**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Animal handling and interactions**

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

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

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

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

**9.—**(1) Written procedures must—

(a) be in place and implemented covering—

(i) feeding regimes,

(ii) cleaning regimes,

(iii) transportation,

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

(v) monitoring and ensuring the health and welfare of all the animals,

(vi) the death or escape of an animal (including the storage of carcasses);

(b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.

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

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

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

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

(6) Sick or injured animals must receive prompt attention from a veterinarian or, in the case of fish, an appropriately competent person and the advice of that veterinarian or, in the case of fish, that competent person must be followed.

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

(8) The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinarian must be readily available to all staff on the premises on which the licensable activity is carried on.

(9) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinarian.

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

(11) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the

manufacturer's instructions and used in a way which prevents distress or suffering of the animals.

(12) No person may euthanase an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or—

(a) in the case of fish, a person who is competent for such purpose;

(b) in the case of horses, a person who is competent, and who holds a licence or certificate, for such purpose.

(13) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

(14) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.

## **Emergencies**

**10.—**(1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

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

(3) External doors and gates must be lockable.

(4) A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

- Specific conditions: keeping or training animals for exhibition

## **Insurance**

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

## **Emergencies**

2. 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.

### **Suitable environment**

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

### **Monitoring of behaviour and training**

4. 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**

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

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

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

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

### **Records**

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

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

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

(a) the full name of its supplier,

(b) its date of birth,

(c) the date of its arrival,

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

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

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

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

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

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

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

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

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

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

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

(8) The animals must not be handled by persons whose behaviour appears at the time to be influenced by the consumption of alcohol or by any psychoactive substance.



## APPENDIX 5- Selling Animals as Pets

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

- General conditions

#### **Licence display**

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

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

#### **Records**

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

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

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

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

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

#### **Staffing**

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

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

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

#### **Suitable environment**

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

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

(a) their behavioural needs,

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

(c) the water quality (where relevant),

(d) noise levels,

(e) light levels,

(f) ventilation.

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

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

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

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

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

(8) All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

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

#### **Suitable diet**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Animal handling and interactions**

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

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

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

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

9.—(1) Written procedures must—

(a) be in place and implemented covering—

(i) feeding regimes,

(ii) cleaning regimes,

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

(b) in the case of horses, a person who is competent, and who holds a licence or certificate, for such purpose.

(13) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

(14) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.

### **Emergencies**

**10.—**(1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

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

(3) External doors and gates must be lockable.

(4) A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

- Specific conditions: selling animals as pets

### **Interpretation**

**1.** 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.

### **Records and advertisements**

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

(a) the full name of the supplier of the animal,

(b) the animal’s sex (where known),

(c) (except in the case of fish) the animal’s age (where known),

- (d) details of any veterinary treatment (where known),
  - (e) the date of birth of the animal or, if the animal was acquired by the licence holder, the date of its acquisition,
  - (f) the date of the sale of the animal by the licence holder, and
  - (g) the date of the animal's death (if applicable).
- (2) Where an animal is undergoing any medical treatment—
- (a) this fact must be clearly indicated—
    - (i) in writing next to it, or
    - (ii) (where appropriate) by labelling it accordingly, and
  - (b) it must not be sold.
- (3) Any advertisement for the sale of an animal must—
- (a) include the number of the licence holder's licence,
  - (b) specify the local authority that issued the licence,
  - (c) include a recognisable photograph of the animal being advertised,
  - (d) (except in the case of fish) display the age of the animal being advertised,
  - (e) state the country of residence of the animal from which it is being sold, and
  - (f) state the country of origin of the animal.

**Prospective sales: pet care and advice**

- 3.—**(1) The licence holder and all staff must ensure that any equipment and accessories being sold with an animal are suitable for the animal.
- (2) The licence holder and all staff must ensure that the prospective owner is provided with information on the appropriate care of the animal including in relation to—
- (a) feeding,
  - (b) housing,
  - (c) handling,
  - (d) husbandry,
  - (e) the life expectancy of its species,
  - (f) the provision of suitable accessories, and
  - (g) veterinary care.
- (3) Appropriate reference materials on the care of all animals for sale must be on display and provided to the prospective owner.

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

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

### **Suitable accommodation**

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

(2) Where members of the public can view or come into contact with the animals, signage must be in place to deter disturbance of the animals.

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

(4) For the purposes of sub-paragraph (3), “dangerous wild animal” means an animal of a kind specified in the first column of the Schedule to the Dangerous Wild Animals Act 1976(1).

### **Purchase and sale of animals**

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

(a) unweaned mammals;

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

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

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

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

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

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

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

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

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

## APPENDIX 6- Dangerous Wild Animals Licence Conditions

While any animal is being kept under the authority of this licence;

- i) the animal shall be kept by no person other than the person specified in the licence,
- ii) the animal shall normally be held at such premises as are specified in this licence;
- iii) the animal shall not be moved from those premises, except for veterinary treatment or transport to a hospital.
  
- iv) the licence holder shall hold a current insurance policy which insures him 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.

The species and number of animals of each species that may be kept under the authority of this licence shall be restricted to those specified in the schedule within 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 increased 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.



## APPENDIX 7- Zoo Licence Conditions

The following conditions may be attached to the licence in addition to the model conditions applied by the Secretary of State

They may state:

- The precautions to be taken against escape of animals and steps to be taken in the event of any escape or unauthorised release
- The records to be kept of numbers of different animals acquisitions, births, deaths, disposals or escapes and the cause of any such death and of the health of animals
- Insurance against liability for damage caused by animals
- Any other matter that the Secretary of State may decide
- The condition shall not relate primarily to health, safety or welfare of persons working in the zoo.