

Southend-on-Sea Borough Council

Agenda
Item No.

14

Report of Corporate Director of Place
To
Cabinet
On

23 September 2014

Report prepared by:
Dipti Patel, Head of Public Protection

Animal Welfare Licensing
**Approval of Model Conditions for Pet Shops. Cat Boarding Establishments and Dog
Breeding Establishments**

Executive Councillor (Public Protection): Councillor Assenheim

A Part 1 / Part 2 Public Agenda Item

1. Purpose of Report

- 1.1 To advise on the adoption of model conditions for the licensing of the following establishments:
- Pet Vending
 - Cat Boarding
 - Dog Breeding

To require those running these establishments to comply with the requirements of the Animal Welfare Act 2006 and for the local authority to ensure there are satisfactory conditions in these establishments.

2. Recommendation

Cabinet agree proposals to adopt the model licensing conditions for Cat Boarding Establishments, Dog Breeding and Pet Vending Licensing and recommend to Full Council for adoption.

3. Background

- 3.1 Regulatory Services through the licensing regime maintains high animal welfare standards in respect of both pet and commercially traded animals. There are a number of pieces of legislation which are relevant to these activities.
- 3.2 There is a requirement for the local authority to licence pet shops who sell live animals under the Pet Animals Act 1951, catteries under the Animal Boarding Establishments Act 1963 and dog breeding under the Breeding of Dogs Act 1991 and the Breeding and Sale of Dogs (Welfare) Act 1999. In all cases the local authority is required to satisfy itself that the animals are kept in suitable conditions.

- 3.3 There is also a requirement under the Animal Welfare Act 2006 for those responsible for an animal to take reasonable steps to ensure that the needs of the animal are met.
- 3.4 The Chartered Institute of Environmental Health together with interested parties, including voluntary sector organisations and government bodies have developed nationally accepted model conditions for Pet Vending Licensing, and model licence conditions and guidance for cat boarding establishments and dog breeding establishments.
- 3.5 These conditions set out the standards considered necessary for the health, safety and welfare of animals in pet shops, catteries and dog breeding establishments.
- 3.6 At present there are 9 pet shops in the Borough and 4 catteries. There are no dog breeders.

4. Other Options

- 4.1 The options available to the Council as set out below:
- a) Continue with the existing conditions in these premises which have been based on previously issued government advice.
 - b) Adopt the new model conditions to enable the local authority to update the conditions at establishments in line with developments in the understanding of animal welfare and since the introduction of the Animal Welfare Act 2006.

5. Reasons for Recommendations

- 5.1 To enable the Council to implement the updated conditions in the establishments in its area. Taking into account that these conditions have been developed in the best interests of animal welfare.

6. Corporate Implications

6.1 Contribution to Council's Vision & Corporate Priorities

The adoption of the model conditions will contribute to the prosperity and excellence priority. The use of model conditions will assist establishments undertaking these activities to comply with their duties and to provide appropriate standards for the animals.

6.2 Financial Implications

There is an annual licence fee which is calculated to cover the cost of administering the system without making a profit. There are no financial implications on the Council of adopting the model conditions.

The businesses regulated were consulted on the implementation of the new model conditions. There were no responses from business indicating that these conditions will have a negative effect on the economic growth of their businesses.

Business will be given time to implement the new conditions and guidance will be provided by Officers/

6.3 Legal Implications

The adoption of the model conditions will ensure that the local authority is able to satisfy itself that the conditions at these establishments are appropriate and suitable for the animals.

6.4 People Implications

Adoption of the model conditions would enable local residents to satisfy themselves that where a licence has been granted that the Council is has applied conditions developed by experts in the field of animal welfare. There are no other people implications as a result of this report.

6.5 Property Implications

There are no property implications for the Council. There may be implications for those businesses providing these services in meeting the model conditions. However, businesses have been consulted with respect to these model conditions and have not responded.

6.6 Consultation

The model conditions have been subject to a formal which Consultation commenced on 4th June 2014, with a request that responses be received by 16th July 2014. The consultation exercise involved in the following elements:-

- a) The despatch of an explanatory letter to all licensed premises advising of the proposals and the availability of the draft conditions documents.
- b) The same material, with a link to the draft document, was placed on the Council's website.
- c) Continuing response to enquiries, and requests for copies of the draft.
- d) The issuing of a press release at the start of the consultation process.

6.7 Equalities and Diversity Implications

An Equalities Impact Assessment has been undertaken and findings have been taken into account in the production of the report.

6.8 Risk Assessment

There is a duty on the local authority to licence these premises and satisfy ourselves that they are operating to an acceptable standard. The adoption of these model conditions and inspection against these conditions will discharge that duty.

6.9 Value for Money

The annual licence fees form part of the overall budget for the Council. The fees are set at a level which covers the cost of administering the system without making a profit.

6.10 Community Safety Implications

There are no Community Safety Implications as a result of this report.

6.11 Environmental Impact

There is no Environmental Impacts as a result of this report.

7. **Background Papers**

Animal Welfare Act 2006

Pet Animals Act 1951

Animal Boarding Establishment Act 1963

Breeding of Dogs Act 1973, 1991

Breeding and Sale of Dogs (Welfare) Act 1999

8. **Appendices**

Appendix 1 – Model Conditions for Pet Vending Licensing 2013 CIEH July 2013

Appendix 2 – CIEH Model Licence Conditions and Guidance for Cat Boarding Establishments. November 2013

Appendix 3 – CIEH Model Licence Conditions and Guidance for Dog Breeding Establishments. January 2014