

# Cheltenham Borough Council

## Licensing Committee – 2 October 2015

### Licensing Committee Response to Animal Licencing Conditions Consultation

#### Report of Senior Environmental Health Officer

#### 1. Executive Summary and Recommendation

**1.1** Under the Council's constitution the Licensing Committee are a consultee to Cabinet on the adoption of new animal licence conditions for animal boarding establishments, pet vending and dog breeding. Renewal of the animal boarding conditions includes separate commercial kennels, catteries and home boarding conditions alongside pet vending conditions and new dog breeding conditions.

**1.2** An eight week consultation period has been set between the 14<sup>th</sup> August and the 9<sup>th</sup> October 2015.

**1.3** The Licensing Committee heard a presentation on potential contentious issues on Friday 4<sup>th</sup> September following the Licensing Committee meeting. On Thursday 10<sup>th</sup> September 2015 they met to discuss their concerns and consider a response. An email was sent to the Licensing Committee Members on Wednesday 16<sup>th</sup> September requesting comments on a new drafted condition.

**1.4** This report sets out the committee's response for ratification.

#### 2. Recommendation

**2.1** The Committee is recommended to:

**2.1.1** Note the comments in paragraph 4 & 5; and

**2.1.2** Approve paragraph 5 as the committee's response to the consultation.

#### 3. Implications

<b>How may the decision contribute to the Council's Corporate Priorities?</b>	<ul style="list-style-type: none"><li>• Sustain and grow Cheltenham's economic and cultural vitality.<ul style="list-style-type: none"><li>- ensure level playing field for licenced animal business by keeping conditions up-to-date and adopting nationally recognised model conditions.</li><li>- Help ensure the welfare of animals within the borough</li></ul></li><li>• People live in strong, safe and healthy communities<ul style="list-style-type: none"><li>- Reduce risk of animal to human (zoonosis) and animal to animal infection</li><li>- Help ensure the welfare of animals within the borough</li></ul></li></ul>
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## 4. Background

4.1 The CBC proposed licence condition documents being consulted upon are currently found on the documents page of the web consultation:

[http://www.cheltenham.gov.uk/downloads/download/1265/animal\\_licensing\\_consultation](http://www.cheltenham.gov.uk/downloads/download/1265/animal_licensing_consultation)

4.2 When responses are received, the proposed conditions have been updated to include the consultees' request(s). Requests are added as and when received and are highlighted in yellow. Yellow highlighted areas also indicate areas of potential concern. Green highlights represent areas of conflict between consultees and **will require cabinet decision**.

4.3 Model conditions were published by the Chartered Institute of Environmental Health or were based on their publications (i.e. home boarding model conditions).

4.4 Other professional bodies have been involved in the production of the documents including: [Advisory Council on the Welfare Issues of Dog Breeding](#); [British Small Animal Veterinary Association](#) (BSAVA); [British Veterinary Association](#); [Cats Protection](#); [Corporation of London](#); [Department for Environment Food and Rural Affairs](#) (DEFRA); [Dogs Trust](#); [Epping Forest District Council](#); [International Cat Care](#) (was the Feline Advisory Bureau); [The Kennel Club](#); LACORS (now merged into Local Government Association); [Ornamental Aquatic Trade Association](#) (OATA); Pet Industry Federation (PIF) (was the Pet Trade and Industry Association); [Rabbit Welfare Association and Fund](#) (RWAF); [Reptile and Exotic Pet Trade Association](#) (REPTA); [Royal Society for the Protection of Animals](#) (RSPCA);

4.5 Following the presentation on 4<sup>th</sup> September, the report author stated the following in relation to Cheltenham Borough Council's current conditions:

- Do not reflect the current legislation (including the Animal Welfare Act 2006)
- Are open to interpretation
- Do not define numbers
- No current dog breeding conditions

4.6 In brief the proposed conditions will:

- Ensure compliance with legislation
- Be up-to-date with current guidance
- Provide clear guidance to licence holders and enforcers on the requirements
- Define numbers
- Provide dog breeding conditions

4.7 Members' concern regarding Dangerous Wild Animal sales  
 Members raised concerns regarding a) pet vendors stocking 'dangerous wild animals' and b) the sale of 'dangerous animals' not categorised as dangerous under the dangerous wild animals acts.

4.8 It is acknowledged the majority of dangerous wild animals likely to be present in the UK are on the dangerous wild animal list. Dangerous wild animal conditions are to be dealt with on an individual basis and are not part of the consultation.

4.9 The proposed pet vending conditions require the reporting to CBC of the sale of any animal falling under the dangerous wild animal act schedule (pet vending model condition A13.2).

4.10 Some people may have a perceived fear of dangerous animals based on social history e.g. fear of any spider or snake species. However, most do not actually cause any harm over and above a sharp bite.

- 4.11 Any placid animal species may become aggressive when mistreated or when suffering from a cognitive impairment (tumour or injury) just as humans may. Animals may be considered dangerous if they hold the potential to be aggressive and have the equipment to inflict damage: nails, claws, teeth and beak etc.
- 4.12 To protect the welfare of animals, their keepers and their neighbours from aggressive behaviour, the training and knowledge along with the provision of appropriate pet care advice to owners is therefore important. The proposed pet vending conditions address this under 'A14 - Pet Care Advice, Staff Training and Knowledge'.
- 4.13 Licensing Committee concerns regarding catteries
- Members were concerned that the proposed cattery conditions were significantly longer than the other proposed conditions. They wished to be sure cattery owners were aware of the new licence conditions including unit dimensions.
- 4.14 The report author made contact with the licenced catteries and confirms that the current licensees will easily comply with the unit dimensions.
- 4.15 At the time of writing this report one cattery manager has requested minor changes to the conditions and these have been added.
- 4.16 Licensing committee concerns regarding kennels
- Councillors were concerned that dogs would not receive adequate exercise for their needs as they were being confined all day within a kennel with only a small run. The kennels in the council's area have now been contacted and the report author confirms that commercial kennels indicate resident dogs are taken for regular walks and/or are given access to enclosed fields and so would already be complying with the proposed condition in 5.2.
- 4.17 The wording in 5.2 is not specific to a daily requirement. This is due to different dogs having different needs (e.g. old rheumatic lab compared to a young springer spaniel) and to prevent dogs having to be taken out when the weather is not conducive to their health (very wet, cold or windy).

## 5. Licensing Committee's Response

- 5.1 The licensing committee support the adoption, in principle, of the model conditions by cabinet.
- 5.2 The committee propose the following be included into the "CBC Licence Conditions for Dog Boarding – Kennels" following condition 4.2.6 (under 'Kennel size, layout and exercise facilities'):

***"Suitable and adequate exercise in an outdoor environment (separate to the kennel areas) must be ensured for all boarded dogs that require it, to ensure a dog's environmental and normal behaviour needs are met."***

This condition reflects animal welfare needs specified in the Animal Welfare Act 2006 but not covered by the model conditions (produced in 1995).

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## Background papers

Currently all proposed model conditions and guidance documents are available on the downloads page for the web consultation:

[http://www.cheltenham.gov.uk/downloads/download/1265/animal\\_licensing\\_consultation](http://www.cheltenham.gov.uk/downloads/download/1265/animal_licensing_consultation)

## Model Conditions (original sources):

**Pet Vending:** CIEH 2013 model pet vending conditions:

<http://www.cieh.org/WorkArea/showcontent.aspx?id=47606>

**Dog Breeding** (no dog breeders currently licenced although there are likely to be some in the borough). CIEH 2014 Model licence conditions and guidance for dog breeding:  
<http://www.cieh.org/WorkArea/showcontent.aspx?id=50814>

### **Animal Boarding:**

CIEH 1995 Dog boarding model conditions for **Kennels:**

[http://www.cieh.org/uploadedFiles/Core/Policy/Publications\\_and\\_information\\_services/Policy\\_publications/Publications/Dog\\_Boarding\\_Guide.pdf](http://www.cieh.org/uploadedFiles/Core/Policy/Publications_and_information_services/Policy_publications/Publications/Dog_Boarding_Guide.pdf)

CIEH 2014 model conditions for **Catteries:**

<http://www.cieh.org/WorkArea/showcontent.aspx?id=49634>

**Home Dog Boarding** standard conditions to the animal boarding conditions see 'Proposed Home Boarding Conditions July 2015'. Adapted from the LACORS guidance of 2005

[http://www.southsomerset.gov.uk/media/4409/Appendix%201%20-%20LACORS%20Model%20Licence%20Conditions%20for%20Home%20Boarding%20\(Dogs\)%20Animal%20Boarding%20Establishments%20Act%201963.pdf](http://www.southsomerset.gov.uk/media/4409/Appendix%201%20-%20LACORS%20Model%20Licence%20Conditions%20for%20Home%20Boarding%20(Dogs)%20Animal%20Boarding%20Establishments%20Act%201963.pdf)

and 14<sup>th</sup> October 2009 Update and clarification note:

<http://www.instituteofficensing.org/Public/National%20Events/Zoo%20Licensing/lacors%20home%20boarding%20update.pdf>

## Legislation:

Animal Welfare Act 2006 <http://www.legislation.gov.uk/ukpga/2006/45/contents>

### **Pet Vending:**

Pet Animals Act 1951 - <http://www.legislation.gov.uk/ukpga/Geo6/14-15/35/contents>

Pet Animals (Amendment) Act 1983 - <http://www.legislation.gov.uk/ukpga/1983/26/contents>

### **Dog Breeding:**

Breeding of Dogs Act 1973 - <http://www.legislation.gov.uk/ukpga/1973/60/contents>

Breeding of Dogs Act 1991 - <http://www.legislation.gov.uk/ukpga/1991/64/contents>

Breeding and Sale of Dogs (Welfare) Act 1999 -

<http://www.legislation.gov.uk/ukpga/1999/11/contents>

Breeding of Dogs (Licensing Records) Regulations 1999 -

<http://www.legislation.gov.uk/uksi/1999/3192/contents/made>

### **Animal Boarding:**

Animal Boarding Establishments Act 1963 - <http://www.legislation.gov.uk/ukpga/1963/43/contents>

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