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17 November 2015

Dear Sir/Madam

REGULATORY AND LICENSING COMMITTEE

A meeting of the above mentioned Committee has been arranged to take place on **WEDNESDAY 25th NOVEMBER 2015** at **6.00 p.m.** in the **COMMITTEE ROOM**, District Council House, Lichfield to consider the following business.

Yours faithfully

R. K. King

Strategic Director

To: **Members of Regulatory and Licensing Committee:**

Councillors Yeates (Chairman), Salter (Vice Chairman), Mrs Baker, Mrs Constable, Drinkwater, Mrs Eagland, Mrs Evans, Leytham, O'Hagan, Powell, Miss Shephard, Smedley, Mrs Stanhope MBE, A. Yeates and Warfield.

AGENDA

1. Apologies for absence
2. Declarations of Interest
3. To approve as a correct record the Minutes of the Meeting held on the 6th July 2015 (Copy attached)
4. Proposed Diversion of Public Footpath IR/2852 in the Parish of Burntwood (Copy attached)
5. Street Trading (Copy attached)
6. Taxi Licensing Update (Copy attached)
7. New Licence Conditions For Dog Breeding Establishments (Copy attached)
8. Review of Statement of Licensing Policy (Copy attached)
9. Work Programme (Copy attached)

Briefing Papers

Members have asked that we seriously address the use of agendas – both the length and the volume. One of the ways is to provide certain items in a format. The suggestion is that we will from time to time provide briefing papers for members on issues on which Members need to be informed. This is an alternative to placing items on the agenda, enabling us to focus the meetings on the business in hand.

If Members wish the paper to be discussed it can then be scheduled for a future meeting or individual briefings arranged however, Members must give specific reasons for their request.

List of Briefing Papers Issued Separately

Waste Management Enforcement Roles

Food Safety Performance 2014-15

REGULATORY AND LICENSING COMMITTEE

6 JULY 2015

PRESENT: Councillors B. Yeates (Chairman), Salter (Vice-Chairman), Mrs Baker, Mrs Constable, Drinkwater, Mrs Eagland, Leytham, O'Hagan, Powell, Smedley, Mrs Stanhope MBE, A. Yeates and Warfield.

(APOLOGIES FOR ABSENCE were received from Councillor Mrs Evans and Miss Shephard

40 DECLARATIONS OF INTEREST

No Declarations of Interest were made.

41 TAXI LICENSING (CHILD SEXUAL EXPLOITATION, LEGAL UPDATE, REVIEW OF CONDITIONS & TAXI RANKS UPDATE)

The Committee received a report on various taxi licensing matters. The Committee agreed to consider each section separately.

Child Sexual Exploitation

Members discussed proposals to raise awareness within the taxi licensing process of Child Sexual Exploitation (CSE). It was reported that Officers held an event with taxi drivers in April 2015 where driver related CSE matters were discussed. A range of possible new licensing requirements regarding CSE were also presented to the trade including a larger second dash mounted badge and additional test element. Members noted that the feedback from the drivers on the proposals was positive.

The Committee discussed the proposals and expressed the view that it was vital to be seen to be protecting the public and so a policy to include information regarding CSE in the taxi licensing process was essential. The Committee also felt that any new requirements should not be over reactive and too inhibiting for drivers but Members felt that the requirements proposed were appropriate and proportionate.

- RESOLVED:**
- (1) That a CSE safeguarding booklet be introduced for all taxi drivers;
 - (2) That questions on CSE be added to the new driver test;
 - (3) That drivers be issued with 'CSE report it' cards;
 - (4) That drivers be required to attend CSE training events;
 - (5) That it be required that a second larger driver badge be displayed on vehicle dash boards; and
 - (6) That Officers decide the most appropriate way of implementing the agreed proposals.

Legal Update

The Committee then considered updates to taxi licensing legislation. It was reported that the Deregulation Act 2015 would come into force in October 2015 and would standardise a three year licence for drivers and a five year licence for operators although a shorter duration could be requested in either case. It was then reported that operators outside the London area would be allowed to sub-contract bookings to other operators. When discussed, Members agreed that although there was no provision in the legislation that required the taxi operator to tell the customer that the booking would be carried out by a different company, for public safety reasons, a condition should be added to the operator's license to ensure the customer is notified of any sub-contracting.

RESOLVED: That the following condition be added to operators licences.

“3.2.3 If an operator sub-contracts a booking the operator shall verbally inform the customer prior to the vehicles arrival at the pick-up site the details of the sub-contractor that will be conducting the journey. Details shall include operator licence name and licensing authority.”

Enforcement

The Committee discussed enforcement matters and it was reported that during a recent training event, a points based enforcement system was discussed and would be investigated further once the Home Office report on proposed national standards was published.

Officers had been in discussion with the Staffordshire Road Safety Partnership regarding taxi driver driving assessments which could be used as an enforcement tool for both Officers and the Licensing & Consents Panel if desired.

RESOLVED: That Officers investigate options of incorporating a taxi driver driving assessment into the licensing assessment and these options be presented to the Committee at a future meeting.

Review of Conditions

The Committee considered a request received from a current licence holder of a special events vehicle to be exempt from the licence requirement to display a plate albeit smaller than the plate used for normal private hire vehicles. It was reported that there had been a similar request in November 2012 where the Committee resolved not to allow the exemption. Members felt there should be a consistent approach and not to allow an exemption to this request.

The Committee then reviewed the current taxi licensing conditions and concluded that they remained relevant.

RESOLVED: (1) That the request to exempt display of the licence plate as required by condition 7 of private hire vehicle – special events conditions be refused;

(2) That the taxi licence conditions be approved.

Taxi Ranks

The Committee were updated on taxi ranks and it was reported that a meeting had taken place in March 2015 with the then Committee Chairman, Officers, Staffordshire County Council (SCC) and Police representatives to discuss the 2013 recommendations of the Lichfield Parking Board proposing the creation of three ranks and adoption of a fourth. The County Council advised that it was their intention to slightly increase the size of the proposed rank in Market Street to the full width of the Market square. They also gave reasons why they couldn't implement the request for the creation of new ranks in Sandford Street and Tamworth Street. The Chairman's request for them to explore other solutions to the problems they had encountered was agreed at the meeting.

Members felt that the conservation area and historic feel of the city centre should be considered and any lines or signs (although legally required to mark out a taxi rank so that enforcement could be undertaken) be sympathetic.

Members also asked if provision for taxi rank(s) had been made with the Friarsgate scheme and it was reported that Officers had provided input to earlier proposals which had identified the need for a rank in Tamworth Street to compensate for the anticipated loss of the rank at the Lichfield City train station (now unaffected by the current proposals). It was agreed that Officers would discuss the matter again now that there was a new development scheme proposed.

RESOLVED: That the information contained the report be noted.

42 CONTAMINATED LAND STRATEGY 2015

The Committee received a report seeking approval to adopt the Contaminated Land Strategy 2015. It was reported that since the 1990s housing developers have had a legal duty to deal with any contamination on land they wish to develop. However, it is the District Council's responsibility to identify and investigate potentially contaminated land which was developed before legislation.. Members noted that it was wished to update the current Contaminated Land Strategy to incorporate new statutory guidance that had been released.

Members noted that the previously Department for Environment, Farming and Rural Affairs (DEFRA) gave grants to Local Authorities to aid site investigations but this would end in 2017. Members also noted that the Environmental Health service had an annual budget of £6k for Contaminated Land and with the loss of the DEFRA grant, completion of on-site investigations could take significant time.

Members asked why both desk top and on-site investigations were carried out and it was reported that on-site visits were used to determine the level of contamination and whether it was harmful or not. Members noted it could take a number of visits to conclude this.

RESOLVED: That the revised Contaminated Land Strategy 2015 be adopted.

43 WORK PROGRAMME

The work programme was considered and it was noted matters regarding taxi licensing would be considered again at a future meeting.

It was asked if an update could be provided on the roles of the Environment Agency and District Council with regards to licensing of scrapyards and it was agreed to send a briefing paper to Members on this matter.

RESOLVED: That the Work Programme as submitted be agreed.

(The meeting closed at 7.19 pm)

CHAIRMAN

REPORT FOR DECISION

SUBMISSION TO REGULATORY AND LICENSING COMMITTEE

Date: 25 November 2015

Agenda Item: Item No. 4

Contact Officer and Telephone No. Carol Pepper: 308072

**SUBMISSION BY STRATEGIC DIRECTOR - DEMOCRATIC DEVELOPMENT AND
LEGAL SERVICES**

PROPOSED DIVERSION OF PUBLIC FOOTPATH IR/2852 IN THE PARISH OF BURNTWOOD

1. Purpose

- 1.1 To consider an application received from John Reynolds & Associates Ltd for the proposed diversion of Public Footpath No. IR/2852 in the Parish of Burntwood.

2. Summary

- 2.1 The proposed diversion of Public Footpath No. IR/2852 in the Parish of Burntwood is being sought by John Reynolds & Associates Ltd on behalf of T R F Developments Ltd. The diversion is necessary to implement terms of planning permission 15/00448/FUL allowing for the development of 5 bungalows, (3 detached bungalows and a pair of semi –detached bungalows.)

3. Detail of Report

- 3.1 An application has been submitted under the Town and Country Planning Act 1990 by John Reynolds & Associates Ltd on behalf of T R F Developments Ltd for the proposed diversion of Public Footpath No. IR/2852 in the Parish of Burntwood.
- 3.2 Attached at **APPENDIX A** is a plan showing the existing Public Footpath with a bold black line (B to A to C). The proposed route of the footpath is shown by bold broken dashes (C to D) on the attached plan.
- 3.3 The existing footpath (to point A) follows the southern boundary of Burntwood Leisure Centre before turning in a southerly direction (A to B) to land fronting Baker Street which it has done for many years. It is noted that for a number of years the boundary with the Leisure Centre has consisted of green palisade fencing which has been blocked at point A. This blockage has meant that people have accessed the Centre beyond point A where a gap has been deliberately left in the fencing.

- 3.4 This application for a diversion of footpath IR/2852 seeks to divert the public footpath to run between C to D as shown with a bold broken line on the attached map adjacent to 69 Baker Street.
- 3.5 The completion of this footpath is subject to inspection and meeting an approved standard.

4. Financial Implications

- 4.1 Administrative and advertisement costs will be incurred in the making of the Public Footpath Order, however, these will be covered by the application fee for diversion of the public footpath.

5. Environmental Issues

- 5.1 None

6. Strategic Plan Implications

- 6.1 None

7. Recommendation

- 7.1 That a Public Footpath Diversion Order be made under the Town and Country Planning Act 1990 to be known as The Lichfield District Council (Footpath IR/2852 in the Parish of Burntwood) Public Footpath Diversion Order 2015.
- 7.2 That the Strategic Director – Democratic, Development and Legal Services be authorised to take all necessary action.

Proposed Diversion of Public Footpath no: IR/2852 in Burntwood Parish
 Proposed Diversion of Public Footpath no: IR/2852 in Burntwood Parish
 — Existing Right Of Way

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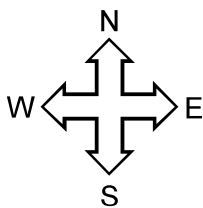
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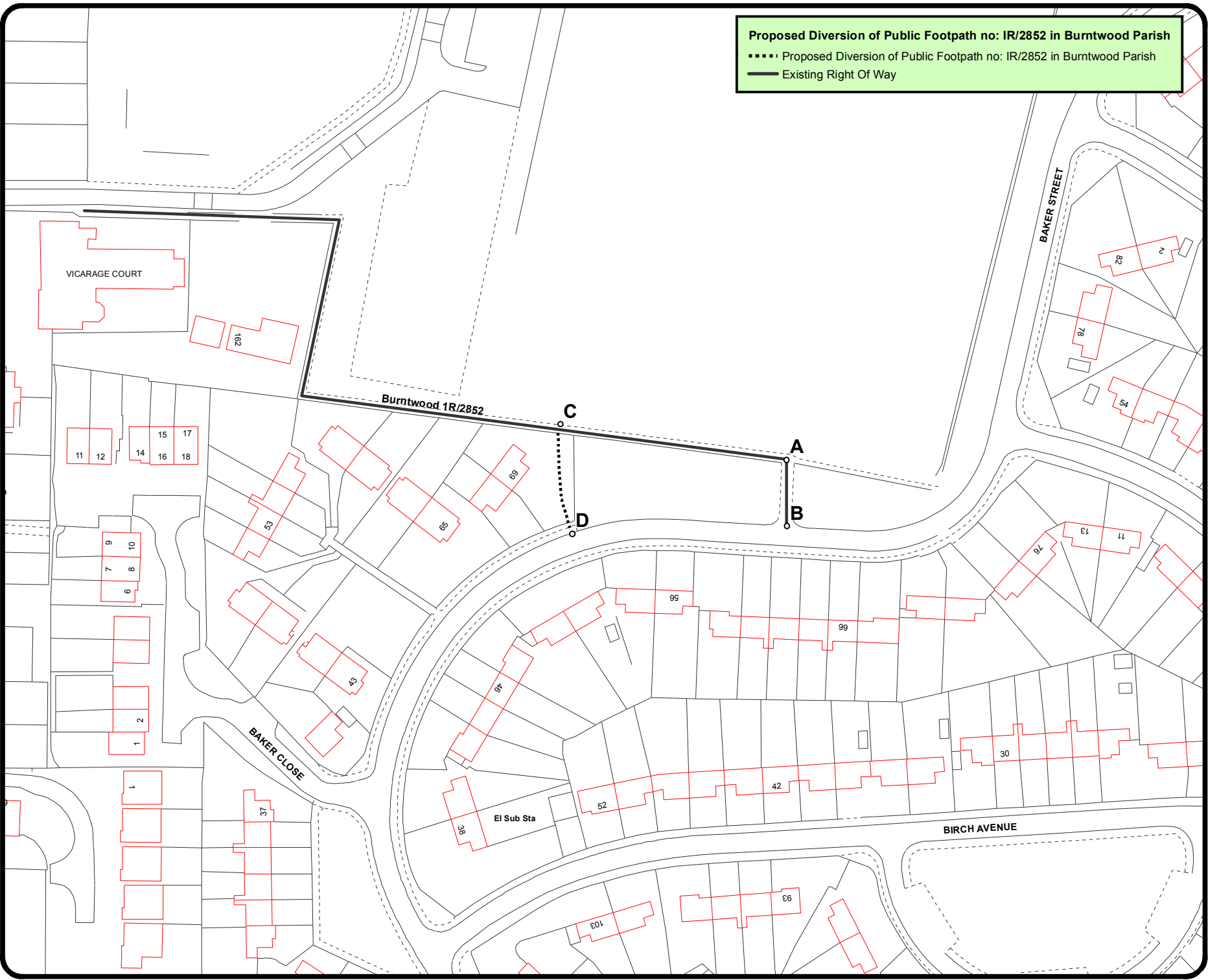
Scale: 1:1,250
 Date: 17/09/2015
 Drawing No:

Drawing Prepared by:
 Lichfield District Council

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 Projection: Transverse Mercator
 Datum: OSGB 1936
 False Easting: 400,000.0000
 False Northing: -100,000.0000
 Central Meridian: -2.0000
 Scale Factor: 0.9996
 Latitude Of Origin: 49.0000
 Units: Meter



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SUBMISSION BY GARETH DAVIES – ENVIRONMENTAL HEALTH MANAGER

STREET TRADING

1.0 PURPOSE OF THE REPORT

- 1.1 To introduce a consistent and transparent approach to the regulation of street trading across the District having regard to both regular and one off traders and annual Special Events.
- 1.2 To note the proposal to designate all streets within the District (except the A38) as consent streets (for street trading purposes).
- 1.3 To authorise officers to consult on Lichfield District Council's draft Street Trading Policy. **(Appendix 2)**
- 1.4 To adopt the new generic Street Trading Conditions **(Appendix 3)** and authorise officers to amend and vary the conditions on a case by case basis to ensure they are appropriate to the circumstances of each application.

2.0 BACKGROUND & INTRODUCTION.

- 2.1 Street trading makes a valuable contribution to the local economy and enhances the vibrancy of the public realm, especially within the city centre. The growing number of Special Events such as the Food Festival and Christmas Market help to encourage footfall, attract tourists and visitors and generally support all local retailers. A recent review of street trading, which has had regard to the increase in Special Events, has led officers to conclude that current arrangements need to be strengthened.

The Local Government (Miscellaneous Provisions) Act 1982 ('The Act') introduced a schedule to regulate street trading. Lichfield District Council decided to adopt the legislation in the 1980s which put in place controls for street trading which gives powers to decide where street trading can take place (consented streets) and where it can't take place (prohibited streets).
- 2.2 A 'street' includes any road, footway or other area that the public have access to without payment.
- 2.3 The aim of the legislation is to control trading in the street or where the trader is trying to derive benefit from the footfall in the street.
- 2.4 All streets are eligible to be covered by the legislation, irrespective of who owns them; trading which takes place in streets which are neither consented nor prohibited is unregulated.

- Currently Lichfield District Council have a number of streets that are designated consent streets and prohibited streets. The consent streets include: Market Street (from its junction with Breadmarket Street to its junction with Bird Street).
- Bore Street (from its junction with Conduit Street to its junction with Breadmarket Street).
- Bakers Lane (for its entire length)
- A5 (for its entire length within Lichfield District Council area).
- A461 (for its entire length within the Lichfield District Council's area).
- A5127 (for its entire length within the Lichfield District Council's area)
- A51 (for its entire length within the Lichfield District Councils Area).
- Dam Street (from its junction with Market Square to Quonians Lane) (for charity stalls and special events only)
- Dam Street (from Reeve Lane to the walkway to Bird Street car park) (for special events only)

The prohibited streets include:

- Tamworth Street (from its junction with Lombard Street to its junction with Conduit Street).
- Conduit Street (for its entire length).
- Dam Street (from its junction with Quonians Lane and to its junction with Reeve Lane).
- Market Street (from its junction with Conduit Street to its junction with Breadmarket Street).
- Breadmarket Street (for its entire length).
- Bore Street (from its junction with Breadmarket Street to its junction with Bird Street).
- A38 (for its entire length within the Lichfield District Council area).

- 2.5 **APPENDIX 1** shows the streets in Lichfield City Centre that are consent and prohibited streets.
- 2.6 It is an offence to either trade in a consent street without a consent from the Council or to trade in a prohibited street.
- 2.7 There is no provision in the law to exempt a trader from obtaining a consent to trade; all individual traders must have their own consent.
- 2.8 Any changes to the designation of streets is subject to a formal public consultation of 28 days. Initially the this Committee would need to make a recommendation to change the status of streets for street trading purposes and the proposed change(s) would need to be advertised in a local newspaper. After the 28 days, the Council would need to consider any representations that have been made and if it is agreed by this Committee that the designation of streets should be changed, this outcome would be advertised in a local newspaper. We will also need to write to inform the Chief Officer of Police and the Highway Authority.
- 2.9 In order to Consent a street trader, the Council requires a) a properly completed application which enables the Council to provide a 'Consent to trade' and b) a fee.
- 2.10 When issuing a consent we consider a wide range of issues including public safety, commercial need, prevention of crime, suitability of applicants and stall, advertising etc.
- 2.11 The fees associated with street trading are reviewed by this Committee on an annual basis (in February)
- 2.12 Environmental Health have reviewed 18 other local authorities to see what they do in relation to street trading. 13 of the policies do not follow the legal advice we have been given and appear to be based on historic decisions. However, 5 out of the 18

consent all streets and put the burden on the applicant to prove why street trading is appropriate in the area they are requesting. These 5 Authorities have the most recently reviewed policies.

3.0 THE PROPOSALS FOR CONSIDERATION.

- 3.1 We propose that all streets within Lichfield District should be designated as consent streets except the whole extent of A38, (which will remain a prohibited street). This means that the District Council would be able to better regulate street trading across the District.
- 3.2 Consenting all the streets except the whole extent of A38, will mean that even streets that normally would not be suitable for street trading may be used, for example where a road closure has been granted. Currently in the city centre, prohibited streets cannot be used for street trading even in circumstances where a road has been closed which would make them safe for street trading purposes. Consenting all streets would provide this additional flexibility. If all streets, except the A38, are consented, traders at events (including larger events such as the food festival and the Bower) will need a consent to sell, expose or offer for sale any article in a consent street. Regulation of trading at these events will ensure that there are controls in place to stop obstruction of the street, danger to persons using it, nuisance or annoyance (whether to persons using the street or otherwise). This in turn will protect the reputation of the City and these events.
- 3.3 The Highway Authority have previously requested that the A38 is a prohibited street as they believe it can't be done safely on this road.
- 3.4 We propose that this Committee approves consultation on the draft street trading policy (**APPENDIX 2**).
- 3.5 We propose that the generic conditions for street trading are adopted (**APPENDIX 3**). These conditions place restrictions on the consent and ensure that they operate safely. If the street trader breaches the conditions it is an offence and allows the Council to take formal action where appropriate. The Council can also amend or vary conditions to a consent as deemed appropriate on a case by case basis.

4.0 FINANCIAL IMPLICATIONS

- 4.1 A cost will be incurred to advertise the consultation in the local newspaper on the two occasions required by statute. This can be met from current budgets.
- 4.2 The number of street trading consents that would be required under the new Policy (if agreed) will increase considerably, mainly owing to the demand created by Special Events; the cost of undertaking the necessary tasks associated with processing these additional consents will be met from the street trading fee income.
- 4.3 Most Special Events have previously operated outside of the street trading regime and therefore, if the Policy is approved, traders at the Lichfield Bower, Lichfield Festival (including Cathedral Market), Food Festival, Heritage Weekend and Christmas Market will be liable to pay the consent fee in future. At the next meeting of this Committee, Members will be requested to consider the future charges for street trading consents and will be able to take into account feedback from the consultation in relation to the impact of the consent fee on the aforementioned events.

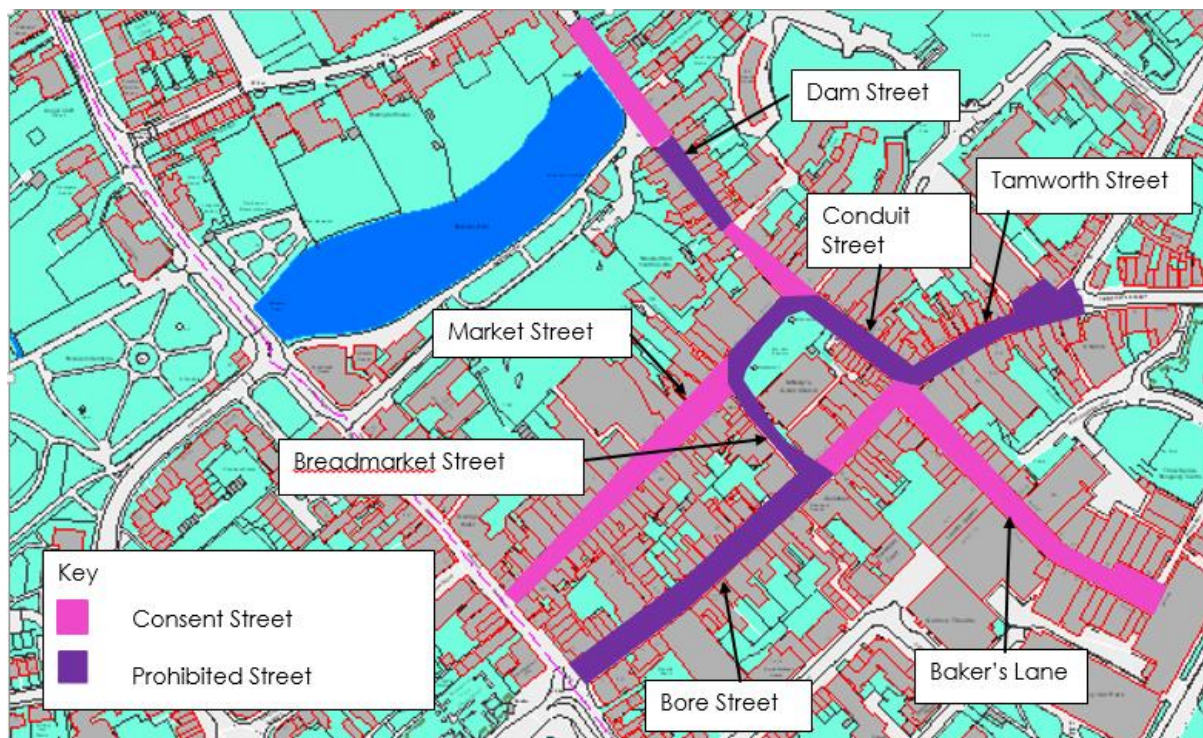
5.0 RECOMMENDATIONS

5.1 Members are requested to:-

5.1.1 To authorise officers to consult on Lichfield District Council's draft Street Trading Policy. **(Appendix 2)**

5.1.2 To adopt the generic conditions **(APPENDIX 3)** and authorise officers to amend and vary the conditions on a case by case basis.

Appendix 1 Map of Current City Centre Consent and Prohibited Streets



Appendix 2 Draft Street Trading Policy

Appendix 3 Generic Street Trading Conditions

STREET TRADING POLICY



Introduction

This policy is a decision making framework for the consideration of applications for street trading consents. The aim of the policy is to create a street trading environment which is sensitive to the needs of the public including residents, provides diversity and consumer choice, and contributes to the character and ambience of local environments and ensures safety. The council's ability to regulate street trading is set out in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 referred to in this policy as "the Act".

Street trading can aid the local economy and contribute to the facilities offered to people who visit, live and work in the Lichfield District.

About this policy

The purpose of this policy is to provide a single set of basic rules which will be used to inform the various decision making processes for street trading. Officers will use this policy to direct their decisions, always assessing each case on its merits. This policy will also inform applicants of the parameters in which the authority will make decisions.

Whilst each application will be dealt with on its own merits, this Policy gives prospective applicants an early indication as to whether their application is likely to be granted or not. It also provides prospective applicants with details of what is expected of them should an application be granted.

Definition of street trading

Street trading is defined in paragraph 1 of Schedule 4 of the act as:

'the selling or exposing or offering for sale of any article (including a living thing) in a street'.

The Act defines the term 'street' as including:

'any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980'. This includes private land.

The Act at paragraph 1(2) of schedule 4 states that the following types of trade are not street trading:

- A pedlar trading under the authority of a pedlar's certificate granted under the Pedlar's Act 1871;
- Anything done in a market or fair, the right to hold which was acquired by virtue of a grant, enactment or order;
- Trading in a trunk road picnic area provided by the secretary of state under section 112 of the Highways Act 1980
- Trading as a news vendor

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- Trading carried on at premises used as a petrol station
- Trading carried on at a premises used as a shop or in a street adjoining as shop where the trading carried on is part of the business of the shop.
- Selling thing, or offering or exposing them for sale as a roundsman.

Overview of Street Trading

Streets may be designated as either 'prohibited', 'licenced' or 'consent streets' for the purposes of street trading. A definition of the different classification is set out below:-

Prohibited Streets- If a street is designated as a prohibited street then a criminal offence is committed by any person engaging in street trading in that street. There could be a number of reasons for wishing to designate a street as prohibited. For example the street may not be wide enough to facilitate a trader or the council may wish to restrict trading at a particular location. The only prohibited street in Lichfield District is the whole extent of the A38.

Licensed Streets- A licensed street designation is considered appropriate for the more formalised market type of trading in a street where the strict control of a limited amount of space is required. There are no licensed streets within the Lichfield District.

Consent Streets- Designating a street a consent street can cover the more infrequent and itinerant type of trading. All streets within Lichfield District are designated as consent streets with the exception of the A38.

Street Trading within the Lichfield District

Lichfield District Council have designated all streets within the Lichfield District as consent streets, except the whole extent of the A38. Therefore the provisions of this Policy applies to all streets that fall within the definition of street trading.

Types of Street Trading consents

Street trading consents are issued within the Lichfield District and the consents come under the following classifications:

- Annual Street Trading- this is a consent that lasts 12 months at a particular pitch within the district.
- Temporary Street Trading- consents are for short periods of time e.g. every Wednesday or for a particular week of the year.
- Roaming Street Trading- this is where a trader operates on various streets with the district rather than a fixed location. In such cases, applicants must, when submitting the application clearly identify all the locations they wish to trade from.

Street trading without consent on a consent street is a criminal offence. The Council has a wide discretion with regard to the granting or refusal of street trading consents and does not have to rely upon specific statutory grounds in order to refuse an application for grant or renewal of a consent. There is no

right of appeal to the magistrates' court against any council decision made in respect of a street trading consent. A consent cannot be granted for a period exceeding 12 months and can be revoked at any time. Reasonable conditions can be attached to a consent.

Why do we have street trading?

Street trading provides valuable employment opportunities for local people as well as a seedbed of entrepreneurship, allowing new entrants to test their business skills and ideas in an environment which has low start-up costs, minimal overheads and existing customer footfall.

Goods on sale in the street provide convenient access to hot and cold drinks, fresh fruit and vegetables, household goods and other services for local communities, those travelling to work, and the visitors to the Lichfield District.

The designation of streets within the Lichfield District has taken place to ensure:

- Public Safety
- Prevention of Crime and Disorder
- Prevention of Public Nuisance.

Key Considerations when Assessing an Application

Public Safety

- The proposed location of the activity should not present a significant risk to the public in terms of highway safety and obstruction.
- Some locations may be considered unsuitable or may require an officer visit before a consent can be issued.
- Applications in respect to sites that have previously been the subject of refusal due to the unsuitability of the location are unlikely to be accepted.

Commercial Need

- Consideration will be given to the number and type of other traders and businesses in the vicinity of the application sites.

Prevention of Crime and Disorder

- The proposed activity should not present a risk to the public.

Prevention of Public Nuisance

- Activities at the pitch must not cause a nuisance or annoyance to neighbouring properties, this includes businesses. Controls must be in place to ensure that nuisance from noise, light, refuse, vermin, fumes, obstruction, littering, and smells does not occur.

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- If at any time we receive complaints that nuisance is occurring, we are duty bound to investigate and, if complaints are found to be justified, may decide to withdraw the consent.

Suitability of applicant

- Lichfield District Council will consider any unspent convictions the applicant may have.
- The Council will reserve the right to request a basic disclosure check where the Council deems there is a risk to children and/or vulnerable people. Examples of circumstances where basic disclosures may be required are fair rides and ice cream sellers.
- When determining whether an applicant is suitable, we will look at the reliability of the applicant in paying fees and charges.
- An applicant's history of street trading will also be considered .e.g. whether previous street trading consents have been used appropriately.

Suitability of the Trading Stall

- The vehicle, trailer or stall (now referred to as a 'stall' within this policy) to be used should be of a high quality design, build, add to the quality of the street scene and be adequate for the purpose intended.
- The stall must meet with all of the consent conditions.
- The stall may be inspected by an officer from Lichfield District Council prior to consent being issued.
- Only stalls approved by an authorised officer of Lichfield District Council can be used.
- The stall shall comply in all respects with any legal requirements relating to the activity proposed.
- Stall must be removed each evening, unless it is permitted on the consent.
- Colours should be chosen which are suitable for the surroundings
- The stall shall be of such a design that it facilitates timely and efficient removal.
- The stall shall be of robust construction and materials that the daily removal will not result in the rapid deterioration in appearance of the unit.
- Stalls and ancillary equipment and stock must be contained within the pitch.
- Prior to any consent being issued or in cases where a trader wished to change the stall, prior approval must always be sought from Environmental Health. Proposals must include all display equipment and any attached, projecting or free standing elements.
- The design and appearance of the stall must be agreed by an officer from Environmental Health before Consent will be granted.

Advertising

- Advertising should only relate to goods offered for sale on that pitch.
- Third party advertisements are prohibited.
- It is not permitted to illuminate any advertisement on the outside of the stall or kiosk without express consent.

Barriers

- Barriers will only be allowed on a consent pitch where they have been specifically included within the stall's approval.
- Barriers are only permitted to enclose the outer perimeter of the pitch or to enclose the outer perimeter of a seating area within the pitch.

Other Criteria

- The consent holder at no time have the exclusive right to trade from the street or any part of it.
- On a consent street no street trading can take place other than in the area outlined in the consent and on the days and hours detailed in the consent.
- The consent holder may only trade in goods that are outlined on the consent.
- A copy of the consent shall be made immediately available upon request to an authorised officer of the Council or the Police.
- Auction sales shall not be permitted as part of the consent.
- All street trading units shall be equipped with safe and adequate lighting for operation during the hours of darkness.

Hours of trading

Trading hours will be set on the basis of promoting the following purposes:

- 1) Preventing crime, disorder and antisocial behaviour
- 2) Avoiding public nuisance
- 3) Protecting public safety
- 4) Preventing obstruction of the highway
- 5) Location and operating hours of business activity.

Selling the right goods

The Council will not normally grant a Consent for the sale of goods which conflict with those provided by nearby shops, street traders or market stalls.

The types of goods allowed to be sold will be considered on a pitch-by-pitch basis.

Anyone wanting to have a stall must clearly state the nature of the proposed goods. The goods must not:

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- Cause a nuisance or annoyance to nearby properties/ people, including cooking smells, smoke, noise, litter and additional cleansing requirements for the Council.
- Cause or contribute to crime and disorder.

Site Assessment

In determining whether Street Trading in a particular area is appropriate the Council will have regard to:

- Any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving.
- Any loss of amenity caused by noise, traffic, smell etc.
- Existing Traffic Orders e.g. waiting restrictions.
- Any potential obstruction of pedestrian or vehicular access.
- Any obstruction to the safe passage of pedestrians.
- The safe access and egress of customers and staff from the pitch and immediate vicinity.

Filling Vacancies and allocation of pitches

The Council will fill vacancies according to the following criteria to maximise the occupancy of street trading pitches and provide opportunities for start-up businesses.

- The Council will keep a waiting list for annual pitches that are currently occupied. Traders can express an interest in a pitch. The details will be held on a list. The list will be kept in chronological order. Traders will be contacted in chronological order and the first suitable trader will be invited to make an application.
- If a trader makes an application, but are unable to trade when a pitch becomes available, the pitch will be offered to the next appropriate trader on the list.
- Where there is no one on the waiting list for a pitch the Council will advertise the vacancy for annual street trading pitch on the council's website and select the most suitable applicant from those applications
- Multiple street trading consents may be granted to different applicants for the same site provided specific trading days/ periods are applied for.
- Street traders must make full personal use of their consent. The local authority will assess whether a consent holder has made full personal use of their consent.
- Applications may not be granted where:
 - (a) Enforcement action is pending, or has previously been taken, against the consent holder/applicant.
 - (b) The holder is currently in arrears with any charges.

Re-letting of pitches

- Consent holders are not permitted to sub-let the pitch they are allocated under any circumstances.
- Street traders shall notify the Council in circumstances where, and for whatever reason, they do not intend to make use of their consent, and notification should be made in advance.
- Consent holders should inform the Council of the date upon which they intend to resume trading, where possible. In circumstances where the date is not known, consent holders must give the Council appropriate notice of their intention to resume trading.
- Where no prior notification has been received and in circumstances where the Council is satisfied that the consent holder is not making use of the consent it may re-let the street trading pitch to another trader.

Temporary Relocation

When a pitch becomes unsuitable, the Council will relocate consent holders where suitable alternative street trading pitches exist.

The Council may consult with the Highway Authority to identify suitable alternative pitches for the purpose of relocating the displaced street trader.

Surrendering an annual consent

Where the trader at an annual pitch wishes to surrender their consent they must give the Council 21 days written notice.

Food Stalls

Traders based outside of Lichfield District Council boundaries who wish to trade on the street either for an occasional pitch or at Lichfield events must be registered as a food business establishment with the local authority where they are based and have achieved a National Food Hygiene Rating (NFHR) of 4 or 5. In the case of low risk businesses that are exempt from the NFHR scheme we will liaise with the local authority environmental health department where they are based to ensure a suitable level of food hygiene compliance is achieved.

Traders based and registered with Lichfield District Council and trading from one of the Lichfield District Council permanent pitches shall achieve a National Food Hygiene Rating Scheme (NFHR) rating of 4 or 5 at their first rating inspection and shall maintain this rating as a minimum across all future inspections. Mobile Businesses who dip below a NFHR of 4 shall rectify the matters that lead to the drop in rating and apply for a re-rating inspection within three months of the initial inspection, where they would be required to achieve a rating of 4 or 5. Under normal circumstances an inspection where a rating of below 3 is achieved would result in revocation of the street trading consent.

Draft Street Trading Policy for Consultation

When issuing a consent to trade on the street, Lichfield District Council will give preference to street traders who are members of the Nationwide Caterers Association (NCASS) and therefore have access to assured advice within the NCASS primary authority partnerships. The compliance history of NCASS members will be checked via ncase-connect before issuing consent.

Fees

Lichfield District Council will set fees and charges. Fees and charges are reviewed annually.

For annual pitches an initial payment equivalent to 40 trading days will be due before consent is granted. The remaining fee will be spread over the following 10 month period, with monthly payments equivalent to 21 trading days due. The monthly payments will start 1 month after your consent is granted. For example (please note figures are for example purposes to check current fees please call 01543 308725 or check www.lichfieldc.gov.uk).

£11.50p daily charge. Based on a daily fee 5 days worked per week, 50 weeks a year.

Initial payment of 40 days at £11.50p due before consent granted= £460.00

Consent granted 1st January 2015

10 monthly payments of fee for 21 days at £11.50p a day= £241.50

First payment of £241.50 due on 1st February and then the 1st of the following 9 months.

For temporary pitches the applicant will need to pay when booking. To take advantage of the reduced rate 20 days the payment will need to be made in advance and in one transaction.

Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for a grant or renewal of the consent.

APPLICATIONS

Who can apply?

To apply for consent a person must be:-

- An individual or business
- Must be 17 or over.
- Legally entitled to live and work in the UK
- Be of good character

Making an application

All applications must be made on the Council's prescribed application form. The application must be completed in full with all the required information before the application is considered. Applications can be obtained by calling 01543 308725 or e-mailing pollution@lichfielddc.gov.uk.

An officer may require the applicant to bring the vehicle, barrow, cart, van, portable stall or other vehicle which the applicant intends to trade from for inspection.

Before a Street Trading Consent is granted the Council may decide it is appropriate to consult with various people or groups before an application is considered. The Council will consider relevant representations.

The address stated on the application form must be supported by documents, dated within the last three months, containing the same address.

The application must be accompanied by the following documents:

- Insurance- a current, original, insurance certificate; which must cover street trading.
- Basic Disclosure if appropriate.
- Proof that the applicant, and any assistants are entitled to work in the UK.

Once the application is complete and has been accepted, the Council will either:

- a) Grant the application as applied for;
- b) Grant the application with conditions or a variation to application;
- c) Refuse the application.

Where an application is refused the council will notify the trader in writing detailing the reasons for refusal.

Insurance

The Council will accept no liability for the street trading activities undertaken by the Consent Holder(s). Evidence of suitable Public Liability Insurance (minimum value of £5 million) will be required from the Consent Holder(s).

The insurance must be maintained throughout the period of the consent and the consent will be revoked should the insurance be cancelled or breached or its sum altered as to provide less than the minimum value.

If the insurance is due for renewal during the period covered by the consent, it is the responsibility of the Consent Holder(s) to provide the Council an original public liability insurance certificate to show that the insurance is continuous for the period of the consent.

Disclosure and Barring Service Check

The Council may ask you to apply for a Basic Disclosure to ensure that you are a suitable applicant. To apply for a Basic Disclosure the applicant needs to contact the Disclosure and Barring Service and follow their application procedures.

Any assistants named on the application form may also need to apply for Basic Disclosure.

Contact details for disclosure service are:

Website: <https://www.gov.uk/government/organisations/disclosure-and-barring-service>

Telephone: 03000 200 190

E-mail: customerservices@bds.qsi.gov.uk

Removal of waste

Traders shall ensure that they comply with the law in relation to the disposal of waste. All businesses must put in formal arrangements for the collection of waste created by their activities. It is an offence to dispose of trade waste in domestic refuse bins.

Receipt of Application and Fees

An application will be treated as being received, only, when the relevant application and the necessary supporting evidence has been received and the relevant fee has been paid. The application must be completed in full. Incomplete applications will be returned to the applicant. Failure to follow the application process may result in the application being refused or delayed.

Consultation

On each application received Environmental Health may consult the following:

- Staffordshire Police
- Highway's Authority
- Lichfield District Council's Planning Department
- Lichfield District Council's Licensing Department
- Lichfield District Council's Waste team
- Lichfield District Council's Tourism team
- Fire Brigade
- Any other person or body deemed necessary.

Considering applications

All applications will be considered on their individual merits taking into account all relevant matters.

Annual Consent Renewal

Consent holders will be reminded that their consent is due to expire. This is done to assist the trader. It is the responsibility of the consent holder to ensure that they submit their application prior to the expiry of their consent.

Consent holders may submit their application to renew up to one month in advance. Applications for renewal must be received 14 days before the consent is due for renewal. **Failure to do so may result in a renewal not being granted.**

Revoking consents

There is no right of appeal against an officer's decision to revoke a consent. Where a consent is revoked the Council will advise the applicant in writing and notify them the reason for revocation. The Environmental Health Manager may however allow an appeal to the Regulatory and Licensing Committee if he feels it is appropriate. Details on how to appeal will be given to applicants when a decision to revoke the consent has been made.

Refusing Applications

The Council may refuse to grant a consent. Where a consent is refused the Council will advise the applicant in writing and notify them the reason for refusal. There is no right of appeal against an officer's decision to refuse a consent. The Environmental Health Manager may however allow an appeal to the Regulatory and Licensing Committee if he feels it is appropriate.

CONDITIONS, COMPLAINTS AND ENFORCEMENT

General conditions will be attached to every consent. Additional conditions may also be attached relating to the type of consent given. Failure to comply with conditions may result in enforcement action, revocation or non-renewal of a consent.

Complaints

Complaints will be fully investigated and consent holders shall be expected to liaise with the Council to resolve them. Substantiated complaints may result in a consent being revoked.

Complaints may also be taken into account when considering an application to renew a street trading consent.

Offences

Decisions regarding enforcement action will be made in accordance with the Environmental Health's Enforcement Policy.

Draft Street Trading Policy for Consultation

A person commits an offence if they:-

- a) engage in street trading in a prohibited street;
- b) engage in street trading in a consent street without first obtaining authorisation from the Council;
- c) contravene a condition imposed on a consent.

Any person guilty of such an offence may be liable, on conviction at Magistrate's Court, to a fine of up to £1000.

Fairground Rides

Anyone wishing to operate a fairground ride on a consent street must be a member of the Showman's Guild of Great Britain and comply with all of their rules.

DEFINITIONS

Roundsman

"roundsman" is a person who followed the round of his customers to take orders and deliver the pre ordered goods of his customers.

News Vendor

News vendor is a reference to trading where—

- (a) the only articles sold or exposed or offered for sale are newspapers or periodicals; and
- (b) they are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not—
 - (i) exceed one metre in length or width or two metres in height;
 - (ii) occupy a ground area exceeding 0.25 square metres; or
 - (iii) stand on the carriageway of a street.

DRAFT

Appendix 3 - Street Trading Conditions

Generic Street Trading Conditions

1. The street trading shall only take place on the dates stipulated on the consent.
2. The street trading will only take place at the times stipulated on the consent.
3. The street trading shall only take place at the site(s) stipulated on the consent and/or attached map.
4. The street trading consent holder shall only trade from the stall/vehicle stipulated on the consent.
5. The consent holder shall trade in strict accordance with this consent.
6. The street trading consent holder shall only trade in goods stipulated on the consent.
7. The holder of the consent shall notify Lichfield District Council's Environmental Health section in writing the details of any criminal proceedings being taken against the said person within 7 days.
8. The holder of the consent shall notify Lichfield District Council's Environmental Health section in writing the details of any criminal convictions they receive within 7 days.
9. The holder of the consent, if requested, must submit to Lichfield District Council such information as they may reasonably consider necessary to enable them to determine whether the consent should be revoked or renewed and whether any conditions should be attached to the consent.
10. The street trading consent holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council authorised in writing under the appropriate legislation.
11. The stall and all equipment shall be removed from the pitch after trading has ceased for the day unless permission to not remove are listed on the consent.
12. A copy of the consent, suitably protected against the weather, shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
13. The holder of the consent or any person employed by them shall produce their street trading consent when required to do so by a Police Officer, or an authorised officer of Lichfield District Council.
14. No music or amplified noise will be played at the stall, unless it is granted special permission and listed on the consent.
15. Activities at the pitch must not cause a nuisance or annoyance to neighbouring properties.
16. No indentations or damage shall be made to street furniture. Nor shall anything be attached to street furniture.
17. After trading the pitch must be left in a clean and tidy condition.
18. Litter bins must be provided by all food traders and any other trader creating any kind of waste. All bins shall be emptied at least once a day and all waste disposed of appropriately.
19. The trading unit must be removed forthwith at the request of any authorised Lichfield District Council Officer, Police Officer or Fire Officer.

20. No equipment is to be left on the pitch outside the trading hours.
21. All traders shall have at least £5 million public liability insurance in respect of each and every claim covering any activity associated with their business.
22. Third party advertisements at the pitch are prohibited.
23. No illuminated advertisement on the outskirts or the stall, unless it is granted special permission and listed on the consent.
24. No auction sales are permitted.
25. Street trading stalls shall be equipped with safe and adequate lighting for operation during the hours of darkness.
26. Annual street trader must give the Council 21 days notice to change or terminate the consent.

These conditions may be amended or varied on a case by case basis.

SUBMISSION TO REGULATORY AND LICENSING COMMITTEE

Date: 25th November 2015

Agenda Item: 6

Contact Officer: Neil Wait

Tel: 01543 308734

SUBMISSION BY NEIL WAIT – SENIOR ENVIRONMENTAL PROTECTION OFFICER

Taxi Licensing Update

1. Purpose of Report

- 1.1 To update members on progress since the 6 July 2015 taxi licensing Committee report.
- 1.2 For members to consider consultation responses in relation to proposed new taxi licensing conditions.
- 1.3 For members to decide whether to implement the proposed new taxi license conditions.
- 1.4 For members to consider and determine options proposed regarding the possible introduction of taxi driver driving tests.

2. Update since 6 July 2015 meeting

- 2.1 As part of the Councils response to the national Child Sexual Exploitation (CSE) issue the Committee decided to implement the following new taxi licensing provisions:
 - Introduce CSE safeguarding booklet for all taxi drivers;
 - Add CSE questions to new driver test;
 - Driver's to have 'CSE report it' cards;
 - Driver's to attend CSE training event;
 - Second (larger) driver badge to be displayed on vehicle dashboard.
- 2.2 The Committee also decided that Officers should decide the most appropriate way of implementing the agreed proposals. Officers have now considered this, and in consultation with the Chairman and Vice-Chairman, have concluded the following:

Measure	Implement
CSE booklet	Booklet to be created by officers. Send out as part of new / renewal license application pack
CSE test questions	Multiple choice questions created by officers in liaison with County Council, Environmental Health & the Council's lead officer on Safeguarding to test knowledge of CSE booklet and added to existing new driver knowledge test
CSE report it cards	Cards to be created by officers and distributed to drivers with their new / renewed license
Training course	Course to be created by officers in liaison with County environmental health & safeguarding colleagues. Deliver the course internally via our safeguarding lead. All drivers (existing & new) to complete course within 6 months of new or renewed license. Add new condition to driver licence conditions to make this a legal requirement.
2 nd driver badge	2 nd badge will be issued for new & renewed drivers from April 2015. Fees to be amended to reflect cost (at February 2016 Committee) and new driver condition added to licence conditions to make this a legal requirement.

- 2.3 Implementing these measures in this way requires two additional Combined Hackney Carriage and Private Hire Drivers Licence conditions. Members will also recall an additional Operators condition being agreed at the 6 July 2015 meeting regarding sub-contacted bookings.
- 2.4 The taxi trade were consulted on the proposed three additional licencing conditions in September 2015. The consultation letter is shown in **Appendix A**. Three consultation responses were received, and they are shown in **Appendix B**.
- 2.5 Costs associated with implementing these proposals will be passed onto taxi drivers. These additional costs will form part of the annual Environmental Health fees & charges review which will be presented to this Committee at the 10 February 2016 meeting. Officers will aim to keep these costs to a minimum. Members will note that Officers intend to deliver the training course in-house which will significantly reduce costs. The second driver badge cost will be materials only and Officers are in discussions with our supplier at the moment. As a rough guide to assist Members we estimate the course will cost in the region of £15 and the second badge £10. To facilitate the larger photograph required for the second badge officers are considering taking the photograph ourselves in reception which will have two benefits. It ensures we have a validated up to date photo of the driver, and it means drivers will avoid the current cost of obtaining passport style photo booth pictures.

Recommendations

- 2.6 Members to consider the consultation responses shown in **Appendix B**.
- 2.7 Members to decide whether to add the following two Combined Hackney Carriage and Private Hire Drivers Licence conditions:

- *You shall successfully complete the District Councils 'Taxi Driver's Child Sexual Exploitation awareness' training course within six months of your Combined Hackney Carriage and Private Hire Drivers licence being issued.*
- *A driver shall at all times when acting as a Combined Hackney Carriage and Private Hire Driver, display their dashboard licence on the vehicle dashboard using the Council supplied mount. It shall be in a position as to be plainly and distinctly visible to the hirer(s), however, it not being within your line of vision*

2.8 Members to decide following the consultation process whether to add the following Operator condition:

- *If an Operator sub-contracts a booking the operator shall verbally inform the customer prior to the vehicles arrival at the pick-up site the details of the sub-contractor that will be conducting the journey. Details shall include operator licence name and licensing authority.*

3. Taxi driver driving tests

3.1 Members tasked Officers to investigate options of incorporating a taxi driver driving assessment into the taxi licensing regime, and that these options be presented to the Committee.

3.2 Officers have been in discussion with Staffordshire County Council Road Safety Unit regarding taxi driver driving assessments. Their taxi driver assessment is completed within 2 hours and areas covered include: moving off and stopping; adequate clearance to stationery hazards; appropriate use of speed and speed limits; overtaking/lane discipline/junctions and roundabouts; manoeuvring; vehicle control; hazard recognition; road markings and traffic signs. The current cost of the driving assessment is £60. An example driving assessment report form is shown is **Appendix C**.

3.3 The below table shows a range of options for incorporating the driving tests into the taxi licencing regime:

Option	Use
Do not use	Existing application process (including written test) and enforcement options deemed sufficient.
Use as an Enforcement tool	A number of possible enforcement uses: <ul style="list-style-type: none"> • New or renewal applicants with poor driving record, for example, driver accrued 9 penalty points; • Existing drivers where poor driving is either observed or reported via customer complaints. A range of case by case enforcement option are available to officers should the test be failed e.g. time to retest, suspend or revoke); • Outcome option for Licensing Appeals Panel
Use for new driver applications	Made a requirement that each new applicant must successfully complete the driving assessment before a licence is granted.
Use for renewal driver applications	Made a requirement that all existing drivers must successfully complete the test every 3 years.

3.4 When considering these options Members should consider the following:

- Currently new applicants complete a 2 hours written test which incorporates questions on: taxi licencing legislation; taxi licence conditions; Highway Code; and, local knowledge. This test costs drivers £40.
- The cost of the driving assessment (currently £60) would be passed onto the driver. The annual fees & charges review is due at the 10 February 2016 Committee meeting.
- For new drivers there is the opportunity to merge the current written test with the driving assessment. This would result in a net increase of £20 for new drivers.
- Most existing drivers carry on their business without complaint, accidents and with a low level of driving offences for many years. It may be unreasonable to place extra burdens on these types of drivers in having to conduct driving assessments at renewal. If however, drivers are found guilty of driving offences, members of the public complain about them, officers witness poor driving or they are involved in a road traffic accident it would be useful and reasonable to be able to require these assessments as an enforcement tool to ensure public safety.
- Requiring the driving assessment for driver renewals and as an enforcement option will require additional taxi licensing conditions to be drafted. Prior to considering these options, Members should be aware that the legislation states... a district council may attach to the grant of a license under this section such conditions as they may consider **reasonably necessary** (*Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976*). Any person aggrieved by any conditions attached to the grant of a driver's licence may appeal to a magistrates' court (*Section 52 of the Local Government (Miscellaneous Provisions) Act 1976*).

Recommendation

3.5 For Members to decide upon which taxi driver driving assessment option(s) shown in the table at 3.3 to adopt.

3.6 Should any of the option(s) chosen by the Committee require a change or addition of licence condition(s), Officers seek your approval to draft suitable conditions and then consult the proposed condition / changes with the taxi trade. Officers seek approval to authorise the Chairman of Regulatory and Licensing Committee and Environmental Health Manager to review any consultation comments and approve any changes.

4. Recommendations

- 4.1 For members to note the contents of the report.
- 4.2 For members to determine the recommendations set out in sections 2 and 3 of the report.

5. Risk Management Issues

Risk	Likelihood/ Impact	Risk Category	Countermeasure	Responsibility
Appeal of any license conditions made / amended	Low	Legal	Consider any consultation response and review if justified	Regulatory and Licensing Committee

6. Appendices

Appendix A – Taxi trade proposed new conditions consultation letter

Appendix B – Consultation responses

Appendix C – Staffordshire County Council Road Safety Unit driving assessment report form

Your ref
Our ref
Ask for Stephen Pearce
email stephen.pearce@lichfielddc.gov.uk

**District Council House, Frog Lane
Lichfield WS13 6ZE**

Switchboard +44 (0) 1543 308000
Fax +44 (0) 1543 308728
Taxi Office +44 (0) 1543 308735
Minicom only +44 (0) 1543 308078

29 September 2015

Dear Sir/Madam

**Local Government (Miscellaneous Provisions) Act 1976
Consultation
Change of Operator and Combined Hackney Carriage and Private Hire Drivers Condition of licence**

I am writing to you as a Combined Hackney Carriage and Private Hire driver badge holder, currently licensed with Lichfield District Council.

Following the Child Sexual Exploitation (CSE) Taxi Driver awareness and consultation event on the 14th April 2015, the Councils Regulatory and Licensing Committee considered the matter further on the 6th July 2015. The Committee determined that the following taxi licensing measures should be implemented as part of the Councils response to the national CSE issue:

- Introduce CSE safeguarding booklet for all taxi drivers;
- Add CSE questions to new driver test;
- Driver's to have 'CSE report it' cards;
- Driver's to attend CSE training event;
- Second (larger) driver badge to be displayed on vehicle dashboard.

This department are now in the process of enacting the Committees wishes so these new approved measures can be in place as soon as possible. In addition to this on the 1st October 2015 the Deregulation Act 2015 brings in some new measures for taxi licensing.

We are therefore consulting the trade on the additional taxi licensing conditions below:

Additional Operator Condition

If an Operator sub-contracts a booking the operator shall verbally inform the customer prior to the vehicles arrival at the pick-up site the details of the sub-contractor that will be conducting the journey. Details shall include operator licence name and licensing authority.

Additional Combined Hackney Carriage and Private Hire Drivers licence Conditions

You shall successfully complete the District Councils 'Taxi Driver's Child Sexual Exploitation awareness' training course within six months of your Combined Hackney Carriage and Private Hire Drivers licence being issued.

A driver shall at all times when acting as a Combined Hackney Carriage and Private Hire Driver, display their dashboard licence on the vehicle dashboard using the Council supplied mount. It shall be in a position as to be plainly and distinctly visible to the hirer(s), however, it not being within your line of vision.

Please submit any consultation comments in writing for my attention within 14 days from the date of this letter.

Yours faithfully



Stephen Pearce
Environmental Health – Pollution

1

Lichfield District Council
District Council House
Frog Lane
Lichfield
WS13 6ZE



10 October 2015

Lichfield Hackney Association
29 Blackpool Street
Burton on Trent
Staffordshire
DE14 3AL

Dear Mr Stephen Pearce

Thank you for your letter dated 29 September 2015.

We as an Association support any measures which help protect our children and any vulnerable people, just to make everything clear.

I personally could not make the CSE Event In April, which I told you in person due to prior engagement, if I had a bit more notice I could have maybe rearranged things. The reason I bring this up is to the 5 proposals that have gone before the Licensing Committee which we as a combined Licence holder and as an association were not informed of therefore could not give our view or concerns regarding these.

4 - Driver's to attend CSE training event

We need further information regarding times and costs to Licence Holders

5 - Second (larger) driver badge to be displayed on vehicle dashboard

Overwhelming majority of my members have showed great concern regarding this, here are some of the reason:

- Intoxicated and some non-intoxicated passengers will take the larger badge, especially at night time from dashboard giving rise to cost and most importantly fraudulent use of the Badge.
- One's religion will be Identifiable subjecting my members and non-members to racial and religious aggravated assaults, verbally, as well as physical. We already have sufficient identifiable marks on taxis and on the drivers

Having heard these from members and non-members alike I strongly recommend that you and the respected committee re-evaluate this, and I request this not only because it will be

safer for my members but it will be detrimental to what the Whole CSE is trying to do, gaining co-operation from trade.

I ask you this, will you get more co-operation when they are unhappy because they are suffering? If the answer is 'NO' than the whole CSE exercise is doomed to fail. Risking my members needlessly and more importantly safeguarding children, what this whole CSE is about.

On additional Operator Condition, we agree and it seems only fair.

On additional combined Hackney Carriage and private Hire Drivers Licence Conditions, I have some questions does the six month limit apply to new Licence holders, current or both, please clarify.

And as for Displaying the Larger Badge I Have given you detailed views on this on the previous page.

I sincerely hope that you will take on board what I have said and work with us for making a safe environment for our children and our licence holders.

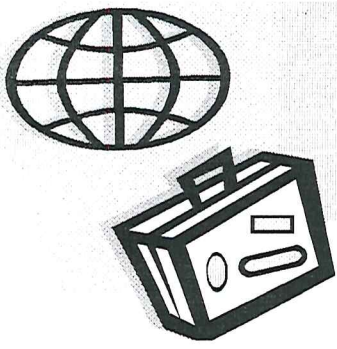
Lastly there should be no lack of communication on either sides when such a vital issue of safety is concerned and be working together to eradicate such practises where ever they exist, which were certainly prevalent in certain parts of the country.

Anticipating your reply

Yours sincerely



Mohammed Imran
Chairman – Lichfield Hackney Association



2

John Dylan Parry

19 Gloucester Close

Lichfield WS13 7SS

Tel:01543255092

Mobile:07824643479

john.dylan.parry@ntlworld.com



6th October 2015

Attn Stephen Pearce...Your letter of 29 Sept 2015

Dear Sir,

I write my comments both as badge holder and ordinary member of the Lichfield Electorate. The taxi trade has been regulated since the mid 1650s under Oliver Cromwell. I think we can agree that it is right that the drivers be licensed as fit to do their job. However, the new proposals seem to enter completely new grounds, in that a condition of the licence has nothing to do with the job for which they are currently licenced. It is something quite extra, and once this principle has been established, then there is nothing to stop any one who holds a licence off the council from having any cause dear to the politicians being added as a condition of trading. This worries me as an ordinary member of the electorate.

It would seem that the council has made a link with CSE and the taxi trade. I do not know what that link is. I was unable to attend the meeting on 14th April, and no minutes were issued, so that is not surprising. If there is a link, is it with the drivers being more likely to indulge in CSE, or that the victims are more likely to travel in taxis than any other activity normal to a life?

If there is a link, is it a common one throughout the country, or does it apply to some specific area?

.....but is this not supposed to be local government? If the link is specific to, or includes, the area of LDC, then please inform us with the number of cases involving taxi drivers or travelling in taxis that have been recorded over a recent specific time span. Please advise detail.

We are not employees of the council, we are not special, if we are to be subject to special provision there should be a powerful local case to justify it.

Does a driver in future risk being sued if they make a wrongful accusation?...or fails to make an accusation when one might have been justified?.....or risk licensing problems if the council suspects they are not being diligent enough? If you are imposing a duty on us above that of an ordinary decent citizen, does it apply all the time, just when we are in the cab or..? Are you ready to help us in the invidious circumstance of having to report on family and neighbours etc?

What might be the effect on recruitment of new drivers?, we are already generally beyond the first flush of youth, and it is already hard to recruit suitable new people, and almost impossible for the relatively young.

Are you planning to involve other areas of the working population, are not other potential victims at risk who never take taxis?

I would appreciate some very specific answers.

Thank you for your attention.

Yours faithfully,

J.D. Parry

3

Mr Frankham wants
Special Events vehicles
to be exempt from 2nd driver
badge.
Long phone conversation
re matter. didn't wish
to write in.

Staffordshire County Council Road Safety Unit

Driving Assessment Report Form

Assessment Type	
-----------------	--

Client Name	
Company Name	
Vehicle Type	
Date of assessment	

Does client hold a valid licence for the group of vehicle being driven?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Does client meet current eyesight requirement?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Explanation of markings

A = Acceptable Standard Achieved
B = Some minor discrepancies observed
C = Areas of concern that need attention

Vehicle Control and Car Sympathy

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Road Procedure

Moving off and stopping	
Adequate clearance to stationery hazards	
Follows other vehicles at a safe distance	
Appropriate use of speed and speed limits	
Overtakes other vehicles safety	
Lane discipline	
Junctions and Roundabouts	
Pedestrian crossings	
Rural roads	
Dual Carriageways	
Motorways	
Manoeuvring (Where appropriate)	

--

Awareness and Anticipation Skills

Hazard recognition	
Anticipation skills	
Road markings	
Traffic signals	

--

Assessors Summary

--

Assessors name	
----------------	--

Client Signature	
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SUBMISSION BY NEIL WAIT – SENIOR ENVIRONMENTAL PROTECTION OFFICER

NEW LICENCE CONDITIONS FOR DOG BREEDING ESTABLISHMENTS

1.0 PURPOSE OF THE REPORT

- 1.1 To provide the Council with an up to date licensing regime, which reflects changes in the law, the industry and the progress in animal care.

2.0 SUMMARY HIGHLIGHTS OF THE REPORT

- 2.1 The report seeks adoption of new licensing conditions for dog breeding establishments (APPENDIX C). The new dog breeding establishment conditions will be based on the Chartered Institute of Environmental Health (CIEH) Model Licence and Conditions and Guidance for Dog Breeding Establishments (January 2014) (APPENDIX B).

3.0 BACKGROUND & INTRODUCTION.

- 3.1 The Council is responsible for the licensing of dog breeding establishments under the 1973 Breeding of Dogs Act. Under the authority of the 1973 Act, local authorities may issue licences to proprietors of breeding establishments stipulating conditions which must be complied with by the licensee.
- 3.2 Each dog breeding establishment licence issued by the Council is subject to the standard conditions adopted by this Authority. In addition to a standard condition the Council may decide that a licence may also contain special conditions that are only applicable to the premise or class of premise concerned. The Authority's current dog breeding establishment licence conditions are attached in APPENDIX A of this report.
- 3.3 The Chartered Institute of Environmental Health (CIEH) has worked in partnership with a number of groups to produce a new set of model conditions for dog breeding establishments (APPENDIX B).
- 3.4 We propose adoption of conditions (APPENDIX C) that are based on the model conditions and guidance created by CIEH in 2014.
- 3.5 Adoption of the new licence conditions bring the previous licence conditions up to date, reflecting changes in the law, the industry and progress in animal care.
- 3.6 In granting a licence under Dog Breeding Establishment Act 1973 the Council may attach relevant conditions to ensure that the aims of the legislation are upheld. It has

power to inspect the licensed premises at all reasonable times; and may refuse a licence if the standards are unsatisfactory or if the terms of the licence are not being complied with.

- 3.7 The purpose of the licensing regime is to ensure that the following:
- The health and welfare of the dogs is maintained to a satisfactory standard.
 - That animals will be kept in suitable accommodation, for example in regards to temperature, size, lighting, ventilation and cleanliness
 - Adequate food and drink will be provided to the animals and they will be visited at suitable intervals.
 - That steps are taken to prevent disease spreading among the animals.
 - That adequate fire and emergency provisions are in place.

4.0 THE PROPOSALS FOR CONSIDERATION.

4.1 The proposed new conditions bring the old conditions up to date. The aim is to safeguard animal welfare and improve dog breeding establishments. As the conditions are based on the Model Conditions created by the CIEH it helps to provide a consistent approach across Local Authorities.

- 4.2 The Animal Welfare Act 2006 made owners and keeper of animals responsible for ensuring that welfare needs are met in terms of:
- A suitable environment
 - A suitable diet
 - To exhibit normal behaviour patterns
 - To be housed with, or apart from other animals, if appropriate
 - To be protected from pain, suffering, injury and disease.

These are known as the five freedoms. The five freedoms have been taken into account when the new conditions have been written.

4.3 The 2006 Act is supposed to be followed by secondary legislation to make changes to the licence conditions but that appears to have stalled. We are, however, still required to ensure that the welfare needs as set out above are met by areas where we have the licensing responsibility.

4.4 We currently licence three dog breeding establishment and those licences all expire at the end of December 2015. If these conditions are adopted we would expect compliance for new premises immediately. For existing premises we would expect compliance with the conditions relating to accommodation as repairs are carried out or extensions are built to the existing structures, which could be over a considerable timescale. The rest of the conditions we would expect to have in place at the next licence inspections due at the end of 2016.

- 4.7 A brief summary of key changes from our existing conditions to the proposed new conditions are:
- The new conditions refer to complying with current regulations e.g. fire and electrical safety.
 - The 5 freedoms are taken into consideration, resulting in more conditions in relation to the mental and behavioural needs of the dogs.

- New build conditions are brought in line with the CIEH model standards.

4.8 The requirements of the new conditions are not considered to be unduly burdensome to businesses.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no identified financial considerations identified.

9.0 RECOMMENDATIONS

9.1 Members are requested to:-

- Adopt the new dog breeding establishment conditions in Appendix C with immediate effect for new dog breeding establishments.
- Adopt the new dog breeding establishment conditions in Appendix C by 1st January 2016 for existing dog breeding establishments who will be given a suitable period of time to comply.

LICENCE CONDITIONS TO KEEP A DOG BREEDING ESTABLISHMENT

1.0 RECORD KEEPING

- 1.1 Detailed records should be kept concerning the operation of the breeding establishment. These must be accurate, up to date and available for inspection by the authorised inspector. The following records must be kept:
- Details of all breeding bitches and dogs, including matings and whelping.
 - Details of all puppies, their litter sizes, dates of birth, dam and sire details;
 - Where and when puppies and adult dogs are sold;
 - Microchip and tattoo numbers;
 - If dogs are on loan, details of the premises and the period of the loan;
 - Vaccination and worming regimes as well as other veterinary treatment given;
 - Feeding and exercising regimes;
 - Isolation cases being managed and the regime in place

2.0 ACCOMODATION

2.1 General

- 2.1.1 Dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness
- 2.1.2 Where wood has been used it must be smooth and treated to render it impervious. Wood should not be used on exposed surfaces of walls floors, partitions, door frames or doors in the dog kennelling area. There must be no projections liable to cause injury.
- 2.1.3 All exterior wood should be properly treated against wood rot. Only non-toxic products should be used.
- 2.1.4 All internal surfaces used in the construction of walls, floors, partitions, doors and door frames are to durable, smooth and impervious. There must be no projections or rough edges liable to cause injury.
- 2.1.5 Sleeping areas of kennels must be insulated so as to prevent extremes in temperature.
- 2.1.6 The construction should be such that the security of the dog is ensured.
- 2.1.7 Fencing material should be secure and safe.

2.2 Walls and Partitions

- 2.2.1 Walls with which dogs may come into contact must be of smooth impervious materials, capable of being easily cleaned. Where concrete or other building blocks or bricks are used they should be sealed so as to be smooth and impervious, and resealed as necessary.
- 2.2.2 Junctions between vertical and horizontal sections should be coved. If impractical in existing premises all joints should be sealed.

- 2.2.3 It is suggested that the partition walls between kennels and individual exercise areas should be of solid construction to a minimum height of 1.2m (4ft)

2.3 Floors

- 2.3.1 Floors of all buildings, individual exercise areas and kennels should be of smooth, impervious materials, capable of being easily cleaned. It is recommended that the kennels should incorporate a damp proof membrane.
- 2.3.2 All floors of kennels and individual exercise areas should be constructed and maintained in such a condition as to prevent pooling of liquids.
- 2.3.3 It is recommended that floors should be laid to a minimum fall of 1 in 80 leading to a shallow drainage channel or effectively covered deep drainage channel.
- 2.3.4 Communal exercise areas should also be suitably drained to prevent pooling of liquids.

2.4 Ceilings

- 2.4.1 Ceiling must be capable of being easily cleaned and disinfected.

2.5 Doors

- 2.5.1 Kennel doors should be strong enough to resist impact and scratching and should be capable of being effectively secured.
- 2.5.2 Where metal bars and frames are used, they should be of suitable gauge with spacing adequate to prevent dogs escaping or becoming entrapped. Where metal edging is used, this should not present a risk of injury to the dog.
- 2.5.3 Door openings should be constructed such that the passage of water/ waste is not impeded, or allowed to accumulate due to inaccessibility.

2.6 Windows

- 2.6.1 Windows should not pose a security risk and ideally should be escape proof for the protection of the dog as well as the public.

2.7 Drainage

- 2.7.1 The establishment must be connected to mains drainage or an approved sewerage disposal system.

2.8 Lighting

- 2.8.1 During daylight hours, light must be provided to exercise and sleeping areas so that all parts are clearly visible. Where practicable this should be natural light.
- 2.8.2 Adequate supplementary lighting must be provided throughout the establishment.

2.9 Ventilation

- 2.9.1 Ventilation must be provided to all interior areas without the creation of excessive, localised draughts in the sleeping areas.

2.10 Temperature

- 2.10.1 There must be some part of the sleeping area where the dog is able to enjoy a minimum temperature of 10°C (50°F) and a maximum temperature of 26°C (79°F).

2.11 Kennel size, layout and exercise facilities

- 2.11.1 Kennels should be provided with an adequate size of sleeping area.
- 2.11.2 Bedding should be suitable to allow dogs to be comfortable. Bedding must be capable of being easily cleaned and sanitised and sited away from draughts. All bedding material in use should be clean, parasite free and dry.
- 2.11.3 Adequate exercise areas must be provided for all kennels.
- 2.11.4 Kennels should have a minimum height of 1.8m (6ft) to allow adequate access by kennel staff for cleaning.
- 2.11.5 Kennels and exercise areas should open onto secure corridors or other secure areas so that dogs are not able to escape from the premises.
- 2.11.6 Exercise areas should not be used as sleeping areas.

2.12 Temperature in Kennels

- 2.12.1 Heating facilities must be available in the kennel and used according to the requirements of the individual dog.
- 2.12.2 There must be some part of the sleeping area where the dog is able to enjoy a minimum temperature of 10°C (50°F) and a maximum temperature of 26°C (79°F).

2.13 Cleanliness

- 2.13.1 All kennels, corridors, common areas, kitchens and so on must be kept clean and free from accumulations of dirt and dust so that disease control is maintained and the dogs are comfortable.
- 2.13.2 Each occupied kennel must be cleaned daily. All excreta and soiled material must be removed from all areas used by the dogs at least daily and as necessary.
- 2.13.3 All sleeping areas and bedding must be kept clean and dry.
- 2.13.4 Regular disinfection should be demonstrated by keeping records of disinfecting regimes.
- 2.13.5 Facilities must be provided for the proper reception, storage and disposal of waste. Particular care should be taken to segregate waste arising from the treatment and handling of dogs with infectious diseases.
- 2.13.6 Measures must be taken to minimise the risks from rodents' insects and other pests within the breeding establishment. Such pests should be adequately dealt with without delay to eradicate the infestation.

3.0 MANAGEMENT

3.1 General

- 3.1.1 Dogs will be adequately supplied with suitable drink and bedding material, adequately exercised and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals.

3.2 Supervision

- 3.2.1 A fit and proper person should always be present to exercise supervision and deal with emergencies.
- 3.2.2 Dog must be checked on regularly throughout the day.

3.3 Food and water supplies

- 3.3.1 All dogs must be adequately supplied with suitable food. Clean water must be available at all times and changed daily.
- 3.3.2 Eating and drinking vessels must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must be maintained in a clean condition and cleansed or disposed of after each meal.

3.4 Kitchen Facilities

- 3.4.1 Exclusive facilities, hygienically constructed and maintained, should be provided for the storage and preparation of food for the dogs.
- 3.4.2 Where fresh and cooked meats are stored refrigeration facilities must be provided. Food contamination must be avoided.
- 3.4.3 A sink with hot and cold running water must be available for washing kitchen utensils and eating and drinking vessels. A separate hand basin with hot and cold running water should be provided for staff.
- 3.4.4 Containers for storing foods should be provided and should be constructed and maintained to guard against insects and other pests.

4.0 DISEASE CONTROL, VACCINATION AND WORMING

4.1 General

- 4.1.1 All reasonable precautions will be taken to prevent and control the spread among dogs of infectious or contagious diseases.
- 4.1.2 All dogs should be vaccinated against Canine Distemper, Infectious Canine Haepatitis (Canine Adenovirus), Leptospirosis (*Leptospira canicola* and *Leptospira icterohaemorrhagiae*) and Canine Parvovirus. It may be necessary to vaccinate against other diseases and veterinary advice should be sought.
- 4.1.3 Advice from the veterinary surgeon must be sought where a dog shows signs of disease, injury or illness. A competent person must ensure this advice is followed.

5.0 FIRST- AID KIT FOR DOGS

- 5.1 A fully maintained first-aid kit suitable for use on dogs and puppies should be available and accessible on the premises.

6.0 ISOLATION FACILITIES

- 6.1 Facilities for isolation should be available when required.
- 6.2 Isolation facilities must be in compliance with the other licence but must not be physically isolated from other dogs ideally at a distance of at least 5m (15ft)
- 6.3 Adequate facilities to prevent the spread of infectious disease between the isolation case and any other dog must be provided.

- 6.4 Hands must be washed after leaving the isolation facilities before handling other dogs.

7.0 EMERGENCIES/ FIRE PREVENTION

- 7.1 That all appropriate steps will be taken for the protection of the dogs in case of a fire or other emergency.
- 7.2 There should be an emergency evacuation plan and fire warning procedure in place. This should be posted where staff may become familiar with it. This procedure should include instructions dealing with where dogs are to be evacuated.
- 7.3 Fire fighting equipment and detectors should be properly maintained.
- 7.4 All electrical installations and appliances should be maintained in a safe condition. There should be a residual current circuit breaker system on each block of kennels.
- 7.5 Heating appliances should not be sited in a location or manner where they may present a risk of fire, or risk to the dogs.
- 7.6 Precautions should be taken to prevent any accumulation of material which may be present a risk of fire.
- 7.7 There should be adequate means of raising an alarm in the event of a fire or other emergency.

8.0 TRANSPORT

- 8.1 That all appropriate steps will be taken to secure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment.



CIEH Model Licence Conditions and Guidance for Dog Breeding Establishments



Breeding of Dogs Acts 1973 and 1991

Breeding and Sale of Dogs (Welfare) Act 1999

Model Conditions for inspection of breeding establishments

Guidance for local authorities and their authorised officers and veterinary inspectors

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The following organisations comprise the working party:

- Advisory Council on the Welfare Issues of Dog Breeding
- British Small Animal Veterinary Association
- British Veterinary Association
- City of London Corporation
- Department for Environment, Food and Rural Affairs (Defra)
- Dogs Trust
- Epping Forest District Council
- The Kennel Club
- Royal Society for the Prevention of Cruelty to Animals

This document has been prepared in the best interests of animal welfare and to advise those tasked with the inspecting, advising and licensing of dog breeding establishments. No responsibility or liability for loss or consequential loss occasioned to any person as a result of making use of this publication (including the recommended best practice contained within), is accepted by the contribution bodies, the members of the working party or the authors of this publication. It should also be borne in mind that laws change and expert advice should always be sought

as to the legal position.

Background

In 1978 the BVA published guidelines for local authorities and their veterinary inspectors under the Breeding of Dogs Act 1973. In 1996 a working party comprising representatives of all the parties involved in the inspection and licensing of breeding establishments was set up to update and substantially increase the guidance in light of developments since the 1973 Act. In 1998 the BVA published guidance based upon the 1973 and 1991 Breeding of Dogs Acts. That guide was revised to take into account the requirements of the Breeding and Sale of Dogs (Welfare) Act 1999 and superseded previous BVA guidelines. In 2012 as a result of a specific request by Defra the current working party came together to update guidance for Inspectors to include the provisions that must be taken into account under the Animal Welfare Act 2006. In addition, guidance with regards to puppy rearing, socialisation and habituation have been produced through the Animal Welfare Foundation / RSPCA Puppy Contract and the Dogs Trust and Kennel Club Puppy Plan.

Guidelines for Standard Operating Procedures (SOPs) have been produced, all of which should help the inspection process.

This document applies to England only.

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Breeding of Dogs Acts 1973, 1991 & Breeding and Sale of Dogs (Welfare) Act 1999 & Animal Welfare Act 2006

Guidance for local authorities and their authorised officers and veterinary inspectors

1. INTRODUCTION

The 1973 Breeding of Dogs Act ('the 1973 Act') requires proprietors of breeding establishments to be licensed (see point 3 for the definition of a breeding establishment). Under the authority of the 1973 Act, local authorities may issue licences to proprietors of breeding establishments stipulating conditions which must be complied with by the licensee. No person is entitled to a licence if at the time he/she is disqualified from keeping a dog breeding establishment, pet shop or boarding kennels or if he/she has been disqualified from keeping dogs or other animals as a result of specified convictions for cruelty. However, a person aggrieved by refusal of a local authority to grant a licence or by any condition to which the licence is subject may appeal to a Magistrates' Court.

The 1991 Breeding of Dogs Act ('the 1991 Act') extends the powers of inspection to unlicensed premises, excluding a private dwelling, and is discussed further at point 5 below.

In addition, the Animal Welfare Act (2006) states that anyone responsible for an animal should take reasonable steps to ensure that the animal's needs are met.

These needs include:

- a suitable environment/place to live
- a suitable diet including fresh water
- the ability to exhibit normal behaviour
- housed, as appropriate, either with or apart from other animals
- protection from and treatment of pain, suffering, injury or disease

See also the Defra Codes of Practice:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69390/pb13333-cop-dogs-091204.pdf

The ability of the breeder to meet the above needs should be taken into consideration when inspecting a breeding establishment.

It should be remembered that the aim of the licensing system is to ensure that minimum standards of animal health and welfare are maintained in breeding establishments. Licence conditions will inevitably vary; however, local authorities should bear in mind the principal aims as set out in Section 1(4) of the 1973 Act as well as the Breeding and Sale of Dogs (Welfare) Act 1999 ('the 1999 Act') which amends and extends the existing breeding of dogs' legislation.

Whilst the legislation allows local authorities to specify any conditions in the licence that they consider necessary or expedient in a particular case, there is no power to impose other, unrelated, conditions in the licence. The local authority can, though, withhold a licence on grounds other than failing to satisfy Section 1(4). This discretion is referred to in that section. In addition, where a breeding establishment previously operated illegally and where the local authority believes it is necessary, prosecution proceedings may still be brought notwithstanding a licence being subsequently granted.

Throughout the text and as a licence condition, the following applies:

- Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or used in association with the breeding of dogs.
- Use of the term 'kennel' refers to combined sleeping and individual outdoor run areas unless otherwise specified.

2. HEALTH AND WELFARE

As highlighted above, the Animal Welfare Act 2006 makes owners and keepers responsible for ensuring that the welfare needs of their animals are met.

Anyone who is cruel to an animal, or does not provide for its welfare needs, may be banned from owning animals, fined up to £20,000 and/or sent to prison for up to 6 months.

Where there is concern for the health and welfare of the dogs, veterinary advice must be sought. For breeding establishments licensed under the 1999 Act, there are a number of safeguards to protect the health and welfare of the bitch. For example, the number of litters a bitch is allowed to have in her lifetime is restricted to six. In addition, no more than one litter may be born in any twelve month period and bitches may not be mated if they are under one year old (see also Section 6 - Health and Welfare of the Breeding Stock and Litters).

3. DEFINITION OF A BREEDING ESTABLISHMENT

The 1999 Act amends the definition of a breeding establishment in the 1973 Act. A breeding establishment is defined as any premises where the business of breeding dogs for sale is carried out. The reference to five litters per establishment per year within the legislation should not be considered a minimum threshold for requiring a licence. To be clear, an establishment breeding less than five litters would require a licence, where the dogs are bred for sale as a business. Defra advise that it will be a matter for local authorities and their legal advisers to decide whether or not a particular establishment is required to be licensed.

In summary, a person is presumed to be carrying out the business of breeding dogs for sale where, they breed and sell more than two litters in a 12 month period, or during any 12 month period, five or more litters are born to his/her bitches which are:

- (a) kept by him at any premises during any period of 12 months;
- (b) kept by any relative of his at those premises;
- (c) kept by him elsewhere; and
- (d) kept by any person under a breeding arrangement with him. This presumptive test will not apply if a breeder is able to prove that none of the

puppies born to bitches at their premises or under a breeding arrangement was in fact sold during the 12 month period. More detailed guidance may be found in the relevant circulars (See Annex A – Useful Information).

4. INSPECTION OF BREEDING ESTABLISHMENTS

Upon application for a licence which has not previously been granted, the premises must be inspected by a veterinary surgeon appointed by the local authority and a local authority officer. For subsequent applications the local authority has discretion as to whether the inspection is carried out by a veterinary surgeon, or a person with the appropriate level of competence and a local authority officer, or both. A report, following inspection, shall be considered by the local authority before determining whether or not to grant a licence.

It is recommended that inspections are carried out well before the licence date for renewal to allow for any repairs and/or maintenance to be completed before the licence expires (see also Section 1 - Accommodation).

Once a licence has been granted, regular inspections should be carried out during the licence period (12 months) to protect the health and welfare of the dogs, most particularly when there is concern over a specific breeding establishment. Routine inspections would normally take place once or twice a year, but inspections may also be unannounced.

5. POWERS OF INSPECTION UNDER THE 1991 ACT

The 1991 Act empowers a Justice of the Peace to issue a warrant to any authorised person (e.g. local authority inspector) to enter, by reasonable force if necessary, and inspect unlicensed premises (excluding private dwellings) where the Magistrate is satisfied that there are reasonable grounds for suspecting that a dog breeding business is being unlawfully carried out without a licence.

It should be noted that although inspection of unlicensed private dwellings is specifically excluded under the 1991 Act, Section 1(3) allows a warrant to be obtained in relation to a garage, outhouse or other structure which belongs to the premises and therefore may be inspected under this section.

Inspection of domestic premises is allowed where licensed.

6. FEES

The cost of inspecting premises shall be met by the local authority which has the power to charge fees in respect of applications for licences and in respect of inspections of premises. A local authority may set the level of fees with a view to recovering reasonable costs and may set different fees for different circumstances.

7. COMMENCEMENT AND DURATION OF THE LICENCE

A local authority has three months from the application to determine whether to grant a licence. The duration of the licence is for one year, effective from either the day stated in the application or the day the licence is granted, whichever is the later.

With previously unlicensed breeding establishments, there is an expectation that all appropriate conditions will be met before a licence is granted. However, the situation is more complicated where an application is made for a licence where improvements are necessary.

Whenever improvements/repairs are required, it is recommended that the applicant for a licence be notified in writing of:

- (i) a schedule of works (preferably agreed with the breeding establishment);
- (ii) the date by which such works must be completed; and
- (iii) the consequences of non-compliance (that is, refusal to grant a licence).

The local authority should apply discretion when taking enforcement measures during the period for compliance stated in the notice.

There may be occasions where the required remedial work is extensive. In these circumstances the local authority should agree a schedule of works to be completed over a reasonable period of time and ensure that the work is being carried out as agreed in the Schedule (see para (i) above).

Persons who shall not apply for a licence

- If they are disqualified under -
 - (a) Protection of Animals Act (1911)
 - (b) Breeding and Sale of Dogs Act (1973) as amended by Breeding and Sale of Dogs (Welfare) Act 1991 and 1999
 - (c) Animal Welfare Act (2006)
- If they have been disqualified from keeping animals under any other -
 - (a) animal welfare legislation; or
 - (b) dog control legislation;
- A person under the age of 16 years of age shall not apply for a licence (Animal Welfare Act 2006)
- A person banned under the Animal Welfare Act (2006) may not have care and control of any animal and this should be taken into consideration when cohabiting with a person applying for any licence.

8. OFFENCES AND DISQUALIFICATION

The court has powers to order imprisonment for a term not exceeding three months and/or a fine not exceeding level 4 on the standard scale upon conviction for keeping a dog breeding establishment without a licence.

There are additional powers for the court to order cancellation of a licence, disqualification from keeping an establishment which is required to be licensed and disqualification from having custody of any dog specified. Where the offender is not the owner, there is provision to allow the owner to make representations.

Where a disqualification order has been made in respect of custody of a dog, the court may also make an order for any dog described to be delivered to a specified person and for the offender to pay for its care until permanent arrangements are made. Local authorities should have contingency plans in case dogs need to be housed. A list of welfare and breed rescue organisations may be helpful.

Upon conviction for intentionally obstructing or delaying any person in the exercise of their powers of entry or inspection as provided for by the Breeding of Dogs Act 1991, the maximum penalty is a fine not exceeding level 4 on the standard scale.

9. REQUIREMENTS OF THE 1973 ACT (as amended)

Section 1(4) of the Act states:

‘In determining whether to grant a licence for the keeping of a breeding establishment for dogs by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing:

(a) that the dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, numbers of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;

(b) that the dogs will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and visited at suitable intervals;

(c) that all reasonable precautions will be taken to prevent and control the spread among dogs of infectious or contagious diseases;

(d) that appropriate steps will be taken for the protection of the dogs in case of fire or other emergency;

(e) that all appropriate steps will be taken to secure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment;

(f) that bitches are not mated if they are less than one year old;

(g) that bitches do not give birth to more than six litters of puppies each in their lifetime; (see also Appendix A - Useful Information on Kennel Club registration of litters)

(h) that bitches do not give birth to puppies before the end of the period of twelve months beginning with the day on which they last gave birth to puppies; and

(i) that accurate records (in a form prescribed by regulations) are kept at the premises and made available for inspection there by any officer of the local authority, or any veterinary surgeon authorised by the local authority to inspect the premises; and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all the

objects specified in the paragraphs (a) to (i) of this subsection.’

10. RECORD-KEEPING

Having regard to ‘...securing all the objects specified in section 1 (4) (a) to (i) ...’ above, it is essential that detailed records are kept covering all aspects concerning the health and welfare of the dogs since this will provide the inspector with valuable information on the adequacy of the various regimes in place within the breeding establishment. Records will also be helpful should problems arise and for supplying information to purchasers – completing puppy contract etc. Therefore completing and maintaining accurate records is regarded as essential.

The Breeding of Dogs (Licensing Records) Regulations 1999 (SI 1999 No 3192) prescribe the form of records to be kept by licensed breeding establishments in England and Wales. These records must be kept on the premises and made available to local authority inspectors or any veterinary surgeon authorised by the local authority (see also Appendix C).

11. SALE OF DOGS

The 1999 Act establishes restrictions on the sale of dogs born at licensed breeding establishments. The keeper of a licensed breeding establishment has two methods of sale. He or she may either sell a dog direct to its final home, provided the dog is not less than eight weeks old and the keeper does not know or believe that the buyer intends to sell the dog on.

Alternatively, he or she is restricted to sell to licensed third parties, namely a licensed pet shop provided the dog is wearing a collar with an identifying tag or badge indicating the licensed breeding establishment at which it was born. Extreme caution should be exercised when selling puppies to third parties.

The Sale of Dogs (Identification Tag) Regulations 1999 (Statutory Instrument 1999 No 3191) require additional information to be shown on the identifying tag, namely the date of birth of the dog and any identifying number allocated to the dog by the licensed breeding establishment where it was born.

It is an offence for a licensed pet shop to sell a dog

which, when it was supplied by the licensed breeder was wearing a collar with identification tag but was not wearing the tag when it was supplied to the purchaser.

12. TRANSPORT

Section 1(4)(e) of the 1973 Act is concerned with safeguarding the welfare of dogs 'when being transported to or from the breeding establishment'. Dogs and puppies being transported under these circumstances should be properly supervised to ensure compliance with the obligations under the 1973 Act. (See the Welfare of Animals (Transport) (England) Order 2006 and Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations under Other Relevant Legislation).

13. INSURANCE

Insurance should be considered when operating a breeding establishment. There may be dogs housed on the premises which are 'on loan' for which the breeding establishment proprietor may be liable. Veterinary fees may be insured against.

Employers Liability Insurance is mandatory for employers under the Employers Liability (Compulsory Insurance) Act 1969.

Certificates of Insurance must be prominently displayed.

14. LICENCE DISPLAY

A copy of the licence and its conditions must be suitably displayed to the public in a prominent position in, on or about the breeding establishment.

15. BREEDERS

There are generally two ways in which dog breeding establishments are operated. Some breeders maintain their stock within their private dwelling house while a number of breeders keep dogs in outside accommodation consisting of buildings of one sort or another, either attached or separated from the private dwelling but in which numbers of dogs are bred. It should be borne in mind that there are a number of breeders who keep dogs both in their private dwelling and in other buildings.

16. FURTHER INFORMATION

Home Office Circular Number 53/1999 provides guidance to local authorities in England on licensing dog breeding establishments.

A list of useful addresses and relevant pieces of legislation is included at the back of the guide.

MODEL CONDITIONS

1. ACCOMMODATION

The following definitions are provided for the purposes of inspection:

Kennel – this is the physical structure and area that consists of an indoor sleeping area and outdoor run

Run – A run is defined as an area attached to and with direct and permanent access from a kennel

Outdoor exercise area – a separate area from the kennel itself where dogs may, for example, exercise, play, interact with other dogs and people

Crate – a safe, secure area that a dog can go into for short periods of time. Usually consists of a wire frame with a removable tray in the base for bedding, but can also be plastic, or fabric. Uses include security, transportation or following veterinary advice. NB: this should only be a temporary enclosure for a dog and only where the dog is habituated to it

General

Condition

Dogs must at all times be kept in accommodation suitable as respects construction, size of quarters, numbers of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness; Breeding and Sale of Dogs Act 1973 S.1(4)(a)

Dogs kept in domestic premises must have free access to more than one room and every dog must be provided with continual access to a comfortable, dry, draught-free, clean and quiet place to rest.

Guidance

Local authorities may wish to refer to Council of Europe guidelines (see Appendix D) and the Kennel Club Assured Breeder Scheme which provide useful guidelines for minimum kennel sizes. These sizes are not prescriptive. The assessor's own expertise, opinion and common sense will be applied, and consideration given to the daily routine in place, the breed, and temperament and activity levels of the animals kept.

Condition

Dog crates, where used (and whilst not acceptable as permanent housing) must be of sufficient size to allow each dog to be able to sit and stand at full height, step forward, turn around, stretch and lie down in a natural position and wag its tail without touching the sides of the crate and to lie down without touching another individual.

Guidance

Bitches with litters should be provided with further space.

Kennel Construction

Condition

Where kennels are provided, within converted outbuildings, consideration must be given to cleaning, wildlife access, vermin control, natural lighting and ventilation.

Guidance

In new constructions, wood should not be used on exposed surfaces of walls, floors, partitions, door frames or doors in the dog kennelling area.

Existing buildings may be more expensive to adapt and less efficient to operate than new build kennels. Proposed building works may require approval from the building control department and/or planning department.

Where wood has been used in an existing construction it must be smooth and treated to render it impervious. The purpose of avoiding wood on surface structures of kennel interiors is because of the possibility of damage to the material caused by scratching or chewing by dogs. Worn and splintered material is difficult to clean, harbours bacteria, viruses and so on, and allows the splinters to penetrate the animal's skin.

Condition

All internal surfaces used in the construction of walls, floors, ceilings, partitions, doors and door frames must be durable, smooth and impervious, easily cleaned and disinfected. Kennels must be free from hazards and there must be no projections or rough edges liable to cause injury.

Sleeping areas of kennels must be insulated so as to

prevent extremes of temperature.

Guidance

All exterior wood should be properly treated against wood rot, e.g. tanalised. Only non-toxic products should be used.

The interior and exterior of the buildings should be kept in good decorative order and repair. Outer paths, gardens, exercise areas and general surroundings should be kept in good, clean, safe condition.

Security

Condition

The construction must be such that the security of the dog is ensured.

Fencing material must be safe and secure.

Guidance

Where galvanised welded mesh is used for fencing and cages or kennels, the wire diameter should not be less than 2mm (14 standard wire gauge) excluding any covering and the mesh size should not exceed 5cm (2in).

Walls and Partitions

Condition

Walls with which dogs may come into contact must be of smooth impervious materials, capable of being easily cleaned and disinfected.

Guidance

Where concrete or other building blocks or bricks are used, they should be sealed so as to be smooth and impervious, and resealed as necessary.

Junctions between vertical and horizontal sections should be coved. If impractical in existing premises, all joints should be sealed.

It is suggested that partition walls between kennels and individual exercise areas should be of solid construction and of sufficient height to prevent direct nose-to-nose contact between dogs.

Partition construction may be solid from floor to ceiling, but this should not be to the detriment of other welfare considerations such as the dog's outlook, lighting, ventilation. Suitable materials for the construction of partition walls include properly surfaced impervious brick/block constructions, moulded plastic, glass reinforced plastic (GRP) and pre-formed plastic

surfaced board.

Constructing a solid partition provides a physical barrier to infection.

Floors

Condition

Flooring must be of a non-slip, urine-resistant material. It must be laid in a way and at a fall that avoids the pooling of liquids. Slatted or wire mesh floors must not be used.

Guidance

It is recommended that new kennels should incorporate a damp proof membrane.

All floors of kennels and individual exercise areas should be constructed and maintained in such a condition as to prevent pooling of liquids.

Condition

Floors of all buildings, individual exercise areas and kennels must be of smooth, impervious materials, capable of being easily cleaned and disinfected while providing sufficient grip for the animal to walk or run without sustaining injury.

Guidance

In new constructions, it is recommended that floors should be laid to a minimum fall of 1 in 80 leading to a shallow drainage channel or effectively covered deep drainage channel.

Communal exercise areas should also be suitably drained to prevent pooling of liquids.

Ceilings

Condition

Ceilings must be capable of being cleaned and disinfected.

Doors

Condition

Kennel doors must be strong enough to resist impact and scratching and must be capable of being effectively secured.

Guidance

Where metal bars and frames are used, they should be of suitable gauge with spacing adequate to prevent dogs and puppies escaping or becoming entrapped.

Where metal edging is used, this should not present a risk of injury to the dog.

Door openings should be constructed such that the passage of water/waste is not impeded, or allowed to accumulate due to inaccessibility.

When designing kennel doors, regard should be had to the health and safety of the person working in the kennel, for example, large dogs may push against the door which may give rise to difficulties in securing the door and even to accidents to the person on the opposite side of the door when it opens outwards. A door which opens inwards may also reduce the possibility of escape. (See Health and Safety at Work Act 1974 under Other Relevant Legislation).

Windows

Condition

Windows must not pose a security risk and must be escape proof for the protection of the dog as well as the public.

Guidance

When windows are so situated that they could pose a security risk, it is recommended that welded mesh or reinforced glass, polycarbonate or other impact-resistant material is used. (See Other Relevant Legislation concerning the Control of Dogs Order and the Dangerous Dogs Act).

Drainage

Condition

The establishment must be connected to mains drainage or an approved sewerage disposal system. (See Environmental Protection under Other Relevant Legislation)

Guidance

Drainage channels should be provided near to the kennel edge so that urine cannot pass over walk areas in corridors and communal access areas. A separate drainage channel may be needed in the exercise area. Advice concerning waste water outlets should be sought from the Environment Agency and/or, the local authority. (See Environmental Protection under Other Relevant Legislation)

Lighting

Condition

During daylight hours light must be provided to

exercise and sleeping areas so that all parts are clearly visible.

Guidance

Where practicable this should be natural light.

Condition

Lighting must be of sufficient standard to enable efficient working both during and after daylight hours.

Supplementary lighting, adequate to allow inspection, must be provided throughout the establishment.

Guidance

It is recommended that breeding establishments should have a low level night light for use after daylight hours.

Ventilation

Condition

Ventilation must be provided to all interior areas without the creation of excessive, localised draughts in the sleeping area.

Guidance

A balance should be struck between providing adequate ventilation while avoiding unnecessary loss of heat. Checks need to be made during the day and night to allow for temperature fluctuations. Ventilation is important in disease control. It provides protection against accumulation of odour and prevents excessive humidity. High humidity increases the risk of infectious bronchitis ('Kennel Cough').

Kennel Design (Size, layout and exercise facilities)

Condition

Kennels must be divided into sleeping and activity areas.

Kennels must be provided with an adequate size of sleeping area, such that dogs can stand, turn around, stretch and lie down flat in a natural position, with sufficient space for the door to open fully.

Guidance

Special consideration should be given to whelping bitches and bitches in season. Kennels should cater for the maximum number of puppies having regard to the size of the breed and litter size. (See also Appendix D)

When constructing kennels, an appropriate design and correct materials should be used to overcome problems of noise emission and to ensure energy conservation. This is in order to minimise discomfort to the dog and risk of nuisance to persons in the vicinity of the site. (See Nuisance under Other Relevant Legislation).

All parts of the kennel should be easily accessible to undertake thorough cleaning by staff.

Condition

Adequate exercise areas must be provided for all kennels. How much space will depend upon the size of the dog as well as the circumstances of each breeding establishment. Dogs must be able to walk, turn around easily, wag their tails without touching the kennel sides, and lie down without touching another dog.

Kennels and runs must open onto secure corridors or other secure areas so that dogs are not able to escape from the premises.

Exercise areas must not be used as sleeping areas

Outdoor areas where animals exercise and interact cannot have strict temperature regulation. Dogs must not be restricted to such areas when climatic conditions may cause them distress. They must have constant access to fresh clean water, shade and shelter so they can avoid rain, wind, snow, ice or direct sunlight, etc.

In adverse weather conditions, the responsible person must decide whether or not dogs are given free access to their run.

The run must be at least partially roofed to provide the dog with sufficient protection against all weathers.

Guidance

Depending upon the breed, consideration should be given to covering the whole of the runs.

Beds and Bedding

Condition

The bed must have clean bedding and be large enough for each dog to lie flat on their side.

Beds must be suitable to allow dogs to be comfortable, ie of durable construction, be sited away from and offer protection from draughts and be of a suitable size for the size and type of dogs kept.

Bedding must be capable of being easily cleaned and disinfected.

Guidance

All bedding material in use should be clean, non-irritant, parasite free and dry.

Chewing or destruction of bedding should not result in restricted access, rather alternative materials should be tried.

Number of Dogs Permitted

Condition

The maximum number of dogs to be kept at any one time is to be determined by the Local Authority (see also Appendix D).

The number of dogs permitted must relate to the number and size of the kennels or space available and should be stipulated clearly on the front sheet of the licence. The decision regarding the number of dogs permitted to be kept must take into account the maximum likely litter size as well as the effectiveness of site management.

Guidance

This figure should include any dogs kept on the breeders' premises which are not being used for breeding and must not be exceeded.

Temperature in Accommodation

Condition

Heating facilities must be available in the kennel and used according to the requirements of the individual dog.

Guidance

There should be some part of the sleeping area where the dog is able to enjoy a temperature of between 10°C -26°C. Temperature should be relevant to the type and breed of dog. If necessary, heating and/or automatic cooling/ventilation should be used to achieve this.

The materials used on the kennel exterior should offer adequate protection against temperature variations throughout the year. The difficulty of maintaining the ideal temperature is acknowledged; however, these are realistic temperatures and should not be exceeded in normal circumstances.

Condition

Devices used for heating and cooling must be safe and free from risk of burning or electrocution. Manufacturer's instructions must be followed. Open flame appliances must not be used. (See Health and Safety at Work Act 1974 under Other Relevant Legislation).

Guidance

There should be the ability to record temperatures at dog level. (See also Record Keeping at Section 6 – Health and Welfare of the Breeding Stock and Litters)..

There will be periods in the year where ambient external temperatures will cause temperatures to fluctuate above or below the recommended levels. If the higher temperature level is exceeded due to structural shortcomings rather than normal ambient temperature, then artificial means of counteracting this high temperature should be introduced.

Where temperatures fall below the recommended level, the use of individual heating lamps for dogs may prove adequate. In some circumstances additional background heating will also be required.

Failure to give adequate attention to construction and insulation may cause dogs to suffer and increase running costs. Geographical orientation will affect temperature, e.g. north facing openings make it difficult to maintain adequate heating levels. Correct orientation of the kennel will allow maximum use of natural light.

Cleanliness

(see also Appendix E -Cleaning Standard Operating Procedure (SOP))

Condition

All kennels, corridors, common areas, kitchens and so on must be kept clean and free from accumulations of dirt and dust so that disease control is maintained. An agreed SOP must be followed.

Each occupied kennel must be cleaned daily at a minimum.

Guidance

Regular disinfection should be demonstrated by keeping records of disinfecting regimes (see also SOP - Appendix E).

Condition

All excreta and soiled material must be removed

from all areas used by the dogs as necessary.

All sleeping areas and bedding must be kept clean and dry.

Facilities must be provided for the proper reception, storage and disposal of waste.

Guidance

Advice should be sought from the Environment Agency or local authority concerning removal of waste such as dog faeces, soiled material and infectious material.

Condition

Measures must be taken to minimise the risks from rodents, insects and other pests within the breeding establishment.

Guidance

Such pests should be adequately dealt with without delay to eradicate the infestation.

Condition

Foul waste water must be disposed of by discharge to the appropriate or an approved

drainage system. Those wishing to operate an incinerator must seek advice from the Environment Agency and/or the local authority. (See Environmental Protection under Other Relevant Legislation)

Guidance

There is a range of cleaning regimes. The regime, for which all establishments should have an SOP, should include:

1. Removal of solids
2. Washing
3. Disinfection
4. Drying

The physical collection of faeces is usual ('poop scoop' or shovel and bucket). The use of detergent and water will 'wash down'. Pressure hoses or steam cleaning will wash down more effectively. Bacteria, viruses, fungi need to be controlled by the sanitising process. Because disinfectant is washed away after a short period of time, the long term activity of chemicals used to control viruses, bacteria and fungi should be considered (see also SOP – Appendix E).

Great care should be taken when using any chemicals. Chemicals and materials should be used and

stored correctly. (See notes on COSHH Regulations under Other Relevant Legislation). Combinations of bactericides, fungicides and virucides may prove expensive to use and may not necessarily provide the best system. Professional advice should be sought for the most effective method.

The following link includes DEFRA's approved disinfectant list for statutory use on disease control.

http://disinfectants.defra.gov.uk/Default.aspx?Module=ApprovalsList_SI

(See column (v) – general orders)

Staff working from kennel to kennel further increase the risk of spreading disease. Staff should be trained in good kennel hygiene. Complete disinfection of kennel and equipment should be carried out between occupancies.

Whelping Facilities

Condition

There must be a separate whelping pen or room for each whelping bitch in which to whelp. There must be direct access to the whelping area for kennel personnel without disturbing the general kennel population. Once separated there must be increased social contact with humans.

Guidance

Bitches should be moved to their whelping accommodation 60 days after mating or sooner if signs of imminent whelping are shown.

Condition

Each whelping pen must be constructed of easily cleanable impervious materials. The area must be cleaned regularly and a record kept of cleaning procedures. The whelping pen must have a divider to allow the bitch to access an area where she cannot be reached by the puppies. There must be natural daylight.

There must be a whelping bed raised off the floor and with sides high enough to prevent new born puppies from falling out. The bed must contain sufficient bedding to ensure a soft surface for the bitch and to enable the absorption of mess resulting from whelping. The bed must be constructed of easily cleanable impervious material and must be thoroughly cleaned and disinfected between litters.

Guidance

Where a bitch is whelped in a domestic environment it is acceptable for a temporary disposable covering to be used.

Varnishing wood will make it impervious.

Condition

The whelping area must be maintained at an appropriate temperature. The bitch must be able to move away from heat spots.

Guidance

There should be an area maintained between 26-28 degrees Celsius. This can be achieved with a local heat source such as a heat lamp.

Puppies under four weeks of age should be kept at a temperature between 26°C (79°F) to 28°C (82°F) with provision for the bitch to move to a cooler area.

Condition

Bitches must be adequately supervised during whelping and records kept of:

- time of birth of each puppy
- puppies' sex, colour and weight
- placentae passed
- any other significant events.

Bitches must be allowed a minimum of four periods a day for toileting and exercise away from their puppies.

Bitches in Season

Guidance

Consideration should be given to separating bitches in season and they should not be kept with entire male dogs.

2. MANAGEMENT

General

Condition

Dogs must be adequately supplied with suitable food, drink and bedding material, adequately exercised, and visited at suitable intervals; BDA 1973 S.1(4)(b)

The 1999 Act strengthens the requirements for dogs to be visited at suitable intervals.

The Animal Welfare Act (2006) sets out the Duty of Care which must be met by the person responsible for the animals (see Animal Welfare Act under Other Relevant Legislation)

Guidance

(See also Appendix L - Daily Routine SOP).

Supervision

Condition

A fit and proper person must always be present to exercise supervision and deal with emergencies.

Guidance

Any person with responsibility for supervision should be over the age of 16.

Where staff are employed, ideally a written training policy should be provided. Training of staff, whether permanent or temporary, should be demonstrated (via appropriate training records) to have been carried out on all aspects of the care of all ages of dogs and updated regularly. Staff should be adequately trained in the work they are expected to carry out. For example, in handling dogs safely and in procedures to be followed in the event of an emergency. (See Health and Safety at Work Act 1974 under Other Relevant Legislation).

The following are regarded as essential topics to be covered in the training programme relating to the care of dogs: Animal Health and Welfare; Cleanliness and Hygiene; Feeding and Food Preparation; Disease Prevention and Control; Recognition of Sick Animals; Dog Handling; Health and Safety; Emergency Procedures, Normal Whelping and Responsible Breeding.

There are a variety of animal care courses available and staff should be encouraged to attend Relevant NVQs attained at Level 2 or the equivalent should enable staff to gain a minimum level of competency.

Numbers of staff

Condition

Numbers of staff must be appropriate for the breed/type and number of dogs being bred. Numbers must be sufficient to provide the level of care set out in these model conditions.

Guidance

Staff numbers should be of concern when there

is evidence that the standards maintained or the condition and behaviour of the animals is being compromised, or where an unrealistic routine is in place.

Condition

Sufficient adequately trained staff must be available every day to carry out all the interactions and procedures with dogs specified in this document.

Guidance

Condition

Establishing the number of staff required will require an assessment of the conditions at the establishment. As a guideline, it may be considered that a full time attendant may care for up to 20 dogs. In domestic environments, it is advisable for other members of the household, or dog sitters to be provided with guidance notes in regard to general day to day care – feeding, grooming, cleaning, exercise and compatibility issues – especially where several dogs, or breeds of dogs, are involved. Guidance

Condition

Dogs must not be left alone for long periods and must be checked at the start and end of every working day and regularly by a member of staff at least every four hours during the day.

Guidance

These checks should be more frequent when bitches are imminently due to whelp, whelping and puppies that are not yet weaned (See also Section 2 – Management and Section 6 – Health and Welfare of the Breeding Stock and Litters). Condition

Environmental Enrichment and Exercise

Condition

Dogs must be provided with environmental enrichment and the ability to have some control over their environment. Guidance

Guidance

Toy and activity feeders that are changed regularly are ideal enrichment. There should be more toys or feeders than there are dogs in the kennel. The use of raised beds and the ability to move out of other dogs' sight should be provided (see also Puppy Plan Annex B).

Condition

Breeding establishments are the permanent home for some dogs and therefore provision of exercise

facilities must be adequate for the long term. Dogs must not be kept permanently confined.

Arrangements must be made for the dogs to be exercised at least twice a day.

Guidance

Exercise may also be provided by walking. Where dogs are exercised off the premises, reference should be made to the Clean Neighbourhoods Environment Act (2005) and the Control of Dogs Order 1992 (see Other Relevant Legislation). The name, address and telephone number (including the emergency number) of the establishment's veterinary practice should be displayed prominently preferably by the telephone.

Handling and habituation

Condition

Breeding dogs must be handled and examined regularly to identify changes in health, weight and behaviour, also to ensure dogs are habituated to handling by people. This is particularly important for bitches, as fear of people will influence development of puppy behaviour

Guidance

An SOP for the socialisation and habituation of puppies from birth to the point of sale should be used (see also Puppy Plan Annex B and Annexes F & G on Socialisation and Habituation).

Food and Water Supplies

Condition

All dogs must be adequately supplied with suitable food. Clean water must be available at all times and changed at least daily. Dogs must be fed a diet appropriate to their age, breed, activity level and stage in the breeding cycle. Dogs must be fed individually with separate bowls. Food must be stored in vermin-proof containers and fresh food must be refrigerated.

Guidance

The dog's weight should be monitored and recorded quarterly and diets adjusted where necessary, unless otherwise advised by a veterinary surgeon or a significant change in the dog's weight/body condition is noticed.

Condition

Eating and drinking vessels must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must be maintained in a clean condition and cleaned and disinfected or disposed of after each meal.

Guidance

If necessary, the veterinary surgeon should be consulted to advise. Special dietary considerations should be given to young and old dogs and to whelping and nursing bitches. Nutrition is particularly important during pregnancy and lactation and consideration should be given to the varying nutritional requirements of individual dogs. Body condition score should be monitored and feeding adjusted appropriately. (See also Annex H - SOP on feeding).

Condition

Dogs must be fed sufficiently well to maintain health.

Guidance

Inspectors should observe the general condition of the dogs and check on the quantity of food in store and the process of preparation.

Weaning Procedures

Condition

Puppies must start the weaning process as soon as they are capable of ingesting food on their own. The food offered must be appropriate for the stage of development of the puppies.

Puppies at weaning must initially be offered food five times a day. It must be ensured that each puppy takes the correct share of the food offered.

Guidance

Weaning should normally commence at 3-4 weeks old. The initial diet may be liquid progressing to solid food over the ensuing period.

Condition

During lactation, the bitch must have sufficient appropriate food to satisfy the demands being made upon her.

Guidance

Lactation will last until the puppies are weaned.

Consideration should also be given to how many puppies the bitch is nursing. During lactation the bitch should be closely monitored for signs of complications (eg eclampsia). The feeding level required for the bitch after weaning will depend upon her body condition.

Where a proprietary food source is used the manufacturer's guide should be followed. Veterinary advice should be sought if in doubt.

Food provision can be used to enhance enrichment, for example through the use of devices increasing the time and effort taken to access food (e.g. puzzle feeders, activity balls, stuffed rubber toys). Where these are used they should be cleaned and disinfected thoroughly between each use. Where dogs are kept in pairs or larger groups, more devices should be available than the number of dogs, use should be monitored carefully to identify where aggression occurs. Dogs which show aggression associated with feeding, or when provided with food based enrichment, should be separated from other dogs prior to feeding.

Kitchen Facilities

Condition

Facilities, hygienically constructed and maintained, must be provided for the storage and preparation of food for the dogs.

Where fresh and cooked meats are stored, refrigeration facilities must be provided. Food contamination must be avoided.

A sink with hot and cold running water must be available for washing kitchen utensils and eating and drinking vessels.

Guidance

A separate hand basin with hot and cold running water should be provided for staff.

Condition

Containers for storing foods must be provided and must be constructed and maintained to guard against insects and other pests.

Cross-contamination must be avoided.

Guidance

Dishes and bedding should be washed separately from domestic items.

First-Aid Kit for Dogs

Condition

A fully maintained first-aid kit suitable for use on dogs and puppies must be available and accessible on the premises.

Guidance

A veterinary surgeon should be consulted concerning its contents and a competent member of staff should be in charge of its maintenance.

Isolation Facilities

Condition

Veterinary advice must be sought for any animal with a potentially infectious disease.

Guidance

Where advised, the dog should be isolated immediately and the procedure documented.

Condition

Facilities for isolation must be available when required. Isolation facilities must be used where the presence of infectious disease is suspected or known.

Guidance

Procedures should be in place, and understood by all staff, to prevent the spread of infectious disease between isolated animals and the other dogs.

Condition

Isolation facilities must be in compliance with the other licence conditions but must be physically separate from other dogs.

Guidance

Intervening buildings and construction detail (ie window and door positions) should be taken into account because individual circumstances may significantly affect the recommended distance.

For airborne diseases, ideally a distance of at least 5 m (15 ft). The requirement for 5 m distance between isolation facilities and the other dogs is based upon consideration of the distance that airborne infection can carry.

Condition

Hands must be washed after leaving the isolation facilities before handling other dogs.

Protective clothing, footwear and equipment, for use

only in the isolation facility, must be used to reduce the spread of infection and must not be worn outside the isolation facility.

Guidance

The use of disposable clothing is recommended.

A management regime should be followed where an isolation case is being handled. For example, isolation cases must be cared for after all other dogs have been attended to. Records of the isolation cases and the management regime to be followed should be kept. (See also Record Keeping under Section 6 – Health and Welfare of the Breeding Stock and Litters).

Condition

Complete disinfection of the isolation facilities and equipment must be carried out once vacated.

3. DISEASE CONTROL, VACCINATION AND WORMING

General

Condition

All reasonable precautions must be taken to prevent and control the spread among dogs of infectious or contagious diseases; BDA 1973 S.1(4)(c). Licence holders must take all reasonable steps to protect the animal from pain, suffering, injury and disease.

All breeding establishments must be registered with a Veterinary Practice and ensure full details are made available to the Licensing Authority.

Guidance

Registered breeders should produce a health and welfare plan (see Appendix I) approved by a veterinary surgeon. This should be updated on an annual basis and needs to take into account the health, preventive treatment, socialisation, and welfare of the animals.

4. EMERGENCIES/FIRE PREVENTION

General

Condition

There must be Emergency Evacuation and Contingency Plans (see Appendix J) in place which meets approval with the local authority, and in consultation with the local authority.

Guidance

Contingency plans should also include consideration for alternative housing for a large number of dogs.

For the occasions where it is not possible to evacuate the dogs to alternative locations other contingency measures should be in place, this may include long term provision of feed/water or euthanasia (see Appendix K on Euthanasia).

5. TRANSPORT

Section 1(4)(e) of the 1973 Act is concerned with safeguarding the welfare of dogs 'when being transported to or from the breeding establishment'.

General

Condition

Dogs and puppies being transported to and from breeding establishments must be properly supervised to ensure compliance with the obligations under the 1973 Act.

All appropriate steps must be taken to ensure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment.

Bitches must not be transported in the last stages of pregnancy, ideally not from 54 days after mating, unless to a veterinary surgeon for treatment.

Bitches must not be transported for 48 hours after whelping unless it is to see a veterinary surgeon for treatment.

Guidance

It is recommended that records are kept of the vehicles used when dogs are transported, as well as details of journeys undertaken (see Record-keeping section below at Section 6- Health and Welfare of the Breeding Stock and Litters). (See also the Welfare of Animals (Transport) (England) Order 2006 under Other Relevant Legislation). All vehicles are considered commercial and subject to EU Transport Regulation 1/2005.

Condition

Whenever dogs are transported they must be fit and healthy for the intended journey. Injured and/or diseased dogs must not be transported (except for minor illness or injury, as determined by trained and competent staff) unless they are being taken to a veterinary surgery.

Guidance

The transporting of distressed dogs should be avoided whenever possible.

When transporting animals, there is a general duty of care to protect them from injury or unnecessary suffering (see Article 4 of Welfare of Animals [Transport] [England] Order 2006) and to also ensure they are transported in suitable containers. If the transportation is carried out in connection with an 'economic activity', as defined by the Regulations, then there are further legal requirements to comply with under this legislation. Furthermore, there is a requirement under the Highway Code that animals should be "suitably restrained" when transported (Rule 57, Highway Code). Any vehicle used for transporting dogs should be suitable and have the correct ventilation and temperature control so that the dog remains comfortable during the journey, whatever the outside temperature. Dogs should not be left unattended in a vehicle for any length of time.

Dogs should not be fed within two hours of a journey and should be exercised immediately before they are loaded to give them the opportunity to go to the toilet.

During a journey dogs should be securely and comfortably confined. If a dog is transported alone in a container, he or she should have enough space to stand, sit erect, lie in a natural position and turn around normally while standing up for long journeys. If transported with other dogs, there should be sufficient space for all the dogs to carry out all these behaviours without touching other dogs.

If transporting adult dogs by road, sufficient breaks should be offered for water and the chance to go to the toilet.

Condition

Puppies must not be transported before eight weeks of age without their dam unless a veterinary surgeon agrees otherwise for health and/or welfare reasons, or in an emergency (See Welfare of Animals (Transport) Order (England) 2006 - Council Regulation (EC) No 1/2005).

Guidance

Where possible, puppies should be trained to stay calmly in a crate by using reward-based training prior to transportation.

6. HEALTH AND WELFARE OF THE BREEDING STOCK AND LITTERS

Mating

Condition

Bitches must not be mated if they are less than one year old.

BDA 1973 S. 1(4) (f)

Guidance

It is the responsibility of the licensee to make every reasonable effort to ensure that both sires and bitches are in good health prior to mating. This includes checking for the presence of both infectious and genetically inherited diseases which may affect the health of either parent or resulting puppies. Where necessary, veterinary advice should be sought.

Breeding stock should be selected on their temperament and genetic health. Dogs that have required surgery to rectify an exaggerated conformation that has caused adverse welfare (e.g. an excessively flat face or short nose or eyelid abnormalities etc.) should not be bred from.

Dogs with exaggerated conformations that may be associated with adverse welfare should not be bred from.

Maximum Number of Litters

Condition

Bitches must not give birth to more than six litters of puppies each in their lifetime;

BDA 1973 S. 1(4) (g)

Guidance

(See also KC guidance on number of litters - Appendix A)

Twelve Months Between Litters

Condition

Bitches must not give birth to puppies before the end of the period of twelve months beginning with the day on which they last gave birth to puppies; BDA 1973 S. 1(4) (h)

Social Contact for Dogs and Socialisation of Puppies

Adult Dogs

Condition

Social contact is very important, and all dogs used for breeding must be kept in an environment that allows adequate social contact with both other dogs and people.

Guidance

Social contact with other dogs may be achieved through pair or group housing, although the behaviour of individuals within each group should be monitored carefully for signs of aggression or fear. The compatibility of the dogs may vary depending on the stage of the breeding cycle (seasons and lactation) and this should be monitored carefully. Dogs which show behavioural signs of fear or anxiety associated with contact with other dogs may be better housed and exercised singly, as long as they are provided with sufficient human contact. They should not be used for breeding. A policy should be in place for monitoring the introduction of new dogs to existing groups in either domestic or kennel environments, to avoid stress to either new or resident animals.

Bitches close to whelping and when lactating should not generally be mixed with other adult dogs. On these occasions where dogs have to be kennelled on their own, the level of social contact with humans should be increased to compensate.

When the social contact is provided by humans, the contact should be for the majority of the day. When dogs are kept in a kennel environment this should be the working day and in a domestic environment the normal waking hours of the household.

Puppies

See also Puppy Plan (Appendix B).

Condition

Puppies must be handled regularly from shortly after birth for short periods (e.g. gently picking up and examining) to habituate them to human contact and to examine them for any sign of disease and to ensure they are feeding properly.

Guidance

The early experience of puppies has a profound effect on their adult behaviour, and it is important that the facility has in place an adequate programme

to socialise puppies and prepare them for life in a domestic environment. SOPs should be available so that all staff know how to appropriately socialise puppies.

Where bitches are anxious or aggressive when puppies are approached, this process should be gradual to acclimatise the bitch to the presence of people around the litter.

Condition

From 3 weeks old puppies must be habituated to events likely to be encountered in a domestic environment.

Guidance

This should include the sights and sounds in households, such as appliances, as well as differing surfaces on which to walk. Introduction to novel sights and sounds should be gradual so that puppies do not show a fearful response such as startling or withdrawal. Puppies should also be introduced to a variety of people including adults of both sexes, children of different ages, and wearing a variety of clothing styles.

Condition

To learn social skills with other dogs, puppies must be maintained as a litter or with puppies of a similar age and size.

Guidance

They should also ideally be introduced to non-aggressive and healthy, vaccinated adult dogs in addition to the bitch. However, it is also important for puppies to start to learn to be separated from others, so should be separated from litter mates and the bitch for short periods from the age of six weeks. During periods of separation there should be human social contact.

Household sounds may occur naturally in domestic environments but could be achieved through the playback of recordings for dogs housed in kennels.

Record Keeping

(See also Appendix C)

Condition

Accurate records in a form prescribed by regulations as shown below must be kept at the premises and made available for inspection there by any officer of the local authority or any veterinary surgeon, authorised by the local authority to inspect the

premises; BDA 1973 S. 1(4) (i)

The Breeding of Dogs (Licensing Records)

Regulations 1999 (SI 1999 No 3192) prescribe the form of records to be kept by licensed breeding establishments. These records must be accurate and kept on the premises and made available to local authority inspectors or any veterinary surgeon authorised by the local authority.

A record must be kept by every licensed dog breeder for each breeding bitch providing the name of the bitch, date of birth, address where she is kept, breed, description, date of mating and details of sire. Licensed dog breeders must also keep a record of any litters, including the sex of the puppies, date of birth, weight, description and total number in the litter. The record must also show the details of sale, namely the date of sale, name and address of who was supplied and the status of the purchaser (ie, private owner or pet shop).

Guidance

Although the sub-section does not provide any scope for flexibility, the Home Office guidelines to local authorities expect local authorities to take into account any difficulties in relation to factors beyond the breeder's control, such as when a bitch whelps prematurely. Accurate records showing matings and whelpings will be essential.

Additional records will provide useful information to the local authority inspectors should problems arise. It is suggested that this information should include:

- The details and number of all dogs kept on the premises, including movement on and off the premises;
- oestrus dates of breeding bitches;
- microchip or tattoo numbers or other suitable form of permanent identification. If the dogs are KC or breed association registered, these numbers should also be recorded;
- where dogs are under a breeding arrangement, the details of such dogs, together with their whereabouts;
- vaccination and worming records and details of other veterinary treatment given;
- cleaning and disinfecting regimes (see also SOP);
- feeding and exercise routines;

- accommodation temperatures;
- details of any isolation cases and the management regime in place;
- details of vehicles used for transporting dogs, as well as time and length of journeys taken. Records should also show which dogs are transported and their destination;
- date and cause of death if known;
- Number of dogs required to be euthanised, reason for euthanasia, date of euthanasia and the name of the veterinary surgeon in attendance;
- Number of breeding bitches retired, details of each individual breeding bitch's microchip (or other permanent identification) number, outcome for the bitch e.g. rehomed and to where
- If dogs have come from abroad, specific additional information should be recorded.
- Health Plan (Annex I)
- health screening test results;
- puppy contract

This list is by no means exhaustive.

Documentation should also be routinely provided to purchasers of puppies, for example as a 'puppy pack', including information on the puppy's diet, worming history, five generation pedigree where relevant, any parental or puppy health check results, any veterinary treatment or ongoing medication, health insurance, socialisation history, and advice on ongoing care. Purchasers of puppies should also receive a puppy contract (AWF/RSPCA), and full contact details of the breeder. (See also Puppy Plan – Annex B).

Other relevant legislation

ALL LEGISLATION IS CORRECT AT DATE OF PUBLICATION – PLEASE CHECK CURRENT STATUS OF LEGISLATION AT TIME OF INSPECTION

References to other relevant legislation are made simply to alert the reader to other issues, such as those relating to health and safety matters, as well as environmental protection, which should also be considered in the operation of a breeding establishment.

References to legislation should not be taken as a detailed explanation of the law, and this publication may not refer to all legislation that may be relevant depending on the circumstances.

It should be borne in mind that laws change and expert advice should always be sought as to the current legal position.

A list of useful addresses is included at the back of the guide

1. Health and Safety at Work etc Act 1974

Employers must ensure the safety of their workers, both voluntary and paid, and visitors to the workplace. This is underpinned, inter alia, by the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1999. A safe system of work must be in place and there must be adequate training and supervision. For example, staff employed to handle dogs must be competent and properly trained for the work they are expected to carry out.

The Health and Safety Executive (hse.gov.uk) and/or the local authority should be contacted for further advice and information.

2. Control of Substances Hazardous to Health (COSHH) Regulations 2002

These Regulations require employers to:

- assess the risks to health from work activities which involve a hazardous substance, e.g., chemicals or micro-organisms;
- prevent or, where this is not reasonably practicable, adequately control exposure to the hazardous substances;

- introduce and maintain control measures;
- inform, instruct and train employees about the risks and precautions to be taken;
- regularly review risk assessments and the effectiveness of control measures.

These Regulations also cover zoonoses (diseases transmitted between animals and people, such as Salmonellosis, Toxocariasis and Toxoplasmosis) and suitable advice on risks and precautions should be brought to the attention of staff. Staff should also be appropriately vaccinated. It is vital that those working with dogs are aware of the importance of preventing disease transference. Cross-contamination risks are high and good hygiene is important.

3. Staff – Workplace (Health, Safety and Welfare) Regulations 1992, Health and Safety (First-Aid) Regulations 1981, Personal Protective Equipment at Work Regulations 1992

Suitable and sufficient toilet and washing facilities must be available for staff in accordance with health and safety requirements. There is a general duty on employers to ensure there is adequate first aid provision for employees. The minimum requirement is a suitably stocked first-aid box, an appointed person to take charge of first-aid arrangements and information for employees about first-aid arrangements, such as where the first-aid box is and who the appointed first-aider is. Every employer must ensure that suitable personal protective equipment is provided to his employees who may be exposed to a risk to their health or safety while at work except where and to the extent that such risk has been adequately controlled by other means which are equally or more effective. Accordingly Staff may need to be provided with items such as protective clothing, dog catching devices and muzzles.

For guidance see HSE: www.hse.gov.uk

4. Waste – Environmental Protection Act 1990 and related legislation

Certain waste may only be passed to registered carriers or appropriate licensed or authorised disposal facilities. Those wishing to dispose of waste on their

premises or operate an incinerator must seek advice from the local authority.

The type of waste likely to be produced by breeding establishments would include faeces, soiled material, waste water, blood and other discharges, and tissue. There are regulations which pertain to the collection, carriage and disposal of such waste and place a duty of care on those producing and handling certain types of waste, particularly animal by-products. Advice should be sought from the Environment Agency Regional Office which produces information sheets and from AHVLA or from the local authority.

5. Nuisance – Environmental Protection Act 1990

It is important to consider the potential problem of noise and odour nuisance. Such noise or odour that is prejudicial to health or a nuisance may amount to a statutory nuisance in relation to which Local authorities may serve an abatement notice and, if this is ignored, a summons may follow. Persons aggrieved may also complain on notice.

Monitoring a single dog barking at close range may produce a reading in the region of 95 dB(A). It is important to design and site kennels to prevent any cause for complaint from neighbours. The choice of appropriate materials, and their correct use in design, in terms of preventing noise (and odour) nuisance is extremely important. It should be borne in mind that if the nuisance is unreasonable having regard to the area, a cause of action could still arise even if the nuisance was already present when the complainant moved to the area. If the nuisance amounts to a public nuisance such “prescription”, as it is known, will never be a defence.

Environmental Health Officers within the local authority should be able to give further advice and guidance on nuisance problems and related statutory provisions. Certain types of noise, for example, are the subject of specific statutory controls.

6. Dogs (Fouling of Land) Act 1996

This Act empowers local authorities to designate certain land for the purpose of making it an offence to allow a dog to defecate on such land. If the person in charge of a dog allows that dog to defecate on designated land and fails to remove the faeces forthwith, then that person will be guilty of an offence, unless he has reasonable excuse or has

the consent of an authorised person not to remove the faeces. It should be borne in mind that the Act specifically states that it will not be considered reasonable excuse if the person is without the means to remove the faeces or is unaware that the dog has defecated.

The Dogs (Fouling of Land) Act 1996 is only applicable in England and Wales.

Department of the Environment Circular No. 18/1996: Dogs (Fouling of Land) Act 1996 provides useful guidance on the Act. Where dogs are exercised off premises, the provisions of this Act should be borne in mind.

7. Dog Fouling – Clean Neighbourhoods and Environment Act 2005

Part 6 of the Clean Neighbourhoods and Environment Act 2005 relates to dogs and became law in 2006. Under this Act local authorities and parish councils in England and Wales have been given the powers to introduce new Dog Control Orders (DCOs) in respect of any land in their area to which the public are entitled or permitted to have access with or without payment.

This Act empowers local authorities to designate certain land for the purpose of providing for offences relating to the control of dogs which, inter alia, can include offences relating to the fouling of land by dogs and the removal of dog faeces.

The Dogs (Fouling of Land) Act 1996 is largely repealed by this Act. Some savings were made by Article 4 of the Clean Neighbourhoods and Environment Act 2005 (Commencement No. 1, Transitional and Savings Provisions) (England) Order. The Dogs (Fouling of Land) Act 1996 empowered local authorities to designate certain land for the purpose of making it an offence to allow a dog to defecate on such land without removing the faeces forthwith and the savings provide that the Dogs (Fouling of Land) Act 1996 shall continue to have effect in respect of any land which is designated land before 6 April 2006, save to the extent that a DCO applies in respect of it, if the designation order in question is revoked or, if the designation order in question is amended so as to reduce the extent of the designated land, to the extent of that reduction. The savings also mean that various other legislative provisions shall continue to apply in respect of the continued effect of the 1996 Act in the form in which they were immediately prior to the enactment of the

Clean Neighbourhoods and Environment Act 2005.

8. The Control of Dogs Order 1992

This Order replaces and extends the Control of Dogs Order 1930 and provides that every dog, subject to specific exceptions, while in a highway or in a place of public resort shall wear a collar with the name and address of the owner inscribed on the collar or on a plate or badge attached to it. It should be noted that it is the local authority which has the power to enforce the Order, not the police force for any area.

9. The Welfare of Animals (Transport) Order (England) 2006

- The transport legislation, which in England administration and enforcement of Council Regulation (EC) No 1/2005 on the protection and related operations, makes it an offence to transport any animal (not exhaustive);;
- that is unfit ;Unless there are arrangements for its needs to be met during the journey, including unloading at the place of destination, and for its welfare conditions to be regularly checked and appropriately maintained;
- using violence or any method likely to cause unnecessary fear, injury or suffering when handling the animals. N.B., the use of instruments administering electric shocks is recognised, but is to be avoided if at all possible.

There are general rules on the construction and maintenance of vehicles. There are also species-specific rules. Specific requirements include ventilation and loading equipment such as ramps. Animals must be transported with sufficient space to prevent suffering. There are also rules on the segregation of non-compatible animals.

Animal Transport Certificates (ATCs) must accompany vertebrate animals on most journeys as part of a economic activity, although farmers are exempted from carrying an ATC when transporting their own animals in their own means of transport on journeys up to 50 km from their holding, or as part of seasonal transhumance. The information required is set out in Article 4(1) of Council Regulation (EC) No 1/2005; there is no prescribed legal format but Defra does provide a suggested form.

10. Dangerous Dogs Act 1991

The Dangerous Dogs Act 1991 prohibits persons

from having in their possession or custody dogs of a type specified in Section 1. It enables restrictions to be imposed in relation to other types of dog which present a serious danger to the public and makes further provision for ensuring that dogs are kept under proper control by their owners and those in charge of them.

The Home Office has released several circulars on the 1991 and 1997 Acts and these may be obtained from the relevant Government Departments.

11. The Dangerous Dogs (Amendment) Act 1997

The Dangerous Dogs (Amendment) Act 1997 amends the Dangerous Dogs Act 1991 and allows the Courts limited discretion where previously a destruction order would have been mandatory.

12. Animal Welfare Act 2006

The Animal Welfare Act 2006 makes owners and keepers responsible for ensuring that the welfare needs of their animals are met. These include the need:

- for a suitable environment (place to live)
- for a suitable diet
- to exhibit normal behaviour patterns
- to be housed with, or apart from, other animals (if applicable)
- to be protected from pain, suffering, injury, and disease

Anyone who found guilty of an offence of causing unnecessary suffering to an animal or failing to provide for its welfare needs may, among other sanctions, be banned from owning animals, fined (in the case of causing unnecessary suffering, up to £20,000) and/or sent to prison.

13. Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974, Council Directive 92/65/EEC

of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules.

14. Trade in Animals and Related Products Regulations 2011, Regulation (EC) No 998/2003

of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals

Dogs can be imported into Great Britain and therefore England for trade (N.B., the exchange of payment is not a necessary element of trade in this context), which would include breeding, from another EU Member State, Norway, Switzerland or Liechtenstein without undergoing quarantine, provided the requirements of the Trade in Animals and Related Products Regulations 2011 and Council Directive 92/65/EEC are met. N.B., Council Directive 92/65/EEC has been amended on several occasions and also makes certain requirements of Regulation (EC) No 998/2003 (of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals) part of the trade requirements.

These requirements are quite complicated and further information is available from the Animal Health and Veterinary Laboratories Agency www.defra.gov.uk/ahvla-en/.

15. Regulatory Reform Order (Fire Safety) 2005

The Order imposes a number of specific duties in relation to the fire precautions to be taken. These include:

- suitable and sufficient assessment of the risks
- implementation of preventive and protective measures
- elimination or reduction of risks from dangerous substances
- provide appropriate fire-fighting equipment, including fire detectors and alarms which is easily accessible and simple to use
- ensure that routes to emergency exits from premises and the exits themselves are kept clear at all times and are adequate with regard to use, equipment and dimensions of the premises and the maximum number of persons who may present there at any one time
- establish and, where necessary, give effect to

appropriate procedures, including safety drills and emergency arrangements, to be followed in the event of serious and imminent danger to relevant persons

- ensure that the premises and any facilities, equipment and devices provided are maintained in efficient working order and in good repair
- appoint one or more competent person to assist in undertaking the preventive and protective measures
- provide employees, and the employer of any employees from an outside undertaking who are working in or on the premises, with comprehensible and relevant information on risks, preventive and protective measures, procedures in place
- provide employees with adequate safety training and inform them of their duties under the Order

This publication is intended to be helpful but represents only a statement of opinion. It does not contain legal advice or a complete statement of the law. It should not be used as a substitute for legal advice or as the basis for giving advice without checking the primary sources. References to legislation should not be taken as a detailed explanation of the law, and this publication may not refer to all legislation that may be relevant depending on the circumstances. Legal advice should always be obtained on specific facts or on the adaptation of model conditions to specific circumstances.

No responsibility or liability for loss or consequential loss occasioned to any person, as a result of making use of this publication (including the recommended good practice contained within), is accepted by the contributing bodies, the members of the working party or the authors of this publication. It should also be borne in mind that laws change and expert advice should always be sought as to the current legal position.

USEFUL CONTACTS

Advisory Council on the Welfare Issues of Dog Breeding

Website: www.dogadvisorycouncil.com
Email: heather@drydraytonestate.com

Animal Health and Veterinary Laboratories Agency

Website: www.defra.gov.uk/ahvla-en

Animal Welfare Foundation

7 Mansfield Street, London W1G 9NQ
Tel: 020 7908 6375
Email: bva-awf@bva.co.uk

British Veterinary Association

7 Mansfield Street, London W1M 0AT
Tel: 020 7636 6541
Fax: 020 7436 2970
Email: bvahq@bva.co.uk

British Small Animal Veterinary Association

Woodrow House, 1 Telford Way
Waterwells Business Park, Quedgeley,
Gloucestershire GL2 2AB
Tel: 01452 726700
Fax: 01452 726701
Website: www.bsava.com
Email administration@www.bsava.com

Chartered Institute of Environmental Health

Chadwick Court, 15 Hatfields, London SE1 8DJ
Tel: 020 7928 6006
Fax: 020 7827 5862

Local Government Association

Smith Square, London SW1P 3HZ
Tel: 020 7664 3000
Fax 020 7664 3030
Website: www.local.gov.uk
Email: info@local.gov.uk

Department for Environment, Food and Rural Affairs

Nobel House, 17 Smith Square London SW1P 3JR
Tel: 08459 33 55 77
Website: www.defra.gov.uk
Email: defra.helpline@defra.gsi.gov.uk

Dogs Trust

17 Wakley Street, London EC1V 7RQ
Tel: 0207 837 0006
Website: www.dogstrust.org.uk
Email: info@dogstrust.org.uk

Health and Safety Executive

Website: www.hse.gov.uk

Home Office

Direct Communications Unit
2 Marsham Street, London SW1P 4DF
Tel: 020 7035 4848
Fax: 020 7035 4745
Website: www.homeoffice.gov.uk
Email: public.enquiries@homeoffice.gsi.gov.uk

International Sheep Dog Society

(Registration authority for sheep dogs)
Clifton House, 4a Goldington Road
Bedford MK40 3NF
Tel: 01234 352672
Fax: 01234 348214
Email: office@isds.org.uk

The Kennel Club

1-5 Clarges Street, Piccadilly London W1J 8AB
Tel: 0844 463 3980
www.the-kennel-club.org.uk

AWF/RSPCA Puppy Contract

www.puppycontract.org.uk

Royal College of Veterinary Surgeons

Belgravia House, 62-64 Horseferry Road
London SW1P 2AF
Tel: 020 7222 2001
Fax: 020 7222 2004
Email: info@rcvs.org.uk
Website: <http://findavet.rcvs.org.uk>

The Royal Society for the Prevention of Cruelty to Animals

Wilberforce Way, Southwater
Horsham, West Sussex RH13 9RS
Website: www.rspca.org.uk

The Stationery Office

Tel: 0870 600 5522

Trading Standards

Please contact your local authority for details.

APPENDIX A

Useful information

Kennel Club Litter Registration

The Kennel Club of the UK will not register a litter if the bitch was under one year old at the time of mating or if she has already whelped four litters. Neither will it register a first litter if the bitch has reached the age of eight years of age at the date of whelping. Also if: the offspring are the result of any mating between father and daughter, mother and son or brother and sister, save in exceptional circumstances or for scientifically proven welfare reasons; the dam has already had two litters delivered by caesarean section, save for scientifically proven welfare reasons and this only normally provided the application is made prior to the mating; or the dam was not resident at a UK address at the date of whelping.

There are schemes in place for screening for hereditary conditions in dogs. The BVA, in conjunction with the Kennel Club and the International Sheep Dog Society, encourages responsible breeding through its Canine Health Schemes. Breeders may have their dogs screened for various hereditary and breed-related conditions to assist them to make responsible breeding decisions.



**REPORTING SURGICAL CORRECTIONS TO CONFORMATIONAL PROBLEMS
IN PEDIGREE DOGS**

The Kennel Club (KC) asks that any conformation alteration surgery is reported. Presently, the level of reporting to the KC by owners of surgical correction on their dogs far exceeds that done by veterinary surgeons. This needs to change and the profession needs to be much more proactive. The reporting forms are available on both the BVA and RCVS websites and the KC are setting up a facility to enable on-line reporting

Using the list of issues the Advisory Council on the Welfare Issues of Dog Breeding considered to be the most pressing welfare problems as an initial basis, we have created a list of the conformation problems requiring surgical correction which should therefore be the highest priority for vets to report.

Conformation problems requiring surgical correction For which the surgery should be reported to the Kennel Club
<p>RESPIRATORY Brachycephalic airway obstruction syndrome <ul style="list-style-type: none"> o Stenotic nares o Elongated soft palate o Everted laryngeal sacculles Laryngeal collapse Tracheal collapse Tracheal hypoplasia Cleft palate Hair lip</p>
<p>MUSCULOSKELETAL Any joint replacement (other than for proven trauma) Cruciate repair Joint dysplasia Patellar luxation</p>
<p>OPHTHALMIC Adnexal problems <ul style="list-style-type: none"> o Entropion o Ectropion o Other eyelid plastic surgery o Distichiasis o Trichiasis o Incomplete eyelid closure o Diamond eye o Nictitating gland prolapse Lens luxation Cataract Glaucoma Retinal detachment Keratoconjunctivitis sicca Corneal ulceration that is breed associated</p>
<p>CARDIAC Any cardiac or major vessel surgery (e.g. PDA)</p>
<p>NEUROLOGICAL Syringomyelia Intervertebral disc protrusion Cervical spinal instability (Wobbler syndrome) Atlantoaxial subluxation Lumbosacral stenosis Dermoid sinus Persistent hepatic portal vein Hydrocephalus</p>
<p>DERMATOLOGICAL Skin fold surgery Ear canal surgery</p>
<p>ALIMENTARY Dental malocclusion Cheiloplasty Vascular ring anomalies Cricopharyngeal achalasia Hiatus hernia Gastric torsion Pyloric stenosis</p>
<p>UROGENITAL Retained testicle Vaginal prolapse Urolithiasis Ectopic ureter</p>
<p>MISCELLANEOUS Umbilical hernia Inguinal hernia</p>

APPENDIX B – The Puppy Plan



The latest version of the Puppy Plan, supported by Dogs Trust and the Kennel Club, can be downloaded here: www.thepuppyplan.com/

APPENDIX C – Record Keeping

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Unit: PAG1

STATUTORY INSTRUMENTS

1999 No. 3192

ANIMALS, ENGLAND AND WALES

The Breeding of Dogs (Licensing Records) Regulations 1999

Made - - - - - 29th November 1999

Laid before Parliament 7th December 1999

Coming into force - - 30th December 1999

The Secretary of State, in exercise of the powers conferred on him by section 1(4)(i) and (4A) of the Breeding of Dogs Act 1973(a), hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Breeding of Dogs (Licensing Records) Regulations 1999 and shall come into force on 30th December 1999.

(2) These Regulations shall not extend to Scotland.

2. For the purposes of section 1(4)(i) of the Breeding of Dogs Act 1973, the records referred to in that section shall be in the form set out in the Schedule to these Regulations.

Home Office
29th November 1999

Mike O'Brien
Parliamentary Under-Secretary of State

(a) 1973 c. 60, as amended by section 2 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).

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Unit: PAG1

Regulation 2

SCHEDULE

FORM OF RECORD TO BE KEPT BY LICENSED DOG BREEDER FOR EACH BREEDING BITCH

Name	Date of birth	Address where kept	Breed	Description*	Date of mating	Details of size**	Details of litter						Total number in litter						
							Male			Female									
							Date of birth	Weight	Description*	Sale details***	Date of birth	Weight		Description*	Sale details***				

- * Enter name (in the case of puppies) colour, identifying features (if any) and registration number (if any).
- ** Enter name, address where kept, breed, colour and registration number (if any).
- *** Enter date of sale, and name, address and status (for example, private/pet shop) of purchaser.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

The Breeding of Dogs Act 1973, as amended by the Breeding and Sale of Dogs (Welfare) Act 1999, requires the local authority to have regard to certain matters in determining whether to grant a licence for the keeping of a breeding establishment and about which conditions must be included in the licence. One such matter is that accurate records should be kept at the premises and made available for inspection (section 1(4)(i) of the 1973 Act).

These Regulations, which do not apply to Scotland, prescribe the form in which those records must be kept.

APPENDIX D – Minimum Kennel Sizes

Council of Europe guidelines: Kennel size

- The kennel area should be large enough to allow separate sleeping and activity areas.
- The kennel must be sufficiently large to allow each dog to be able to walk, turn around and wag its tail without touching the sides of the kennel, to play, to stand on its hind limbs and to lie down without touching another individual.
- The minimum kennel size should be at least 4m² for dogs under 20kg, and 8m² for dogs over 20kg. This should be increased in relation to size, and number of dogs, such that both the length and width are sufficient for all the dogs to lie outstretched at all angles with neither their tail nor snout touching the walls or another individual.
- Bitches with litters should be provided with double this space allowance.
- For post weaned stock, the following minimum enclosure dimensions and space allowances should apply (taken from Council of Europe (2006)):

Weight of dog (kg)	Minimum enclosure size (m ²)	Minimum floor area/ animal (m ²)	Minimum height (m)
Up to 5	4	0.5	2
Over 5 to 10	4	1.0	2
Over 10 to 15	4	1.5	2
Over 15 to 20	4	2	2
Over 20	8	4	2

- For dogs over 30kg these sizes should be scaled up accordingly and should be proportionate.

APPENDIX E – Cleaning SOP

Cleaning

In a domestic environment the hygiene measures that are normally used in a household will also protect the welfare and health of the dogs. Faeces should be removed from the exercise areas on a daily basis to reduce the likelihood of infection and to prevent any roundworm larvae from maturing.

When adult dogs are kennelled there is likely to be a greater level of contamination and therefore cleaning should be more structured.

Daily: remove all soiled material and wash contamination away using detergent if necessary. Dry after cleaning. Remove soiled bedding and replace with clean. Hose down and dry exercise areas where impervious material is used. Dispose of faeces according to waste regulations.

Weekly: remove all furniture from kennels, hose down using disinfectant and allow to dry before returning furniture. Replace all bedding.

Litters of puppies require a more intensive cleaning regime.

Daily: remove all soiled bedding as required to ensure the area is kept clean and dry, and dispose of appropriately. Wash soiled areas using detergent and dry while the litter is being exercised.

Recently whelped bitches require even more work.

Daily: remove all soiled bedding as required to ensure the area is kept clean and dry, and dispose of appropriately. Wash soiled areas using disinfectant twice daily and replace bedding while the bitch is being exercised.

Bleach – Sodium Hypochlorite

Bleach is commonly thought of a disinfectant and does have some disinfectant properties. However it is not as effective at killing bacteria, viruses and fungi as more commonly used commercial disinfectants and it may cause toxic effects to animals and staff as well as degrading the structure of the building. Bleach acts as an oxidiser and is therefore corrosive to both materials and animals. High concentrations can cause ulceration of the skin and mucous membranes (inside the mouth and conjunctiva). If mixed with some other disinfectants it can release toxic gases that are harmful to both humans and animals causing severe respiratory distress. Generally bleach is not a suitable disinfectant for use in animal premises.

APPENDIX F – Socialisation SOP

Socialisation of puppies to people

Principles

Puppies need to meet a range of different people during their 'socialisation period' (between about 3 and 12 weeks of age) to ensure that they accept contact with people as a normal and positive part of life. During this period, puppies learn what is 'normal' in their environment and what to expect in different circumstances. It is therefore important for all puppies to learn that contact with all sorts of different people is a normal part of life. They also need to learn about the various types of interaction that people have with dogs. For example, they need to accept being handled all over, picked up, their feet being handled and cleaned, ears examined, coat groomed, and nails cut. They also need to learn about the various things that people do, for example, coming in and out of the house/kennel area. They also need to learn that sometimes people interact and play, but at other times they may be present but not interacting with the puppies.

The aim of a structured socialisation programme is to give puppies the best chance of coping well with the various types of people, circumstances in which they appear, and ways in which they interact with dogs, before they are homed to a domestic environment. In order to ensure that they develop a positive perception of people, it is important for the introduction of new experiences to be gradual and controlled. It is also important that puppies are not already anxious or fearful when they interact with people, as this will increase the risk that they will associate contact with a negative experience.

Preparation

- Plan in advance how you will ensure that puppies experience different types of people. All puppies should have contact with a minimum of four people. This should include at least one person of each gender. It should also include at least one person who is above retirement age. Puppies should also experience controlled contact with children. Ideally this should include at least one older child (> 8 years), and also a baby or toddler. For safety, children should only have contact with puppies under the supervision of their parents or

responsible adult. Where access to young children is not feasible, puppies should be exposed to the noises of babies and young children using good quality recordings.

- Prepare in advance any items which will help broaden puppies' experience of people. For example, having a brightly coloured and rustling jacket (as worn by postmen or delivery people), a motorcycle helmet, a cap, a back-pack, a pushchair, a zimmer frame and an umbrella available will mean that people engaged in socialising the puppies can introduce puppies to items that they will commonly see associated with people as adults.
- Ensure that puppies are in an environment in which they are familiar before socialisation starts
- Make sure that you have toys and food treats available before starting the socialisation sessions
- Socialisers should be familiar with behavioural signs of anxiety in puppies to ensure appropriate intensity of interaction for individual puppies

Socialisation to different types of people

- Puppies should be familiar and confident with their main carer before the introduction of further people. This person should spend time playing and interacting with puppies until all of the puppies in the litter approach the carer voluntarily on entering the kennel/room. Where individual puppies show signs of fear or anxiety, such as cowering at the back of the pen, moving away, trembling, or pulling back on contact, they should be given additional attention. This should involve the carer being quiet and calm, crouching or sitting a short distance away from the puppy and encouraging the puppy to approach. Approach should be rewarded with food treats. Interaction with nervous puppies should develop with gentle stroking on the chest area: avoid putting the hand directly towards the puppy's head as this may be perceived as threatening. With increased confidence, the puppy can be gradually stroked on the shoulder, back, flanks and head.

- Once all puppies in a litter confidently approach and interact with their main carer, a programme of introduction to other people can be started. Puppies' response to the introduction of one other person should be evaluated first. Signs of fear or anxiety in individual puppies should be addressed as by the main carer. Once puppies confidently interact with the second person, further new people can be introduced. These should include adults of both gender.
- When puppies are confidently interacting with a number of adults in a familiar environment, they can be introduced to people in different circumstances. For example they should experience people coming and going through a threshold (e.g. door in a household), and meeting people when they are in an outside garden or run.
- The socialisation programme can then be expanded to include contact with children where possible. Older children can interact with puppies, but should be instructed how to appropriately handle and play with puppies before the interaction begins. Contact with children should be supervised at all times to prevent the occurrence of negative experiences for either puppies or children. Where younger children or babies are introduced to puppies, they should be held by their parents. Should direct contact with children be impossible, puppies should experience the range of noises made by babies and children through use of a good quality sound recording (see SOP for introducing noises to puppies).
- Puppies should be given additional experience about the variation in the ways people might appear to them through the use of 'props'. For example people can interact with the puppies wearing a fluorescent jacket, motorcycle helmet or backpack. They can also walk past the puppies using a 'zimmer frame' or pushing a push chair or trolley. These experiences will help puppies to learn that all these variations of how people appear are a normal part of life.

Ensuring puppies are familiar with different types of interaction

- In the domestic environment, dogs need to accept that people come and go regularly from the house, and that this is not a cause for either anxiety or excitement. They also need to learn

that periods of contact with family members sometimes involves interaction, but sometimes also periods when people are busy doing other things. In addition, puppies need to accept all the things that people regularly do with their dogs, such as examining their ears, smoothing them all over, reaching over them, stepping over them, drying their feet and grooming them.

- To ensure that puppies accept as normal people coming and going into a household, ensure that they experience this during the socialisation period. Puppies need to accept that it is normal for people to come and go out of their environment, and that this is neither scary, nor necessarily predictive of positive interaction. This can be achieved by asking friends or neighbours to come in and out of the area in which puppies are housed. They can be asked to sometimes ignore puppies during short visits, and sometimes interact with puppies, but only doing so once they are calm and quiet.
- To ensure that puppies have appropriate expectations of human contact they need to spend time with people when they experience play and interaction, but also periods where people are present but not interacting with puppies. This will better simulate their life with people after re-homing than always expecting people to engage in interaction with them. The latter expectation commonly develops where puppies are housed away from normal family activity and people only go in to see the puppies to play or interact with them. To make sure that puppies which are housed in kennels or quiet areas of the house develop appropriate expectations of interaction, ensure that family members spend time with the puppies when interaction does not occur, for example by sitting quietly and reading a book or watching TV.
- Every puppy should be handled all over by at least four people. They should also be picked up and cuddled, have their feet and ears examined, and be turned over. Throughout all of these interactions puppies should be observed carefully for signs of fear or anxiety. Should such behaviours occur, interactions should stop, and be subsequently re-introduced in a manner that the puppy finds less threatening.

APPENDIX G – Habituation of Puppies SOP

Habituation of puppies to household and potentially aversive noises

Principles

The aim of giving puppies experience of noises before they are homed is to ensure that they perceive such noises are 'normal' and 'unimportant' to protect against the development of fear responses later in life. In order to achieve this, every puppy needs to be exposed to noises at such a volume that they never show signs of anxiety or fear. In this way, sounds become a normal part of each puppy's experience. Before starting this program, you should make sure that you are familiar with behavioural signs of anxiety and fear in dogs.

It is important that puppies are not already anxious or fearful when they first hear noises, as this will increase the risk that they will associate the noises with a negative experience. It is therefore important to ensure that puppies are relaxed, or engaged in positive behaviours such as play, before exposure to noises. Noises need to be first presented at a low volume to ensure that none of the puppies show signs of anxiety. It is better to start at a very low volume, where noises are barely audible to the human ear, to ensure that no puppies respond negatively. The puppies need to be observed to ensure that no signs of anxiety or fear occur. They should continue playing or interacting as if nothing different has happened. Where no signs of anxiety or fear are identified, the volume of the sound can be slightly increased in the subsequent session. This process is repeated, with the volume of noises increased gradually over sessions, ensuring that the puppies do not react in a negative manner. Should any puppy show signs of anxiety during a session, the sound should be stopped immediately. Once the puppy is relaxed again, the sound should be repeated but at a lower volume, such that the puppy no longer reacts. Subsequent increases in volume should be made in smaller increments.

Preparation

- Plan in advance how you will ensure that puppies experience a range of household noises, such as washing machines, vacuum cleaners, doorbells, telephones, radio or TV, and food mixers. In a

domestic environment, this may be through direct exposure as events occur in the household; in kennels good quality recordings of these noises may be required. These are available commercially (e.g. 'Sounds Sociable' is a CD with a range of noises for puppy habituation).

- Consider how you will ensure that puppies will be exposed to sounds which do not occur in the household, such as fireworks, gunshots, traffic and thunder. These sounds are usually best introduced in a controlled manner using good quality recordings. Direct exposure of puppies to loud noises such as fireworks risks causing a fear response in some individuals.
- Ensure that puppies are in an environment in which they are familiar before habituation starts
- Make sure that you have toys and food treats available before starting the habituation
- Ensure familiarity with behavioural signs of anxiety in puppies to ensure appropriate levels of noise exposure at each stage

Habituation to household noises

- In a domestic environment, habituation to most household noises may occur through everyday exposure. For this to occur, puppies need to spend some time in areas of the house where normal household appliances and routines occur. Where puppies are housed in a quiet area of the house, moving them to busy parts of the house for periods of time is beneficial. Exposure to louder, potentially aversive sounds, such as vacuum cleaners should be gradual. For example, initially a switched off vacuum cleaner can be left in an area occupied by puppies. Subsequently, the appliance can be moved around, whilst switched off. The next stage may be to have the appliance turned on but immobile and in an adjacent room, then in the same room, and finally both turned on and moving. During all stages of habituation, puppies should be observed carefully for signs of anxiety and fear. Where these occur, the appliance should be turned off, and subsequent sessions start again at a lower level of exposure.

- Where puppies are housed entirely in quiet areas of a house or in kennels, exposure to household noises is through playing recordings of noises. Noises should be played at times when puppies are engaged in positive activities, such as play. Recordings should be initially played at a low volume, such that they are just audible to people, and the volume increased over subsequent sessions provided that puppies do not show signs of fear. Recordings should include those noises to which dogs will commonly encounter in the domestic environment, such as telephones, doorbells, vacuum cleaners and washing machines.

Habituation to non-household noises

- Prepare or acquire good quality recordings of relevant noises in advance. The noises which commonly cause fear and anxiety in dogs are: fireworks, traffic, trains, aeroplanes, gunshots, hot air balloons and thunder. Recordings should enable the presentation of these sounds as separate elements (e.g. the 'whizz' and 'bang' of fireworks presented separately as well as together), and include the variations in types of noise which dogs are likely to encounter later in life (e.g. shotgun and rifle sounds).
- Ensure that puppies are in a familiar environment, associated with positive experiences (e.g. an area where the puppies are brought out to play). Have toys ready, and ensure there are enough people present to engage the puppies in play.
- Set up the recording in advance, so you are sure that it will play at a very low volume initially. Also start by presenting the separate elements of complex sounds if possible.
- Engage the puppies in play before starting the recording.
- Observe the puppies, and make sure none show signs of fear or anxiety. If this occurs, then stop the sound immediately. Continue to play with puppies until all are relaxed and engaged positively in play. Subsequent exposure to the sound should be at a lower volume, such that signs of anxiety or fear are not induced.
- Where puppies remain engaged in play during

the recording, the volume can be slightly increased during the next session, provided puppies do not show signs of fear or anxiety.

- The protocol should be repeated dependent on the puppy's reaction, with the volume of recordings increased on each occasion.

Homing puppies

When puppies are homed, ensure that their new owners are informed of the level of habituation achieved with them. Encourage new owners to continue with the programme of habituation once the puppy is settled in its new home, emphasising the importance of the programme in preventing a serious behaviour problem in their new pet. Advise the new owner how to continue with the programme, emphasising the importance of gradual exposure.

APPENDIX H – Feeding SOP

Feeding

Adults: adult dogs (over 6-8 months old depending on breed) should be fed twice daily to provide environmental enrichment as well as nutrition. The food should be appropriate for the dog’s lifestyle and age, and consistent. Any significant changes should be made over a period of several days. Adults should also be given food in a variety of food toys that are changed on a daily basis. Care should be taken that competition for food is not going to result in aggression between dogs.

Pregnant and lactating bitches: The nutritional requirements for pregnant and lactating bitches are significantly greater than for other adult dogs. The food should be appropriately high quality and bitches should be fed more frequently according to the schedule below:

- Pregnant 0 – 4 weeks:** xx times daily *
- Pregnant 4 – 6 weeks:** xx times daily *
- Pregnant > 6 weeks:** xx times daily *
- Lactating 0 – 2 weeks:** xx times daily *
- Lactating 2 – 4 weeks:** xx times daily *
- Lactating 4 – 7 weeks:** xx times daily *

Puppies also require more frequent feeding with food appropriate for growth according to the table below:

Age	Food	Frequency
3 – 4 weeks	*	* times daily
4 – 6 weeks	*	* times daily
6 – 8 weeks	*	* times daily

* Insert details as appropriate

After the age of four weeks puppies should be fed in individual bowls and supervised to ensure that each puppy eats its fair share of food. When necessary, individual puppies may need to be removed during feeding if they are not eating all their own food.

Hygiene: All food and water bowls should be thoroughly washed at least once daily. Utensils used for distributing food should be washed between feeding sessions. All food should be kept in vermin-proof containers. Food should be measured to ensure that every dog receives an appropriate amount of food.

In a domestic environment different utensils should be used to deal with dogs’ food and feeding utensils should be washed separately from those used by the people.

In a kennel environment there should be a separate kitchen to prepare dogs’ food and this should be cleaned with appropriate cleaning fluids after each feeding session.

APPENDIX I – Health & Welfare Plan

Breeding establishment veterinary health plan

The veterinary health plan for a breeding establishment is a statement of requirements of routine veterinary treatment. It may not be necessary for all breeding establishments to cover all the issues suggested. A list of those issues that should be included for consideration, usually in consultation with the breeder's veterinary surgeon, in establishing a health plan is below:

Primary vaccination regime;

Booster vaccination regime;

External parasite treatment regime (breeding stock and puppies);

Internal parasite treatment regime (breeding stock and puppies);

Microchip implantation and registration regime;

Socialisation and habituation programme for puppies

Pet insurance cover for puppies

Routine health check arrangements;

Review of cleaning regime;

Review of quarantine/isolation arrangements.

The health plan should be produced in consultation with the establishment's veterinary practice and must be signed and stamped by the attending veterinary surgeon.

Medicines

All medicines should have a current Marketing Authorisation for sale in the UK, within its expiry date, and used as per instruction. They should be stored in a suitable secure cabinet. They should be protected from light and extremes of temperature.

Prescription Only Medicine – Veterinary (POM-V) medicines should only be used for the specific animals to which they are prescribed. The specific veterinary instruction should be followed.

Non Food Animal Medicine – Veterinary, Pharmacist and Suitably Qualified Person (NFA-VPS) and Authorised Veterinary medicine – General Sale List

(AVM-GSL) medicines should be used in accordance with the manufacturer's guidelines.

Contagious/infectious diseases on the premises

All dogs subject to this licence should be vaccinated against Canine Distemper, Infectious Canine Hepatitis (Canine Adenovirus), Leptospirosis and Canine Parvovirus unless vaccination is contraindicated on the direction of the Veterinary Surgeon and recorded on individual dogs' records. It may be necessary to vaccinate against other diseases and veterinary advice should be sought.

Vaccination records should be kept for each dog and be up to date according to the vaccine manufacturer's datasheet unless certified by the veterinary surgeon.

Adequate precautions should be taken to prevent and control the spread of infectious and contagious diseases and parasites among dogs and zoonoses among dogs and visitors. Records should be kept of all vaccination and worming regimes (See also Record Keeping – Section 6).

Infectious canine bronchitis ('Kennel Cough') can be problematic in kennels, and staff should be aware of the clinical signs. However, because vaccination will depend on the local level of infection, it is recommended that the advice of a veterinary surgeon is sought.

Parasitic control should be in the health plan and the log book and should also show treatments and prevention routines for external parasites including fleas, mites, lice and ticks. Appropriate treatment must be carried out if they are found on any of the dogs. When treating these infestations it is important to take account of the life cycle of the parasite in order to achieve maximum control or even eradication. For instance, simply killing the adult flea is unlikely to provide adequate control.

Several mange mites affect dogs, including *Demodex folliculorum*, *Sarcoptes scabiei* and *Cheyletiella*, species, all of which attack the skin, and *Otodectes cynotis*, which is most commonly seen in the ears. Any of these infestations can cause illness in puppies and older dogs.

Some of these parasites can cause disease in humans. Ringworm (a fungal infection) can also be passed to humans. Early diagnosis and thorough treatment of both dogs and environment is essential if the disease is to be controlled. The veterinary surgeon should be consulted if any of these conditions is suspected or known. Particular care is required with pregnant bitches and suckling puppies when using treatments for these infestations.

For the control of roundworms, pregnant and nursing bitches should be given additional worming treatment. Breeding bitches require particular attention and veterinary advice should always be sought. As a rule of thumb, it is suggested that bitches are wormed before mating and then again after the 41st day of pregnancy with an appropriate anthelmintic. The bitch should be wormed at the same time as the puppies, every two weeks from two to twelve weeks of age. Thereafter it is recommended that puppies should be wormed at regular intervals, according to manufacturer's instructions (often monthly until 6 months of age). From 26 weeks of age into adulthood, worming should be carried out routinely – at least 4 times per year

Advice concerning dogs with tapeworms should be sought from the veterinary surgeon.

Health status of dogs

There should be a daily physical inspection of every animal to check for any signs of illness or distress.

Advice from a Veterinary Surgeon should be sought where a dog shows signs of disease, injury, or illness or behavioural disorder.

If dogs are imported from abroad, appropriate health testing should be carried out.

APPENDIX J – Emergency Evacuation/ Contingency SOP

Introduction

All appropriate steps will be taken for the protection of the dogs in case of fire or other emergency; Breeding and Sale of Dogs Act 1973 S. 1(4)(d).

There should be an Emergency Evacuation Plan (EEP) and fire warning procedure in place. This should be posted where staff may become familiar with it. This procedure should include instructions dealing where dogs are to be evacuated to and contingency for their accommodation/care if the premises are rendered unsafe or unsuitable.

Prior to formulating an Emergency and Evacuation Plan carry out a Fire Risk Assessment (FRA) to identify any potential fire risk hazards within your establishment.

Emergency situations and the requirement to evacuate from the establishment can arise from a number of situations like; Fire, Flooding, Damage to building, Power failure and disease.

Being prepared and planning a simple but well understood procedure to be carried out in the event of an emergency is essential to offer maximum protection for you, your staff and the animals in your care. This need not be a lengthy document but should include a plan of the site giving exit points, location of telephone, emergency equipment (fire extinguishers and storage of leads/baskets/cages) rendezvous point and designated holding area for animals. The emergency contact details of a supervisor or the proprietor and the establishments Veterinary Surgeon should also be displayed.

Fire fighting equipment and detectors must be properly maintained. All electrical installations and appliances must be maintained in a safe condition. There should be a residual current circuit breaker system on each kennel block /for the premises. Heating appliances should not be sited in a location or manner where they may present a risk of fire / risk to dogs. Precaution should be taken to prevent any accumulation of material which may present a risk of fire.

Fire Risk Assessment

1. Identify potential fire risk hazards in the workplace
2. Decide who might be in danger (staff, Visitor, animal) in each area
3. Evaluate the risks arising from hazards and what can be done
4. Record your findings
5. Keep assessment under review

There should be adequate means of raising an alarm in the event of a fire or other emergency. In the event of a fire breaking out within your establishment, remember that your safety and those of your staff is of prime importance and no risks should be taken which may compromise any person's safety. No task in tackling the fire or evacuating animals should be undertaken unless it is safe to do so.

Upon Discovery of Fire

- Leave fire area immediately
- Close all doors behind you
- Alert occupants of building by sounding alarm (if present) or yell "Fire"
- Telephone Fire and Rescue Services dialling 999 from a safe location
- Evacuate animals when it is safe to do so to the designated holding area
- Use exit to leave building

Upon Hearing of a Fire Condition

- If safe, staff can assist with evacuating animals / occupants
- Leave building via nearest safe exit
- Close doors behind you
- Remain Calm
- Proceed to the designated RV area

Fire and Evacuation Action Plan

<p>Planning Your Escape</p>	<p>You only have a short time to get out so prepare a plan of escape in advance rather than waiting until there is a fire or evacuation of the establishment. Think of another way out in case the normal route is blocked. Know where door and window keys are kept. Know where spare leads/baskets/cages are stored. Know where the RVP/Holding areas are.</p>	
<p>If you discover a fire</p>		<p>Leave fire area immediately. Close all doors behind you. Sound the alarm and call 999 from any phone. Stay calm, speak clearly and listen to the operator. Where safe to do so, assist others to evacuate and remove animals to the safe holding area. If there is a fire elsewhere in the establishment, stay where you are and await instructions or if you have to move remember to check doors with the back of your hand before opening. If it feels warm, do not open it and go another way. If there is a lot of smoke, crawl along floor where the air will be cleaner. If in doubt – Get out, Stay out and get the Fire & Rescue Services Out.</p>
<p>Contacts in an Emergency</p>	<p>(enter details here)</p> <ul style="list-style-type: none"> • Proprietors name and Telephone Number(s) • Supervisors Name and Telephone Number(s) • Establishments Veterinary Surgeons Name(s) and Telephone Number(s) 	<p>(enter details here)</p> <ul style="list-style-type: none"> • Telephone at (enter location) • Emergency equipment at (enter location) • RVP at (enter location) • Animal Holding area at (enter location) • Fire Extinguishers located at (enter location) • Keys kept at (enter location)
<p>RVP = Rendezvous Point</p>		

The onus is upon the breeding establishment to ensure adequate fire prevention precautions are in place.

It is recommended that plans and details for large breeding establishments are lodged with the police and fire authorities. Fire prevention advice may be sought from the Fire Prevention Officer based at your local fire station. This officer can give advice on fire drills, fire escapes, equipment and should be consulted when new buildings are constructed or existing buildings modified.

Smoke detectors are recommended and you must make sure that Fire Detection and fighting equipment are easily accessible and regularly tested. Exit routes should be kept clear. Staff should be familiar with the fire evacuation procedure by use of fire drills and how to use the fire extinguishers. The Fire Precautions (Workplace) Regulations 1997 place a duty on employers to carry out a risk assessment for the premises not covered by a fire certificate.

APPENDIX K – Daily Routine SOP

Daily routine

Daily routine should be set out in detail so that dogs can be cared for in an emergency or when owners are away by a person with minimal knowledge of them. The following should be set out:

- **Dogs' (pet) names, ages and general character traits** (likes & dislikes) – who mixes best, exercises, plays or sleeps with whom and general care and management of groups of dogs, where applicable.
- **General Timetable** for (daily duties) waking, feeding, cleaning, exercising, grooming and sleeping arrangements. This may also provide specific or non specific designated periods during the day when carers may leave the dogs unattended, provided the dogs are left in a secure and safe environment (indoor/outdoor kennel, fenced enclosure or kitchen/utility room) – a maximum of 3/4 hours per day being a suggested time.
- **Feeding schedules** (for each dog) containing explicit details as to the times, place, quantities, type of food required. This may be the same or several times each day or vary according to the needs of the dog(s).
- **Cleaning schedules** – what is required and when, what cleaning materials are to be used and means of disposal. This will include washing, drying and (frequency of) replacement of dogs' bedding and places (dog beds, utility room/kitchen, outdoor or indoor kennel) where the dog(s) rest/sleep and exercise (outdoor enclosures, exercise pens, gardens, paddocks etc).
- **Exercise/play** – (for each dog), or groups of dogs with explicit direction as to whether dogs are to be exercised/walked separately, or in groups and when, where, how frequently, for what length of time. Exercise may be taken in a fenced enclosure, paddock, garden, on and off the lead (private/public road, parks, woodland, fields etc). No dog(s) to be removed from the premises (other than for exercise) without (verbal/written) explicit permission from the owner.
- **Grooming** – (for each dog). Including daily brushing/combing of coat, general care (teeth, ear cleaning, bathing etc). Bathing or washing may be required, dependent on how dirty the dog becomes during the course of the day/night, or in the event that it becomes unwell (sickness, diarrhoea etc). Unless fully qualified or approved (by qualification and/ or prior agreement between owner and carer), trimming of coat, or nails, with either scissors or clippers will generally not be required. Should this be necessary, ability (qualification) or willingness to carry out such a task should be discussed prior to the owner leaving the premises.
- **Medication** (prescriptive and/or holistic) (for each dog) – oral (by mouth), or topical (applied externally), or by injection, if and when required – a time and check list (before, with or after mealtimes or specific time of the day) for administration should also be provided. If use of daily injections is required, for example for diabetic dogs, special instruction should be provided to the satisfaction of both the owner and carer, or arrangements made for a veterinary visit, if preferred.
- **Contact information Sheet** providing contact details for absent owner, Veterinary Surgeon, Dentist, Doctor, Plumber, Electrician (for household/carer requirements), etc and other family or friends who might be needed to be contacted for assistance in an emergency.
- **Special paperwork** (example attached**) to be signed by both owner and carer as to both daily responsibility and in the event of urgent veterinary attention, especially, if or when, euthanasia becomes a clinical necessity. This may be more applicable in the event that any, or some, of the dogs are elderly or clinically infirm or in case of accident. The Veterinary Surgeon, looking after said dog(s), should be advised prior to the owner's absence, especially for long periods of time (holiday/business) that a carer is in sole charge. In any event, all effort must first be made to contact the owner prior to a decision by the Vet that euthanasia is the only option.

ANNEX L – Template Inspection Proforma

LICENCE CONDITIONS INSPECTION SHEET FOR DOG BOARDING ESTABLISHMENTS										Tick boxes ✓/x	
Name	Date of Inspection	Breeding	Rescue	Boarding	Signature	Full Inspection	Part Inspection	Revisit	Emergency Contact displayed		
Address of Establishment	Insurance	Register and Back up									
Licence on Display											
Has copy of Licence Con & Legislation											

Non Domestic Establishment	Domestic Establishment	Semi-outdoor/indoor				Number of dogs	F	M
Metal	Brick	Wooden	Other			Litters (present)		
						Litters (planned)		

Index

Identification code	Section	
1	Accommodation	Kennel Unit Design: Drainage: Exercise Area and Run: walls, floors, ceilings, doors, occupant nos., security, bedding, cleanliness. Interior Surfaces: Lighting: Litter Trays: Roofing: Safety Corridors: Sizes: Temperature: Ventilation
2	Management	Drinking: Eating: Refrigeration: Storage of foods: Washing equipment: Supervision: E. Enrichment: Handling: Kitchen facilities: Isolation: First Aid
3	Vac disease Con	Health and Welfare Plan: Registered Vet
4	Emergency	Monitoring: Emergency Evacuation and Contingency Plans
5	Transport	Transportation of dogs and puppies
6	Health and Welfare of the breeding bitch	Mating: Max no. of Litters: Puppy Plan: Record Keeping: S.O.P.'s
Rating 0	Does not meet the minimum standard	Comments
Rating 1	Meets standard, but with noticeable limitations	
Rating 2	Meets the standard	
Rating 3	Exceeds the standard	

ANNEX L – Template Inspection Proforma

Area	Identification Code	Description	√	x	Rating	Actions or Comments	Done √
Records	4	Written emergency plan and risk assessment					
Records	6	Prescribed Forms					
Records	6	Breeding Arrangements					
Records	6	Assured Breeder Scheme					
Records	6	Permanent identification					
Records	6	Movement of dogs					
Records	6	Register and Back-up					
Records	6	S.O.Ps including Feeding and Exercise Regime					
Records	6	Vaccinations & Health records & Isolation Cases					
Records	6	Whelping records					
Records	6	Barrier nursing S.O.Ps					
Records	6	Veterinary details/diagnosed/health screening					
Records	4	Fire equipment records					
Records	6	Temperature records					
Records	3	Health Plan					
Records	6	Puppy Contract					
Records	6	Retired					
Records	6	Transport (Journey times)					
Records	2	Staff Training records					
Kitchen/Eating	2	Cleanliness/Condition of Eating and Drinking Vessels					
Kitchen	2	Cleanliness of Kitchen					
Kitchen/Eating	2	Refrigeration					
Kitchen/Eating	2	Washing equipment					
Kitchen/Eating	2	Storage of foods and quality kept					
Kitchen/Eating	2	Feeding regime					

ANNEX L – Template Inspection Proforma

Area	Identification Code	Description	√	x	Rating	Actions or Comments	Done √
Unit	1	Sound and safe construction					
Unit	1	Suitable Construction Materials					
Unit	1	Sleeping accommodation sizes					
Unit	1	Secure windows, doors & fencing					
Roofing	1	Safe and Waterproof roofing					
Unit/Drainage	1	Drainage/Drain covers					
Unit	1	Escape-proof area					
Door and Corridor	1	Secure Corridor and width/secure doors					
Unit	1	Flooring					
Unit	1	Lighting					
Unit	1	Walls & Partitions					
Lighting	1	Adequate lighting					
Ventilation	1	Ventilation/Draughts					
Interior	1	Good repair, clean and sealed joints					
Temperature	1	Max-Min Thermometer/Temperature					
Unit/Temperature	1 + 4	Safe Appliances + Fire fighting equipment					
Unit	1	Waterproof sockets					
Unit	1	Sharp edges/Other hazards					
Unit	1	Dog crates					
Bedding	1	Bedding materials					
Unit	1	Windows					
Exercise Run	1	Exercise Run Area sizes					
Exercise Run	1	Access to Run					
Exercise Run	1	Clean and secure Run					
Unit	1	Whelping facilities					
Behaviour	2	Toys/Environmental enrichment					
Hygiene	1	Cleaning products					
Management	2	First Aid Kit for dogs					

ANNEX L – Template Inspection Proforma

Area	Identification Code	Description	√	x	Rating	Actions or Comments	Done √
Isolation	2	Hygiene protocols and protective garments					
Isolation	2	Veterinary instruction					
Isolation	2	Location of isolation					
Isolation	2	Cleanliness and procedures for use					
Isolation	2	Size if Isolation					
Transport	5	Use of vehicles for transportation					
ADDITIONAL NOTES							



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Dog Breeding Establishment Conditions

The following definitions are provided for the purpose of inspection:

Kennel- this is the physical structure and area that consists of an indoor sleeping area and outdoor run.

Run- a run is defined as an area attached to and with direct and permanent access to the kennel.

Outdoor exercise area- a separate area from the kennel itself where dogs may, for example, exercise, play, interact with other dogs and people.

Crate- a safe, secure area that a dog can go into for short periods of time. Usually consists of a wire frame with a removable tray in the base for bedding, but can also be plastic, or fabric. Uses include security, transportation or following veterinary advice. NB: this should only be a temporary enclosure for a dog and only where the dog is habituated to it.

General

1. Dogs must at all times be kept on accommodation suitable as respects construction, size of quarters, numbers of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness.
2. Dogs kept in domestic premises must have free access to more than one room and every dog must be provided with continual access to a comfortable, dry, draught-free, clean and quiet place to rest.
3. Dog crates, where used (and whilst not acceptable as permanent housing) must be of sufficient size to allow each dog to be able to sit and stand at full height, step forward, turn around, stretch and lie down in a natural position and wag its tail without touching the sides of the crate and to lie down without touching another individual.

Kennel Construction

4. Where kennels are provided, within converted outbuildings, consideration must be given to cleaning, wildlife access, vermin control, natural lighting and ventilation.
5. All internal surfaces used in the construction of walls, floors, ceilings, partitions, doors and door frames must be durable, smooth and impervious, easily cleaned and disinfected. Kennels must be free from hazards and there must be no projections or rough edges liable to cause injury.
6. Sleeping areas of kennels must be insulated so as to prevent extremes in temperature.

Security

7. The construction must be such that the security of the dog is ensured.
8. Fencing materials must be safe and secure.

Walls and Partitions

9. Walls with which dogs may come into contact must be of smooth impervious materials, capable of being cleaned and disinfected.

Floors

10. Flooring must be of a non-slip, urine resistant material. It must be laid in a way and at a fall that avoids the pooling of liquids. Slatted or wire mesh floors must not be used.
11. Floors of all buildings, Individual exercise areas and kennels must be of smooth, impervious materials, capable of being easily cleaned and disinfected while providing sufficient grip for the animal to walk or run without sustaining injury.
12. Communal exercise areas should also be suitably drained to prevent pooling of liquids.

Ceilings

13. Ceilings must be capable of being cleaned and disinfected.

Doors

14. Kennel doors must be strong enough to resist impact and scratching and must be capable of being effectively secured.

Windows

15. Windows must not pose a security risk and must be escape proof for the protection of the dog as well as the public.

Drainage

16. The establishment must be connected to mains drainage or an approved sewerage disposal system.

Lighting

17. During daylight hours light must be provided to exercise and sleeping areas so that all parts are clearly visible.
18. Lighting must be of sufficient standard to enable efficient working both during and after daylight hours.
19. Supplementary lighting, adequate to allow inspection, must be provided throughout the establishment.

Ventilation

20. Ventilation must be provided to all interior areas without the creation of excessive, localised draughts in the sleeping area.

Kennel Design (Size, layout and exercise facilities)

21. Kennels must be divided into sleeping and activity areas.
22. Kennels must be provided with an adequate size of sleeping area, such that the dogs can stand, turn around, stretch and lie down flat in a natural position, with sufficient space for the door to open fully.
23. Adequate exercise areas must be provided for all kennels. How much space will depend upon the size of the dog as well as the circumstances of each breeding establishment. Dogs must be able to walk, turn around easily and wag their tails without touching the kennel sides, and lie down without touching another dog.
24. Kennels and runs must open onto secure corridors or other secure corridors or other secure areas so that dogs are not able to escape from the premises.
25. Exercise areas must not be used as sleeping areas.
26. Outdoor areas where animals exercise and interact cannot have strict temperature regulation. Dogs must not be restricted to such areas when climatic conditions may cause them distress. They must have constant access to fresh clean water, shade and shelter so they can avoid rain, wind, snow, ice or direct sunlight etc.
27. In adverse weather conditions, the responsible person must decide whether or not dogs are given free access to their run.
28. The run must be least partially roofed to provide the dog with sufficient protection against all weathers.

Beds and Bedding

29. The bed must have clean bedding and be large enough for each dog lie flat on their side.
30. Beds must be suitable to allow dogs to be comfortable i.e. of durable construction, be sited away from and offer protection from draught and be of a suitable size and type of dogs kept.
31. Bedding must be capable of being easily cleaned and disinfected.

Number of Dogs Permitted

32. The maximum number of dogs to be kept at one time is to be determined by the Local Authority.

Temperature in Accommodation

33. Heating facilities must be available in the kennel and used according to the requirements of the individual dog.
34. Devices used for heating and cooling must be safe and free from the risk of burning or electrocution. Manufacturer's instructions must be followed. Open flame appliances must not be used.

Cleanliness

35. All kennels, corridors, common areas, kitchens and so on must be kept clean and free from accumulations of dirt and dust so that the disease control is maintained. An agreed Standard Operating Procedure must be followed.
36. Each occupied kennel must be cleaned daily at a minimum.

37. All excreta and soiled material must be removed from all areas used by the dogs necessary.
38. All sleeping areas and bedding must be kept clean and dry.
39. Facilities must be provided for the proper reception, storage and disposal of waste.
40. Measures must be taken to minimise the risk from rodents, insects and other pests within the breeding establishment.
41. Foul waste water must be disposed of by discharge to the appropriate or an approved drainage system. Those wishing to operate an incinerator must seek advice from the Environment Agency and/or the local authority.

Whelping Facilities

42. There must be a separate whelping pen or room for each whelping bitch in which to whelp. There must be direct access to the whelping area for kennel personnel without disturbing the general kennel population. Once separated there must be increased social contact with humans.
43. Each whelping pen must be constructed of easily cleanable impervious materials. The area must be cleaned regularly and a record kept of cleaning procedures. The whelping pen must have a divider to allow the bitch access an area where she cannot be reached by puppies. There must be natural daylight.
44. There must be a whelping bed raised off the floor and with sides high enough to prevent new born puppies from falling out. The bed must contain sufficient bedding to ensure a soft surface for the bitch and to enable the absorption of mess resulting from whelping. The bed must be constructed of easily cleanable impervious material and must be thoroughly cleaned and disinfected between litters.
45. The whelping area must be maintained at an appropriate temperature. The bitch must be able to move away from heat spots.
46. Bitches must be adequately supervised during whelping and records kept of:
 - Time of birth of each puppy
 - Puppies' sex, colour and weight
 - Placentae passed
 - Any other significant events
47. Bitches must be allowed a minimum of four periods a day for toileting and exercise away from their puppies.

Management

48. Dogs must be adequately supplied with suitable food, drink and bedding material, adequately exercised, and visited at suitable intervals
49. A fit and proper person must always be present to exercise supervision and deal with emergencies.

Number of Staff

50. Numbers of staff must be appropriate for the breed/ type and number of dogs being bred. Numbers must be sufficient to provide the level of care set out in these conditions.

51. Sufficient adequately trained staff must be available every day to carry out all the interactions and procedures with dogs.
52. Dogs must not be left alone for long periods and must be checked at the start and end of every working day and regularly by a member of staff at least every four hours during the day.

Environmental Enrichment and Exercise

53. Dogs must be provided with environmental enrichment and the ability to have some control over their environment.
54. Breeding establishments are the permanent home for some dogs and therefore provision of exercise facilities must be adequate for the long term. Dogs must be kept permanently confined.
55. Arrangements must be made for the dogs to be exercised at least twice a day.

Handling and Habituation

56. Breeding dogs must be handled and examined regularly to identify changes in health, weight and behaviour, also to ensure dogs are habituated to handling by people. This is particularly important for bitches, as fear of people. This is particularly important for bitches, as fear of people will influence development of puppy behaviour.

Food and Water Supplies

57. All dogs must be adequately supplied with suitable food. Clean water must be available at all times and changes at least daily. Dogs must be fed a diet appropriate to their age, breed, activity level and the breeding cycle. Dogs must be fed individually with separate bowls. Food must be stored in vermin-proof containers and fresh food must be refrigerated.
58. Eating and drinking vessels must be capable of easily cleansed and disinfected to prevent cross contamination. They must be maintained in a clean condition and cleaned and disinfected or disposed of after each meal.
59. Dogs must be fed sufficiently well to maintain health.

Weaning Procedures

60. Puppies must start the weaning process as soon as they are capable of ingesting food on their own. The food offered must be appropriate for the stage of development of the puppies.
61. Puppies at weaning must initially be offered food five times a day. It must be ensured that each puppy takes the correct share of the food offered.
62. During lactation, the bitch must have sufficient appropriate food to satisfy the demands being made upon her.

Kitchen Facilities

63. Facilities, hygienically, constructed and maintained must be provided for the storage and preparation of food for the dogs.
64. Where fresh and cooked meats are stored, refrigeration facilities must be provided. Food contamination must be avoided.
65. A sink with hot and cold running water must be available for washing kitchen utensils and eating and drinking vessels.
66. Containers for storing foods must be provided and must be provided and must be constructed and maintained to guard against insects and other pests.
67. Cross-contamination must be avoided.

First Aid Kit for Dogs

68. A fully maintained first aid kit suitable for use on dogs and puppies must be available and accessible on the premises.

Isolation Facilities

69. Veterinary advice must be sought for any animal with a potentially infectious disease.
70. Facilities for isolation must be available when required. Isolation facilities must be used where the presence of infectious disease is suspected or known.
71. Isolation facilities must be in compliance with the other licence conditions but must be physically separate from other dogs.
72. Hands must be washed after leaving the isolation facilities before handling other dogs.
73. Protective clothing, footwear and equipment, for use only in the isolation facility, must be used to reduce the spread of infection and must not be worn outside the isolation facility.

Disease Control, Vaccination and Worming

74. All reasonable precautions must be taken to prevent and control the spread among dogs of infectious or contagious disease. Licence holders must take all reasonable steps to protect the animal from pain, suffering, injury and disease.
75. All breeding establishments must be registered with a Veterinary Practice and ensure full details are made available to the Licensing Authority.

Emergencies/ Fire Prevention

76. There must be Emergency Evacuation and Contingency Plans in place which meets approval with the local authority, and on consultation with the local authority.

Transport

77. Dogs and puppies being transported to and from breeding establishments must be properly supervised to ensure compliance with eth obligation under the 1973 act.
78. All appropriate steps must be taken to ensure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised

when being material and adequately exercised when being transported to or from the breeding establishment.

79. Bitches must not be transported in the last stages of pregnancy, ideally not from 54 days after mating, unless to a veterinary surgeon for treatment.
80. Bitches must not be transported for 48hrs after whelping unless it is to see a veterinary surgeon for treatment.
81. Whenever dogs are transported they must be fit and healthy for the intended journey. Injured and/ or diseased dogs must not be transported (except for minor illness or injury, as determined by trained and competent staff) unless they are being taken to a veterinary surgery.
82. Puppies must not be transported before eight weeks of age without their dam unless a veterinary surgeon agrees otherwise for health and/or welfare reasons, or in an emergency.

Health and Welfare of the breeding stock and litters

83. Bitches must not be mated if they are less than 1 year old.

Maximum number of litters

84. Bitches must not give birth to more than six litters of puppies each in their lifetime.

Twelve Months between Litters

85. Bitches must not give birth to puppies before the end of the period of twelve months beginning with the day on which they last gave birth to puppies.

Social Contact for Dogs and Socialisation of Puppies

Adult dogs

86. Social contact is very important, and all dogs used for breeding must be kept in an environment that allows adequate social contact with other dogs and people.

Puppies

87. Puppies must be handled regularly from shortly after birth for short periods (e.g. gently picking up and examining) to habituate them to human contact and to examine them for any sign of disease and to ensure they are feeding properly.
88. From three weeks old puppies must be habituated to events likely to be encountered in a domestic environment.
89. To learn social skills with other dogs, puppies must be of a similar age and size.

Record keeping

90. Accurate records must be kept at the premises and made available for the inspection there by any officer of the local authority or any veterinary surgeon, authorised by the authority to inspect the premises.
91. The records must include:
 - Name of the bitch

- Date of birth
- Address where she is kept
- Breed
- Description
- Date of mating and details of the sire.
- Details of any litters, sex of puppies, date of birth, weight, description and total number of litter.
- Details of sale including date of sale, name and address of who supplied and the status of the purchaser (i.e. private owner or pet shop).

Licence Display

92. A copy of the licence and its conditions must be suitably displayed to the public in a prominent position in, on or about the breeding establishment.

REPORT OF SARAH PEARCE, LICENSING AND ELECTORAL SERVICES MANAGER

REVIEW OF STATEMENT OF LICENSING POLICY

1. PURPOSE OF REPORT

- 1.1 To report back to Members on the comments received from the recent consultation exercise in respect of the review of the Statement of Licensing Policy, which was required under the Licensing Act 2003.
- 1.2 To seek members agreement that:-
- ❖ the proposed policy statement go forward to Full Council at their next meeting on 8 December 2015 for final approval and adoption.

2. SUMMARY OF BACKGROUND

- 2.1 The Licensing Act 2003 requires that Lichfield District Council prepare and publish a statement of its licensing policy every five years.
- 2.2 The policy details the general principles that the Council, as Licensing Authority, will take into account in order to promote the licensing objectives, when making licensing decisions and will provide clarity for licensing applicants and residents. When submitting licence applications, applicants will have to consider the policy and show how they will help the Licensing Authority to achieve the Government's four licensing objectives of :
- the prevention of crime and disorder;
 - public safety;
 - prevention of public nuisance; and the
 - protection of children from harm.
- 2.3 Prior to determining our current policy which expires on 7th January 2016, it was subject to a consultation process that sought the views of elected members, existing licence holders, persons or bodies representing businesses and residents in the area and other responsible authorities such as Staffordshire Police and the Fire & Rescue Authority.
- 2.4 The consultation process took place between 7 September and 18 October 2015.

3. THE OUTCOME

- 3.1 A summary of responses received during the consultation period is attached at **Appendix A**.
- 3.2 The various responses have been considered and where it has been deemed legally appropriate the draft policy has been amended accordingly.

4. FINANCIAL IMPLICATIONS

- 4.1 None identified.

5. RISK MANAGEMENT ISSUES

- 5.1 None identified.

6. RECOMMENDATIONS

- 6.1 That Members agree:-
- ❖ the proposed policy statement as attached at **Appendix B** go forward to Full Council at their next meeting on 8 December 2015 for final approval and adoption.

SUMMARY OF COMMENTS RECEIVED

Respondent	Comments
Colin Cooke - Performance Efficiency & Improvement Officer	Proposed an amendment to paragraph 4.19 (Promotion of Equality) to bring categories into line with the Council's current Equality Statement.
Cllr. Alan White	Requested the addition of another principle to the licensing objectives, namely Health and Wellbeing.
Cllr. Eric Drinkwater	Found the draft document comprehensive and couldn't find anything that could be construed as inappropriate or unnecessary.
Cllr. Diane Evans	Did not see any problems with the draft document.
Cllr. David Leytham	Asking whether the draft document needs a brief explanation of the purpose of a TEN or what a personal licence holder can do with said licence. Appreciates the policy explains the use of the licensing laws and suggests that it doesn't need to explain the laws.
Fiona Chapman - Senior Community Safety Officer	Given the format and style of the draft document, suggested that it would be appropriate to note Trading Standards role under the Protection of Children from Harm licensing objective, as the department take their responsibility very seriously in contributing to the licensing agenda in Lichfield in ensuring that alcohol is restricted to those underage.
Bob Smith, Chairman of Beacon Street Area Residents' Association	BSARA are quite satisfied with the draft document and have no comment to add, other than requesting that the saturation policy covering Bird Street and Market Street is maintained for the duration of the new policy. Any future city centre developments that take place, such as Friarsgate, will need to be carefully monitored to establish whether there is a need to create an additional saturation area.
Neil Wait – Senior Environmental Protection Officer	Suggested an amendment to the times cited in para 6.2 from 11.30pm to 7am to 11pm to 7am as these hours represent recognised normal sleeping hours and would also ensure consistency as these times are referred to in para 10.5.
Inspector Rob Neeson, LPT Commander, Lichfield	Having looked at the latest statistics they are satisfied that we do not need to alter the current saturation policy zone.

**REGULATORY AND LICENSING COMMITTEE
WORK PROGRAMME FOR 2015-16**

Item	6 JULY 2015	25 NOV 2015	Special JAN 2016	10 FEB 2016	Purpose of the Report	Lead
Taxi Licensing (Child Sexual Exploitation, Review of Conditions, ranks update)	✓	✓			A general report reviewing and updating a series of taxi licensing matters	NW
Anti-Social Behaviour, Crime & Policing Act 2014 and Public Space Protection Orders'				✓		JC
Environmental Health 2016/17 Fees & Charges				✓	To agree the schedule of fees and charges for EH functions during 16/17	NW/GD
Street collections 2016			✓			SP
Food Safety Service Delivery Plan				✓		GD
New Conditions for Dog Breeding or Boarding Licences		✓			For the committee to consider model conditions produced by the Chartered Institute of Environment Health	NW
Licensing Policy 2016		✓			To approve the final licensing policy before it goes to Full Council for ratifying.	SP
Statement of Principles (Gambling Policy) 2016			✓		To approve the final gambling policy before it goes to Full Council for ratifying	SP
Revised Contaminated Land Strategy	✓				Revised strategy updated to incorporate revised Dept. Of Environment statutory guidance	NW
Street Trading Policy		✓			Proposed new policy for consideration	NW